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New Series

The Federalist Debate

Papers for Federalists
in Europe and the World



*The problem of establishing a perfect civil Constitution
depends on the problem of law-governed external relations among nations
and cannot be solved unless the latter is*
Immanuel Kant

The Federalist Debate

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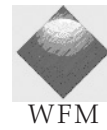
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- COMMENTS
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The March of Federalists toward Unity of Thought and Action

Lucio Levi

The decision, taken by the Congress of the Union of European Federalists (UEF), held on 19-21 March 2004 in Genoa (Italy), to apply for full membership in the World Federalist Movement (WFM) represents a milestone in the history of federalist movements. The decision is the expression of a widespread conviction that the reasons which justified the separation between European and world federalists in 1947 no longer exist. That separation was the consequence of a different view of political priorities. The former privileged the goal of European union, the latter that of world unity.

The Cold War, while it promoted European unification within the Western bloc, excluded any progress towards world unification. The division of the world into opposing blocs left no room for the action of world federalists. For many years their precursory and far-sighted commitment could not, for objective reasons, go beyond outlining their ultimate aims and explaining the need for a peaceful world order. Today the situation has changed.

The end of the Cold War and the reconciliation between the United States and Russia have eliminated a mighty obstacle to the unification of the world and the reform of the United Nations. The latter is now on the political agenda because of the obsolescence of the institutions conceived sixty years ago. The first steps in this direction are the World Trade Organization (created to promote the establishment of a global market) and the International Criminal Court (created to punish war crimes, genocide and crimes against humanity). But our efforts must be directed at obtaining more substantial reforms, such as

the transformation of the Security Council into the Council of the great regions of the world or the creation of a UN Parliamentary Assembly, conceived as the first step toward a World Parliament.

On the other hand, the collapse of the Communist bloc and the need to fill the power vacuum created by it has speeded up European unification. The fact that European unification has reached the stage of the Constitution, imperfect though it might be, marks the beginning of a new phase of federalist commitment. Federalists refuse the idea of a Europe-fortress (i.e. European nationalism). Instead, they promote the idea of a European Union whose international role is not only that of being a model, but also the engine of world unification.

The most recent evolution of federalist theory has led to a general acceptance of the principle of subsidiarity, which suggests that the nations be represented in the great regions of the world and the latter be represented at world level. It is an absurd and outdated notion that a state of regional dimension, like China, and a city-state, like San Marino, should be considered equal. The creation of a regional level of government represents the indispensable vehicle to render the functioning of the UN efficient, fair and democratic. A federalist victory in Europe will show that it is possible to create a union between sovereign states that have been in conflict with each other for centuries.

With the entrance into the Security Council, the European Union will become for the rest

of the world the model of reconciliation among nation-states and the vehicle for transmitting to the other regions, still divided into nation-states, the impulse towards federal unification. The transformation of the Security Council into the Council of the great regions of the world offers three advantages. First, all states (not only the strongest ones, as happens now) could be represented in the Security Council through their respective regional organization. Second, the hegemony of superpowers and inequality among states could be progressively overcome by the reorganization of the UN into groupings of states with equivalent dimensions and power; in particular, the developing countries of Africa, the Arab World, Latin America, Southern Asia and South-East Asia could find in their political and economic unification the way to free themselves of their condition of dependence. Third, the unjust discrimination between permanent and non-permanent members could finally be overcome by replacing the right of veto with the majority vote.

On the other hand, the European Union, as the laboratory of international democracy, will become the leading country of this new political formula and will tend to expand this experiment to the world level, that is to promote the democratization of the United Nations. The creation of a World Parliament can only be a gradual process, as the institutional evolution of the European Parliament shows. At the beginning it was composed of members of national Parliaments, then it was elected by universal suffrage and finally it strengthened its legislative and control powers. Therefore, a UN Parliamentary Assembly seems to be the first step on the way of the democratization of the UN.

Both the European and world federalists recognize that the problem of uniting Europe

is not simply a regional problem. Rather, it is the first step in a process which will lead to the unification of the world and to a world government. The commitment for Europe's political unification cannot be conceived otherwise than a stage in a longer-term commitment for world peace through a World Federation. The universal role of the European Federation is that of showing that the era of federalism has begun, and this can only strengthen the committed federalists outside Europe.

Precisely because they are the two largest federalist organizations in the world, the UEF and the WFM have great responsibilities. Their unification is vital, because we must combat new enemies: ethnic nationalism and imperialism, which are the current reincarnation of the old demon of nationalism. The two movements must face the challenges of the new epoch together. The goal to be pursued is the construction of a strong world-federalist political actor, capable of asserting itself as a reference point for global civil society movements.

The fact is that the peace is becoming, for an increasing number of individuals, the first political objective of our time. We share with peace movement a global vision of the major problems of our age and the goal of peace. But we have a clearer outlook of the means to be employed to modify the structure of international relations. The great credit to be given to the WFM is the identification of coalition-building among NGOs as the way to exercise leadership in global civil society movements. The lesson to be learned by the success of the action, promoted by the WFM, for the creation of the International Criminal Court is that only a great coalition of forces of popular inspiration can break the resistance of governments against the limitation of their sovereignty.

Sir Peter Ustinov Dies at Age 82

(New York, March 29, 2004) - It is with great sadness that the World Federalist Movement (WFM) announces the death of its President, Sir Peter Ustinov, President of the World Federalist Movement from 1990-2004. Known mostly for his work as an actor, writer, and playwright and as one of the world's most enjoyable entertainers, Sir Peter was also a great humanitarian. Regarded as the dean of the UN Goodwill Ambassadors, Sir Peter believed in democratic political and economic unification as the most important means to reduce war and misery, and to promote freedom and justice.

"Sir Peter met hundreds of world leaders, using his inimitable sense of humor to invoke laughter and, almost always, wisdom," said William R. Pace, Executive Director of the WFM. "Sir Peter and Saint Peter are enjoying a good joke right now."

