

Perspectives
on the changing
nature of
security in the
21st century
in **Schlossplatz**
by Anne-Marie
Slaughter,
Fraser Cameron,
Javier Solana et al.

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We are very proud and happy to present to you the second issue of Schlossplatz³, the student magazine of the Hertie School of Governance. The magazine was founded by the first class of the Master of Public Policy programme in order to explore questions of modern governance.



We would like to express our gratitude to the Wissenschaftszentrum Berlin für Sozialforschung (WZB), and especially Professor Jürgen Kocka and Dr. Paul Stoop for their support and the opportunity to distribute this issue together with the “WZB Mitteilungen”. It is a tremendous honour for us to cooperate with such a renowned institution and highly esteemed publication. Furthermore, we would like to thank the Hertie Foundation and its Chairman of the Board Dr. Michael Endres for their continued support of Schlossplatz³. We hope that our second edition will prove an enjoyable and informative read.

This issue of Schlossplatz³ is dedicated to the changing nature of security and integrates perspectives from the public and private sectors as well as civil society. We believe that our tri-sectoral approach is valuable in helping to understand the complexity of current metamorphoses of security in Europe and elsewhere.

Why “security” as the focal topic of the second edition? Security is perhaps the most malleable concept in the theory and practice of international relations. Historically, one of the earliest requirements placed on states has been the provision of security. Indeed the state, it has been argued, simply emerged for the reason of providing effective protection of its people. Later, the “common interest” took a national turn and led to even further fragmentation and tensions in the inter-state system. Nation-states have fought wars, concluded peace agreements and agreed to abide by the norms of international, regional

or supranational organisations, all in the name of national interest. However, against the backdrop of a rapidly integrating world—economically and politically—the definition of “national interest” has become even more difficult, and now encompasses both the regional and the global dimension. State security witnessed a profound change in terms of number and nature of actors involved, of their motivations and of what is perceived as security-relevant. With the decoupling of security from the state as a reference point and from the military as its most prominent dimension, national security still plays a central role. But the range of issues on the security agenda today has moved beyond the purely national scope to include failing and failed states, regional migration, human trafficking and human rights, energy, climate change, water provision and the rule of law. States face both new and old threats and need to develop new tools to address this unique mixture of challenges.

To this end, traditional institutions and rules need to be complemented by increasingly self-regulated and powerful private and public networks. International organisations such as the UN, the OSCE or NATO were not created to deal with non-state actors. Against this background the EU, with its regulatory, economical and political weight, tries to reinvent itself by adopting the appropriate instruments to cope with the security threats of the 21st century.

Europe has been in an ongoing process of defining new modes of security governance since the adoption of the Maastricht Treaty. The creation of a European Security and Defence Policy, the political agreement on the first European Security Strategy, the establishment of the European Defence Agency, as well as EU enlargement to 27 Member States have been further tributes to the changing perception of European security, and show a political willingness to approach it in an innovative and cooperative manner. With Germany holding the EU Presidency as well as

the G8 Presidency in the first half of 2007, this edition of *Schlossplatz*³ will focus on the issues raised above, while reflecting or anticipating the EU agenda not only for the next six months, but also for the coming years.

In this edition, we hope to offer a refreshing and innovative take on some of these challenges that will be very much shaping our present—and future—world.

In addition to the topic of security, we are happy to be able to present a retrospect of the first issue, which dealt with the question of governance beyond the scope of the nation-state. Former German Chancellor Gerhard Schröder found the time to give an interview to *Schlossplatz*³ and answer some questions on the new role politicians have in governance. We hope that this interview will connect the related topics of governance and security in this issue.

The first issue of *Schlossplatz*³ has been well received; several readers have sent us words of encouragement, but also given some constructive criticism. To this end, we have implemented a number of changes, while sticking to our original approach and style. We hope that you will enjoy reading this issue and would be honoured to have you as a regular reader of *Schlossplatz*³ (see subscription card on page 64).

Berlin, January 2007
The editors of *Schlossplatz*³

Dear Schlossplatz³ Readers

by MICHAEL ZÜRN

The second issue of Schlossplatz³ tackles a complex concept: Security. It does so in a way which perfectly emphasises the approach that HSoG tries to embody in its teaching of and research on public policy. It reminds us of the intricacies and challenges that need to be confronted by all modern public policies.

I hope you enjoyed the first issue on “governance”, which in my opinion set a high standard of quality in every respect. In case you missed the opportunity to read it, I invite you to do so now: Student writers Ndika Charles Akong, Marita Orbegoso Alvarez and Nick Menzies were able to combine the interdisciplinary approach of the Hertie School of Governance with experiences that they collected as professionals to write insightful policy papers on Papua New Guinea, World Bank policy and the role of Mexican federalism.

These policy papers were accompanied by interviews with Lord Ralf Dahrendorf, Berlin mayor Klaus Wowereit, prosecutor Detlev Mehlis and Sciences Po Professor Cornelia Woll. Each of these in-depth interviews are worth reading at least twice to gain relevant background knowledge. Finally, the contributions from Kurt Biedenkopf, Götz Werner, André Presse, Alfred Grosser and Anke Hassel were the crowning points of the first issue. Parts of the issue will be reprinted in more established magazines. What a start for a new student magazine!

For the second issue, Schlossplatz³ is cooperating with the Wissenschaftszentrum Berlin für Sozialforschung (WZB) and its magazine, the “WZB Mitteilungen”. As the Director of the WZB Research Unit “Transnational Conflicts and International Institutions” and as Dean of the Hertie School of Governance, I am pleased to see the two institutions collaborate in this way. It is a privilege and a great opportunity for the editors of a young publication like Schlossplatz³.

The authors in this issue point to the importance of norms and ideas. In the wake of the Iraq War and the surge in international peacekeeping, reconstruction efforts and missions over the last year, a fierce “battle of ideas” has begun over approaches to “democracy promotion”, “multilateralism”, and the responsibility of states and non-state actors.

ANNE-MARIE SLAUGHTER argues for a “duty to prevent” to accompany the newly established “responsibility to protect”. THOMAS CAROTHERS argues along similar lines that both collective and individual actors need to engage in democracy promotion. The international community clearly needs a new round of discussions on policy goals and ways to achieve them.

A second overarching question posed by the articles is one of a European approach to security and Europe’s role in the international network of actors. JAVIER SOLANA rightly points out that the recent years have actually been a success story and that more than 70,000 European troops are currently deployed on various peace missions. This is corroborated by TINATIN NINUA’s article on the South Caucasus, which postulates the need for Europe to act more decisively in its own neighbourhood and develop a security framework for the future.

Many of the arguments made by former German Chancellor GERHARD SCHRÖDER about the need for a tolerant society capable of integrating immigrants and the need for an encompassing perspective for energy security that also includes Russia are highly relevant as well in this context.

MICHAEL ZÜRN is Dean of the Hertie School of Governance and Director of the Research Unit “International Institutions and Conflicts” at the Wissenschaftszentrum Berlin für Sozialforschung. He studied Political Science and International Relations in Denver and Tübingen.

After lecturing at Harvard University from 1992 until 1993, he joined the University of Bremen as Professor for International Relations. In 2004, Michael Zürn became the founding Dean of the Hertie School of Governance. His publications include “Regieren jenseits des Nationalstaats” (1998) and “Transformations of the State?” (with Stephan Leibfried, 2005).



The European dimension leads the authors directly to demand the inclusion of actors beyond the state, namely from the private sector and civil society. Even security is increasingly considered in terms of this tri-sectoral approach. THOMAS DE MAIZIÈRE points to the growing responsibility and scope of civilian resolution of crises and conflicts. Solana reminds us that “the strictly military phase of crisis management is never as short as one thinks or hopes. And the stabilisation and reconstruction efforts are never as civilian as one wishes”.

ULRICH HORSMANN argues forcefully for an increase in both the spending on and quality of cooperative efforts between the state and the private sector in security matters. ANDREAS HAMMER asks for a reconsideration of the role of the state in security policies (and is joined by former German Chancellor Schröder in this demand) while arguing that interoperability is one of the biggest challenges in the fields of military and civilian security today. FRASER CAMERON illustrates the complexities and pitfalls of this approach, especially with regard to the legitimacy of decisions in a system where (democratically legitimised) governments delegate responsibility to agencies.

Finally, the contributions send a clear signal that the “hard” topic of security can only be dealt with by looking at the bigger picture. The overarching message is that most aspects of security have their foundation in other societal fields and need to be tackled in a comprehensive and interdisciplinary manner.

NICK WITNEY outlines the changing nature of the security discourse over the next decades, and the growing importance that demographic change will have on our understanding of security, where force and raw power will lose influence, and constraint, legitimacy, knowledge, awareness and information will gain in importance.

Cameron and Slaughter argue for a dramatic change in the structures dealing with security. DIANA DUS follows with a reminder that security can mean very different things to different people, encouraging a look beyond the big conflicts and improve security for the everyday lives of all people.

The authors paint a realistic picture of the challenges awaiting policy-makers in the field of security. Without challenging any of their arguments, I would add that there is a growing importance of society and domestic politics for the formulation and implementation of foreign policy.

Security policy will, in the future, depend more and more on legitimacy, and thus on high-quality public debates communicating information to a more demanding constituency. For this purpose, we need experts that will be able to understand and to communicate with very different actors and perspectives from the state, the private and the NGO sectors in order to achieve lasting results.

The challenges of modern governance present a daunting picture, and therefore it is imperative that we start educating those public policy experts now. As the Hertie School of Governance, we will do our best to contribute to this.

I congratulate the authors and editors of this journal on the second issue.

New Challenges to Governance and Leadership

The interview with former German Chancellor GERHARD SCHRÖDER was conducted by Johannes Boege and Katja Geißler in November 2006

Is the time of big government really over? In an interview with Schlossplatz³, former German Chancellor Gerhard Schröder talks about the functions the state needs to retain in order to remain viable—and the dangers thereto.



Schlossplatz³: As the patron of the initiative “Gesicht Zeigen!” (Take a Stand!) you promote a modern and tolerant society, and systematically support civil engagement against racism. What do you think should be done in Germany to encourage civic engagement?

Gerhard Schröder: I agreed to serve in the role as patron of the initiative “Gesicht Zeigen!” because I support the important goals of the initiative: To fight right-wing violence and to stand up for an open-minded Germany. Furthermore, I am persuaded by the work of the initiative’s volunteers. These are citizens who do not turn away from injustices, but they show moral courage in their daily life. Solidarity and moral courage are indispensable prerequisites for a civil society like ours: Based on integration and participation of everybody. In times of social change, a strong civil society that responds to the need for affiliation and solidarity is important: Especially now, since we are in the middle of such a period of social change. Therefore, good governance should also strengthen civil society. Encouraging civic engagement is an important task and I made it part of public policy. For example, we improved taxation law, expanded the voluntary services and amended the laws regulating foundations. These improvements led to an increase of the number of foundations up to 10,000. Trustees and foundations are meaningful, significant and effective components of a reformed welfare state.

Does this mean the state has to recognise the end of the “big government”? What kind of implications do you see for domestic and foreign policy?

I don’t think that the time of the “big government” is over. We will also in the future need a strong and active role of the state. The government’s responsibility to provide public goods and services will remain. However, the requirements in terms of efficiency and transparency will rise. Basically, this was a fundamental principle of my reform agenda. In the “Agenda 2010”, we provided the foundation to ensure that the welfare system would still be affordable in the future and to enable it to meet the challenges of globalisation and demographic change. This goal was

supported by the reforms undertaken in the pension system, in the health care system and on the labour market; funds were reallocated from subsidies of the past into investments in the future—in education, research and innovation. In the future, we will still need the strong role of the state in foreign affairs as well. We need capable and effective decision-making structures in the European Union and international rules in the challenge of global competition. We have to ensure that as many people as possible can benefit from global trade and the liberalisation of markets. It is also very important that the international community remains capable of meeting the global challenges, like combating international terrorism, ensuring non-proliferation, and fighting poverty. Therefore, government requires effective and broad support of international concepts, bodies of legislation and institutions.

Recently, we have seen in Europe tendencies towards tighter national control of energy supply. Is this a temporary phenomenon or the beginning of a more fundamental reversal?

Firstly, the most important task of the state is to create reasonable rules and frameworks to enhance economic exchange and development. On the other side, there are areas of strategic interest that are important for a national economy’s success in a global context. There is no doubt that energy supply, the basis of a national economy, is one of these areas of strategic interest. For decades this has been the case. Therefore, I would not call it a reversal.



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GERHARD SCHRÖDER began his political life when he joined the SPD in 1963. After studying Law at the University of Göttingen, he was elected to the German Bundestag in 1980. Ten years later, he became Prime Minister of the State of Lower Saxony and remained in office until he was elected the 7th Chancellor of Germany in 1998. Upon leaving the Chancellery in late 2005, he became a freelance consultant and resumed his work as a lawyer. His political memoirs “Entscheidungen—Mein Leben in der Politik” were published in fall 2006.

You mentioned the challenges that governments are currently facing. What kind of leadership style does a head of government need in order to meet these challenges? Is it more the style of a “manager” who is focusing on consulting with others and creating consensus? Or is it more the style of a “leader” whose position has to prevail?

Political leadership has to find a combination of both styles. Especially in a federal system like Germany, there has to be a continuous quest for compromises. If the political leadership wants to implement reforms it has to overcome resistance: That was my experience especially in 2003 and 2004. For example, the administration of the welfare systems in all European industrial nations is riddled with power structures of different interest groups. Another lesson was that the willingness of the citizens to accept reforms is very high as long as they remain abstract. But once the citizens are individually affected by the impact of the reform they are starting to oppose it. Political leadership also has to overcome this kind of opposition. And that is only possible if one stands firm in this kind of situation.

In the last year you have assumed new functions in the private sector and civil society. Does the change from the public to the private sector and civil society present new perspectives? What is your personal experience?

Over the last years, the career movement between the public and the private sector has been rightly criticised as being too low. I made a positive experience when I appointed Werner Müller, who had been the manager of an energy provider before, as Minister for Economic Affairs in 1998. He did perform this particular function very competently and successfully. After his tenure, Mr. Müller returned to the private sector. I have decided to return to my legal profession and am now working as a lawyer. At 62, I still want to do something.

How do you meet the public criticism of your new functions in the private sector? Do these objections reveal the real risks of such a commitment or do they indicate the lack of experience with that kind of career in Germany?

The North-European Gas Pipeline Company Nord Stream is a German-Russian joint venture and I am the chairman of the shareholder committee. It should be as accepted by the German public to work for such a project as for a Franco-German or an American-German joint venture. Therefore, I would have preferred a more factual debate about my decision. Furthermore, the debate was lacking content. For me the issue is to safeguard Germany's and Europe's energy supply. This is a central question for the future of our national economies and indirectly for employment.

The Quiet Success of European Defence

by JAVIER SOLANA

It has been a long way from the defence of Europe to European defence. Did the rejection of the Constitutional Treaty provide a fatal blow to further efforts in defence cooperation? Javier Solana gives his answer to this question by explaining why the European Security and Defence Policy has been most vigorous in the last years and should continue to be so.

In a policy environment where the urgent is always battling with the important, it is easy to lose a sense of perspective. But the rapid progress in the European Security and Defence Policy (ESDP) has been remarkable, even revolutionary. The paradox is that the sensitive nature of security and defence policy should make it the last 'hold out' in the progressive development of the EU. But in the past few years, ESDP is probably the area where we have made most progress in the EU.

Without attracting many headlines, European defence has been a great success. This is especially true for an organisation largely set up to abolish foreign policy, in the traditional sense, among the participating states and whose organisational culture was heavily geared towards legal procedures and economic instruments.

By adding what was not there—a set of civilian and military capabilities, new institutions and decision-making mechanisms plus the experience of joint exercises and missions—the EU is now in a position to play a role that matches its responsibilities. In particular, there has been progress in three key areas: Doctrine, operations and capabilities.

Doctrine: A Shared Strategic Outlook

For the EU, the defence component has always been part of a broad approach to confronting insecurity and managing crises. This stance fits with the new strategic environment. These days, the biggest threats often arise from frail or failing states and from non-state actors, such as terrorist networks, criminal gangs or Janjaweed-style militias. We have moved beyond clearly demarcated front-lines, with armies facing each other. Instead people are at risk everywhere, including in our own city centres. Of course this is a world of great opportunities for increased freedom and prosperity. But it is also one of globalised insecurity and unpredictable perils. One thing is certain: Europe knows it cannot be an island of peace and tranquillity if we are surrounded by instability and extremism.

