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Editors' Statement

on the Present Situation:

Current Developments and Recommendations

“We still have eight or nine countries who possess nuclear weapons. We still have 27,000 warheads in existence. I believe this is 27,000 too many. ... These are three concrete steps that, I believe, can readily be taken. Protect the material and strengthen verification. Control the fuel cycle. Accelerate disarmament efforts. But that is not enough. The hard part is: how do we create an environment in which nuclear weapons — like slavery or genocide — are regarded as a taboo and a historical anomaly?”

(Mohamed El Baradei at the presentation of the Nobel Peace Prize to the International Atomic Energy Agency (IAEA) in Oslo on 10 December 2005)

**War is not a
law of nature**

There is a discrepancy between the actual danger of war in the world today and the way international politics perceive this danger. If one goes by a recent Canadian study, the *Human Security Report*, the number of armed conflicts and their victims has fallen significantly since 1992. The authors conclude that, contrary to the widespread assumption, most people today live far more safely than in the nineteen fifties. Is this a hopeful sign of a changing international policy? In contrast to former times, wars are now no longer accepted as a law of nature. Under pressure from their civil societies, many countries today feel obliged to do something against violent conflicts, as numerous international peace missions illustrate. Nevertheless, there is no reason to sound the all-clear. Terrorism and the “war against terror” are demanding an increasing number of victims, are contributing towards the militarisation of international relations, and are stirring up confrontations between Muslim and Western societies. Furthermore, we are now witnessing the return of a threat which was long believed to be a thing of the past – that of nuclear wars. It seems impossible to stop the further proliferation of nuclear weapons:

- The row over Iran’s nuclear programme is intensifying dramatically. Teheran claims that it merely wants to make use of its right to process uranium for civilian use as laid down in the Non-proliferation Treaty (NPT). But the fact that it has kept the magnitude of its nuclear programme secret coupled with President Ahmadinejad’s threats to use military force

against Israel demand that Teheran be prevented from obtaining nuclear weapons material.

- North Korea has quit the NPT. It presumably already possesses some nuclear warheads and can use ballistic carriers in the region.
- In March 2006, US President George W. Bush factually recognised India as a nuclear power and signed an agreement on nuclear co-operation – this is a catastrophic change of course, which rewards India for its policy of nuclear armament.
- For years now, the United States has been undermining the international regimes to control and reduce existing weapons of mass destruction. Instead, it favours preventing the proliferation of nuclear weapons by means of force if necessary.
- With its *National Security Strategy*, which was revised in March 2006, the United States is once again claiming the right to launch a preventive war, including the option of the first use of nuclear weapons.

**Back to a
policy of nu-
clear threats?**

The public is barely aware of these new dangers. New nuclear weapons powers and new arms spirals will emerge should it not prove possible to put an end to militarisation and the renuclearisation of security thinking. The apocalyptic war scenarios which terrified us until well into the eighties are threatening to return – but this time they will involve more than two players and will involve players who are less predictable. The EU and its member states are called upon more urgently than ever before to participate in shaping a world order which is more conducive to peace. There are a number of conflicts in the EU's own backyard whose violent escalation would also affect the EU itself.

1. The Middle East – the world's central conflict region

There is a connection between the dynamics of local conflicts in Palestine and Iraq and of the escalating nuclear row with Iran and rival attempts by external

The Gordian knot in the Near East

stakeholders to assert their influence. Social tensions and economic stagnation, authoritarianism and repression, political intervention and military occupation coupled with the threat of the proliferation of weapons of mass destruction are making the oil-rich Near East the world's central conflict region. Disputes are often expressed in cultural and religious categories and, in some cases, acted out with massive violence. They thus become questions of social identity and cultural difference. This makes them even more difficult to solve as questions of identity are not usually negotiable.

An active peace policy must oppose culturalist interpretations and not instinctively cite "Islam" or "Arab culture" as the causes of the problem. Western-Muslim dialogues can serve to halt the "clash of the cultures" which radical forces are trying to encourage, providing they do not limit themselves to issuing mutual warnings but actually discuss and critically reflect the painful issues at stake. A further precondition for a constructive peace policy in the Near and Middle East is the avoidance of using two different yardsticks. Adopting double standards and treating stakeholders differently depending on whether they are considered friends or foes will make it difficult to reach political solutions. Demanding that Palestinian organisations renounce violence – and rightly so - whilst not calling on the Israeli government to do the same, or denying the nuclear ambitions of one state instead of of all states in the region serves to undermine the credibility of western policies.

Two different yardsticks?

More commitment to a solution to the conflict in the Middle East

The Middle East conflict is one of the oldest and most complicated conflicts in the world. Its symbolic significance extends far beyond Palestine and Israel. The lack of any convincing prospect of a solution to this conflict makes it more difficult to settle other regional crises peacefully. The key to overcoming the Middle East conflict can only lie in a "land for peace" deal, in other words, the permanent end to the occupation of the West Bank and the Gaza Strip and the foundation of a sovereign and equal Palestinian state that recognises the existence and security of Israel.