Sir Peter joined the World Federalists in the UK in the 1950's and became WFM international President in 1991. With the end of the Cold War, he believed, it was only a matter of time before the institutions of law and justice replaced anarchy, war and brute power. Sir Peter was also a great supporter of European unity and federation, writing hundreds of articles and columns for European newspapers on public and political matters. He was a philosophical as much as a political world federalist, believing it to be the political system most capable of promoting diversity and unity, freedom and justice.

Sir Peter was deeply committed to WFM's leadership role in the organization of the NGO Coalition for the International Criminal Court, a project he believed to be the greatest achievement of the peace movement. He strongly supported WFM's leading role in convening the Hague Appeal for Peace Conference in 1999, and in its programs to democratize and strengthen the United Nations.

Wheelchair bound for several years, Sir Peter attended the last WFM Council meetings in Copenhagen in October and spoke at the Danish Parliament. He was, as his agent said, a phenomenally busy man with enough careers for a dozen other men. He will be missed for his vision, tenacity and infallible sense of humor.

"We will miss Sir Peter terribly. The world was truly a better place because of him. Tears of sadness and laughter fill our eyes as we remember him," added Pace.

A Chat from the World Economic Forum

Sir Peter Ustinov

Sir Peter Ustinov joined CNN.com as part of the CNN/Netscape series of chats from the World Economic Forum in Davos, Switzerland. Ustinov participated in the chat by telephone from Davos on January 30, 2000, and CNN.com provided a typist. The following is an edited transcript of the chat.

Chat Moderator: What is the World Federalist Movement?

Ustinov: That is a non-governmental organization (NGO) which is devoted to the idea of world governance, not government necessarily. And, it is very much involved in trying to help democratize the United Nations, and support it whenever possible. It is also one of the leading lights in the establishment of a world criminal court. The reason for this being the globalization of the market, which is a good thing, but like every good thing, it carries with it an antidote - criminality, which is immediately globalized when commerce is. We are confronted rather like the great mariners of the 16th century with an enormous amount of new territories and now, of course, space and the Internet are themselves new territories. What it seems to us to be extremely urgent, as it was in the 16th century, is map makers to make sense of the unknown territory, and legislators to make universally accepted rules within that framework. Otherwise, chaos threatens.

Chat Moderator: What is your role at the forum in Davos?

Ustinov: I have no idea. I was invited to speak for two occasions, tomorrow and the day after; both are panels. I have been watching the conference on television, and think the panels bring out the best results in people because the participants are taken slightly off guard; in that way become acquainting with their personalities. So, I don't

know yet which way the panel will drift, but I am certainly ready for any eventuality. I said I didn't know why I am here simply because I was invited, so you have to ask the host, not the guest why.

Chat Moderator: What is the panel going to discuss?

Ustinov: I think that is a fairly general question about the unfinished business of the 20th century which still has to be caught up with, but that can lead to almost anything.

Question from Ceng: Do you think the world is ready for a globalization?

Ustinov: If the market is already globalized, then it means really that the conventional forms of government are in a relative state of crisis because conventional governments are voted for largely on the basis of internal policy. Today, for most countries, and I would exclude the U.S. here, but in most countries at election time, there seems to be a great difference between the parties, but once a new government is elected, it is compelled by financial constrictions and often geographical position and other considerations to follow very much the same policies as the predecessors did. To my mind, this has caused people not to turn out in too great strength for elections, and have to be encouraged to do so; people are nearly always disappointed by the small turnout. That is because the center of gravity has shifted from internal questions to global considerations.

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Nowadays, there are hundreds of NGOs, which certain orators at the Congress have pointed out are not democratically elected. To my mind, they represent a new form of democracy because if they didn't conform to the public will, they would have disappeared long ago. The first NGO in history was the International Red Cross, which resulted from a Swiss gentleman on vacation strolling over a battlefield about a 150 years ago. It was his realization of the actual horrors of war that made him found the Red Cross. My point being that no government then or now would ever have the mandate to think of such a thing simply because it is international in origin and not national.

Question from Kato: I think the name World Federalist Movement is a cover up name from Communism or a NEW WORLD ORDER.

Ustinov: You would not think that if you knew how hard it is to find financial support. To say that it is communist inspired is typical of a certain retrograde mentality, which is an astonishing adjunct to the most modern and brilliant techniques in the world.

Question from Dolphina: What are the participants reactions to the protests we are hearing about and what seems to be the biggest area they are protesting and is there a reason for them to be fearful?

Ustinov: Obviously, with Clinton here, who incidentally made a very brilliant speech which journalists said they had all heard before, which only proves that I don't go to enough congresses. Obviously with him there and prime ministers and presidents from various countries, there is a security problem for the Swiss. Also, there is not as much space in Davos like there is in Seattle. But, the protest was a relatively small one and not particularly noisy, and I think it is safe to say that there are far more delegates than there are demonstrators. They seem to protest against the whole idea of globalization, but that seems to me as fruitless as protesting against the tides or the weather. In point of fact, I think there are people who think of the world in static terms and not in a state of permanent motion. That

motion is getting faster and faster. The gap between the Wright Brothers and the first man on the moon is ridiculously short when looked at in terms of world history. For centuries the fastest thing on earth was a horse. In the past 150 years everything has changed, and technical development is ever increasing in pace. I think tenderly of people who protest, but I wonder if they realize what they are protesting against.

Question from G. Tinsdale: What are your views on a global economy, and will it, in your opinion, lead to a more equal distribution of wealth?