Dealing with this dynamic security environment has required a paradigm shift. Because the new threats are diffuse and complex, they defy traditional ways of operating. They call for agile and multi-faceted responses. In principle, the EU has it all: A wide panoply of instruments, an acute awareness of the need to act plus the staying power to remain engaged for the long-term. More than other actors, the EU can bridge the worlds of diplomats, soldiers and development experts. But we have to deliver on our potential, to ensure coherence across policy areas and over time.

In the Balkans and elsewhere, we have learned that there is no simple sequencing of military first and civilians later. The strictly military phase of crisis management is never as short as one thinks or hopes. And the stabilisation and reconstruction efforts are never as civilian as one wishes. Thus we need both civilian and military tools from day one.

ESDP is all about enabling Europeans to address the new security challenges effectively. It is not about militarising the Union. The same principles that were the foundation of the European project still guide us today. But all of us know that to promote peace, law, justice and democracy around the world, we need a Europe that takes its responsibilities seriously and that is willing and able to act.

Operations: The Growing Willingness to Deploy

A shared strategic outlook has been a key component of ESDP's success. But thankfully it has not been limited to that. It was also the basis for the deployment of several EU missions. At present, the EU is conducting more than ten operations simultaneously, on three continents: In the Balkans, the Caucasus, the Middle East, Africa and Asia. The range of missions is also impressive: From classic peacekeeping in Bosnia, to border control in Moldova and Gaza, to judicial reform and the rule of law in Iraq, to security sector reform in the Democratic Republic of the Congo, to logistical and other support to the African Union in Darfur.

Taken together, these missions highlight the operational value of ESDP. Surely there are more operations to come, for instance in Kosovo next year.

Capabilities: Pushing Ahead with Defence Reform

At the moment, European countries have more than 70,000 troops deployed on various peace support missions around the world, in EU and other contexts. These men and women do a fantastic job. But they need the right tools to succeed. Through the Helsinki Headline Goal and the European Capabilities Action Plan (ECAP), we have been working hard to step up the modernisation of European armed forces, especially in the areas of technology, deployability and interoperability. We have made some progress, but clearly more work remains to be done.

All Member States are struggling to maintain their existing levels of commitment. And no one is really keen to take on new tasks. It is striking that Europe has more than 2 million men and women in uniform. But we find it hard to deploy more than 5 per cent of our combined forces—despite the evident need to send more troops to distant trouble spots. So little output—180 billion Euro per year between us—suggests we are not spending our defence budgets on the right things.

The European Defence Agency has been set up to improve this input-output ratio. In essence, the EDA is about ensuring that we have the tools to do the job, and spend our money on the right things—what tomorrow's operations will require, not yesterday's. And it is about the member-states addressing the challenge together. The logic is operational, and it is economic. Europe's crisis management operations will be multinational, with different national contingents required to work together more closely than ever before. It does not make sense for each contingent to bring along different guns requiring different ammunition, different vehicles requiring different spare parts, and different radios which cannot talk to each other.

The days that European security and defence policy could be dismissed as all talk and no action are long gone

The days that European security and defence policy could be dismissed as all talk and no action are long gone. More importantly, these 'real world' experiences give us opportunities to integrate the 'lessons learned' into our evolving defence planning and doctrine.



JAVIER SOLANA is the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union. A physicist by education, he was elected to the Parliament of Spain in 1977 and served as a cabinet minister in the government of Felipe González from 1982 to 1995. In 1995, he became Secretary-General of NATO. During his four-year tenure, Solana headed the reform of NATO's organisational structure and led the organisation during its intervention in Kosovo.

In June 1999, he was appointed to the newly created post as the EU's High Representative for Foreign and Security Policy. Five years later, his mandate was renewed and he was furthermore appointed the Head of the new European Defence Agency. Mr. Solana is set to become the EU's first foreign minister when the Constitutional Treaty enters into force.

Some Future Challenges

Let me turn to some of the tasks that lie ahead. Our future 'work programme' is demanding. We will have to address it even if we do not yet have the provisions of the European Constitution. Amongst others it includes:

- ◇ Efforts to enhance the EU's 'core strength': The blending of civilian and military instruments. The EU civil-military cell is focusing especially on perfecting this civilian-military interplay, right through the entire cycle of prevention, crisis management, stabilisation and reconstruction.
- ◇ A new impetus to defence reform and modernisation. This means making progress with the Headline Goal 2010, with the battle groups, but also with creating faster decision-making procedures in Brussels.
- ◇ An increased effort to developing effective partnerships with other key partners and actors, e.g. the US, Russia, Turkey and Ukraine but also NATO, the UN, the OSCE and many others. ESDP is all about boosting capabilities and seeking synergies in crisis management—inside the EU and beyond.

Overall, we have made extraordinary progress in a short space of time. In many respects, ESDP is the quiet success story of the EU. But there is no room for complacency. The complexity and urgency of today's security problems mean we must remain both ambitious and creative at same time.

If we do, we can make a real contribution to creating a world which is more secure, more just and more peaceful.

Beyond the UN:

New Ideas for European Security

The interview with FRASER CAMERON was conducted by Tim Nover and Caspar von Schoeler in October 2006.

Despite the development of a common European security policy, the EU still needs to find its role as a global security actor. Fraser Cameron speaks about new security threats and challenges the EU has to face—and how the G8 could be a way out of the Iran crisis.

Schlossplatz³: Why do we not have a common European defence yet—and is that desirable?

Fraser Cameron: Defence policy is a very sensitive area and it is difficult to imagine that any national government would give up the decision to commit its troops to war to a European institution. That decision will always have to be taken by the prime minister or the president as they are responsible to parliament. There are enormous sensitivities in terms of defence, but there are also pressures pushing Europe towards a common defence—namely budget constraints. We have positive steps like the European Defence Agency which are designed to try to harmonise and push the Member States towards closer cooperation. This is not going to happen overnight, but I think the trend is going in the right direction.

Would Europe benefit from a common defence—and could the budgetary constraints you mentioned serve as an impetus?

The two leading states in terms of military capacity are the UK and France. The draft constitutional treaty provided for some Member States with increased military capability to move ahead faster than others. This so-called ‘structured cooperation’ was basically a recognition of the fact that in most military operations the main contributors are Britain, France, and Germany, followed by Italy, Spain and now Poland—the six largest Member States. The treaty does not underestimate the contribution of smaller countries—primarily to UN operations—but it is a fact that only the larger Member States do have the capacities for power projection. They are, obviously, not going to give up the decisive control over the use of their power projection capabilities to Malta, Cyprus or Estonia. Right now, too many Member States pro-

duce tanks, for example, that are unnecessary. Therefore, you have to try and push the Member States to the recognition that by genuine cooperation they will get more bang for their Euro. This is a difficult thing to sell to Member States, because they look at it from an employment perspective—and if there is a danger of loosing a few thousand jobs, then that will always affect a decision.

Do you think that defence procurement cooperation on a transatlantic scale would be possible, or necessary?

Well, so many companies are genuinely transatlantic. Airbus has 40 per cent of its parts made in the US—Boeing has 40 per cent of its parts made in Europe. The crucial question, of course, is to what extent you want to go down the road the Americans are going: To the really high-tech spectrum. Only the British try to move in that direction, and it might be that even they are too late. So it is arguable that you really need to develop, as the Germans are doing now, a much more mobile force, well trained to deal quickly with emergencies and crisis situations around the world. You do not necessarily need, for example, advanced fighter aircraft or bombers. Additionally, Europe will never be able to spend the amount of money that the Americans spend. The US spends about 450 billion dollars a year on defence—more than the next ten countries put together. On the other hand, the Europeans are developing and will continue to develop the high-tech end, for example the Galileo system. Otherwise they would become totally reliant on the US and that is—obviously—not a good thing. They need to have their own defence industrial base.

Europe will never be able
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At a recent conference you mentioned giving the Group of Eight (G8) a role as an organ fostering international security. What would have to change for the G8 to become a player?

This is due to the fact that I think that an expansion of the UN Security Council is unfortunately not going to happen, and therefore an alternative could be to expand the G8. Since it is not an organisation and not an institution, but more of a network, one could easily expand it, as it has already been done. It started out as the G6 and is now often inviting India and China to at least part of its summits. The G8 could be expanded formally into a G20 and I would link this to dealing with Iran. Iran should be regarded as a responsible regional power in the Middle East because of its history, population, economic potential, etc. But the condition for Iran joining should be that it gives up any ambition of becoming a nuclear weapons state. One should support civil nuclear development, but this should be under the control of the International Atomic Energy Agency. With an expanded G8, you would be providing a forum where Iran could join and sit at the table with international peers and it would get the respect and prestige it desires, which would give it a way out of becoming a nuclear weapons state.

Would that be a network with force? Would states like to join this network?

No, there would be no structures for force involved in the G20. It would simply be a norm-setting body where you can discuss ideas which then have to be decided and implemented by the relevant international organisations—so its not a substitute for the UN, the IME, the World Bank or anything. But it is an additional forum: If states were committed in the G20 context they would take that into the other organisations and try and get a decision through there.



DR. FRASER CAMERON is the Director of EuroFocus—Brussels and Senior Advisor to the European Policy Centre in Brussels and an Adjunct at the Hertie School of Governance. He studied Political Science and International Relations at the Universities of St. Andrews and Cambridge. After lecturing in Europe and the US, Dr. Cameron joined the British Diplomatic Service, where he served from 1975 to 1989. In 1990, he became an advisor

in external relations to the European Commission. In 2002, Dr. Cameron became Director of Studies of the European Policy Centre. His publications include: “The Future of Europe: Integration and Enlargement” (2004) and “US Foreign Policy after the Cold War” (2005), and “An Introduction to European Foreign Policy” (2007, forthcoming).

Moving to the sphere of energy security: Russia is emerging and trying to set itself up as the new energy superpower. There have been hostilities with Ukraine and other neighbouring states and now with Georgia. Would you say that there needs to be some more involvement from both the US and the EU?

The US has basically neglected Russia for a number of years. Since George W. Bush looked into Putin’s eyes and said this was the man he could trust and do business with, and then gave Russia a blank cheque on Chechnya after 9/11, the Americans really have not had that much influence. The Europeans are much more involved with Russia as their neighbours and their largest trading partner. And it is a mutual dependence—Russia needs to sell its oil and gas just as much as Europe needs it to consume. So looking at some of these difficult conflicts, like Georgia, there is a limit to what either the EU or the US can do. Both, and in particular the EU, have tried to appeal to Putin and Saakashvili to calm things down, but it is not as if Georgia is the paradise of democracy—this is not a one-sided conflict. At the moment it is a no-win situation for either side. But the outside influence of the EU and NATO is quite limited.

Where do you see the main challenges for Europe in 2020?

The main challenges will definitely come from the South, if you look at the demography. Europe is ageing; its population will not have sufficient workers to do all the rather boring, tedious dirty jobs that have to be done in any society. The workers can only come from the South, which includes Turkey, North Africa, the Middle East, and Southern Africa. And this will continue to be the biggest challenge: How to develop a multicultural Europe, how to cope with increased immigration, legal and illegal, over the next twenty years. Having to learn to live together, particularly with Muslims, in a mutually tolerant way is probably going to be the biggest challenge within our own societies.

A Duty to Prevent: The Future of International Security?

The interview with ANNE-MARIE SLAUGHTER
was conducted by Florin Nita and Caspar von Schoeler in November 2006

The establishment of the “responsibility to protect” has been a landmark step in the development of human and international security. But to face the security challenges of the 21st century, the UN has to go one step further, says Anne-Marie Slaughter.

Schlossplatz³: Based on the 2004 High-Level Panel Report on Threats, Challenges, and Change, your last articles and books have talked about the “duty to prevent”. What does this mean and how should it work?

Anne-Marie Slaughter: The duty to prevent is the corollary of the responsibility to protect. The “responsibility to protect” is based on a pretty major shift in our traditional Westphalian system of sovereignty, because it acknowledges that part of being a sovereign state is to accept the responsibility to protect your own citizens. This is a principle based on humanitarian concerns, which also means that the international community can only intervene in cases of genocide or crimes against humanity. It relies on the idea that what is happening within a state directly affects the security of other states. The next step is a collective duty to prevent other governments from developing the kinds of weapons that might be used to bring destruction upon other nation-states, or to be handed over to terrorist groups.

What about a duty to prevent the causes rather than just the consequences?

My overall view is on global interdependence in the sense that we do have a collective responsibility to assure minimum life conditions or the minimum way to flourish for all people. We have a responsibility to protect all human beings not only from war crimes or crimes against humanity, but also from much lesser crimes. And similarly, we have a duty to prevent, presumably, the conditions that lead to violence against other states or within states. But as a practical proposal there have to be limits. Neither the responsibility to protect nor the duty to prevent are open-ended grants of the right to intervene. It is clear that it has to be multilateral determination. The risks of unilateral determination on when to intervene in other states outweigh the benefits. This is important because you have to draw a line somewhere politically, but also because there is the countervailing value of national self-determination, national governance, and the right of the people to decide on their own how to address these problems. The responsibility to protect and the duty to prevent are genuinely limited to the circumstances in which it is most clear that the conditions within a state pose a direct threat to its own people and to other states.

To what extent could the responsibility to protect and the duty to prevent lead to a redefinition of foreign policies to something driven less by national interests and more by moral responsibilities?

First, we have to recognise where we already are. Along the side of the nation-states you have to recognise the economic, political and social forces that make us far more interdependent, which means, as a matter of interest and as a matter of morals, that we will be deeply affected by what is happening in other states. There are destabilisation, refugees, and brutality against citizens that could easily become brutality against sovereign states. This is a fact! The responsibility to protect doctrine, which I strongly believe in, has been and should be limited, but it also shows us that we should have intervened sooner in Rwanda and Bosnia. Otherwise we are left either with a moral catastrophe of hundreds of thousands of people killed, all of which could have been stopped, or with national interests negatively affected by the huge problems created by other governments. This view has its roots in the human rights movements after 1949. The Universal Declaration of Human Rights was not only about morals or ideals, but also about interests. Going back to the duty to prevent as a corollary of the responsibility to protect, I would say that if international institutions had worked, would we not accept that we want to prevent governments with no accountability and no checks on their power from acquiring weapons of mass destruction? Would that not be a legitimate thing the world should feel deeply concerned about?

Assuming a reformed UN Security Council reflecting the actual distribution of power without a veto and accepting the duty to prevent, do you think that interventions in Rwanda or Bosnia would have happened earlier and more effectively? And if you have a duty to prevent and you are not performing, would that not undermine the legitimacy of the UN even more?

You are right. Therefore one should come up with a system that works better and more effectively addresses the current dysfunctions. The UN works reasonably well, and it worked better in the 1990s than it worked in the Cold War, but it is still too slow. One could come up with a system that works better. If the Security Council is reformed and the veto power is replaced by a system of weighted majority voting, then a lot of things become thinkable. If you have a weighted majority with a much broader set of countries, then those countries really have to take responsibility, which is, in fact, the role of the Security Council—to protect peace and security. What the responsibility to protect and the duty to prevent argue is that protecting peace and security means authorising, in extreme cases, intervention within states and not just blocking aggression against states. I am convinced that a reformed system would work better. Of course, you will have to find a way to get the troops. So changing the rules is not enough, but it seems to me that there is a very reasonable chance that, if you give to these nations the responsibility for international peace and security, then it would be more likely to get acted on. It would still be very cautious, but it would probably work.

So far we have focused almost exclusively on nation-states' responsibility to protect, but what about the role of NGO networks? How could they be involved in the logic of providing human security? What would be your ideal type international organisation that includes not only nation-states but also NGO networks?