By evacuating the Gaza Strip in summer 2005, Israel proved that it can

Gaza – a first step

implement government decisions against the resistance of radical settlers. However, the withdrawal from Gaza did not lead to a return to the negotiating table. By expanding settlements, continuing the construction of the barrier and closing roads, Israel is persisting in its colonisation of the occupied territories with the intention of annexing parts of the West Bank. Palestinians do not have access to a third of the West Bank. Israel justifies its actions by claiming that there is no negotiating partner on the Palestinian side. The fact that the Islamist *Hamas* movement gained an absolute majority in the democratic elections, took over government responsibility in the Palestinian autonomy areas and continues to insist on the option of armed resistance makes it easier for the Israeli government to maintain this stance. Israel's unilateral establishment of permanent borders on the basis of the territorial *status quo* would rule out long-term peace. Peace cannot be founded on an annexation in violation of international law; it can only succeed on the basis of negotiations between the parties involved.

External pressure needed

The Middle East Quartet must take action if it wants to prevent a *fait accompli* from destroying the basis for a viable two-state solution. Pressure on the two unequal parties to the conflict must be increased. It seems that they cannot or will not settle the conflict through their own efforts. Both sides are dependent on external support. Linking economic aid to the Palestinians with the renunciation of violence is a promising approach, providing that Palestine is able to achieve its legitimate aim of establishing a Palestinian state through peaceful means and similar pressure is also imposed on Israel to forsake violence. Without the approval of and massive financial support from the United States, Israel could find it too expensive to continue its policy of occupation and settlement. Europe should not be satisfied with the role of junior partner which finances Palestinian autonomy but can only look on helplessly as the ambitious project of building a democratic state founders under the Israeli occupation. The EU should give the new Palestinian government the chance to establish a public sector which meets its people's elementary needs for secure living conditions and no longer gives Israel the excuse to refuse negotiations.

**A chance for
*Hamas***

In order to solve practical questions, the EU and its member states should not refuse the dialogue with the *Hamas* government and should find a way to provide financial support for the Autonomy Authority. Otherwise, the further destabilisation and radicalisation of the situation will be inevitable. It was the West that insisted on free elections in the Palestinian autonomy areas. Anyone who wants to pacify and develop the whole of the Middle East by means of democratisation cannot ignore the results of democratic elections. There can be no guarantee that attempts to gradually moderate elected Islamists by means of political participation and co-operation will succeed, but there is no alternative to this course of action. The Algerian military triggered a bloody civil war when, following the election victory of the Islamists in 1991 and with the approval of the West, it simply cancelled the second ballot and suppressed the opposition. Finally, responsibility for Israel's security demands greater commitment on the part of Europe to bringing peace to the Middle East.

**Israel needs
peace**

Concentration on state-building in Afghanistan

Foreign troops have been in Afghanistan since 2001. Two contradictory missions are taking place in parallel and are in some cases hampering one another. The NATO-led *International Security Assistance Force* (ISAF), which is operating under a UN mandate, is conducting a peace-support mission in Kabul and the surrounding area as well as in the relatively peaceful West and North of the country. ISAF is attempting to stabilise the country by securing its economic reconstruction and supports the government of President Karzai. In the rest of Afghanistan, the United States is waging war against the re-grouped Taliban and Al-Qaida forces under the *Enduring Freedom* operation. In the past, attention was rightly paid to ensuring that waging war and keeping peace did not become mixed up. Washington is increasingly calling this separation of the missions into question. The fusion of the two operations would be politically misguided as it would make the peace-keeping ISAF part of a war. Initial steps have already been taken in this direction. The Federal

**ISAF – OEF
fusion con-
tra-pro-
ductive**

Government and the other EU states are called upon to resist the gradual transformation of ISAF into a war mission.

Deficits in state-building The success of the international policy on Afghanistan depends on whether it is able to introduce stable political conditions. A key to this is the building of a constitutional state apparatus which plays an integrating role as part of the democratic political process. In principle, there is agreement on the significance of state-building, but in practice the community of states is acting inconsistently. In their war against the Taliban, US troops have repeatedly weakened the central government by providing material support to the warlords and using them as reserve units. The preference for non-governmental organisations and international organisations when funding rebuilding and social projects, as well as in the media sector, is also undermining the process of state-building. The deployment of external military forces in Afghanistan can only succeed on the basis of an overall concept of state-building. The all-too-slow progress in most areas of state-building and the political differences within the anti-Taliban forces have contributed to a new deterioration in the security situation, despite the international military presence, and have helped the Taliban to gain new strength. The community of states should therefore attach far greater importance to consolidating the Afghan state and should refrain from doing anything that undermines this strategic goal. It should not uncouple military and security policy. The Federal Republic can best serve this goal by expanding its work to build an Afghan police force rather than extending the tasks of ISAF.