Ustinov: That is what they are discussing at the forum, and the fact that they are discussing it at such length is already a very good sign. Also, it is evident that if the imbalance becomes too great, a certain degree of human conscience begins to work so that people who have made an enormous amount of money, such as George Soros, or to an even greater extent, Bill Gates, are busy giving enormous chunks of it away for humanitarian, educational, or medical purposes. I think it is an indication that when you are over blessed you automatically realize that your responsibilities increase, not diminish. Obviously, the biggest problem of all is the imbalance between wealth and poverty.

Chat Moderator: Are you still involved with UNICEF?

Ustinov: I do whatever I can to help UNICEF, another NGO. The world would be much poorer and it would be more difficult for a form like this to exist if the organ of the human conscience did not exist.

Question from Raj: Sir Ustinov: We have started a school for the deprived children in remote villages of India. I was wondering how can I get any help from UNICEF in this regard?

Ustinov: I don't know whether you can. UNICEF is a very large organization, and I am in touch with them and can ask, but certainly the other charities that I work with are in India and open schools. And the foundation is called Global Harmony, and is situated in the

trade center in Lausanne, Switzerland. It is a very spare organization, which goes in and shows people how to do things themselves. Once they know, it doesn't lose contact, but leaves to work elsewhere. We have already opened several schools in India and supplied them with buses. It also operates in Brazil and Central America. It is run by Mr. DeJani. I know more about that than UNICEF on that type of level.

Any discussion of having a constitution or Bill of Rights type document written establishing the framework (for the World federalist movement)?

Ustinov: There is a manifesto. More important, a very distinguished group of people, except for myself, are involved. It includes people like John Kenneth Galbraith and Morris Strong of Canada. A bill of rights - that is more difficult to say. Our avowed purpose is to strengthen the United Nations. As for being in anyway subversive, I think the wind is in our sails because what we aspire to in the long run is becoming more inevitable. From the speeches of everyone, including Clinton, we really are all on the same wave lengths, in different ways and with different responsibilities.

Chat Moderator: Do you have any final thoughts today?

Ustinov: I think the forum is indicative of the great desire of people who have something to say or at least think to sound off and react to other people who may have the same or different things to say. It is indicative of the crisis in democracy of which I had been speaking before that there has never been in the world history so many summit meetings between heads of state as there are today. The fact that Davos exists at all is extraordinary, and that Clinton comes for one day with several officials, the Secretary of state, trade, finance and congressmen, meet with Tony Blair and other important people, you certainly see them sitting reasonably relaxed, fielding questions from the floor - this is an enormous opportunity for education of us in the field who know too little. Here, it is all on closed-circuit television, so I have not missed anything. I have learned a lot! It is a very happy initiative. Once, I wrote in an article that two millennia ago, Christ chased the money lenders out of the Temple, but that today, now that the Temple belongs to the money lenders, it is wise to go to Davos.

UEF and WFM Must Work Closer

*Keith Best**

My dear friends and fellow federalists. First, let me acknowledge that I am a poor substitute for Sir Peter Ustinov who wanted to be with you today but could not be. He sends his apologies and best wishes to you all and is thinking of us. He, above all, recognises the historic importance of a closer working relationship between UEF and WFM and how both organisations can be complementary to one another in moving forward our goals of world peace through world law based on federalist principles as personified in a European Union with a constitution, safeguarding the political and human rights of its citizens. It is the significance of the resolution of UEF to join WFM formally that means it was my duty as well as my pleasure to be here in my capacity of a senior officer of WFM that I have been for the last seventeen years since I left the UK Westminster Parliament. In that time, thanks to the efforts of Bill Pace our Executive Director and our dedicated staff, WFM has transformed itself from a minor global think-tank with the vision of a better world, which was regarded by many as unrealistic in the days of the Cold War, to a major global non-governmental organisation which punches above its weight. The creation by WFM of the Coalition for the International Criminal Court of more than one thousand non-governmental organisations worldwide, supported generously by European Commission funding, has been acknowledged by the UN Secretary-General as playing a significant part in its establishment and continuing development. All the world's major non-governmental organisations are members and have been prepared for WFM to lead the Coalition. Our ideas are now no longer the

stuff of dreams but mainstream discussion among leaders in the main political fora in the world. We have much more to do but will be able to achieve that so much more effectively with the support of UEF.

On behalf of WFM I want to congratulate you all in UEF for having provided the bedrock of intellectual and action-based support over so many years for a federal European Union. You have been in the forefront of the drive for a Constitution for seven years as Jo Leinen sets out in his President's report. You have achieved a great deal as John Pinder mentioned yesterday in the plenary session. You may have had to wait for more than 30 years for a common currency but we have had to wait for more than 47 years for an International Criminal Court. Yet both have happened in our lifetimes. It is the most exciting time to be alive for the development of transnational institutions. Of course, many said that neither could be achieved. They were wrong and we were right and we shall be proved right again. The tide of history is with us and the wind is in our sails. Humanity globally is climbing out of its narrow nationalist hole that enhanced the political elite but impoverished the people and is demanding that we live together in peace safeguarded by international institutions. For, if we fail to live together, assuredly we shall die together as the bloody slaughter of the last century, sadly translated into Kosovo and Rwanda and other places has taught us. Global interdependence, labour migration and knowledge conveyed through the internet and global media are genes that cannot be put back into the bottle – such matters need global not nation-state

initiatives. If the increasingly wealthy part of our world does not answer the legitimate demands of the increasingly impoverished the price future generations will pay is too awful to contemplate. Only three days ago the new African Union's Parliament met for the first time in Addis Ababa. The African Union is modelling its institutions on those of the European Union and we need to be talking to them. The creation of equality in the standard of living is an essential prerequisite of a common market let alone its moral imperative: it is well understood in the European Union. We in UEF and WFM share this vision and that is why we must work together. The European Union is predicated on the four fundamental principles of free movement of people, goods, capital and services. That is not a bad global agenda. But both in Europe and in the world it must be achieved within a legal constitutional framework which, again, is where UEF and WFM share a common vision. The accession states have been attracted to join the Union because of the four fundamental pillars. It seems to me that it is for all of us to persuade them that there should be a fifth fundamental pillar which is equally if not more attractive, namely the pillar of constitutional law.