I do think that NGO networks have an important role to play in prevention and protection. If we accept that long-term security rests not on preventing the conflict once it has almost got to the point of boiling over, but much more on assuring human security, then these networks are very important. They are effectively influencing the networks of government officials who are directly responsible within their own



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countries and are helping one another for the health of the economy, law and order, the environment etc. My model is the EU in the way in which networks of European officials interact, and resources and knowledge are transferred. If these networks work well, they will not make headlines, but will be very important for strengthening, socialising and supporting the officials in more fragile countries around the world. In comparison with corporate or NGO networks, governmental networks are a legitimate spine of elected or appointed officials. This is what I call the intermediate infrastructure of global governance. So we have the purely national governments, the inter-

of functions down to them. You still need the formal organisations to take decisions, but once the decisions are taken, implementation should be delegated downwards to much more active and deeper networks. The UN would still have its ambassadors and its decision-making processes, but instead of creating operational units where the UN tries to take on global challenges, operationally it would be better to delegate downward to functional networks. The UN has a role, but it should become a smaller role.

If we accept that long-term security rests on assuring human security, then NGO networks are very important

national organisations, and this is the middle ground, which is very important. If I could reform international institutions, then I think they should connect to these networks in variable ways, and delegate a great deal

The South Caucasus Should Figure Big for Brussels

by TINATIN NINUA

The South Caucasus is an important corridor for energy resources like gas and oil, but also plagued by “frozen conflicts”. If Europe wants to reduce its energy dependence on Russia, it could benefit from the South Caucasus’ potential. But it should, as Tinatin Ninua argues, step up its efforts in resolving the region’s conflicts—which have the capacity to threaten Europe’s security.

As Europe’s demand for energy imports continues to rise, it can no longer afford to depend heavily on a single supplier. Today, Russia is the largest single supplier of oil and gas to the European Union, with exports amounting to 25 per cent of the EU’s total energy demand. However, Russia’s growing hostility towards foreign investors, its refusal to ratify the Energy Charter Treaty, and its manipulation of energy resources as a means of putting pressure on its neighbours raise serious concerns for Europe about the reliability of energy supplies from Russia.

The disruption of gas supplies to its neighbours during the freezing winter temperatures of January 2006 and the temporary shutting down of the ‘Druzhba’ pipeline in January 2007 have been wake-up calls for Europe demonstrating that it can no longer guarantee its energy security without diversifying suppliers. More than ever, it has become obvious that the EU has to reduce its dependence on Russian

energy and look for alternatives elsewhere. Dependence on Russia’s oil and gas also limits the European Union’s ability to pursue an active foreign policy and its security interests in some of its neighbouring countries, because the region is perceived by Russia as within its own sphere of influence. A balanced and sometimes overly cautious approach towards Russia has prevented the EU from playing a more active role in conflict resolution in the South Caucasus, a region with an emerging importance for the security of Europe in at least two different ways.



FACTS ABOUT THE SOUTH CAUCASUS

GEORGIA:
 Population: 4,661,473
 Area: 69,700 km²
 GDP (purchasing power parity): \$16,03 billion
 GDP growth 2005: 9.3 %

ARMENIA:
 Population: 2,976,372
 Area: 29,800 km²
 GDP (purchasing power parity): \$14,45 billion
 GDP growth 2005: 13.9 %

AZERBAIJAN:
 Population: 7,961,619
 Area: 86,600 km²
 GDP (purchasing power parity): \$42,99 billion
 GDP growth 2005: 26.4 %

(Source: CIA World Factbook 2006)

Securing the Energy Supply for Europe

As the EU seeks to diversify its energy suppliers, the South Caucasus can play a key role in providing alternative energy exports. Strategically located on the crossroads of Asia and Europe, this region has historically been an important transport route. In ancient times the famous Silk Road trade route, originating in the Far East, passed through the region, and brought Asian spices and materials to Europe. Today, the South Caucasus maintains its significant strategic importance. Stretching from the Caspian Sea, rich in oil and gas, to the Black Sea, and neighbouring some of the new members of the European Union, the region can provide an answer to Europe's quest for a diversification of its energy supplies.

Two important pipelines originate in and run through the region; both bypass Russia. The Baku-Tbilisi-Ceyhan (BTC) pipeline transports oil from Azerbaijan's oil fields in the Caspian Sea to the Mediterranean, passing through Georgia and ending in the port of Ceyhan in Turkey. Being the longest oil pipeline in the world with a capacity of nearly one million barrels per day, the BTC is the first pipeline to directly link Caspian oil to European shores. The South Caucasus Pipeline (Baku—Tbilisi—Erzurum) transports natural gas from the Shah-Deniz gas field in Azerbaijan via the same route to Turkey. With an annual capacity of up to 16 billion cubic metres, the pipeline can supply not only transit countries, but will eventually also provide Caspian natural gas to Europe through the planned Nabucco, Turkey—Greece and Greece—Italy pipelines.

Those two pipelines are expected to make major contributions to the development of European energy supplies and to constitute an important leg of the East-West energy corridor.

Potentially, the pipelines could directly link Europe to Central Asian energy producers through the Trans-Caspian Pipeline, which is currently undergoing a feasibility study. Europe could greatly benefit from hydrocarbon reserves in the region by constructing infrastructure that will secure the transportation of reliable energy sources from both Central Asia and Azerbaijan. The Trans-Caspian Pipeline would break a Russian monopoly over export routes between Central Asia and Western markets and link energy producers in the region directly to Europe.

Advancing Security in the Neighbourhood

In the face of growing global interdependence, the security of Europe can no longer be guaranteed while it has pockets of instability in its neighbourhood. Secu-

The security of Europe can no longer be guaranteed while it has pockets of instability in its neighbourhood

urity in the South Caucasus is threatened by unresolved "frozen conflicts" in the breakaway regions of Abkhazia and South Ossetia in Georgia, and Nagorno Karabakh, a disputed territory between Armenia and Azerbaijan. Breakaway regions lack the rule of law and provide havens for organised crime and trafficking. This can



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have spill-over effects on the EU, particularly since the South Caucasus has become part of the Union's immediate neighbourhood after the recent enlargement and it also borders the accession candidate Turkey. As the EU considers further enlargement and tries to secure its borders, the South Caucasus should figure as increasingly important for Brussels.

Currently, the EU has no formal role in the negotiations concerning Abkhazia, where the UN is acting as mediator, nor in South Ossetia and Nagorno Karabakh, where the OSCE has assumed that role. Armenia, Azerbaijan and Georgia are part of the European Neighbourhood Policy (ENP), which aims to promote prosperity, stability and security in

Europe's neutral and impartial peacekeeping forces could make a breakthrough in bringing lasting peace to the region

these countries by supporting democratic institutions, the rule of law and good governance. The ENP falls short of providing specific tools for conflict resolution in the near future. Europe's low profile in these conflict resolutions has at least partially been shaped by considerations of Russia's continuing view of the region as falling within its sphere of influence. However, all three countries are enhancing their ties with the EU. Georgia shows strong European aspirations and actively pursues a NATO membership through its recently launched "intensified dialogue" with the alliance, while Azerbaijan has developed a closer partnership with NATO as well as direct links to international energy markets. The region can no longer be regarded as Russia's backyard.

The EU can make a major contribution to bringing security to the region by assuming a more active role in the peaceful resolution of the frozen

conflicts. It could engage in several ways. The EU could greatly contribute to the demilitarisation of the conflict zones and the internationalisation of the peacekeeping formats by committing European peacekeepers. The EU's formal participation in the peace talks concerning Abkhazia and South Ossetia, Georgia's two breakaway regions bordering Russia, could counterbalance the currently dominating role of Russia in the peace negotiations, which have not led to any tangible results in the resolution of these conflicts. Europe, together with the UN, could help establish an international police force which would ensure a peaceful return of refugees and maintain order. Europe's neutral and impartial peacekeeping forces could make a breakthrough in bringing lasting peace to the region. There is no reason why Europe should not consider these opportunities, which can truly provide an added value for peaceful conflict resolution.

In summary, due to its pivotal role in energy security and stability in the EU's neighbourhood, the South Caucasus is crucial for European security. It is about time for Europe to fully engage in bringing peace and security to the region.

The Pursuit of Energy Security: Quixotic Search or Heroic Quest?

The interview with RAINER LINDNER was conducted
by Svetlana Savitskaya and Raphael Muturi in November 2006

The relationship between Europe, Russia and gas is something between a love triangle and a business partnership that has gone sour. Rainer Lindner talked to Schlossplatz³ about the challenges for Europe as it is trying to set out on its common path towards energy security, and what roles the European Union, Germany and Russia play in this effort.

Schlossplatz³: What does the notion of energy security encompass?

Rainer Lindner: Basically energy security is access to resources and a strategy, or an instrument to prepare for a situation when the market is not functioning. It includes risk assessment: What should be done in case energy prices go up? If there is a crisis, the market will not function. There will be “spoilers”—companies, institutions and states who will act solely on the national interests.

What does energy security mean in the European Union? Is it primarily an economic or a political issue?

There is a huge and growing demand for energy, and not only in Europe. There is an interesting figure—the EU currently imports 200 billion cubic metres of gas, whereas in 2030 this figure will have risen to 500 billion cubic metres. However, the EU is not the

only player in the market and in light of its growing needs it will increasingly have to compete for energy supplies with other major consumers like China and India. The recent China-Africa bilateral conference was basically about securing energy supplies for China. China is buying oil and steel all over the globe. Now Central Asia is becoming a major supplier for the Chinese market. Looking back to history, we can see how political and economic considerations came together in the case of Germany. The German “Ostpolitik” is remembered chiefly as a political development, yet there was also an economic dimension. At the time it began, Germany was having talks with the Soviet Union on the construction of an energy pipeline through the then East Germany. There was a sharply-drawn discussion taking place between the US and Germany, with the US trying to prohibit Germany from reaching any agreement with the Soviet Union to build this kind of pipeline.

Is there an EU-wide policy on energy security or is it still a matter for individual Member States?

Energy policy has traditionally belonged to the nation-state. Major European energy suppliers like Total and British Petroleum, before they were privatised around ten years ago, used to be state-owned. This legacy remains: Germany, which has not had any great energy enterprises, has to deal with Russia and the partners in the neighbourhood, while countries like Great Britain and France have acted as large private players...

...so there is an institutional problem?

It is an institutional problem. However, we should not deconstruct the EU, but rather devise instruments for reconciliation among the conflicting partners on how to handle disputes. We currently do not have this kind of crisis management instrument for the EU, for instance in the dispute with Russia last winter over gas supplies through Ukraine.

Where do the major threats to European energy security stem from?

There is a two vector situation. There is gas, with Russia as the main supplier. And there is oil, with Russia as only one of several important suppliers. When it comes to the reliability of these partners, I do not think that we are facing the formation of a gas cartel like OPEC promoted by Russia. Such a cartel would be a major issue for energy security in the European Union, especially in the case of an energy crisis. We, the EU, should be interested in having independent partners, both independent from us and independent from each other.

Achieving common energy security for the EU is a thorny issue on the agenda. Which of the Member States could play a role in pushing for such a policy?

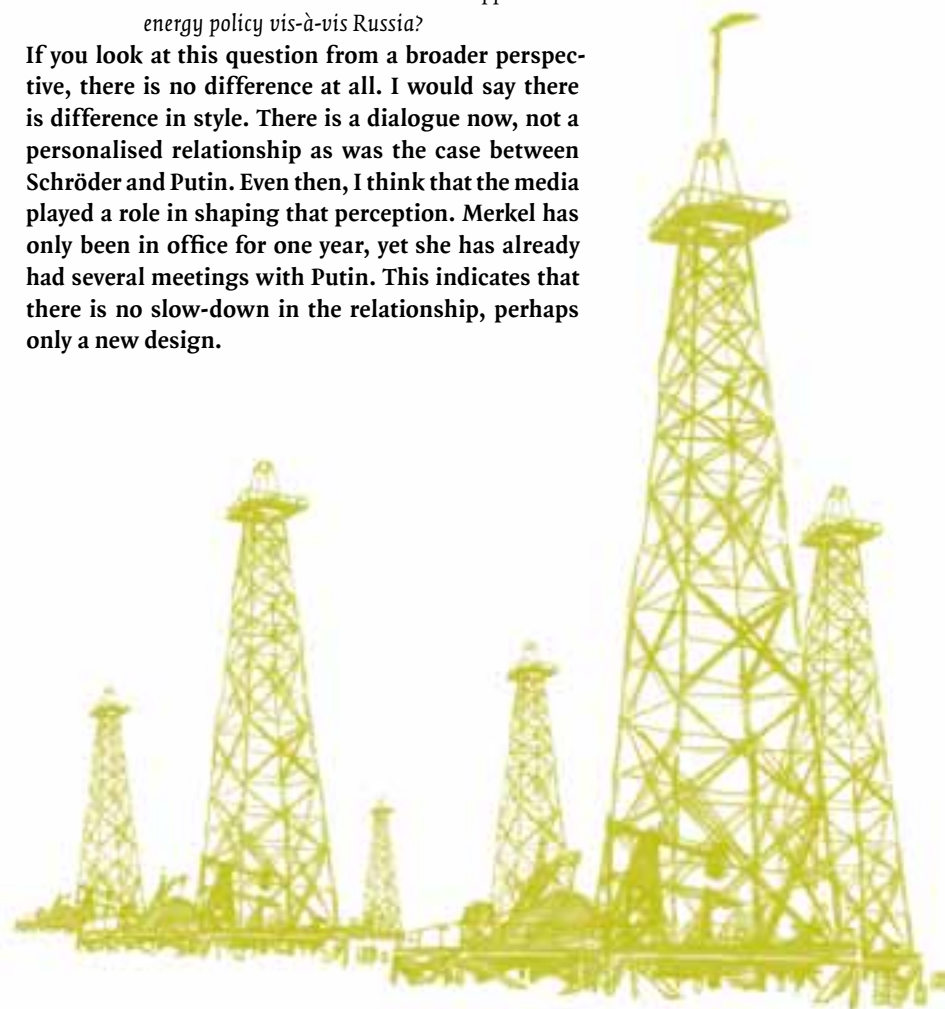
Unfortunately, we do not yet have such a policy. On the gas issue, I think Germany could and should play a major role as moderator and integrator due to its experience in doing business with Russia.

But Russia is not viewed by the EU as a reliable energy partner?

I think there is a difference in how Russia is perceived by the EU as a whole and at the bilateral level. From the German perspective we have a certain sense of trust about the relationship with Russia. At the European level, there is another perception of Russian policy. But again, Germany should communicate, lead talks at the European level about the relationship with Russia.

Are there any commonalities or differences observed in Schröder's and Merkel's approach to energy policy vis-à-vis Russia?

If you look at this question from a broader perspective, there is no difference at all. I would say there is difference in style. There is a dialogue now, not a personalised relationship as was the case between Schröder and Putin. Even then, I think that the media played a role in shaping that perception. Merkel has only been in office for one year, yet she has already had several meetings with Putin. This indicates that there is no slow-down in the relationship, perhaps only a new design.