The lesson of Iraq

The achievements of the foreign troops in Iraq are also anything but convincing. The results of the invasion are extremely sobering, even measured against the original objectives of the war. The intervention has not made the country a “showcase for democracy”, but has brought it to the edge of a civil war which could plunge the whole region into chaos. Whilst Iraq used to be a brutal dictatorship, it is now a hotbed of incessant violence and international terrorism.

**War and occupation –
What now?**

In Iraq too, the central problem of stabilisation is that of establishing a new state system and setting an integrative political process in motion. The United States had no concept for rebuilding the state following the collapse of the dictatorship, under which no civil society and no independent political structures had been permitted to develop. Instead, the United States relied on existing ethnic and religious networks and structures, which amplified the trend towards ethnicisation and confessionalisation. This chaotic and incompetent occupation policy has placed Iraq in a desperate situation: Whilst the presence of American troops is fuelling resistance and terror, their withdrawal would further destabilise the country and the region – the dilemma could not be greater.

**Preventing
Iran from
becoming a
nuclear
power**

The nuclear row with Iran – Escalation without a way out?

Despite assurances to the contrary, the Islamic Republic of Iran is suspected of striving to possess nuclear weapons. Following years of intensive inspections, the International Atomic Energy Agency (IAEA) was unable to dispel this suspicion with any degree of certainty. It is the declared objective of the Permanent Members of the UN Security Council to prevent Iran from possessing nuclear weapons. Both Iran's neighbours as well as the European states share this interest, especially as President Ahmadinejad is threatening to destroy Israel and is pursuing a policy of open confrontation.

So far, the West has not been able to agree on a coherent strategy. Whereas Washington is zigzagging between promises of diplomacy and threats of a violent change of regime, Great Britain, France and the Federal Republic, on behalf of the EU, tried for two years to reach a negotiated settlement. During this period, Teheran suspended its activities to enrich uranium and granted the IAEA extensive inspection rights. These efforts failed in August 2005 because the EU-3 had exhausted their scope for negotiation. Since then, the Iranian government has sealed off its nuclear plants and is indulging in provocative gestures by defiantly proclaiming the country a “nuclear power”.

**Everyone
must disarm**

The following factors serve to complicate the settlement of the Iranian nuclear row: First of all, the NPT permits all contracting states the civil use of nuclear energy and promises them free access to the necessary information and materials. Secondly, the NPT links the non-proliferation of nuclear weapons with the demand that nuclear weapon states should reduce their own arsenals – the five official nuclear powers have notoriously disregarded this self-obligation. Thirdly, Teheran can justify its fear of encirclement and threat by citing Washington’s hostile rhetoric and American military presence in almost all its neighbouring countries, including Iraq, Afghanistan and Turkey. Fourthly, the intention of establishing the Middle East as a “Weapons of Mass Destruction-free Zone”, which the UN Security Council has been proclaiming since 1991, has remained a hollow promise; Israel possesses nuclear weapons and a further nuclear player has appeared on the scene in the region in the shape of the American forces in the Persian Gulf. Fifthly, the Iranian nuclear policy is of domestic significance: The fact that the Mullah regime has demonstratively faced up to the West has not weakened the support of the Iranian population, but has even served to strengthen it.

**NPT is at
stake**

Stopping Iran from gaining access to nuclear weapons has the same high priority for the security and stability of the Middle East region as for preventing the proliferation of nuclear weapons *per se*. The rewards offered by the EU, but also by Russia, to persuade Teheran to limit its rights to the civilian use of nuclear energy have not been sufficient. The key to the problem seems to not only lie in Teheran, but also in Washington. The Europeans are only in a position to give the comprehensive security guarantee which Iran is expecting – the renunciation of the threat to overthrow the regime by external force – in their own name. This is not sufficient. The Iranian leadership and large parts of the Iranian population do not feel threatened by Europe. There is no reasonable solution but a return to the dialogue between the main opponents, who have been bitter enemies for almost thirty years. This would also be in the interest of stabilising the situation in Iraq. Europe must do everything to initiate a dialogue between Washington and Teheran. We hereby reiterate the

**Teheran and
Washington
at one table**

The debacle of Iraq

proposal that we made last year, namely to at last begin negotiations on a policy of disarmament for the whole Middle East region.

The alternative to negotiations would be an end to the conflict by force. Military strikes would involve irresponsible risks. It is highly likely that the political dynamite of a war against Iran would be many times worse than the Iraq debacle. European and German policy should not support such an option. Europe should advise against any steps which exacerbate the situation. The EU must clearly and unambiguously argue against a violent course of action because there is no reasonable alternative to the continuation of the search for a negotiated solution and a balance of interests.