The former communist accession states to the European Union will be the drivers of the new vision for Europe which for them includes a relationship with the USA and NATO as being important. They have seen the USA as the guarantor of their freedoms and yet will be critical of the White House where necessary. They recognise that NATO is the insurance policy that will prevent conflict between Europe and America in material terms. For them a unified Europe has an emotional and more immediate meaning because it was so brutally denied them in more recent history than a generation ago when the founding fathers were motivated by the conflicts of the twentieth century. It is important that UEF and WFM engage the people of those states in our vision.

Frankly, the negotiations between the existing European Union countries and the accession states have been technocratic and insensitive to their sense of history of being bullied by external neighbours. They want to be equal partners and respected as such and we should treat them in that way. That more sensitive approach has resonance in the wider world, especially when dealing with different faiths and cultures. The verbal shorthand of labelling people with opinions based on their religion or ethnicity is the most appalling form of prejudice which leads to so much misunderstanding.

The enlargement of the Union is exciting for me for a reason that is often overlooked because it is so obvious – but after centuries of territorial conquest and exploitation we should celebrate it nevertheless. Those who will join the Union have asked and not been compelled to do so. Others, Bulgaria, Romania, Turkey are in the queue. There is osmotic change going on as the values of human rights and fundamental freedoms that bind the states of the European Union are spread. After 1 May this year will Belarus and the Ukraine be European Union buffer states or Russian ones? If the concept of Europe geographically extends to the Urals why should it not extend geopolitically to Vladivostok?

Our President Sir Peter continues to inspire us all with his perception of what is happening in the world and his inimitable ability to set it out simply for all to understand. For him, war is state terrorism. Of course, unless force has the legitimacy under international law it can be nothing better than state terrorism which becomes collective state terrorism if a group of states pursue it - yet so many politicians fail or are unable to realise that this is what the debate about Iraq is all about. It is not about the welcome removal of an unpleasant dictator in the style of Stalin and Hitler but about the rule of law. It is about the force of law and not the law of force. That is why the goal of WFM is to outlaw war. Literally, to

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make the exercise of military force outside the sanction of the international community an unlawful act. The realistic way in which that is achieved is to make war redundant. To create the mechanisms of conflict resolution and the adherence of states to those mechanisms a more reliable and cheaper way than recourse to force of arms. The release of finances currently spent on armaments to meet the challenge I have described in the imbalance of the world's economies has been well rehearsed elsewhere.

It is a massive failure of international diplomacy let alone moral integrity to act in a way which gives credibility to allegations of hypocrisy and double standards in the Middle East and failure to observe international law and human rights. We cannot condemn others if our own conscious actions are legally and morally questionable.

Yesterday was the first anniversary of the attack on Iraq but it will be many years before the issue of legality is resolved. Iraq personifies the challenges we face at this turning point in history. It demonstrated how a powerful state can impose its will if not its moral authority over other states. It has identified weaknesses in the United Nations and it raises the question of what principles should be applied in dealing with threats to world order.

First, if certain western nations assume the role of the policemen of the world then that can only be effective if it is from the moral high ground of acting only within the confines of international law – and that includes what is done with the combatants afterwards. There is recognisable international law even if, as all law must, it is constantly evolving. The end can never justify the means as a serious tenet of law whether domestic or international.

Secondly, the United Nations needs allies to ensure that it is not sidelined but seen as the legitimate organ of the international community. Thirdly, we must continue our

efforts to show that military force seldom solves problems – a solecism to which history is the dolorous witness. We must look to our vision when our children's children will look back on these times in wonder that humanity could have been so crude as to think that killing a problem solved it. The heads of the Hydra will only grow if merely we try to cut them off. We must be more sophisticated in our approach to make it unacceptable and unremunerative to act in defiance of common standards of universally adopted human and political rights: we must make them justiciable and enforceable through the international community.

We should not forget, however, what the stated aims are of the United States. They are to ensure that no competitive superpower arises, that there are their bases encircling the globe and, more chillingly, that "preventive" action is taken. This is a new concept quite different from the doctrines in international law of pre-emptive strike when an attack appears to be inevitable and imminent or hot pursuit across international borders. The National Security Strategy of the United States of America, available on the website, makes it clear. As President Bush states in the foreword "In the twenty-first century, only nations that share a commitment to protecting basic human rights and guaranteeing political and economic freedom will be able to unleash the potential of their people and assure their future prosperity. People everywhere want to be able to speak freely; choose who will govern them; worship as they please; educate their children—male and female; own property; and enjoy the benefits of their labor." These are noble sentiments with which we can all agree. Nor should we be surprised. President Kennedy forty years ago told the world that the United States would pay any price in the pursuit of freedom. The statement, however, in the National Security Strategy that "America will act against such emerging threats before they are fully formed" heralds the novel concept of preventive action of dubious legality, for it goes on: "We must



be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends." This is the green light for military action against any state that appears to be developing such weapons and we have seen how tenuous the evidence can be before that action is taken. The European Union must act as a counter-balance to this and seek internationally agreed limits to such a doctrine.

We now have about 200 nation-states in the world (191 are members of the United Nations) of which 145 are rated full or partial democracies and some 55 are federal democracies being mostly constitutional federal democracies. Thus, while the growing interdependence in the world has exclusively been measured in economic and financial terms, the globalization of democracy, human rights, justice and the

rule of law are as important as economic changes, if not arguably more so, in their long-term effects.

The European Union represents not only history's most successful experiment with international democracy so far but the most important geopolitical extension of the political principles of constitutional democratic federalism.