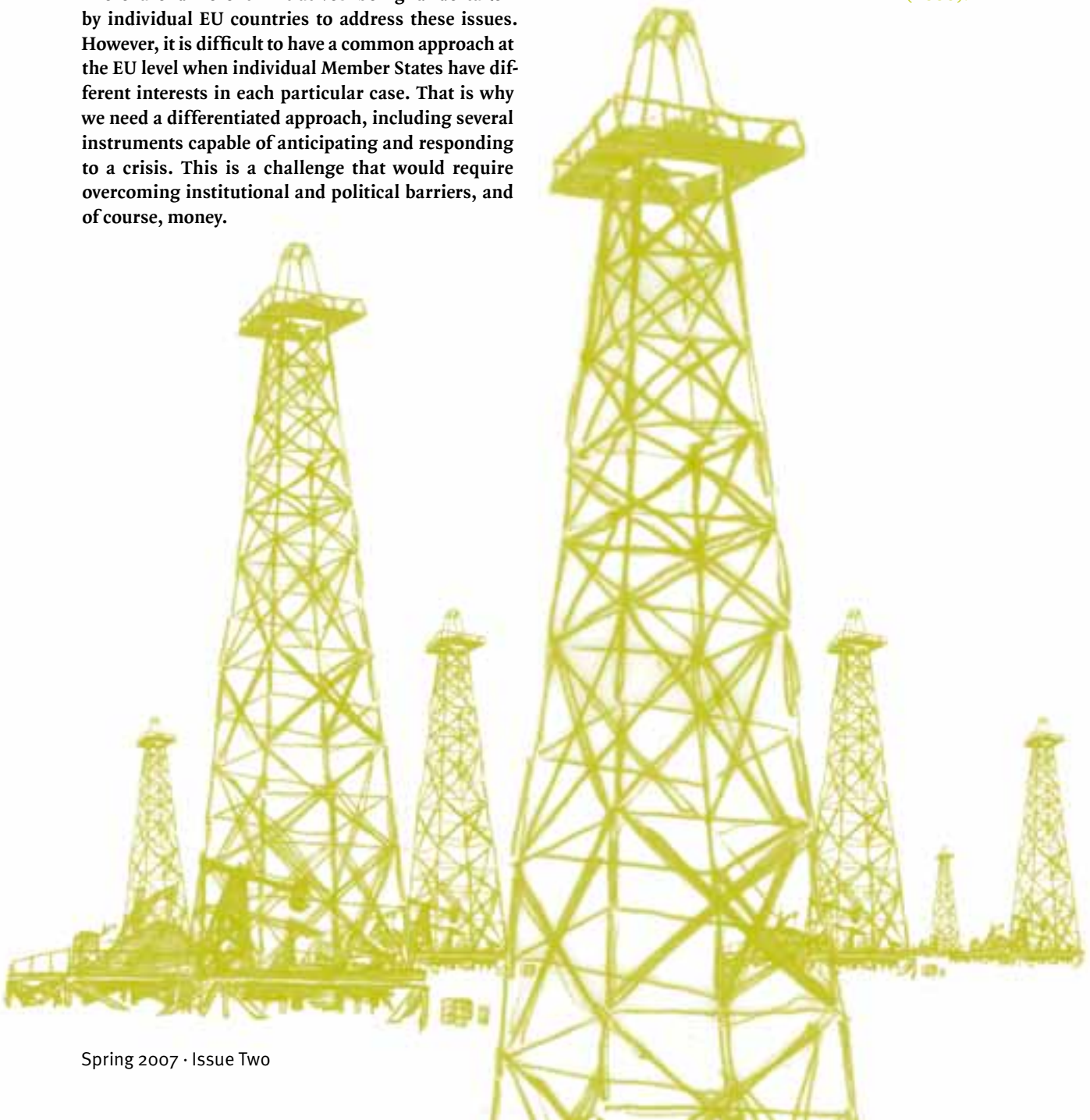


The EU is currently seeking other energy suppliers whose record in human rights or terrorism is dismal. Could you not say that there is a contradiction in the EU approach?

This is the basic problem of the EU policy. If we rely only on a value-driven policy, then we can not have any relationship with countries like Iran, Algeria, China. And of course, Central Asia is a crucial partner, as attested by the recent visit to that region by German Foreign Minister Steinmeier. Europe has to deal with two things: We have to secure our interests, and on the other hand we have to engage those countries in a dialogue on human rights and civil society. There are different initiatives being undertaken by individual EU countries to address these issues. However, it is difficult to have a common approach at the EU level when individual Member States have different interests in each particular case. That is why we need a differentiated approach, including several instruments capable of anticipating and responding to a crisis. This is a challenge that would require overcoming institutional and political barriers, and of course, money.



RAINER LINDNER holds a PhD from the University of Tübingen and is a senior researcher at the German Institute for International and Security Affairs (SWP) in Berlin. He teaches at the University of Konstanz. He started working for the SWP in 1994, before becoming a research associate at the University of Konstanz in 1998. In 2005, he rejoined the SWP as an expert on Russia, Ukraine, and Belarus. His last main publication is “Unternehmer und Stadt in der Ukraine, 1860–1914” (2006).



The End of Liberty?

Human Rights and the Fight Against Terrorism

by RAPHAEL MUTURI

The European Union has always prided itself on being an area of human rights and fair treatment of people. But the fight against terrorism has changed a lot and seems to have changed the European Union as well. Raphael Muturi outlines some challenges to the concept of the Area of Freedom, Security and Justice.

Support for the US-led War on Terror and reactions to domestic attacks have placed terrorism firmly on the agenda of the European Union. Along with a heightened sensitivity to the threat, the EU has developed a capacity for common action. Under a framework of cooperation in Justice and Home Affairs, the EU has progressively sought out policies and instruments aimed at bolstering internal security through enhanced cooperation in matters of policing and criminal justice. At the same time, the EU has also declared its commitment to the establishment of an “Area of Freedom, Security and Justice”, that will pursue not only the goal of security, but also promote fundamentals of justice, the rule of law and respect for human rights within the common borders.

Nonetheless, the experience of the last few years has shown that EU action has disproportionately been focused on security at the expense of freedom and justice. This imbalance has become especially evident in the conduct of the common fight against terrorism. On the one hand, EU measures designed to apprehend and prosecute suspected terrorists have not been aligned with necessary counter-measures to safeguard individual rights and liberties. On the other hand, the EU has also failed to find its collective voice in speaking out against aberrant practices in the Member States. It is argued here that this development not only stands against Europe’s common experience and present values, but also reveals a fundamental weakness in how the EU is taking the fight to terrorism.

Europe’s participation in the US-led War on Terror and its response to domestic attacks have seen the fight against terrorism become an important focus of EU activity in recent years. Today, driven along the triple track of action at the national, European and international levels, the fight against terrorism is aimed at preventing further attacks, apprehending known terrorists, and ultimately, addressing the proximate causes of terrorism within Europe.

In the European Union, a progressively expanding framework for cooperation in the field of Justice and Home Affairs provides the institutional mechanism. The signing of the Amsterdam Treaty in 1999 saw the Member States commit to the establishment of a common Area of Freedom, Security and Justice (AFSJ), in which free movement of persons could take place under corresponding conditions of security and access to justice. The 1999 Tampere European Council took this initiative even further, outlining general commitments to human rights, democratic transparency and the rule of law while identifying specific initiatives for cooperation on asylum and immigration matters, fighting crime, improving access to justice, and external cooperation with other states.

Following the attacks of September 11th, 2001 on the United States and further attacks in Madrid in March 2004 and London in July 2005, the need to fight terrorism has entered the discussion. Under the framework of the AFSJ, the EU has hastened to adopt a number of strategies and plans of action to improve European cooperation in fighting terrorism, as well as specific instruments to improve the prospects of detecting, apprehending and bringing to justice known or suspected terrorists. As such, the EU response has been to provide venues for concerted and timely action by the Member States at both the programmatic and operational levels.

As the counter-terrorism effort has intensified in the last few years, however, a situation has resulted today in which EU action on terrorism can be described as imbalanced in favour of security, while neglecting freedom and justice. This tension is especially apparent in the conception of EU instruments which have as their sole focus an extension of police and prosecutorial powers, national practices which set aside individual rights to fair treatment in terrorism cases, and collective silence in the face of confirmed abuses of human rights in the fight against terrorism.

Looking at the restricted scope of those EU measures on terrorism which have already passed, it is reasonable to question their compatibility with the ambitions of advancing an Area of Freedom Security and Justice. Notably, the EU has been criticised for being quick to pass measures like the European Arrest Warrant, which facilitates cross-border cooperation against crime, and—it is argued—terrorism, while not making similar accommodations for procedural safeguards in criminal proceedings.

Another concern results from practices in some Member States which set aside human rights in the handling of terrorism cases. One country in point is the United Kingdom, where in the last few years a series of new laws have been passed which severely undermine the entitlements of those suspected of terrorism. As the present system of “control orders” reflects, UK authorities now have wide-ranging powers to order the indefinite house arrest of persons considered terrorists on the basis of secret intelligence, without allowing them a fair trial.

EU action on terrorism can be described as disproportionately focused on security

That the fight against terrorism has a singular impact on the Area of Freedom, Security and Justice is finally attested to by the EU’s response to the reported cases of US “extraordinary rendition” activities involving the cooperation or tacit acceptance of the Member States. Reports widely circulated since the end of 2005 speak of the secret detention and transfer of suspected terrorists via Europe to other destinations in the world where they were at significant risk of torture or other ill treatment. Unlike established judicial procedures which allow the transfer of suspects from



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one jurisdiction to another, extraordinary rendition is said to have taken place without legal authorisation, and involved subjects receiving no guarantee as to their rights or the procedures they would be subjected to upon arrival at their destination. As a recent report by Amnesty International documents (“Partners in Crime: Europe’s Role in US Renditions”), these activities resulted in grave abuses in several cases. Although investigations by different European bodies—the Council of Europe and the European Parliament in particular, in addition to admissions from the US authorities—have subsequently corroborated that extraordinary renditions took place in Europe, the EU has repeatedly distanced itself from allowing actual abuses.

Advancing the cause of security in the EU must not and cannot take place without corresponding measures to guarantee individual rights of liberty and access to justice

The bombings of Madrid and London were a heavy blow to the European Union. After these attacks, individual Member States as well as the EU have taken the threat of terrorism much more seriously, as can be witnessed by the continuing effort to develop additional common measures. However, as the framework in place makes abundantly clear, advancing the cause of security in the EU must not and cannot take place without corresponding measures to guarantee individual rights of liberty and access to justice.

The argument is not only one of adherence to principle. On the contrary: The common heritage upon which the European Union has been founded would also emphasise that safeguarding security, or fighting terrorism for that matter, requires the protection of those civil liberties and constitutional rights which Europe has so painstakingly built up over the centuries. The struggle is now at a crucial phase. Having only recently begun, shall it soon be overcome, or will it be fought on for years without end? As the current debate on radicalisation to terrorism illustrates, how this struggle will turn out may depend little on disproportionate police and prosecutorial powers or unaccountable intelligence activities. On the contrary, it may perhaps be that how an individual or a particular group feels treated in relation to communal yardsticks of justice and freedom will matter much more for security in a Europe of ever increasing dimensions.

The Road Ahead: The German EU Presidency and the Future of Europe's Foreign Policy

by THOMAS DE MAIZIÈRE

Even though the European Security Strategy has redefined the EU's Common Foreign and Security Policy (CFSP), it still has to overcome some challenges until Europe has completed its strategic positioning as a security alliance. Thomas de Maizière explains what steps are needed to bring the CFSP to another level and the role Germany will play during its EU Presidency.

The assumption heard on occasion in the 1990s that Europe would enter a period of relative stability after the Cold War has unfortunately proven only partially true. It has since become clear that our foreign policy must now respond to threats of a different nature: Regional conflicts, national instability, organised crime, the rise of so-called "weak" states, and the increasing willingness to solve ethnic, religious, or national conflicts through the use of force. The most dangerous of these problems are international terrorism and the uncontrolled proliferation of weapons of mass destruction. In addition, the increasing scarcity of resources, questions concerning energy security, the effects of global warming, immigration, and diseases able to reach us quickly from even the most remote locations present us with great challenges. These new threats pay no heed to international borders; the familiar line between domestic and foreign policy has thus begun to blur. Just as these dangers

transcend borders, our answers must also be transnational. Only in cooperation with our partners in NATO and the EU will we be able to meet the challenges of the 21st century.

The centres of power and influence are already shifting. Although a study by the EU Institute for Security Studies in Paris predicts a multipolar world for the year 2025, more detailed projections appear to be increasingly uncertain. Therefore, the EU must be prepared for a strategic realignment of its foreign policy. Its instruments and structures must be adjusted. During its Presidency of the Council of the European Union, Germany has the opportunity to play a leading role.



DR. THOMAS DE MAIZIÈRE is Head of the German Federal Chancellery. Dr. de Maizière studied Law and History in Münster and Freiburg. He began his public service in 1983 as an advisor to Berlin's Governing Mayor Richard von Weizsäcker. In 1990, he joined the State Government of Mecklenburg-Western Pomerania and became Head of the State Chancellery in 1994.

Dr. de Maizière took over the same position in the State Chancellery of Saxony in 1999. Since 2001, he has served as Saxony's Minister for Finance, Justice, and the Interior until he joined the government of Chancellor Angela Merkel in 2005.

The current basis of the EU's Common Foreign and Security Policy (CFSP) is the European Security Strategy, which the European Council established as its first-ever comprehensive security framework on December 12–13, 2003. The strategy demonstrates ways in which the EU can bring its political, economic, and military influence—and that of its Member States—to bear in a more efficient and coherent way and with improved capabilities.

We cannot allow ourselves to focus on merely managing acute crises; we must also work to prevent them by addressing their root causes. It is clear that the security problems of the 21st century cannot be solved by military means alone. Civilian crises and conflict management will also have a decisive effect on future security policy. The EU has already formed an extensive apparatus, covering everything from development aid cooperation to policies of stabilisation, integration, security, and defence. Nevertheless, it will have to be expanded; the focus of this process should be the highly mobile EU Battle Groups that are available for deployment in conflict areas and civilian-military coordination since January 1, 2007.

Part of the key to dealing with crises is strengthening the coherence and efficiency of the EU's foreign policy. This should be made possible by measures such as the appointment of a European foreign minister as a central figure, which is provided for by the EU Constitutional Treaty.

By linking this office to that of the Vice President of the European Commission, we can reform the antiquated parallel existence of the Common Foreign and Security Policy and the EU's other common policies, which would rebut the oft-heard criticism that the EU does not follow a uniform foreign policy. This is another reason why the German federal government wants to use its EU Presidency to attempt to revitalise the constitutional ratification process.

Our overall goal is to strengthen the European Security and Defence Policy (ESDP). However, the process of European integration should not be understood as an effort to compete with or counterbalance the United States—neither now nor in the future. Europe's security rests on two pillars: Transatlantic integration into NATO and the expansion of a vigorous ESDP. Only a strong Europe can be a strong partner of the United States. NATO is and will continue to be our forum for strategic consultation and coordination in the transatlantic arena. By augmenting the ESDP, we can help ensure that NATO will remain capable of fully serving this function in the future.

During Germany's EU Presidency in the first half of 2007, the CFSP will clearly be a subject of particular focus. Further stabilising the Western Balkans will be especially important. For months, the international community has been working intensively with the affected groups in the region to produce a status resolution. When this is complete, a civil ESDP mission—the most extensive to date—will be planned to support the local police forces and the judicial system. Success in this undertaking will also require a new manner of close cooperation between the EU and NATO, both locally and in Brussels. This will intensify and strengthen the transatlantic security partnership.

In addition to the stabilisation of the Western Balkans, the conflicts in the Middle East, Iran, Afghanistan, and Africa will demand more of Europeans. We can only secure long-term peace and prosperity in Europe when our neighbours also enjoy stability, democracy, and the rule of law. Here, further development of the European Neighbourhood Policy can play a crucial role. Progress in the EU's relationship with Russia, a long-term initiative to strengthen the EU's relationships with Central Asian nations, and the expansion of strategic relations with countries like China and India will complete the foreign policy programme of Germany's EU Presidency.

In these efforts, the success of Europe's foreign policy will depend to a great extent on close, trusting transatlantic cooperation. Only when Europe and North America are willing and able to combine their capabilities to resolve conflicts will we be on the path to a more peaceful world. The two sides of the partnership share a great number of the same values and interests; these will continue to form the basis of our cooperation.

The EU has long since been a global player in policy areas such as economics, trade, research, and the environment. The citizens of Europe rightly expect the European Union to pursue a uniform foreign and security policy and to actively represent their interests. Achieving this largely depends on our will and ability to adapt the instruments of the CFSP to the current global situation. We will succeed when we act together in the spirit of Europe.

**Only when Europe and North America
are willing and able to combine
their capabilities to resolve conflicts
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peaceful world**

Breaking the Habit:

The Building Blocks of European Defence

The interview with NICK WITNEY
was conducted by Florin Nita in November 2006

The difficulties with EU operations in the Democratic Republic of the Congo and in Lebanon have shown that EU military cooperation is not without its problems. Nick Witney explains which challenges European defence cooperation needs to overcome, and how the European Defence Agency can help to enhance joint defence capabilities.

Schlossplatz³: Mr. Witney, you recently gave a speech at the annual meeting of the AeroSpace and Defence Industries Association of Europe (ASD). What was your message for the European defence industry?