2. Precarious union: Peace and development

UN Reform: Modest results

New York: Disappointed hopes

The results of the UN summit in September 2005 to mark the 60th General Assembly did not live up to expectations. Secretary-General Kofi Annan had hoped to be able to link international peace with development and to provide new strategies and instruments for this goal. But the choir of nations had too many voices, many of which were too weak to be heard, whereas others were so strong that they threatened to drown out the rest. Too little attention was also paid to the numerous non-governmental organisations, which for years now have been trying to include civil society impulses in international policy. In Germany, the whole discussion on the UN reforms was distorted by the fact that Germany's striving for a permanent seat on the Security Council is determined primarily by its desire for prestige. Germany's wish was not fulfilled, nor was the demand of the Developing Countries for the upgrading of the Economic and Social Council (ECOSOC). The new German Coalition Government was wise to relinquish the desire for world recognition in favour of the need to strengthen the United Nations. This includes a return to the goal of a permanent seat on the Security Council for the European Union.

New Commission without authority to act

The UN summit has upgraded instruments to consolidate peace in many war-torn states and regions. The new Peacebuilding Commission is drafting recommendations for the Security Council. However, it has no operative competence of its own and, so far, its political mandate and funding are very limited. Germany, as a major financial contributor, should use its influence to ensure that this new UN body begins its work soon.

The Human Rights Council also disappointed many hopes of reform. This body was set up in April 2006 against the votes of the United States and Israel and, as a subsidiary organ of the General Assembly, is intended to supervise compliance with human rights standards. It was important to dissolve the old Human Rights Commission, in which the most repressive countries had an equal say, but many reform objectives were lost in the tug-of-war over the composition of the new body. Nor was it possible to reach an agreement on the question of how protection against unlawful force is to be effected. Even more serious than these flaws is the fact that China and Russia are represented on the Security Council, two countries which are notorious for violating human rights, and that the United States too uses military force as it sees fit. All of these nations have rights of veto.

Responsibility to protect

Who grants responsibility to protect?

The dilemma of the struggle to achieve compromises was particularly obvious in those areas where securing peace is to be specifically linked to the protection of human rights: The UN Summit followed a recommendation by the International Commission on Intervention and State Sovereignty (ICISS) of 2001 and committed the states to protecting their populations from genocide, war crimes, ethnic cleansing and crimes against humanity in the form of a general “responsibility to protect”. Should a country not fulfil this commitment, the community of states in the form of the Security Council is called upon to take appropriate civil or military measures to protect the population. This commitment shifts the balance between the sovereignty of states and the universal application of human rights as laid down in the UN Charter in favour of human rights. Measures to collectively ensure peace remain bound by

the principle of proportionality in accordance with Chapter VII of the UN Charter and are subject to consideration of their prospects of success. But the vague wording of the term “self-defence” threatens to dilute the ban on violence in accordance with Art. 2(4) of the Charter. This is a dangerous concession to the strongest military power, the United States, which is trying to establish the right to take preventive action as a unilateral national prerogative.

Beware of too much “extended security”

We warn against exaggerated expectations with regard to concepts of “extended security”. This term justifies attaching more value to human rights in times of crises and catastrophes than to state sovereignty, which is often weak. Furthermore, in many cases it also serves as an excuse for demands for greater capacity for military intervention. These goals are incompatible if military means are used for specific state purposes under the pretext of protecting human rights and if it is not possible to reconcile conflicting interests under a new collective protective responsibility of the United Nations. The decisive factor will be whether the Security Council will prevent the military misuse of this increased scope for action. People in many crisis and conflict regions are subject to similar risks as a result of violence and it seems that the military often have better *ad hoc* resources for combating these risks. In the increasingly mixed civil-military peace-keeping and post-conflict peace-building missions, for example in Afghanistan or Kosovo, it is usually the military that are responsible for dealing with the contradictory demands with regard to security. The military are often overtaxed by this situation and therefore establish dangerous partnerships. As a general rule, military security measures take priority over civilian concepts in most crisis areas. Together with many experts in the field of development policy, we wish to warn against this trend and therefore want to provide a critical balance of experience with civil and military crisis interventions. We consider it essential to make a distinction between the very different risks and threats to human security, to strengthen the concept of prevention, and to restore the normative pri-

**Priority for
civilian
strategies**

ority of civilian peace strategies over ambitions that are dominated by military considerations.

EU between self-restraint and global action

In their balancing act between the internal crisis within the EU and the desire for more scope to act in the field of foreign policy, the EU members states are once again inclining towards the United States. We do not see why, with political and diplomatic resolve, the EU should be less in a position to oppose the use of force, for example in the case of Iran, than the veto powers China or Russia. Anyone who relies on civil crisis intervention or wants to mediate in violent conflicts needs independent proposals. It may be possible to *decide* existing power conflicts by military means – but one can only *solve* them politically. In less explosive scenarios, a European profile could be based on concepts for promoting democracy, such as those pursued by the OSCE and the EU, or for fighting poverty, such as those introduced *inter alia* by German and British development co-operation policy, as well as sanctions regimes and the establishment of a code of conduct for businesses. Instruments of civilian-humanitarian intervention such as the Civilian Peace Service should be expanded. The Federal Government's action plan for Civilian Crisis Prevention represents a positive approach, but has yet to be elaborated and developed to become an effective political instrument.