As Jo Leinen has pointed out, both the European and World Federalists were founded on the same day in October 1947. We have had our respective successes but I hope that you will feel that now is the time for us to come together on common projects and achieve greater feats through solidarity. We can reinforce each other's convictions and commitments and find new enthusiasm. We need only to be determined and united in order to succeed.

*Address to the 20th Congress of UEF (Genoa, March 21, 2004)



Busharon: The Countdown

Uri Avnery*

The strange creature named the Busharon is in serious trouble. The front half of this animal - George W. Bush - is having trouble with nude photos. Not only those of the hapless Iraqi prisoners, with the exuberant female soldier pointing at their genitals, but also of Bush himself, whose nakedness was exposed for all to see.

The savior of the Iraqi people from a cruel tyrant, the gallant leader bestowing democracy on Mesopotamia, the representative of Western civilization fighting against barbarism - has himself been exposed as a cruel barbarian.

Let no one kid himself: this is not a case of a few sadists, male and female, who happened to find themselves in one place. It is already clear that there was systematic abuse of prisoners - keeping them naked, humiliating them sexually, sending in vicious dogs which probably bit them, preventing them from sleeping, keeping them shackled in painful positions for a long time, covering their heads with filthy hoods, threatening them with electrocution - all these were photographed. But there can be little doubt that with such an attitude towards the prisoners, much worse torture was applied but not photographed.

It is now quite clear that this is applied as standard procedure for "softening" up prisoners. Not only in this prison, not only in all the other prisons in Iraq, but also in Afghanistan, in the devil's island of Guantanamo and all the other places where such defenseless victims, most of them quite innocent people who were picked up by accident, are imprisoned. Meaning: this was a matter of policy, coming from the highest level.

The soldiers, male and female, who happily let themselves be photographed in these pornographic scenes are certainly detestable, but anyone familiar with military life knows that this was not a private initiative. Such acts cannot go on for a long time, with many hundreds of pictures shot, without the whole chain of command being involved.

Every simple soldier is influenced by the spirit of his commanders, at least up to the level of the brigade. Its commander in turn is influenced by the spirit of his superiors, up to and including the Chief-of-Staff. In this case, it has been proven that the Pentagon chiefs and the Secretary of Defense knew the facts long ago. The investigating general did not find any written order, but such orders are always conveyed orally, and sometimes by a mere gesture or a wink.

These soldiers, most of them from decent homes, behaved as people do in lynch mobs, and for the same reason: the denial of the humanity of other races, which are considered sub-human. Racism turns the members of the master-race themselves into sub-human beings.

George Bush lost his world with the publication of these photos. He could have fired the whole chain of command, from the Secretary of Defense down to the prison commander. He didn't, of course.

All the moral arguments attempting to justify his war against Iraq have come crashing down. No democracy, no liberation, no civilization. Nothing is left except the naked aggression of

cynical and cruel robber barons, just like the henchmen of Saddam Hussein.

If I may be permitted a prophecy: this week starts the countdown to the end of the career of George W.

The animal's rear end - Ariel Sharon - is also in great trouble. This started with the rejection of the "Unilateral Disengagement" plan by the Likud members, a tiny part of the population, manipulated by the settlers. Since then Sharon has been prowling around like a caged predator. He has no majority among his ministers and members of parliament (they are bound by the party referendum), he is unable to form another government (the MPs of his party will not allow it), he is unable to fulfil his promise to President Bush (and has made Bush look ridiculous).

He has begun to blabber about "other plans" that he is forming - reminding one of Groucho Marx's joke: "Those are my principles. If you don't like them, I have others."

If Sharon had really intended to leave Gaza, he would have done it at once and without the hullabaloo, fixing a strict timetable and without changing the details every few days. He would have including in his plan the evacuation of the "Philadelphi Axis", the narrow strip a few hundred yards wide between Gaza and Egypt, which demands a human sacrifice almost every day.

A week after the Likud referendum, two terrible blows were delivered. An armored vehicle carrying a large quantity of explosives entered Gaza city in order to blow up buildings, and was hit by a roadside bomb planted by Palestinian guerillas. It exploded, tearing the six soldiers to pieces. The day after, the very same thing happened on the "Philadelphi Axis": an armored personnel carrier full of explosives, which was

sent there to blow up tunnels under the border, was hit by a Palestinian rocket and blew up with its five crew members.

The power of each of the two explosions was such that body parts were scattered over hundreds of meters. The whole country saw on TV how Israeli soldiers crawled on all fours, filtering the sand with their bare hands in order to gather the body parts of their comrades. The media competed in the orchestration of a necrophile hysteria, with endless talk about "body parts" interlaced with scenes of funerals.

It was impossible to ignore the direct connection between the Likud referendum's rejection of the withdrawal and the death of the soldiers. This was expressed in the most simple way by the actor Shlomo Vishinsky, whose son Lior was killed in the second vehicle, when he blamed the members of Likud for the death of his son.

For the first time, the Israeli public saw the real picture of Gaza: not "terror", not "terrorists", but a classic guerrilla war, with the whole population taking part in the struggle against the occupation forces. Today's Gaza, tomorrow's West Bank.

In such a struggle, we cannot win. One can kill Palestinians wholesale, destroy whole neighborhoods, as is happening now. But one cannot win. The public is beginning to understand that. The "Zionist Left", so it seems, is also waking up from its 4-year coma.

Israel will leave the Gaza Strip, as it left the "Security Strip" in South Lebanon. The similarity between the two strips is so obvious, that banal headlines proclaim it in all the media.

If I may be permitted a second prophecy: this week starts the countdown to the end of the career of Ariel Sharon.