Nick Witney: We have been working very closely with the ASD because our mission as the European Defence Agency is essentially to work in partnership with our Member States and the industrial sector in order to try to ensure that the tools are available to do the job. Europe has increasingly been working as a provider of security services to some of the more turbulent and unstable areas—particularly in the immediate vicinity of Europe. The EU is showing increasing willingness to respond to appeals from the UN and NATO for assistance worldwide. So Europe is beginning to shoulder a greater share of its adequate load of responsibility for global security, which is something you also find in the European Security Strategy.

But to do that it needs tools to develop these defence capabilities. That is where we are being asked to work with the Member States, both on military capabilities and on defence technology. Therefore, we spend quite a lot of time talking to the defence industry, trying to work out with them what we can collectively do to strengthen the technological and industrial base.



NICK WITNEY is Chief Executive of the European Defence Agency since July 2004. After studying at Corpus Christi College, Oxford, he joined the British Foreign and Commonwealth Office. His career includes four years at the British Embassy in Washington DC, a sabbatical year at the RAND Corporation in Santa Monica, and various assignments in the UK Ministry of Defence (MOD). In 1996, he was promoted to Director-General of the MOD, where he worked on the ministry's management and organisation, defence industrial policy, and international security policy.

To what extent can a voluntary commitment, like the new EDA Code of Conduct, pave the way for a European Defence Equipment Market? Do you expect Member States to give up their national sovereignty in the area of defence?

If it works properly, it will be the imperfect start of something very close to a proper European Defence Equipment Market. These are still early days and I think that it is actually quite remarkable that 22 of the Member States agreed to come together, make this political commitment to each other, and get into this business of offering contracting opportunities to suppliers in each other's countries on a voluntary and reciprocal basis. We have our own bulletin board that advertises to suppliers across Europe—and there are already contracts advertised worth more than three billion Euro. But we all know that it is one thing to advertise and a rather different thing to actually award a contract to a supplier from another country. This is the acid test—and I would not have expected that to happen yet. We need a few more months for these tenders to work their way through, but near the close of this year we need to see some contracts awarded across borders. However, it will not apply to everything—we will never buy cryptography off each other. That will always be kept very closely under national hands. But it will apply to most defence equipment items, guns, radars, and so forth.

The EDA recently published a long-term vision report—could you summarise the main message of the report?

The long-term vision was primarily intended to think first about the global environment, the world in which Europe will find itself in twenty years' time, and to assess what this means for the nature of European crisis management operations. Any attempt to forecast the future is probably doomed to fail, but at least you can pick out certain robust trends, of which demography is the most significant one. In twenty years' time, we need to recognise that Europe will be a much older continent than it is now, which is quite a sobering thought. This is one of the things that our armed forces will need to get their heads around and start planning for. It is going to be a big problem, because bright young people will be there in much smaller quantities and their price will be bid up. Moreover, I think that there is going to be much more emphasis on constraint and precision in the use of force, which needs to be regarded as legitimate and acceptable. This is going to revolutionise the sort of capabilities we need: Less heavy metal and much more knowledge, awareness, sensing, information, intelligence, and computing in the way we handle military operations. In the report, we tried to bring out those lessons and produce a general profile of the sort of capabilities that we ought to prioritise, many of them based around knowledge and intelligence for development into the future in the next twenty years. We also focused on issues such as the problem of interoperability, which we really do need to solve for the future, otherwise we will be fighting alone—there is no alternative but to be able to operate with other national contingents. Finally, we looked at industrial policy, which links to the idea of controlling manpower costs and defence budgets. Unless we invest more, particularly in research and technology, we are going to find ourselves out of the game in terms of a European defence industry.

What could EDA do in order to bring about more research and development (R&D) spending? Is it about spending more, or is it about spending more together?

It is about both. The first thing we can do is to attempt to create a climate of constructive consensus and to collect the facts in a new way. It is quite powerful to collect the actual facts about how much the 24 defence ministries in Europe are spending annually on R&D, to add it all up and discover that the total is less than what the United States' Department of Defense spends on R&D. This gives you a sense of the proportion just how underinvested we are in Europe. In the first half of 2006, we spread this perception quite successfully, so that the defence ministers signed up to the thought that we need to spend more and spend more together on R&D. Step two is a specific new approach to collectively fund research and technology in Europe—the essence of which is to try to bulk up collaborations. We are starting with a first Joint Investment Programme worth around 50 million Euro. One of the techniques the European Commission has used before is to offer contracts to consortia of two entities from at least two different Member States with the deliberate intent of encouraging networking. The EDA has copied this for our Joint Investment Programme on “Force Protection”. We very much welcome the Commission's security research programme and we are looking for ways in which we can move alongside that stream of activity to our mutual benefit. The administrative drag involved in stitching collaborations together one by one has been considerable. If our new collaborative programme works successfully, it may be a model which could be reproduced in the future. We need to be much quicker, much more agile nowadays in getting new research done and applying it so that we just speed up the cycle.

Is there an inter-institutional competition between the EDA and the European Commission over managing the security business in Europe?

We do not behave as a competitor to the Commission in this Agency, which is a bit against the culture actually, because Brussels is the home of the turf war. But we are a small organisation with a small budget. It does not seem terribly sensible to start picking fights with the Commission, which has 32,000 employees and a budget of over 100 billion Euro, or with NATO for that matter. It is one of the things that has pleased me; how readily we seem to have managed to cooperate with the Commission on these market-opening agendas in research and technology. We are both oriented very much in the same direction: We want to create more of a market. We recognise that the defence industry is special, but we want it to be a bit less special and treat it a bit more like an ordinary industry, because it will do better this way. We both see proper R&D expenditure as an investment in our future. So I think we do not compete.

Where do you see the EDA twenty years from now, with or without a Constitutional Treaty?

I am not very good at visions. Chief executives ought to have one, but I think I made a virtue of not having one on the basis that we are very deliberately set up as a tool of our Member States and we will ultimately prosper, or not, according to what they make of us. We have to demonstrate that we are useful at delivering results, but they have to want to use us. So much of it comes down to politics. I do not think that things will fundamentally change—even in twenty years from now. There will not be a significant shift away from “defence is national”. I only hope that more and more people will regard the EDA as the forum they can rely upon to pool resources, and produce ideas, initiatives and proposals for them to consider and pick up on.

The EDA should become increasingly influential, I would hope, in terms of increased moral authority. But I doubt that a substantially increased direct authority or substantially increased budget is necessary. This Agency can and will be increasingly effective simply by reflecting the support it gets. If Member States increasingly like what we do, they will give us that support, and that will give us the stature to play an ever more influential role.







In an interview with Schlossplatz³, Andreas Hammer speaks about for opportunities and barriers to international cooperation and competition in defence markets and which role the European defence industry plays in this.

In Defence of the Market

The interview with ANDREAS HAMMER
was conducted by Florin Nita in November 2006

Schlossplatz³: In late 2006, the German federal government indicated its interest in directly or indirectly purchasing EADS shares to maintain the shareholder equilibrium between France and Germany. Does this kind of state intervention in the European defence business hinder or strengthen competition and the competitiveness of the defence industry?

Andreas Hammer: Of course it is never a good idea to have state shareholders in your company. Ideally, you are independent and let the market forces work. However, EADS is a bit different: Among the shareholders you have a power balance between France and Germany, with each owning 22.5 per cent of the shares. So I would say that it is a good idea to keep this balance in order to avoid any national monopoly. If DaimlerChrysler wants to sell part of its shares, I would deem it appropriate if some German investors bought them. But EADS's shares should be owned by a mixture of investors, such as private and state-owned banks.

Going back to market issues, how difficult is it for foreign companies to gain a foothold in the American defence market?

I am highly convinced that Europe can provide quality products, and this helps enormously to get access to any market of the world. Americans were quite opposed to granting market access to European defence companies, but due to enormous pressure this has changed a little bit lately. AgustaWestland has won the order to replace the US presidential fleet of helicopters, and EADS gained a very big contract to provide light-utility helicopters to the US Army. These things were unthinkable ten years ago. However, beyond quality and price, it is very important to join up with the right company. This is the case with the EADS bid for a strategic air-to-air refuelling fleet for the US Air Force, which we are working together on with the Northrop Grumman Corporation. We are combining our competencies, and if we deliver the right product at the right price, I would say that the US is now ready to award the contract to the best bid. Of course, you still have the “Buy American Act” and there are additional attempts by different Congressmen to foster the application of this legislative instrument.

But how fair is it to demand that the US opens its defence market while some European states are also promoting “national defence champions” and “buy national” policies?

This is indeed an issue of concern for American industrialists. They see how the European Defence Agency (EDA) is constantly talking about a European Defence and Equipment Market (EDEM), a European Defence Technological and Industrial Base, and so on. The US has so far been able to sell a lot of products in Europe, but they are afraid that all these new activities will lead to a “Fortress Europe”. We as an industry have to say that this is definitely not the case. EDEM only helps European companies do better business under competitive conditions. The EDA is not working on a fortress, but only on improving the conditions in Europe, which will probably lead to a more level playing field between Europe and the US.

EADS provides both NATO and EU countries with military technology against the background of increasing requirements for interoperability. Does this call for more cooperation among European and transatlantic defence companies?

Interoperability is indeed one of the biggest challenges in the field of military and civilian security today, because we have to bring together something that was never together before: Multinational military forces and multinational fire brigades or police units, for example. This is a problem both within the EU and NATO. The systems of the NATO members are not fully compatible right now. If you consider that they have to work together with non-NATO states to accomplish different missions—as is the case now in Afghanistan, where around 37 nations have to coordinate with each other—then you have an idea of how serious the challenge is. Does this bring the companies closer together or not? There are some ideas as how to work on these interoperability problems, and that is why the Network Centric Operations Industrial Consortium (NCOIC) brought most of the countries together in order to provide interoperability solutions for military forces. But that is just a forum, so what kind of real products do we have? Interoperability automatically comes with big programmes where you almost always have a consortium of different big players. One example is NATO’s Alliance Ground Surveillance System (AGS) programme. No nation alone can afford such big military projects.

Does this cooperation at the European or transatlantic level also imply a high degree of technology transfer?

This is a big point, actually, and also the reason why AGS is being discussed so much now. The Europeans want to make sure they have this knowledge transfer, especially in leading technology such as radar development, and they should insist that this transfer really happens. On the other hand, in the case of Eurohawk, for example, both parties are working on different aspects of the programme; technology transfer is less present.



ANDREAS HAMMER is the Vice President and Director for EU Defence Policy and NATO Affairs at the European Aeronautic Defence and Space Company (EADS). Upon leaving his management position at IBM, Mr. Hammer joined EADS in 2005. He is an expert on the strategic coordination and the interplay of European public sector institutions and the European defence industry. Mr. Hammer contributes regularly to European academic and political debates on security-related issues and especially on the future of the European and transatlantic defence market.

Would you say that all these changes could potentially lead to a transatlantic defence market in the near future?

The problem is what one exactly understands to be a market. If we use a minimalist definition, I would say we already have a market; there is already a commercial transfer. But if we think of a market in stricter terms, with all the laws and regulatory bodies attached, I do not think this is likely to happen in the next ten years or more. This is a step that could come after the EDEM is established. But we should not forget that there are some emerging companies in Russia and the Asia-Pacific region with a keen interest in getting a stake in the European defence market or even in EADS, so we should not limit ourselves to the transatlantic aspect.

Where do you see the main trends in the future defence market in terms of the products most demanded, and is EADS ready to take up these challenges?

A lot of people are talking about network-centric operations, so IT in general is going to play a key role. IT is already influencing the way the military operates and will do so even more in the future. But the products everyone is calling for are not there yet. We still have a long way to go to get everything interconnected and to then derive the corresponding doctrines and processes. Mission packages for land vehicles, naval systems and unmanned aerial vehicles are heading the list. EADS is trying to meet exactly these demands and expectations in order to close the gap between Europe and the US.

The European Defence Equipment Market helps European companies to make better business under competitive conditions

Private companies operating alongside the military in Iraq and elsewhere have received exceptionally bad press. But they are still used—and useful, argues Ulrich Horsmann. A necessary first step is to delineate the role private service providers can and should play in modern defence policy.

Privatising Security: The Role of Private Business

by ULRICH HORSMANN

It is a very sensitive question: Could and should security be put in private hands? The governmental monopoly on force is a highly esteemed tenet of the constitution of Germany and nearly all the other states. No one seriously wants to juggle at it. Therefore privatising seems to be forbidden from the outset itself. It cannot be denied, however, that the private sector can play a huge role in the range of security and—as I understand it—should play it, too.

Those who talk about privatising in this context should clarify first which scopes of the public service “security” should be privatised and in which form this should happen in order to avoid misunderstandings. It makes sense to separate a military’s core task from civil services. No one really wants privately owned commercial mercenary troops to patrol conflict areas all over the world armed by order of governments. On the other hand, you also cannot understand why

soldiers must be sent out to maintain facilities which exist both in the civil and military domains, like dining facilities, laundries or gas stations. As an example, for reasons of quality, the thousands of employees of an airport are also not catered for by pilots. Such tasks can absolutely be performed by private companies—either in the form of outsourcing or in public-private partnerships.

One sometimes finds the term privatisation when the public sector assumes practices and accounting methods of private business. In fact it should be welcomed in principle, if the armed forces commit themselves to management approaches which stand for a high degree of economy. But I do not want to adopt this understanding of “privatising” because experience clearly shows that there where the pressure of competition is missing, efficiency eventually falls by the wayside.

During the 1990s the German Federal Armed Forces, whose ambitions to privatising I helped configure for several years, decided to test all civil services. An effort primarily driven by an ever tighter public budget. Consequentially, the German Federal Armed Forces were ordered to concentrate on their military tasks and should be released from all non-core tasks. Civil service scopes of the German Federal Armed Forces represent in the budget of the Ministry of Defence more than forty per cent of all expenses. The management of estate, logistics, fleet and clothing belong to one of the biggest cost pools.

In the economy the idea of outsourcing has already prevailed. It stands to reason that this idea should be adopted by the German Federal Armed Forces. Private companies could be drawn on for the performance of civil service tasks in varying degrees. The most radical step is to completely privatise a certain service through its assignment to an external service provider. Today, single tasks in the context of bigger projects are outsourced to specialised service providers. Laundries in Iraq, drinking water purification in Afghanistan, the delivery of fuel all over the world—all this is already carried out by highly professional service companies. Their advantages are speed, flexibility, and last but not least, they also generate economies of scale by working for several armies, which also benefits the public clients. Private service providers not only reduce expenses and increase economy by that, but also increase the level of quality. As private providers—in contrast to public authorities—are in competition, they pin their hopes much more on the principle “more efficiency by innovation”. In this respect, innovative private companies also enhance security in military operations.

Laundries in Iraq, drinking water purification in Afghanistan, delivery of fuel all over the world—all this is already carried out by highly professional service companies

With other bigger task blocks it was decided to favour public-private partnerships (PPP), where the state still maintains influence as a shareholder under company law, while both sides learn from each other. On this note, a PPP can also a precursor to a full scale privatisation. In the German Federal Armed Forces, the car pool management for civil and partial military vehicles is managed by one PPP. Meanwhile, a governmental-private joint venture is also in charge of clothing. This task has been taken over for the clothing department previously in charge and was completely modernised with capital investments by the private partners and so they have reached significant cost-reductions and higher efficiency.

Cultural Differences as the Biggest Challenge

Although the advantages are obvious, longing for privatising does not always meet with success. The reason is simple: Whenever state and economy cooperate, it is not anonymous institutions that meet, but people. And if some come from companies and others from public authorities, two exceptionally different scopes of experiences and views will collide. Cooperation is complicated additionally by prejudices that have well developed, been nurtured for decades and which are circumstantiated by experienced or stereotyped examples. Additionally, where the guiding theme sounds “less state”, administration is per se forced into the defensive. The consequence is obvious: Shared projects are burdened by this divide and will hardly, if at all, achieve success. This has nothing to do with one side being “more stupid” than the other side. In fact the reason is merely differing organisational education and socialisation.

In private companies managers educated in business are often in charge. Their central terms and command variables like yield, capital and efficiency have not been ambitious factors in the public authority for a long time. During the civil servant training, such aspects were basically not taught.