A sharper European profile

Congo: Dubious military operation

The plans for a military presence on the African continent are not very convincing. A general election is due to be held in the Democratic Republic of Congo this summer. It is hoped that this election will make it possible to end the transitional government, pacify a society which has been torn apart and take a decisive step towards establishing a stable and democratic state. The UN would like a military observer mission to secure this process and has asked the EU to assist the UN MONUC mission, which has been active in Congo since 1999. The request is for 1,500 soldiers from the EU, 500 of them from Germany. Unlikely fronts emerged as the debate dragged on in Ger-

many: The Ministry for Economic Co-operation and Development (BMZ) was in favour of the mission, whereas the *Bundeswehr* initially kept a low profile. There are various reasons for such indecisiveness on the part of other EU countries too.

Mere symbolism?

Analysing the situation, Human Rights Watch reached the conclusion that such a mission will not solve Congo's long-term problems: "Congo's new army is composed of several former rebel groups and commits grave human rights abuses ... The east of the country remains a war-zone, where both the regular army and rebel groups commit war crimes against civilians with impunity." Large areas of this huge state are beyond the control of the government in Kinshasa. People are being driven from their villages and are seeking shelter outside MONUC camps. State-building still leaves a lot to be desired. The country's path to democratisation presupposes *inter alia* that the justice system will be quickly rebuilt and reformed. But plans to reform the justice system are being ignored because the government is concentrating on containing the civil war. The high expectations which many Congolese people have in the elections can only be disappointed against this background. No doubt whether MONUC can ensure an orderly election in the country's crisis regions, even with the support of EU soldiers. The EU mission's political mandate and area of operation are still unclear. Nor can one predict how long the mission will last or how much opposition there will be to the results of the election, and from which side. It is possible that the election results will provoke new unrest and thus – unintentionally – trigger a military momentum of their own. The EU mission would be hopelessly under-equipped were it to become involved in hostilities.

Help for Congo

There are very good reasons for stabilising this large and important country and for preventing a return to the most horrific war in Africa to date, which has involved neighbouring states and involved the killing of an estimated three to four million people. But to ensure peace, one needs a clear political will and sufficient means. Both of these have been lacking in the past. The area of deployment and the scope of the mission must be defined precisely, taking into account all possible scenarios, before a decision is made

to send German soldiers as part of an EU contingent. The debate in Germany so far has been inept and has lacked transparency. Should the great expectations which many Congolese have in this mission be disappointed and the EU soldiers ultimately only be there to protect foreigners from violence, this would serve to discredit the useful instrument of monitoring and protecting elections under a UN mandate. According to the International Crisis Group, a significantly larger contingent is needed. One cannot help suspecting that the EU is using this poorly conceived plan of action for Kinshasa as an attempt to conceal the fact that it is neglecting urgently needed missions elsewhere.

Sudan: Responsibility to protect under the microscope

Creeping genocide is taking place in the west of Sudan and the government in Khartoum is, to say the least, tolerating this situation. Mounted militias (*Janjaweed*) are pursuing and killing the civilian population under the pretext of fighting against two rebel movements, the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM). These rebel groups were formed three years ago as attacks by the *Janjaweed*, which the Government is supplying with arms, became more frequent and more brutal. They are part of the opposition which has been fighting the government since the *coup d'état* in 1989. AMIS, the military intervention by the African Union which began last year, has failed. With approximately 7,000 soldiers and police, the protective force is both too small and inadequately equipped. According to observers, AMIS operations have also suffered from poor planning, an inadequate command structure and lack of experience.

African protective force failed

Only a much stronger peace force could control protective zones, guarantee the people of Darfur safety from the daily threats to their lives and enable the return of refugees who have fled to Chad. AMIS's shortcomings seem to call for two measures: On the one hand, the peace mission must be made more effective by means of international reinforcements. On the other hand, the African peace-keeping capacities must be improved through international training and equipment assistance in such a way as to establish an effective African peace force structured by region (African Standby Force).

**Pressure on
Khartoum**

Measures to reinforce the peace troops must be accompanied by massive international pressure on the governments involved if peace is to be brought to Darfur and its neighbouring regions. The Sudanese government must be forced to end its support for the *Janjaweed* and to protect the population. Diplomatic efforts must also involve the governments in N'Djamena and Kampala so that the tensions between Sudan, Chad and Uganda do not escalate further.

The hesitancy of the EU and the Federal Government in meeting the UN's demands for support in Darfur may also be linked to the fact that the "battle groups", which were established within the framework of the Common Foreign and Security Policy in 2004, are still of no use for operations of this type. This should not be regarded as a reason for not meeting the EU's "responsibility to protect", but should rather be seen as an opportunity for adapting the training and equipment of these groups to fulfil the demands of international protective missions.