* This article, among with many others from the author, was published in the Gush Shalom website, <http://www.gush-shalom.org/archives/article303.html>

Euro and Dollar: an Agreement is Difficult, a Confrontation Impossible

Antonio Mosconi

1. The legacy of the 1900s

The monetary system of the 1900s may be appropriately interpreted only by making use of the concept of *hegemony*. In fact, the periods of monetary stability are associated with the British hegemony first and with the American hegemony later. The British Empire rested on the gold standard in its triumphant phase, whilst between the two wars short-lived and disastrous attempts at the *gold-exchange standard* failed in the face of the impossibility to convert pounds into gold. There remained just a pound *standard*, accepted only within the British Empire, that is to say by the colonies. Actually, the metal could only be found in American coffers. This fact explains Keynes' dislike for the golden monetary system better than his otherwise convincing arguments against a currency left to the whims of the mining production, a non-controllable tool for the project of human economic development. In the second post-war period the Bretton Woods system, resulting from the prevalence of the American Treasury (the White Plan) over its impoverished British allies (the Keynes Plan), moves again from the gold-exchange standard. This time, however, it is the dollar which is proclaimed convertible into gold, to be in turn declared non-convertible by Nixon in 1971. We come then to the *dollar standard*, whose acceptance area is not limited to the "colonies", but includes all of the countries of Western Europe. However, they find the strength to react to the pegging against the dollar of each of their currencies separately considered, which would sweep away their common market, and adopt policies tending to create a common currency. The euro determines

an unprecedented situation of monetary bipolarism at the world level.

2. Present and past financial crises

As already happened at the end of the British Empire with the *sterling balances*, we must prepare ourselves to manage a flood of *dollar balances* coming with the decline of the American hegemony. Ultimately, the problem may be expressed with the following question: should the US creditors (mainly China, Japan, the EU and some oil-producing countries) calmly wait and loose a big part of their investments denominated in dollars as a result of a severe devaluation of that currency (the debtor's bankruptcy hypothesis), or should they orient their investments to support the dollar in order to strengthen their equal partnership with the US, to fill some evident technological gaps of theirs and to prevent their debtor's bankruptcy (the watched-over administration hypothesis)? If we limit ourselves to the monetary policy, we come to the conclusion that it is sufficient to work on the euro/dollar interest-rates differential, forcing the Fed to raise the American ones and not letting the ECB reduce the European ones. Of course the first solution may look better than the second, but both unleash flows of private capitals that can cause uncontrolled adjustments, whilst it would be necessary, in my opinion, to plan (I know fairly well how politically incorrect this word is in the era of the new-cons, but why use the euphemism "industrial policy", since it is included in the same black list?) which American assets we are interested in, which the debtor is willing to give away, how a New Deal can be set up in order to avoid America's

bankruptcy and the consequent losses in Europe's financial activities denominated in dollars. The debtor's bankruptcy would imply a long period of distrust between the two shores of the Atlantic, and the freeze of any attempt at relaunching the Euro-American cooperation, that still remains indispensable both for security and for a responsible and equitable government of globalization. On the other hand, a further increase of the investments of the creditor countries in activities denominated in dollars, left to the market choices on the basis of interest-rates differentials, would require at least a previous reform of the international standards and institutions, in order to ensure a system of rules protecting people's savings and the global financial stability. The word 'rules' is one of those that the American new-cons wish to erase once and for all from the dictionary (unless they are rules imposed by themselves). The present political situation explains why the agreements called "Basel 2", due to replace the ones signed in 1988 at the Bank for International Settlements, are postponed to 2007, at the very moment when they look most urgent for countering the financial catastrophes primed by deregulation, and why they are made less stringent in many aspects. "Basel 2"'s aim is to increase the stability of the international bank system, making the banks more considerate in controlling the risks of credit, of the market and the operational ones. How? Through more severe regulations regarding the banks' patrimonial requirements, through a more prudent control by the banks themselves and by the supervising authorities, and through a more transparent information to the market. And yet, not even the most elementary regulations of the global financial risk are capable of challenging the consensus in Washington (on *deregulation, privatisation, liberalization*), supported by any sort of trafficking, laundering and recycling. Imagine what future expects the demands presented by the movements for the reform of the International Monetary Fund. That is a long and practically well-defined agenda, but who can push it forward, if Europe "forgets" to join in?

A Europe capable of strategically managing its purchases in the US (refusing as a real plague the greenbacks and the skyscrapers, but choosing carefully the missing tesseras in its know-how) could escape the monetary pincers and solve the unbalance on the sound and lasting foundations of the real economy. At this point, I must acknowledge that the monetarist position (to manage the adjustment through the interest-rates differentials), which I have criticized on theoretical and ideal grounds, is the only one possible as long as Europe has only the monetary policy available (this too being limited by having delegated to the ECB the task of monetary stability) and lacks a budget policy. For sure it will not be a full-speed race that one can run with a car provided with efficient brakes, but deprived of the accelerator. It will be a race that one could win only if the other competitor, who handles the accelerator better than the brakes, will crash into a wall. But this is not what we want. We want, instead, to save all of us together.

3. The adjustment hypothesis

The American new-cons believe that Europe should continue to pay for its defense, like during the times of the alleged Soviet threat. But things have changed. Today, as before, Europe must pay for its own security and for that of the whole world, but only if based on the deliberations taken by a democratized UN. By democratized UN I do not mean the full establishment of democracy in the whole world. I am old already and could not be present at such an event. I mean instead, to begin with, a Security Council no longer composed of the winning former-powers of a European civil war of sixty years ago, but rather a body which is representative of five sixth of humanity: America, China, Europe, India, Russia, wielding a legitimizing force that would leave no choice to the remaining sixth, the African and Islamic one, between participating in the world government or continuing to provide haven to integralism and terrorism. On this line Europe,