The biggest discrepancy between both worlds is seen in contact with the manifold risks that occur in every function. Businessmen can be characterised as people that calculate and knowingly take risks in order to realise a profit. By contrast, due to the current understanding, it is never up to the public authority to take



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entrepreneurial chances. Far from it! In the logic of the public authorities it is essential to avoid risks completely, if it is not possible, minimise them to the greatest extent possible. A state which deliberately exposes its citizens and public funds entrusted to its care to risks, or which accepts that a certain number of its citizens may be placed in a risky situation by an uncertain manoeuvre, will lose its democratic legitimacy.

This frequently leads to misunderstandings and disaffection in cooperations between state and economy. In spite of all these difficulties, the parties involved are doomed to succeed. If we do not succeed in combining both the knowledge and the huge human resources of both the state and the economy for the common good, we run the risk of regressing by several decades. If the state wavers once and thereby profiles itself as a preventive instance, it will have a severe impact on areas beyond the German Federal Armed Forces.

Forecast: On the Right Path with Involvement of the Economy

Cost efficiency is the aim of all states. This can only be achieved if privatising is transferred wherever service tasks do not have to be performed autonomously by the state for reasons of sovereignty. I offer the following maxims as decision criteria for a sensible privatisation policy:

- ◇ Soldiers only serve in military core tasks.
- ◇ All Service Scopes Requests are fulfilled by civilian personnel in performance oriented structures; i.e. in competition to the market.
- ◇ Personnel fulfil the common benchmarks in the respective industry or service sector.
- ◇ All service tasks available on the market in the same form will be fully privatised after a transition period.
- ◇ The state maintains a minimal level of control over the provision of services only, while still ensuring that it can perform its sovereign tasks.
- ◇ All service functions, which can be performed more efficiently in the private sector but for which certain restrictions apply due to its sovereignty requirements, will be transferred to PPPs.

- ◇ Before the (partial) privatisation will be introduced, contingency plans and scenarios must be developed supposing that the service provider does not fulfil its obligations, e.g. when a situation becomes more and more dangerous.
- ◇ The exchange of personnel between army and economy will improve quantitatively and qualitatively.

The vision is auspicious—above all for financial planners and tax payers. It needs an entirely drastic change to transfer it into reality. En route to this aim it will be connected with difficult and painful decisions for those who make decisions and those who receive decisions. But this will be awarded by achieving a maximum possible economy for public authorities and creating new investment scopes. The role allocation is clear: At the production of the public good “security”, private companies take over the role of highly professional suppliers—the final product remaining under governmental control. In spite of first correct measures we are still at the beginning of this process in Germany. Many more tasks could be transferred to the private domain. The experiences of the German Federal Armed Forces in the last five years show: It is possible—and it is worth it.

With the spread of xenophobia and recent electoral successes of the far right, the democratic state seems to be crumbling in some regions of Eastern Germany. Uwe-Karsten Heye explains the underlying reasons of this development and the potential for action from civil society.

Schlossplatz³: What role does the right-wing National Democratic Party (NPD) play in Germany?

Uwe-Karsten Heye: I think that due to the country's history with Nazism, more attention is paid to far-right movements in Germany than in any other country. As a result of this historical experience, it is imperative that very close attention be paid to whether, when, and to what extent extreme right-wing activities could regain a foothold. The NPD appears to be re-establishing a basis: As the Third Reich passes further into history, some seem to be becoming more susceptible to its tenets. The extent of the danger posed by far-right extremists needs to be analysed in a broader context. Right-wing extremism is not a youth movement; it is part of an adult society that turns young people into extremists. People are not born Neo-Nazis. Particularly in the GDR—all structural problems aside—the events that occurred under the Third Reich were dealt with in a manner very different from that of West Germany. Germany's eastern region was continuously governed by authoritarian regimes from 1933 to 1989, which has left its mark on people. In contrast to West Germany, there was almost no closer analysis of Nazism and Neo-Nazism in the GDR, although the youth culture there was already leaning increasingly toward far-right extremism in the mid-1980s. It was a minority, however—in today's united Germany, extreme right views are also held by a minority. That said, these views are now more obvious and radical than in past years. It is definitely a challenge for a constitutional, democratic state.

Reviving the Civic Spirit

The interview with UWE-KARSTEN HEYE was conducted by Katja Geißler in November 2006

Demographic changes play a significant role. The Eastern regions will have less and less students in the future; the cultural infrastructure will withdraw from less-densely populated areas and concentrate on larger cities, leaving the NPD as the only remaining option for social interaction.

Do you think this development poses a threat to democracy in Germany?

Well, in the last years we have seen a record high in right-wing violence and crime. Over 15,000 offences related to far-right extremism were recorded in 2005, and that has consequences for security in the country. Violent behaviour is firmly entrenched in the ideology, and is becoming more and more apparent. At the same time, however, this can have a positive effect on democratic order. I do not believe it calls our democracy into question. Another issue is that of decreasing voter turnout, which leads to the development of an increasingly confident right-wing minority that turns out more strongly in elections. I do not believe this minority will ever be strong enough to overcome our democratic system, but it could lead to increasing discontent with political parties and democracy as a reflexive reaction to the NPD's attitudes. People wonder why our political system cannot deal with the NPD, which indirectly strengthens the trend of dissatisfaction with politics and political parties. As a result, the people's faith in democracy declines. The democratic parties have to ask themselves why their political programmes are not reaching the people. I think it has something to do with empathy: Those who feel excluded and unable to share in our society's prosperity tend to fall for the NPD's message.

In some Eastern German regions like Mecklenburg-Western Pomerania, the NPD has apparently become a part of society. Do you find that alarming?

You have to look at this in a social context. One reason for this is the sense of social isolation felt in Eastern Germany where educated people cannot find a job, and continue to move away from the region in droves. This gives those remaining the feeling that they have been left behind. The changing structure of former East Germany has also caused other major changes in the lives of many.

What is the actual situation like in these areas?

With our initiative "Gesicht Zeigen!", we have found that many places in Eastern Germany feature xenophobia, but no foreigners. That's an interesting aspect: Projected fears often scare people more than the actual reality. Anyone who has a Turkish neighbour sees this differently than someone whose town does not have a single foreign citizen. We had a campaign at a school in Brandenburg where I asked the students: "How many foreigners would you say live in Brandenburg?" They gave me some outlandish figures, between 25 and 50 per cent. It is actually just 2.5 per cent. In other words, people only have the illusion of living amongst a lot of foreigners—which is apparently necessary to justify their own inactivity or failure when they are dissatisfied with their lives.

Have Germany's democratic parties given up on making a difference in these regions? Should we not be asking ourselves what social responsibilities we have there?

Let us stay with the example of Mecklenburg-Western Pomerania. The Social Democratic Party (SPD) has around 2,900 members throughout the entire state, which are concentrated in larger cities like Rostock, Schwerin, and Greifswald. In other words, the SPD has not yet arrived in Western Pomerania—it does not even exist there. This is related in part to the unique complications of reunification. Many in Eastern Germany who used to be involved in a party—that is, "the party"—now give the impression of not wanting to make the mistake of committing themselves politically again. Furthermore, this problem is not limited to Eastern Germany. A growing nationalist or far-right movement can be observed in all transforming countries of Eastern Europe, such as Poland or Slovakia. In such times of transition, there are losers: Some cannot meet the demands of a competitive market economy.



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UWE-KARSTEN HEYE began his career as a journalist in 1962. He worked for several newspapers and news agencies before taking a post as speechwriter for the chairman of the Social Democratic Party (SPD), Willy Brandt, in 1979. From 1984 on, he worked for German public television before taking over as the government spokesman of the state of Lower Saxony in 1990.

After the SPD victory in the 1998 federal elections, Mr. Heye became the spokesman of the Federal Government and headed the Federal Press Office. Since 2006, he is the editor of the SPD Party Magazine "Vorwärts". Additionally, he is the founder and chairman of the initiative "Gesicht Zeigen! Aktion für ein Weltoffenes Deutschland e.V."

What practical concepts do you think there are for dealing with the NPD in a way that can be supported by a broad spectrum of German society?

I would like to see both politicians and civil society take a clearer position on the matter. We need to talk about what needs to be done. We need to reform our schools to enable them to deal with both our situation as a unified nation but also the challenges of an immigration country. Right now, our schools have not been equipped to handle these changes. We are forced to watch as 10 to 15 per cent of every class leaves school without any kind of diploma. More and more young people stand outside the closed doors of society. Those who are not equipped with sufficient education and training do not stand a chance in today's knowledge-based job market, and the more our society produces these people, the greater the danger becomes that we are creating potential recruits for far-right groups. So, what should we do? We have to develop a school system in which less-gifted students are not simply relegated out of the teacher's eye; schools have to be institutions where social skills are at least as important as subject knowledge. Education and training give people the tools they need to take their life into their own hand in today's society.

What kind of potential do partnerships between civil society and the political sphere have in order to achieve more effective action in this regard?

I am not sure how effective such partnerships are. However, I do think there are leadership figures who have a voice in society and can take a clear position on what they stand for and what they demand of their fellow citizens. I have the utmost respect for the social workers and mobile counseling assistance teams who are making a difference across the entire nation by reaching out to rural areas and giving young people a perspective. Part of the problem is that we have started to forget about what I would call "civic spirit". Too many people are left to fend for themselves too quickly and too early. They then take what they can get; sometimes this is the NPD, a social structure in which they can spend their free time while turning into Nazis. As a society, we have to win these people and regions back. People have to ask themselves how long they are going to tolerate the current level of ignorance regarding right-wing extremism. Using terms such as "no-go areas" now and then will get people's attention, but we need better structures to address this issue. The question is whether we will be able to offer people alternatives to the NPD. This involves both politics and civil society. The private sector is an actor that can help in a number of ways, such as by offering more apprenticeship positions.

Democracy promotion today is hotly debated: Does it infringe upon national sovereignty? Does it assist the fight against terrorism or does it help radical groups in their rise to power? In an interview with Schlossplatz³, Thomas Carothers assesses the conditions needed for successful democracy promotion.

Schlossplatz³: Mr. Carothers, what are your views on the fundamental motivations behind democracy promotion? How have such considerations changed through the last thirty years of democracy promotion?

Thomas Carothers: I think that Western states that try to promote democracy in the world do so out of a mix of motives. On the one hand, there is a certain idealistic component: Western states believe that democracy is a good system of government and hope to help people in other countries by promoting democracy. At the same time, these states sometimes also believe that promoting democracy is in their direct interest. For example, the US government is making the case that promoting democracy in the Middle East will reduce political radicalism, since it opens up the possibility for political participation to people who might otherwise feel marginalised. In the 1990s, the democratic peace theory, which states that democracies do not fight each other, helped create a security basis for promoting democracy: The more democracies exist in the world, the more peaceful the world would be.

Does democracy promotion complement or contradict the fight against terror? Does the war on terrorism cause any tension to US support for democracy?

In the last four years, the US administration has been putting forward very strongly the idea that fighting terrorism and promoting democracy go hand in hand. In fact, there are some tensions and even contradictions between those two goals. US anti-terrorism policies involve close cooperation with a number of other governments that are not democratic, in particular in the security and intelligence sector. The more the US has pushed on some anti-terrorism policies, the closer it needed to be to some of these governments, such as in Pakistan or Saudi Arabia. So the idea that anti-terrorism and promoting democracy go together closely is a pleasing one, but not always possible in practice.

Security Through Democracy?

The interview with THOMAS CAROTHERS
was conducted by Tinatin Ninua and Carolin Moje in October 2006

What is your view on forceful democracy promotion and its consequences? What do you see as preconditions for the success of democracy promotion by military means and why have there been so few successes to date?

The idea of promoting democracy through military means is very problematic. In the first place, it is very hard for any one state to get agreement in the international community that it is legitimate to use military force to promote democracy. With respect to whether it works in practice or not: It is possible to remove another government with military force by abolishing the forces and structures which support it, such as the military and police. But all you are doing in such cases is removing the old system of order. Whether or not that old system will be replaced by a democratic government is another question which depends a great deal on the history of the country and the amount of experience it has with democracy. Practically speaking, military intervention can certainly remove a dictatorial government, but that is not the same as building a democracy.

Can assistance by foreign actors actually turn into interference with national sovereignty? Where does one draw the line between the two?

Sometimes it is difficult to draw a clear line between political assistance and political interference, partly because it depends a lot on the perspective of the person judging the action. If I am outside of the society and trying to support political parties by funding opposition parties because they are the ones interested in working with me, I feel as though I am just offering assistance to pro-democratic forces to create diversity and competition. But to the government of that country, that probably looks like political interference.

Should the US engage in unilateral democracy promotion or should this be left to international institutions? Which is likely to create more sustainable results?

The United States is not alone in trying to promote democracy. A great number of countries—Canada, Australia, the UK, Germany, and many others—sponsor and fund democracy promotion programmes. All of these states have their own interests and often are mingling their national interests with their work in advocating democracy. As a global superpower,

the United States perhaps has more reasons to mix democratisation activities with its security and economic interests, but this is a condition of any democracy promotion sponsored by a national government. Democracy promotion by international organisations like the United Nations or the OSCE is very important, since it adds a greater layer of credibility to the subject. But if we were to restrict these activities to international organisations and give up the idea that single governments can also promote democracy, we would be greatly weakening the field. However, it is important that national governments stick to a certain set of principles as they pursue democracy promotion.

Which principles do you have in mind?

In general, it is important for promoters of democracy to base their work on a core set of democratic principles and rules. They should attempt to be non-partisan and refrain from guiding the outcome of a particular election, while sticking to the principle of free and fair elections, an independent civil society and independent media.

While the war on terrorism is most likely to dominate the US foreign policy agenda in the near future, do you think that US democracy promotion policies will change significantly under the next administration?

I believe that we are about to enter a period of significant questioning of democracy promotion. This will be driven by the sense of failure in the Iraq war which might lead many people to conclude that the whole idea of trying to establish a democracy in the Middle East was a mistake. Moreover, the fact that democracy has not made significant advances in other parts of the Middle East, and has in some cases led to the victory of Islamist forces that are hostile to the United States, is going to lead to a debate about the success of democracy promotion until the next presidential election.



THOMAS CAROTHERS is Vice President for Studies—International Politics and Governance at the Carnegie Endowment for Peace. Educated at the London School of Economics and Harvard Law School, Mr. Carothers worked in the Office of the Legal Adviser of the U.S. Department of State. He has been a visiting professor at the Central European University in Budapest and serves on the board of various organizations devoted to democracy promotion.

His recent publications include “Confronting the Weakest Link: Aiding Political Parties in New Democracies” (Carnegie, 2006) and “Promoting the Rule of Law Abroad: In Search of Knowledge” (Carnegie, 2006).

A deeper question is whether or not there is a rethinking of the place of democracy promotion in the war on terrorism altogether. If the foreign policy establishment and the American public conclude that democracy promotion is no longer an essential part of the war on terrorism, then that would be a significant shift. The initial debate will focus on Iraq and the Middle East, and we do not yet know how far it will go. But I would say that for the first time in at least ten or twenty years, a majority of Americans are questioning the very idea that democracy promotion should be a significant priority of the United States abroad.

What are your views on democracy promotion in the Arab world and in countries where democracy promotion might actually lead to the rise of radical Islamists, such as Hamas? What is the ideal policy for these situations?

The fact that there are Islamist forces in the Middle East does not mean that democracy is impossible or that democracy will necessarily lead to radicalism. A number of Arab states have experimented with and had some success with allowing Islamist parties, movements or groups to take part in the political process. Morocco for example has an active Islamist party that is certainly part of the emerging pluralistic order in that country. Jordan has had an Islamist party for about 15 years, and it participates actively in politics. So I think the existence of Islamist parties and movements in itself does not necessarily mean that the United States or other Western countries should not promote democracy in Arab countries.

It is important to do so with an emphasis on inclusion and encouraging groups to participate and play by the rules, enabling them to gradually have an increasing chance to participate and do not build up a lot of anger outside the system. In Egypt, for example, the exclusion of the Muslim Brotherhood from participating in politics is unhealthy and encourages the more radical elements of the Brotherhood to reject competitive political processes altogether. We have to accept that democracy may lead to the emergence in some cases of parties or groups which are not entirely friendly to Western interests. But over time, the emergence of a democratic order will encourage moderation, and encourage the alternation of power. It would be a serious mistake to pull back because we do not like some of the political forces in these regions and think that democracy there is too dangerous. If we do not like the political forces today, after twenty more years of no democracy in these countries, I can assure you we will like them even less.