3. Immigration and integration: Test for the EU's peace capability

For centuries, European states kept the world in suspense with their wars. Although the "European integration" peace project has banished this danger, there is no reason to rest on these achievements. As globalisation calls the traditional boundaries between domestic and foreign policy into question, the EU must become a player which is able to act on the international stage. These dynamic developments are also causing Europe problems in the field of migration. So far, the EU has not been able to regulate immigration on a joint and humane basis, but has concentrated on extending its external borders. Against the background of growing tension between the Islamic world and the West, the question of whether the EU can succeed in integrating immigrants is also significant from the point of view of peace. Success in this area will decide among other things whether claims of an unavoidable "clash of

**Under pres-
sure from
migration**

civilisations” and the incompatibility of democracy and Islam can be refuted in practice.

The drama of immigrants in Morocco

Despite its crisis of political identity following the failure of the constitution, the EU still exercises an unbroken attraction for political refugees and other people with no economic prospects in neighbouring countries. Countless individuals have lost their lives attempting to overcome the EU’s external borders. The situation escalated in the Spanish enclaves in Morocco in autumn 2005. The *Guardia Civil* fired live ammunition to thwart an onslaught of African refugees on Ceuta and Melilla. At the same time, Spain, quoting an agreement to deport citizens of third states, began expelling illegal immigrants and sending them to Morocco. World-wide protests were the result.

This dramatic situation called for action. Only a few days after these events, the 25 EU Ministers of the Interior once again underlined the need for a common immigration strategy. But reservations concerning national sovereignty and special rulings are preventing a European solution. So far, measures to combat irregular immigration and simplify procedures to deport illegal immigrants have served to enlarge the fortress Europe.

**Fortress
Europe?**

Tackling the causes

The escalation of the situation in North Africa could have helped to break down this policy of isolation. With its “strategy for the external dimension of the area of freedom, security and justice”, the EU has taken the pressure of immigration on its external borders as an opportunity to tackle the causes of flight more decisively and to assume more responsibility for a world peace order. In October 2005, against the background of the UN Millennium Summit, the EU declared the more rapid development of Africa as one of its central foreign policy tasks. The goal is to halve poverty by 2015. The EU Commission plans to initiate a “European-African Pact” in conjunction with the African Union. This pilot project is intended to link economic and development co-operation, security policy, migration controls and international legal

**Pact with
Africa**

counselling to form a coherent concept with a view to reducing the pressure to emigrate from African states in the long term.

Admittedly, so far this change of course and the ambitious aim of linking the fight against poverty with the demand for “good governance” only exist on paper. There are powerful interests opposing a change in practice. A closer look at the raft of measures agreed shows the predicament. For example, the course is to be set for the quicker and more decisive economic liberalisation and opening of Africa. Free trade and structural adjustment programmes in the past, however, have not solved the impoverishment of the poorest countries and have even worsened the situation. The rhetoric about a European-African partnership also masks the fact that the EU’s agricultural, customs and trade policies are damaging the interests of African countries.

**Outsourcing
is inhumane**

A further shortcoming of the EU concept agreed in autumn 2005 is the fact that its aim remains to ensure absolute controls on persons entering the EU and to expel persons who have entered the EU illegally. Both these goals are to be achieved by further expanding the border regime and through agreements with neighbouring and transit states on the return of illegal immigrants. This would lead to a buffer zone of allegedly safe states around the EU. These states would be obliged to take back people entering the EU illegally. In practical terms, this outsourcing would mean that the EU would deport refugees to, or have them intercepted in, countries whose governments are not credible contracting partners for ensuring that migrants are treated in accordance with the principles of human rights. In co-operation with the UN High Commission for Refugees, these states would have to be persuaded to establish efficient protective systems. Apart from social and economic need, lack of democratic freedoms is also rapidly gaining importance as a reason for emigration in Africa. A long-term EU strategy must therefore put more emphasis on promoting human rights and democracy.

For a European migration and integration policy

The total prevention of illegal immigration is not feasible. Attempts to hermetically seal off the EU would be primarily at the expense of those people

Don't criminalise the victims

who have to take dangerous routes to get here. This does not mean that we should call for open frontiers for everyone wishing to emigrate or the general legalisation of those people already in the EU – this would overtax society's ability to absorb immigrants and would jeopardise internal peace in the countries of the EU. But it is essential to discontinue the prevailing approach of criminalising all those involved and punishing both human traffickers and their victims. The current primacy of repressive instruments ignores the multifaceted reality of modern-day migration processes and prevents the necessary change of attitude. All serious analyses and forecasts demand a European immigration policy which combines humanitarian standards and joint interests in improved legal opportunities for immigration. These include, for example, temporary labour migration schemes, the further reduction of obstacles to recognising qualifications which have been gained abroad, or encouraging the positive effects of legal commuter migration on development policy.

Integration as the interface between external and internal peace

Reports on problems in German schools were followed by helpless demands for the expulsion of foreigners. These demands disregard the true situation: Many of the problems of young disadvantaged people “with a migrant background” are not imported, but are the result of flaws in our society. Ethnicisation denies this fact and promotes fear and exclusion. It should not be the migrants alone who have to meet the demands of integration. The citizenship tests currently being discussed may lead us to believe otherwise, but integration also demands that the majority society grants the immigrant minority opportunities for participation. Differentiated teaching and educational programmes which address individual needs are of key importance in this context.