by unifying itself, can really unify the world. The contradiction between the “humanitarian” right of intervention, based on the “values” of the American new-cons (which, in the end, are measured in oil barrels), and international right, founded on state sovereignty, has burst already. Coming back to the currency: Europe may pay its part of the bill for security, the environment and domestic and international social justice cash, in euros! That’s why the Europeans’ savings and their management by banks and institutional investors constitute a strategical matter. That’s why the euro is subject to a violent attack by the new-cons and their European vassals. On this point any desertion must be considered as high treason. This is the problem. Those who busy themselves looking for a solution in a new hegemonic system (American Empire? European hegemony? Asian threat?) will have to give up, as did already, with great intellectual honesty, one of the best theoreticians of hegemony, Charles Kindleberger. He so concludes a book summing up his entire research: “...overall there is to forecast disorder. Will it be the US again, or Japan, or Germany? Or the European Community as a whole? Or maybe even Australia, or Brazil, or China? Who knows? I do not”¹. It comes natural to say that we federalists do know, instead: no one of these countries, no hegemony, but only the establishment of legality (ever more democratic) at the world level would succeed in giving an acceptable order to globalization. The transition we are in is that from the hegemonic to the multipolar system. In political terms it implies for the US the transition from unilateralism to multilateralism. A second transition may already be foreshadowed, that which will lead to a world currency. What else is the meaning of the Chinese leaders’ intention to anchor their currency to a basket of currencies rather than to the dollar alone? And the failure of other dollarization attempts, like that by Argentina? And Putin’s statement in favour of pegging the ruble against the euro? And the preference already accorded by many Arab countries to the euro, rather than the dollar? In sum, we

have entered a phase comparable to that of the European currency snake, which lead to the European Monetary System. But precisely the EMS experience has shown the instability of such agreements. They are bound to evolve towards a single currency, or else to break up.

4. Europe’s American and British friends

There is a still-vital continuity linking the three culminating points of the critical thought about the international monetary system: the Anglo-American reflection, during the long and painful transition from the British to the American supremacy, which gave birth to the Bretton Woods system (Keynes, Robbins, White); the European federalist inspiration, which attained, after Nixon’s decision to transform the gold-exchange standard into the dollar standard, the intermediate objective of Europe’s monetary independence (Albertini, Triffin, Delors); and, lastly, the recent critique of the Bretton Woods institutions’ degeneration, in connection with the decline of the American hegemony and the failure of the late-imperial restoration attempt, which reveals itself in the Washington Consensus (Stiglitz). The European (continental) criticism of the Consensus is embodied in its revolutionary and institutional outcome: the euro. Today, the criticism of the Consensus which is growing in the US and the UK is politically very significant. Stiglitz (professor of Economy at the Columbia University, Nobel laureate, Advisor of the Clinton Administration and, from 1997 to 2000, senior vice-President and Chief Economist at the World Bank, a position he left in protest against the management of the Asian crisis) can be taken as the emblem of this new phase. “The IMF’s Keynesian approach, which was underlining the market failures and the role of governments in the creation of jobs, has been replaced in the 1980’s by the refrain of the free market, in the context of a new Washington Consensus - meaning identical views shared by the IMF, the World Bank and the US Treasury on the *right* policies towards the developing countries... Such ideas ... have later been

considered applicable to all other countries all over the world. Liberalization of the financial markets has been pushed further, despite the fact that nothing proves it is capable of spurring economic growth... We are faced with a globalization process similar to those which brought about the establishment of national economies. Unfortunately, we have no world government, accountable to the people of every country, to oversee the globalization process in a fashion comparable to the way national governments guided the nationalization process. Instead, we have a system that might be called *global governance without global government*, one in which a few institutions—the World Bank, the IMF, the WTO—and a few players—the finance, commerce and trade ministries, closely linked to certain financial and commercial interests—dominate the scene, but in which many of those affected by their decisions are left almost voiceless.... Globalization can be corrected and when this happens, that is, when it is managed in an equitable and just manner, giving voice to all of the countries affected by the policies applied, it is possible that it helps create a new global economy where growth will be not only sustainable, but also more fairly distributed².

Stiglitz's conclusions all go in the direction of reinstating on a global scale some forms of control over the markets. But on the side of Stiglitz there take position nowadays a multitude of academics, scholars, journalists and counsellors to the prince who, in America

and the UK, argue of the superiority of the European social model (which undoubtedly necessitates a slight re-engineering) over America's, refuse to fight against the euro, if Americans, or advocate to join the euro, if British. They see the euro as the real shield protecting the European social model (*ecu* (=shield in French), for European Currency Unit, was the name given to the monetary unit of account before the creation of the single currency). They are our allies. As Altiero Spinelli taught us, the real parties are not the national ones, but those which, across borders, differentiate between nationalism and federalism. Today it comes by far more natural, and more proper, to have a "cosmopolitan view" and think of supranational political solutions for managing the global "risk society"³. Maybe it is possible to start speaking of a "European party" in America. It is the bearer of good suggestions for collective survival, and intends to bring back the new-cons from their unilateral arrogance to pursuing the leadership in a multilateral system through debating with others. In this case we could also verify how credible the idea is that Great Britain today and Turkey tomorrow might play the role of hinge-states, with regard respectively to the United States and the Middle East. I list in the Notes⁴ some works by these American and British authors, written after the historical divide of September 11, 2001, just to make clear which line of thought I refer to. It is that of reason, the federalist one.

¹Charles P. Kindleberger, *World Economic Primacy: 1500 to 1990*, Oxford, Oxford University Press, 1996

²Joseph E. Stiglitz, *Globalization and Its Discontents*, New York, Norton, 2002

³Ulrich Beck, *Risk Society: Towards a New Modernity*, London, Sage Publications, 1992

⁴The decline of the American hegemony and the necessity for the US to abandon its present unilateral approach are themes developed mainly by American authors, namely: Charles A. Kupchan, *The End of the American Era*, New York, 2002; Joseph S. Nye Jr, *The Paradox of American Power*, New York, 2002; Jim Garrison, *America as Empire. Global Leader or Rogue Power?*, San Francisco, 2004. An in-depth comparison of the European and the American social and economic systems, of the kind of the memorable one by Michel Albert (*Capitalisme contre capitalisme*, Paris, 1991), is now carried out mainly by British Authors, like Adair Turner, *Just Capital. The Liberal Economy*, London, 2001 and Will Hutton, *The World We're In*, London, 2002. Among the critical American economists, almost always Keynesian and pupils of Paul Samuelson, I just mention, besides Stiglitz, of course, the numerous popular and argumentative works on this matter by Paul Krugman and Lester C. Thurow.