With Romania joining the European Union in January 2007, the Transnistrian conflict in Moldova moved into the neighbourhood. Civil society groups on both sides of the Nistru River are trying to mitigate the conflict—but it’s an uphill struggle. Diana Mirza Grisco explains the role civil society can play in the conflict and how it should overcome its own problems.

On the 1st of January 2007, the Republic of Moldova became an immediate neighbour of the EU. A neighbour, however, who is not as safe as the EU would wish for: Moldova’s political and territorial situation—in particular the Transnistrian conflict which has lasted for over 14 years—is regarded as a potentially destabilising factor.

But what does destabilisation exactly mean in this case? It is very unlikely that another armed conflict will erupt—although it cannot be completely ruled out. Other processes in Transnistria can have a great effect on regional security and stability. Transnistria is referred to as a “black hole” that is impossible to monitor. Smuggling, money laundering, and trafficking of guns, drugs, and humans continue to be the conflict’s *raison d’être*. This situation and its consequences are seriously hampering the further development of Moldova and its position as a stable EU neighbour.

Building Bridges: Civil Society Groups in the Transnistrian Conflict

by DIANA MIRZA GRISCO

“Advertised” as a multicultural and ethnic conflict based on the breakdown of the Soviet Union, analysis reveals the Transnistrian conflict as having both political and strategic reasons. The situation is becoming more complex each year, as the gap between the populations of the two banks of the Nistru (Dniester) River is artificially widened: Transnistria on the left riverbank and the Republic of Moldova on the right. The youth in particular usually have a one-sided perspective, and there is a high risk that hatred between the populations will grow over time. What role can civil society on both sides of the river play in overcoming this gap, thus preventing an escalation of the conflict?

THE ESCALATION OF THE TRANSNISTRIAN CONFLICT

June 1990:

Moldova declares itself a sovereign nation.

September 1990:

Transnistria declares its independence from Moldova and starts building up its own military.

March 1992:

Military confrontation begins.

July 1992:

A ceasefire under Russian control is brokered.

1994:

The Constitution of the Republic of Moldova recognises a “special status” for Transnistria.

2002:

The EU and the USA place a visa ban for the Transnistrian political elite due to their status as a “terrorist regime”.

2002—2004:

A proposal for a federal solution promoted by some politicians ends in riots and is abandoned.

17 September 2006:

A referendum held in Transnistria turns out a 97,1% vote in favour of seeking international recognition and the future possibility of an affiliation with Russia.

The results are only recognised by Russia and irregularities are suspected.

Civil Society in Moldova

In recent years, civil society in Moldova has developed considerably, fuelled by a revival in citizens' participation and the availability of international funding.

The general idea of civil participation and non-governmental organisations had to be built up in Moldova

Moldovan civil society groups have achieved some important goals, such as greater participation of citizens in local governance, increased awareness of issues such as human trafficking, local economic development, and child protection. In addition, they have also dealt with issues regarding the Transnistrian conflict.

However, some challenges to, and failures of, Moldovan civil society remain. Many organisations are completely dependent on foreign funding; only a small percentage have found a way of self-financing and thereby independently sustaining their existence. Furthermore, projects are most often modelled according to the donors' priorities, as a result of both the organisations' financing requirements as well as the donors' poor assessment of the Moldovan society's needs.

The general idea of civil participation and non-governmental organisations had to be built up in Moldova. In the early 1990s, NGOs were seen as a means of making money and were generally distrusted. Citizen involvement was minimal and entrepreneurial spirit was absent in society. Over time, civil society groups became involved in dealing with the Transnistrian conflict, as this view of civil participation changed and its benefits began to be understood.

The European Youth Exchange Moldova is a good example of this. Having started its work in 1995, the organisation focuses on youth projects. Since then, it has created Youth Councils in Moldova and Transnistria and organised the first Youth Parliament for young people from both regions, thereby creating links and networks for further cooperation.

But these early NGOs also had to struggle with the system, both to improve the legal framework and to demonstrate their commitment to society and to establish good relations with state organisations. A partnership with, or at least a tacit approval of, their work is needed to implement projects. For example, in 2005 the Ministry of Education and Youth issued



FACTS ABOUT TRANSNISTRIA
 AREA: 12% of the territory of the Republic of Moldova
 POPULATION: ca. 700,000
 ECONOMY: Under Soviet rule, 35% of Moldovan industry (mainly military).
 ETHNIC DEMOGRAPHIC:
 Moldovan/Romanian: 40%
 Ukrainian: ca. 25%
 Russian: ca. 21%

(Source: Institute for Public Policy, Chisinau, Republic of Moldova)

a regulation stating that all NGOs involved in youth projects (e.g. training, youth projects, youth councils meetings, etc.) during the school year would require a written permission from the Ministry. NGOs with whose work the Ministry is not very familiar only have a 50 per cent chance of receiving this permission.

In comparison with the years following the end of the Cold War, civil society in Moldova has developed greatly and its role in promoting democratic attitudes is very important. In the new neighbourhood security context, supporting NGOs and sustainable projects should become a priority for the EU if it wants to address Moldovan democratic development and the Transnistrian conflict.

What About Transnistrian NGOs?

In Transnistria, civil society has developed under different conditions: There was no access to donors, and of course one had to act under a non-democratic regime. Despite this, a 2004 catalogue of Transnistrian civil society states that 600 “public organisations” (NGOs) exist in the region. This number is distorted, as the selection criteria are inaccurate. For example, the register includes sports clubs, fishing groups and tourist associations. The catalogue is further undermined by the fact that 65 per cent of the registered organisations did not participate in the survey. In actuality, there are only a few organisations furthering democratic achievements such as participation, the rule of law, and conflict resolution. As these NGOs are often accused of collaborating with and promoting the separatist regime in Tiraspol, Transnistrian NGOs do not have a viable basis on which to develop.

One can grasp the difficulties of Transnistrian organisations simply by looking at their financing possibilities. Since Transnistria is not internationally recognised, donors usually prefer financing a joint Transnistrian–Moldovan project or offering grants to Moldovan NGOs for joint activities and projects in Transnistria. In the rare case of a grant being offered

Some NGOs have implemented projects aimed at reducing the gap between Moldovan and Transnistrian organisations and populations

directly to a Transnistrian NGO, the only way of receiving the money is through accounts in Moldova. This is usually done secretly due to possible repressive measures. In 2005, Transnistrian President Smirnov, inspired by Russian NGO laws, outlawed any type of foreign financing for Transnistrian NGOs as a measure of national security. Even though this measure was later abandoned, Transnistrian NGOs still have to open an account in Moldova or receive grants via a Moldovan NGO as part of joint projects.



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In spite of these problems, some NGOs have implemented projects aimed at reducing the gap between Moldovan and Transnistrian organisations and populations—thereby contributing to the overall conflict de-escalation. NGOs from both sides do this by implementing projects on developing intercultural communication skills, intercultural project management, strengthening citizens' participation, mass media development and cooperation on information pluralism, youth projects, etc.

Evaluations of projects have shown that the exchange of experiences between people and organisations from the two sides greatly contributes to diminishing negative stereotypes of the respective "other side". People cooperate and develop networks regardless of the political situation—similar to pre-conflict times. In the autumn of 2006, for example, a project implemented by the Center of Young Journalists brought together young people from both sides of the river in order to publish a joint magazine. The magazine will be distributed all around Moldova and Transnistria and some articles will be published in the national media.

These are only a few examples of the important contributions NGOs have made to bridging the gap between the conflicting sides. The majority of projects try to foster good relations between organisations and people beyond political interests, without providing possible political solutions to the conflict. However, this preserves latent disagreements on the topic among the population, which has neither access to objective information, nor a concrete idea of how the political conflict could be solved. Civil society groups have to become aware of the great influence they could have on a political resolution of the conflict. They need to unite and provide a common opinion regarding their position in this matter, which they have so far failed to do.

People demand security—and the global response is a tightening of security legislation. But steps taken in international law can also be steps backwards, says Cathleen Powell. New legislation threatens civil liberties worldwide by eroding the division of power and changing the interaction between government and society.

Unmaking Law

by CATHLEEN POWELL

At the turn of the last century, the great American jurist and judge, Oliver Wendell Holmes, noted that hard cases, and great cases, make bad law. This is partly because the importance of these cases stems not from the legal questions involved but from “some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment”. (Northern Securities Co. v. United States, 1904; Oliver Wendell Holmes, J., dissenting)

Hard cases make bad law because they lead society to tailor the law to accommodate what is usually an exception. This can happen when the stringency of normal laws is relaxed to provide for sympathetic cases; but it also happens when the normal law—especially criminal law—is sharpened to satisfy society’s need for vengeance or security after particularly unsettling events.

Terrorism is a hard case. It is a crime aimed at a social group or an entire society, and it strikes victims effectively at random within that society. From the victim’s perspective, terrorism picks its targets in an unpredictable and arbitrary manner, rendering every member of the group vulnerable. The sudden and devastating nature of terrorist acts explains why no phenomenon of the last decade has so threatened human security, governed the public imagination or polarised global society to the extent that terrorism has.

Terrorism, therefore, is clearly of immediate, overwhelming interest and evokes exceptionally strong feelings. Has it distorted judgment? And what has it done to law?

At an international level, the anti-terrorism programme is driven by the Security Council of the United Nations. Relying on special powers granted to it by the UN Charter, the Security Council has produced more than 40 binding resolutions on terrorism and set up a huge bureaucracy to monitor state compliance with the obligations they impose. One of its committees, the Counter-Terrorism Committee, helps states to implement the domestic legislation which brings them into compliance with the anti-

There can be little doubt that the case of terrorism has made law. Most of it is bad law

terrorism system of the Security Council. This global, anti-terrorism system includes early warning systems and mechanisms for mutual assistance in investigation and prosecution of the crime.

A second Security Council committee, the '1267' committee, identifies terrorist individuals and organisations. This committee also affects domestic legal systems because the Security Council requires all states to take a range of measures against persons listed by the '1267' committee. Thus states have to freeze the financial assets of individuals and entities appearing on the list, deny them entry into and transit through their territories and prevent them from selling and supplying military equipment, whether such sales and supplies are carried out from their territories or even by their nationals outside their territories.

Partly as a result of the Security Council requirements, there has been a flood of anti-terrorism legislation in most countries. There can be little doubt, therefore, that the case of terrorism has made law.

Most of it is bad law. The substantive criminal law has been deeply affected through two main features. First, terrorism is often extremely broadly defined, leading to overbreadth, confusion and redundancy. Second, the standard of proof is often lowered where terrorism is to be prosecuted: Some states have introduced a negligence-based fault requirement or even a reverse onus into their criminal offences.

But the most momentous development has possibly taken place outside of the substantive law, and it involves a gradual removal of anti-terrorism from the realm of law all together. This can be observed in two processes. First, most of the new legislation situates the anti-terrorism programme outside of the courts. This is done partly through a relaxation of criminal procedure, allowing the executive to investigate and act against suspected terrorism with little or no judicial oversight. Domestic anti-terrorism legislation includes controversial steps such as the strengthening of police surveillance activities, particularly the surveillance of foreign residents within a country, and the use of more vigorous interrogation procedures. Although criminal procedure is meant in a normal legal system to assist with the (fair) prosecution of suspected criminals, many of the people affected by these new measures are never brought to court. Additional features of the anti-terrorism programme move beyond criminal procedure and empower the executive to determine terrorist status and to act against persons and property—even to the extent of seizing “terrorist” property, permanently, without a criminal conviction.

Although these steps are alarming, they do theoretically leave room for legal challenges in that the executive can generally be taken on review for its exercise of public power (except where, as in some states, there is immunity protecting officials from the legal consequences of their actions against terrorism). The remedy of review is, however, gradually being weakened, as legislation breaks down the legal framework around the anti-terrorism programme and instead positions this programme within the realm of executive discretion.

Thus, there are often no legal criteria by which a court can review executive action. So, for example, the government may claim that only the executive is in a position to determine whether the state of exception exists which justifies derogations from rights—and that even the evidence on which the decision was made must be withheld from the scrutiny of the court for reasons of national security. Or, as in the USA, legislation attempts to reserve for the President the exclusive right to interpret the international treaty law by which the country is bound in its treatment of ‘terrorist’ prisoners. Another example is found in the vague and overbroad definition of terrorism. An overbroad definition makes it increasingly difficult for a court to establish which cases fall outside the parameters of terrorism and whether government action against any particular incident is justified. In this way, an overbroad concept ceases to be a legal one.



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One of the worst examples of anti-terrorism action outside of the law is found not in domestic law but in the ‘listing’ system of the United Nations Security Council. The ‘1267’ committee adds names to its list once one or more states have submitted the name of a person or organisation, the name has been circulated to other states, and no objection has been received to it within 48 hours. There is no settled definition by which states evaluate their own or others’ sugges-

The main problem with the case of terrorism, then, is not so much that it has made bad law but that it is unmaking law. Once those in power are no longer subject to law—once they can change and ignore it at will, and apply different rules to their opponents and themselves—there is no rule of law. Without the rule of law, what remains is not a legal system but an expression of executive will.

This is a problem not just because we are left wondering quite what sort of society we will have, should the war on terrorism ever be won. It is a problem because it suggests the battle against terrorism will itself degenerate into a contest of power with power, creating the very type of lawless environment in which terrorism thrives.

Without the rule of law, what remains is not a legal system, but an expression of executive will

tions, so that the requirements for new listings are vague and relatively standardless. Listed individuals have no opportunity directly to contest their inclusion. Furthermore, without the support of their own state of nationality or residence, they have no access to the Committee at all. In addition, any one state can prevent de-listing, without having to provide any reasoning or justification.

In its current form, the listing procedure is an example of triple executive dominance: It allows each state to put forward names for the list with no procedural controls to protect the entity in question; it restricts any discussion of the listing to an inter-executive interchange; and it is buttressed by the full might of the international ‘executive’—the Security Council—throughout its operation.



Water is often called the commodity of the future, but it is seldom conceptualised as a source of human insecurity and perpetuated underdevelopment. Sometimes achieving water security is less simple than turning a faucet. Diana Dus describes the impact that water insecurity has on women in the developing world.



The Thin Blue Line: Women and Water Insecurity

by DIANA DUS

“Scarcity is the product of public policies”
UNDP Human Development Report 2006

War, insurgency or even labour laws are the most common terms we associate with security—it means to be free from danger or anxiety. At the same time, the fact that currently 1.1 billion people live without access to a safe source of drinking water and 2.6 billion people live without proper sanitation is still not connected to the notion of security. Those who lack water and sanitation, however, face various dangers. This article is a tribute to that unacknowledged thin blue line of difference—the blue water-line that lies between security and insecurity for women.

The majority of the people who are most affected by a lack of access to safe water live on less than \$2 a day—they are in the great part rural populations of developing countries. Traditional gender roles are most prevalent in such societies. Therefore, it is the women who bear the burden of collecting and managing water.

The problem of not having access to safe water has three different aspects: First, the lack of water itself, which results every day in about 25,000 deaths worldwide; second, the distance women have to overcome when looking for water; and third, the quality of the water found, which further leads to diseases: The most common of these, “simple” diarrhoea, takes around 4,900 lives of children under five every day.

In the first sense, it is unnecessary to state the importance of water for life or the dangers that the improper amount of water intake carries. Regarding the second aspect, it should be noted that in traditional social and family structures, women and girls are responsible for managing the household. Housekeeping consists of providing food and drink, cleaning, washing, maintaining hygiene, and sometimes even tending a small garden and caring for domestic animals. Occasionally, minor repair work is needed around the house.

Women are forced to prioritise between spending time on collecting water or on education or employment

All these tasks require water. Dr. Peter H. Gleick (co-founder and President of the Pacific Institute for Studies in Development, Environment, and Security) has calculated the daily water needs of a person for drinking, cooking, washing and sanitation and established 50 litres as the threshold.