Row over cartoons

The row over the Mohammed cartoons, which was deliberately stirred up from two sides, demonstrated the close connection between the external and internal dimension of peace with regard to integration. Whereas right-wing populists took advantage of anti-Islamic antipathies as demonstrated by racist

stereotypes, Islamic and secular groups instrumentalised the cartoons to mobilise their own supporters. Attacks on foreign missions and riots, which left more than a hundred dead, made *the* West collectively responsible for the cartoons. This was the expression of a clash of civilisations instrumentalised by a political and religious minority.

No clash of cultures

Anyone who interpreted the row as a conflict between freedom of opinion and Islam has fallen into the trap set by the radical forces. Interventions by Muslim clerics to de-escalate the situation received little attention in the media. Thousands of Muslims protested peacefully against the cartoons in western European countries as well as in Turkey. In Germany, the Muslim umbrella organisations specifically combined their criticism of the cartoons with a call for the renunciation of violence. It is important to strengthen this potential for integration.

4. German security policy changing direction?

White Paper - Going public

The new Federal Government is aiming to achieve something in its first year in office which the SPD-Green coalition did not manage in two legislative periods: namely to present a White Paper on security policy. This type of publication was characteristic of the political culture of the Bonn republic. It commits the government to justifying the principles, objectives and means of its security policy – a long overdue undertaking in view of the many questions of principle requiring clarification: Who or what is endangering the security of the Federal Republic? What can the armed forces and weapons do to counter this situation? What possible military support does civilian crisis prevention need? What is the mission of the *Bundeswehr*? Without knowing the official point of view, there can be no informed debate - just as there can be no sound reform of the tasks of the *Bundeswehr* without society forming an opinion. We therefore welcome this project. The Minister of Defence is not alone in believing that there is too wide a margin between what our military is permitted to do and what we know about this.

Difficult consensus within the Alliance

The new Federal Government is still meeting with little substantial cooperation in its efforts to mend the wounds in the German-American relationship. In spring 2006, the reworded National Security Strategy demonstratively endorsed US positions which the war in Iraq had seriously discredited: “If necessary, however, under long-standing principles of self defense, we do not rule out the use of force before attacks occur, even if uncertainty remains as to the time and place of the enemy’s attack.” With its doctrine of prevention, the Government in Washington is issuing itself a blank cheque to take military action wherever it considers necessary and to disguise the rule of force as defence policy. This attitude makes moves to reconcile American and European security thinking problematical.

Licence for the rule of force?

Added to this is the new American nuclear doctrine. This includes nuclear weapons in an overall strategy that links military pre-emption with the political option of forcing a change of regime. This affects the Federal Republic in two respects: with regard to its renunciation of nuclear weapons and in its position as a member of NATO. Together with its European NATO partners, the Federal Republic should demand a discussion in the Nuclear Planning Group in order to achieve a renunciation of the use of nuclear weapons in NATO military operations outside the territory of the Alliance and the withdrawal of the tactical nuclear warheads still stored in Europe. The refusal of the Kohl government in 1989 to enter a “second round of re-armament” involving new short-range missiles showed that it is possible to conduct and withstand a nuclear debate with Washington without this meaning the end of transatlantic relations.

Withdraw nuclear weapons

Limit arms exports

German arms exports are on the increase. On the one hand, this trend reflects the world-wide increase in the demand for armaments. On the other hand, however, it is also an expression of the relaxing of German arms export practices in recent years – despite repeated announcements of more restrictive practices by SPD-Green governments. Some particularly problematical ex-

Fewer weapons in the world

ports were even approved in the last few months of the SPD-Green government. These included the sale to Israel of two submarines that are capable of carrying nuclear weapons. The declaration in the Coalition Agreement of November 2005 that the new Federal Government will abide by “current arms export regulations” prompts fears that the trend towards relaxing arms export practices will continue. It is significant that, in contrast with government programmes of the last decades, the Coalition Agreement does not contain the normal pledge of a restrictive policy. There are also problems with a second point in the Coalition Agreement, namely the “harmonisation of arms export regulations within the EU” – harmonisation but at what level? We consider a restrictive arms export policy to be essential for reasons of credibility, but also for reasons of the effectiveness of German and international activities in the field of crisis prevention and post-war action.

Control of the security industry

We believe that the activities of German-based companies which provide military services should be subjected to critical observation on the same grounds that demand restrictions on exports of weapons and arms to conflict and crisis areas. The private security industry is a fast growing branch in which German firms are participating increasingly. So far, there is no transparency in their activities in violent markets abroad. It must be considered in how far a licensing system or other control mechanisms could stem the tide of political abuse. The *Bundestag* should once again turn its attention to this field.