The recent UNDP Human Development Report states 20 litres as the basic minimum. If we consider a small family with two parents and only two children, even taking the minimal amount would require 80 litres per day for the family. Accordingly, women should carry

In some parts of the world, women use approximately 30 per cent of their daily calorie intake with a task that could be accomplished with the turn of the faucet

home a load of 80 kilogrammes from the closest water source when their house is not connected to a water pipe. In some cases, the “mission” of looking for and gathering water can take up to five hours a day. These hours are spent walking long distances and carrying heavy water containers; in some parts of the world, women use approximately 30 per cent of their daily calorie intake with a task that could be accomplished with the turn of the faucet.

Unfortunately, even the existence of a water pipe does not necessarily result in secure and undisturbed access to water. Many cities limit water provision to certain hours of the day. Wells in communities work the same way in highly water scarce areas. In some cases, women manage to contact private vendors and purchase water from them. However, in addition to waiting long hours for their arrival, they end up paying up to ten times more than those in the same area who receive their water through the water system.

Since water is so indispensable for daily life, women are forced to prioritise between spending time on collecting water or on education or employment. Given that finding water takes a considerable amount of time and that the sources are unreliable, women cannot afford to be away during the day and risk not securing water for their family. This means that developing countries with populations without access to safe water lose a great portion of their workforce, not to mention girls who do not attend school for the same reasons.





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The third aspect of the problem, health, is just as grave. Since water is a basic necessity, women and girls take what they find. Unsafe water, however, can lead to a variety of diseases, from waterborne, such as cholera or typhoid, to water-based ones like bilharzias and guinea-worm disease. Recurring—but with safe water easily preventable—illnesses keep children out of school and impair the lives of many.

“[Due to health spending, lost labour and productivity] Sub-Saharan Africa loses about 5 per cent of GDP, or some \$28.4 billion annually, a figure that exceeds total aid flows and debt relief to the region in 2003 [...]”

UNDP Human Development Report 2006

Since women are the ones affected most by water problems, their knowledge of water management is essential for the formulation of better policies. They know how to collect water in times of drought, how to use water of different qualities for different purposes, how to conserve the meager supply with reusing and recycling techniques, and how to build and utilise simple water purifying tools.

Due to all the dangers involved, if governments wish to deal with security, it is their task to overcome these two problems related to water: Access to safe water and to sanitation. Insecurity has to be tackled on the waterfront, where the line between safety and danger lies, and with the active participation of women.

The simple act of assuring the provision of safe water and sanitation to the people could help developing countries escape the poverty trap by giving women the chance to take an active part in the workforce, and children the chance to profit from education.

The [annual] \$10 billion price tag for [meeting] the Millennium Development Goal [of water and sanitation] seems a large sum—but it has to be put in context. It represents less than five days' worth of global military spending [...]”

UNDP Human Development Report 2006

Insecurity has to be tackled on the waterfront, where the line between safety and danger lies, and with the active participation of women

The other side of the water problem is sanitation. Without having proper toilets, women and girls again have to leave their homes to find privacy. They are likely to wait for the nightfall and walk outside their neighbourhoods, subjecting themselves to sexual and physical assault. Moreover, it is common for girls who reach puberty to drop out of school due to the lack of sanitation facilities.

This section explores student life at the Hertie School of Governance: Who are the students? What is happening on Campus? And what do MPP students do after finishing the MPP programme?

Interview with Patrick Peterson, Exchange Student from Columbia University (SIPA)

Schlossplatz³: What made you decide to come to the Hertie School of Governance for an exchange semester?

Patrick Peterson: I have a background of European Governance and European Integration and wanted to spend an exchange semester in Europe. The Hertie School of Governance was attractive to me as it is located in the heart of Europe facing the challenges of European integration with its borders to Poland and Czech Republic. I had never been to Berlin before and liked the idea of studying in a city that has been shaped so much by recent history. Although SIPA has a lot more courses than the Hertie School, I wanted to learn about the differences in conceptual thinking when it comes to the role of the European Union.

How do you reflect on your exchange semester here in Berlin?

I really enjoyed my time here and learned a lot. It was definitely a helpful experience to study in Berlin and to get a European perspective. I took some of the EU related courses such as Professor Cameron's External Relations of the European Union class which helped me to understand the difference in conceptual thinking; that will be very helpful when I get back to SIPA.



How would you describe the differences between HSoG and SIPA?

The main difference is clearly the fact that the Hertie School is a new institution with fewer students than SIPA. That has the advantage that most students know each other quite well as they go through the whole programme and most courses together. Although the range of courses is broader in New York, the design of the courses and certain types of skills that the School is trying to bring across is similar to that of SIPA.

Judging from your experience at SIPA, where do you see the potential of the Hertie School in the future?

The Hertie School of Governance has an interesting European policy perspective which I could not find in other programmes. Its professional approach to solve problems on the European level is exciting and I am sure that the School will establish itself even further in this field.

The MPP Classes of 2007 and 2008

The student body of the Hertie School of Governance continued its growth in the second year of the Master of Public Policy (MPP) programme. Currently, 74 students from 24 countries are studying in the former Staatsratsgebäude in the center of Berlin.

In September 2006, 45 new students have started the two-year programme and are further enriching diversity and campus life.

Students of the class of 2008 come from 13 different countries, including Bulgaria, Poland, the USA, Uzbekistan, and Germany. All MPP students have at least one prior academic degree and have collected professional experience in their respective home countries as well as abroad.

The MPP programme combines academic education with practical experiences, which helps to prepare us for jobs in the public or private sector as well as in civil society. Some students have gone for exchanges with partner universities such as the School of International and Public Affairs at Columbia University, the London School of Economics and Political Science, Sciences Po in Paris and the Georgetown Public Policy Institute in Washington DC.

The 28 students who started the programme in September 2005 have spent the last summer doing internships at international organisations, German ministries, consultancies and NGOs. Currently they are closely cooperating with these institutions while they are working on their final student projects.

In May 2007, the first group of students of the Hertie School of Governance will finish the programme and graduate with their MPP degree.

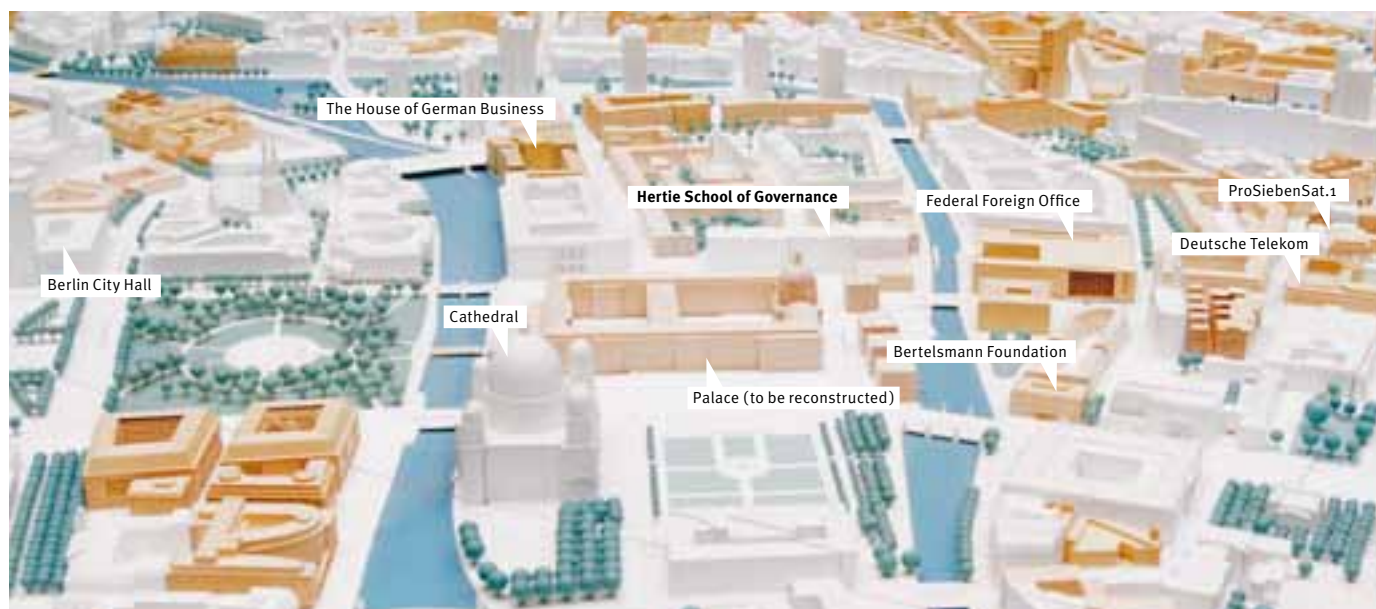
Hertie School of Governance and its Neighbours on Schlossplatz

“Schlossplatz” is probably the most visible of Berlin’s central squares. It received its name after the Berlin City Palace which was built in the 17th century, damaged during World War II and demolished in 1950. Schlossplatz has seen many changes in European history: From the devastation of two World Wars until German reunification. Today, it is difficult to imagine that only 18 years ago the former East German government celebrated the 40th anniversary of the German Democratic Republic with marching parades on Schlossplatz, which of course was then called Marx-Engels Square. Today, a united Germany witnesses the deconstruction of the remains of the Palace of the Republic, the East German parliament building and cultural centre on the site.

Right next-door, the former Staatsratsgebäude is still standing and has turned into a modern campus for academic research and education, now housing the European School of Management and Technology and the Hertie

School of Governance. The new institution with its approach to governance that encompasses the state, private sector, and civil society wants to make Schlossplatz a central location for the intersection of the three sectors. Synergies between our school and its neighbours are continually developing, in the form of mutual professional visits and research projects, guest lecturers from all three sectors, and internship or employment opportunities for Master of Public Policy students.

Only a stone’s throw away from Campus, MPP students have interned with German Ministries such as the Foreign Office and are working on consultancy projects with the Berlin city government as part of student projects. The private sector as one player in modern governance is represented on and around Schlossplatz with the Berlin offices of Deutsche Telekom, ProSiebenSat.1 Media AG, and The House of German Business. Last but not least, civil society is represented as well by the Bertelsmann Foundation.



A model of Schlossplatz and its surroundings. The buildings in brown colour were constructed after 1991.



MPP students disarm the Georgetown Campus: Christian Reisinger, Bidjan Nashat, David Scheller (from left to right)

Across the Pond: MPPs in Washington

Situated in Washington DC, Georgetown University does not only benefit from its renowned academic and traditional heritage but also from its location. The countless events on K Street, where the most important policy think tanks are located, offer everything from formal lectures by former US President Bill Clinton to informal talks with the former Malaysian Deputy Prime Minister, Anwar Ibrahim. Thus, the real challenge for an exchange student at the Georgetown Public Policy Institute (GPPI) is not to forget the initial reason for coming here while getting lost “inside the Beltway”.

If one manages to combine both, the GPPI is the perfect place to take a deep breath, take out the politics and analyse the policies themselves. In my “Management of Program Evaluation” class, we are not only taught how to evaluate government programmes but are required to identify misuses of statistics in scientific policy reports and their portrayal in the general media. This approach of an analytical training for practical use is one of the programme’s

strengths. The combination of the institute’s rigorous policy analysis teaching and the opportunity to go and talk to experts at think tanks also comes in handy when preparing the student project. The administration and the faculty have been very helpful in giving access to their network of contacts.

What most impressed me at the Georgetown Public Policy Institute was the amount of student engagement, be it concerning the institute’s events, its governance, or to help the local community. The GPPI has managed to establish a participatory and collegial culture between students and the faculty which I was able to witness during the US Midterm elections, when many students campaigned for the GPPI’s Dean, Judy Feder, who was running for Congress in Northern Virginia. I am thus looking forward to campaign for our Dean Michael Zürn, should he choose to run for Governing Mayor of Berlin in 2011.

Bidjan Nashat

Theory and Practice

An important part of the Master of Public Policy programme is the internship in the summer break between the two years of the programme. Schlossplatz³ talked to MPP students Joachim Schmitz from Germany and Nevena Ivanović from Serbia about their experiences and expectations. Joachim did a three-month internship in the German Federal Ministry of Finance last year, while Nevena wants to get some practical experience at the European Parliament this summer.

Schlossplatz³: Nevena, what do you expect to learn in your internship?

Nevena Ivanović: I would like to get an inside perspective on the functioning of European institutions. Policy-making in the EU is such a complex process, and I want to learn first-hand what role the European Parliament and the individual MEPs play. Hopefully I will get some exposure to issues I am interested in, such as EU Neighborhood Policy and Gender Equality. Of course, I also want to discover the wider institutional and social framework of Brussels.

sion. I was lucky enough to work on the very interesting topic of health care reform, which was a hotly contested issue between the governing parties of the Grand Coalition.

Nevena, do you think that the courses at HSoG prepare you well for the internship?

Nevena: My understanding is that the courses at HSoG should not only teach us specific skills, but also enable us to understand all aspects of the policy-making process. The course on Governance in the 21st Century is particularly helpful in this regard, but of course every course contributes to this general understanding. I have some previous work experience in democracy promotion and would now like to get a good theoretical background to broaden my horizon.

Which skills and knowledge from the MPP programme did you find useful in your internship? Can you make use of your practical experience in the second year of the programme?

Joachim: Well, of course the courses in Public Management and Economics during the first year were very helpful. I could also use my theoretical knowledge



Joachim, recalling from your internship experiences, are these expectations realistic? Did you get an insight into policy-making?

Joachim Schmitz: Yes, I would say so. I had similar expectations and my work at the Federal Finance Ministry gave me an excellent insight to the policy-making process as whole and the position of the ministry as an actor in the discus-

about the sustainability of welfare systems. On a more technical level, the memo-writing at the Hertie School of Governance was a good preparation for the skills that were required. I certainly hope that I can use my knowledge and experience in further courses.





Berlin, Berlëno, Berliini, Βερολίνο, Берлин, Berlynas, ...

Since Berlin is an organised mess, any thoughts about it, like this opinion piece, will follow the same pattern.

I live fairly close to Mulackstrasse, a street which has been categorised as Mitte’s best kept secret for those with platinum credit cards or those with a respect for aesthetics. It is filled with concept stores—an idea that still makes my brain hurt—where mannequins may share window space with wine bottles, organic pasta and a focused architect who ignores passers-by behind his laptop. I look around, and the pavement also has an organic resemblance—this time of cheese—screaming for a fresh layer of asphalt. Outside my flat is the spot that serves as an alarm clock: From Thursday to Sunday at 3 a.m., the drunkards from the club downstairs begin their choir of yelling, fighting and bottle breaking. Tourist talk is a waste of space, so I continue with daily life: I was once sitting on a bench at the Hausvogteiplatz U-Bahn station between a very elegant old lady and a punk. Going from one district

to the other is an anthropological and socio-economic experiment on its own. I am aware of the varying degrees of tensions undulating through Berlin but locals always underestimate their city’s aggregate tolerance.

There is one thing that frustrates me: It is impossible to absorb all the information. The city’s well-known produce (history, politics, cinema, music, museums, academia, fashion, literature, subcultures etc.) is frequent, eclectic and intense enough to make anyone hungry for knowledge go crazy in 15 seconds. However, with so much knowledge and an arguably high level of intellectualism and creativity flowing through the streets, I keep wondering why dog owners do not pick up their “liabilities”.

Still, I will hold on tight to the Fernsehturm on the day that I have to leave this city. My only fear is that, when I return in some years, I may not recognise crucial sites of my memory here. After all, Jack Lang supposedly said that “Paris is always Paris, Berlin is never Berlin.”

Ivan Capriles

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Preview on

Schlossplatz³ Issue Three

As globalisation and denationalisation processes continue, international institutions play a more important role in policy-making than ever before, but also have to face new and different challenges.

However, the institutional structure of many international organisations is being criticised as inadequate for efficient decision-making in the 21st century. Reform debates dominate the agenda at the United Nations, the European Union and the International Monetary Fund.

In the next issue, Schlossplatz³ will discuss the future role of international institutions in global governance. How does the public sector adapt to changing national and global institutional environments? Which role does the private sector play and what will be the importance of civil society in this process?

The third issue of Schlossplatz³ will appear in fall 2007.

If you would like to contribute to Schlossplatz³, please contact us at
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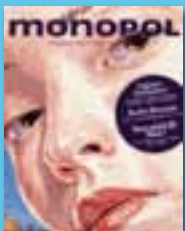
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