Amendment to the Constitution – superfluous and misguided

Key ministries of the new Federal Government are attempting to amend the Basic Law with a view to extending the tasks of the *Bundeswehr*. Defence Minister Franz-Josef Jung justifies these plans with the need to be able to deal with terrorist attacks from the air and sea. On 15 February 2006, the Federal Constitutional Court ruled that the provisions of the Air Security Law introduced by the previous government were unconstitutional. These allow the *Bundeswehr* to shoot down an aircraft hi-jacked by terrorists. Explaining their verdict, the judges in Karlsruhe made it clear that not even an amendment to

Karlsruhe puts on the brakes

**Soldiers
against ter-
rorists?**

the Constitution would legitimise the premeditated killing of innocent people. Any interference with the Basic Law would therefore be pointless.

Interior Minister Wolfgang Schäuble is pursuing more ambitious goals. In the course of the current legislative period, he and parts of the Union parties would like to establish the constitutional basis for generally being able to deploy the *Bundeswehr* in the fight against terrorism, including on German soil. Their proposals lack substantiation. They do not state which improved or additional capabilities the armed forces are supposed to have compared with the police, judicial authorities and intelligence services in order to prevent and pursue serious, politically motivated crimes. At the most, one should only permit the armed forces to perform ancillary tasks to make up for short-term staff shortages at civilian institutions. The current legal situation already allows this type of mutual administrative assistance, as demonstrated by the 7,000 soldiers who will be on call during the Football World Championship. Older demands by the CDU for the establishment of a national security authority and regional operations centres for the *Bundeswehr* on German soil reveal the intention to introduce an amendment to the Constitution. It seems that new labels such as “overall defence” and “homeland protection” are intended to justify the constitutional need for national defence, counteract diminishing support for military service and turn this into a general obligation for national (military or non-military) service.

**No encroach-
ing on par-
liamentary
rights**

The amendment of the Basic Law “in as large a step as possible” (Schäuble) gives room for speculation about what further rulings are also to be amended. The larger coalition partner disapproves of the extent of parliament’s rights of consultation on questions of the *Bundeswehr’s* missions abroad and has included the task of examining this process with a view to “its further development” in the Coalition Agreement. So far, a plenary debate before every resolution has ensured that the members of parliament have considered the pros and cons of German military operations and that this decision has been taken in public. Before the Parliamentary Participation Law was passed in March 2005, the proposals of the Opposition at the time ranged from the establishment of a parliamentary committee, which could meet in

secret and decide on operations instead of the *Bundestag*, to empowering the *Bundestag* at the beginning of each legislative period to pass a resolution transferring decisions on the deployment of the *Bundeswehr* to the NATO Council. Both options would revoke the ruling of the Federal Constitutional Court that the *Bundeswehr* is a parliamentary army.

What should the *Bundeswehr* do: What may it do?

Operations abroad on the increase

The number of crisis regions where German soldiers have not yet been sent is falling steadily. The *Bundestag* has considered government motions for the involvement of the *Bundeswehr* in NATO, EU or other military coalitions under American leadership on more than thirty occasions. It has approved all of them without exception. In the vast majority of cases, the *Bundeswehr's* tasks have involved modest security, surveillance and transport duties, but in some cases they have also entailed massive military action. To render Article 24 meaningless would represent the most serious interference with the Basic Law. The Federal Constitutional Court merely calls for the prior constitutive approval of the *Bundestag* as a procedural norm, regardless of the material purposes of foreign missions. Article 24 establishes the general norm of maintaining peace and/or bringing about or securing a lasting peace. Should this article be undermined, the door would be open to any operations by the military forces which have the approval of the *Bundestag*.

***Bundeswehr's* mission unclear**

The current debate on security extends the range of possible reasons that legitimise the use of weapons much further. The Coalition Agreement cites support for alliance partners as a task of the *Bundeswehr* before national defence – not to be confused with defence of the Alliance – without explaining the types of projects for which alliance partners will be able to count on German support in future. During the long months of debate on the EU's mission in Congo, German interests have been quoted as the reason for involvement as in no other comparable case in the past. Even if the EU contingent in Kinshasa does not fire a single live shot, there is cause for concern that national interests are now becoming the decisive criteria for *Bundeswehr* operations abroad. Should economic and political arguments replace normative and

regulatory criteria as the guideline for such decisions, this would theoretically only be a small step away from rehabilitating war as a political means.

The Federal Government and the *Bundestag* are wise to make the answer to the question of when and where military involvement is called for difficult. National desires for prestige should have no place in this debate nor should fear of responsibility in the event that fundamental disagreements forbid Germany from keeping step with its allies. The Federal Republic is bound by the precept of peace in its Constitution. This does not preclude the use of weapons, but only permits their use under conditions which are absolutely in line with international law and where military means can really put an end to unlawful violence and secure peace effectively. The *Bundestag*, as the elected body representing the German people, should not allow decisions on the deployment of German forces – in effect decisions on war and peace – to be taken out of its hands. The same applies to the *Bundeswehr's* involvement in multinational integrated rapid intervention forces.

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