U.S. Abuse of Prisoners and the Need for International Law

Maggie Gardner

The U.S. has helped build up international law for a reason: it makes the world safer, for our friends and for ourselves. Nothing embodies this benefit more than the law regulating warfare. The four Geneva Conventions of 1949 outline protections for soldiers, the wounded, and civilians during times of conflict. These standards are basic and in line with established U.S. values and practice. By upholding them ourselves, we help ensure that American POWs (prisoners of war) are treated humanely by enemy forces.

The abuses of prisoners in Iraq by U.S. personnel are clear violations of multiple international legal commitments of the U.S., including the Geneva Conventions (The Geneva Conventions protect all persons in enemy hands, whether or not they are officially POWs.) But the problem does not stop there. There is increasing evidence that this abuse has been systematic, stretching from Afghanistan to Guantanamo Bay, and that much of it was established as formal policy to increase intelligence gathering. And it is not new: watchdog groups, including the International Committee of the Red Cross, have been voicing concern about U.S. treatment of prisoners for months, if not years.

In a Senate hearing on May 13, 2004, Senator Jack Reed (RI-D) quizzed General Peter Pace, Vice Chairman of the Joint Chiefs of Staff, about interrogation techniques included on a list of those approved for use with certain Iraqi prisoners:

Senator Reed: "If you were shown a video of a United States marine or an American citizen

in the control of a foreign power, in a cellblock, naked, with a bag over their head, squatting with their arms uplified for 45 minutes, would you describe that as a good interrogation technique or a violation of the Geneva Convention?"

General Pace: "I would describe it as a violation, sir."

Later, Deputy Secretary of Defense Paul Wolfowitz conceded that "What you described to me sounds to me like a violation of the Geneva Convention."

The ramifications of this policy and practice are severe. Not only have we lost credibility in the very country we are attempting to rebuild, but we have undermined our ability to demand humane treatment of our soldiers and civilians by others. In addition, we have forsaken the basic American value of eschewing torture and cruel and unusual punishment. As Human Rights Watch commented more than a year ago, "The right not to be tortured or mistreated is not a luxury to be dispensed with in difficult times, but the very essence of a society worth defending."

Alleged Abuses and U.S. Policy

Human rights groups, including Human Rights Watch and Amnesty International, have raised concerns about U.S. handling of detainees abroad since 2002. The International Committee of the Red Cross, a neutral observer, reported violations of the Geneva Conventions in Iraqi prisons to U.S. officials in January 2004.

The U.S. military has conducted its own investigation, under the leadership of Major

General Antonio Taguba. The report concludes that between October and December 2003 at the Abu Ghraib prison in Iraq, "numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted on several detainees. This systematic and illegal abuse of detainees was intentionally perpetrated by several members of the military police guard force." Specific allegations include beatings; sexual abuse, including rape, sodomy and forced masturbation; keeping prisoners naked for days; using military dogs to frighten detainees; and photographing detainees in humiliating positions. The report also documents cases of "ghost detainees," who were hidden from visiting representatives from the International Committee of the Red Cross, a practice the report denounces as "deceptive, contrary to Army Doctrine, and in violation of international law."

Media reports and Congressional hearings are gradually bringing to light who exactly was involved, who was responsible, where orders might have originated from, and which actions were officially condoned. At least some practices officially sanctioned, such as the deprivation of food, water and clothing and the use of "stress positions", seem to violate the Geneva Conventions and other U.S. legal obligations.

Unfortunately, the mindset of many members of the Administration seems to be that these obligations no longer bind the U.S. According to Newsweek, White House counsel Alberto Gonzales told President Bush in a memo, "In my judgment, this new paradigm [after September 11] renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions."

The U.S. cannot pick and choose when it wants to uphold established international law, including its own treaty commitments. This indifference to international law not only allows individuals to commit moral offenses in the name of the U.S., but also undermines the entire international legal system, which has broader and potentially

devastating consequences for the U.S. down the road. From trade to international security to the treatment of U.S. citizens abroad, international law is the framework that helps make America safe and prosperous. We cannot live without it.

International Law and Prisoners in U.S. Custody

Several international treaties which the U.S. has ratified and upheld in the past include prohibitions on torture and cruel and unusual punishment. These include:

The UN Declaration of Human Rights, 1948

Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

The Third Geneva Convention, 1949

Article 13: "Prisoners of war must at all times be humanely treated... Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited."

Article 14: "Prisoners of war are entitled in all circumstances to respect for their persons and their honour..."

Article 17: "...No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

Article 18: "All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war... Effects and articles used for their clothing or feeding shall likewise remain in their possession..."

The Fourth Geneva Convention, 1949

Article 27: Civilians who are not classified as POWs "are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and

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practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault."

(There is no "limbo state" under the Geneva Conventions: according to the International Committee of the Red Cross, the guardian of the Geneva Conventions, "Every person in enemy hands must have some status under international law: he is either a prisoner of war and, as such, covered by the Third Convention, a civilian covered by the Fourth Convention, [or] a member of the medical personnel of the armed forces who is covered by the First Convention. There is no intermediate status; nobody in enemy hands can fall outside the law.")

The International Covenant on Civil and Political Rights, 1976

Article 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This provision cannot be derogated during a national security emergency.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987

Article 2(2): "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any

other public emergency, may be invoked as a justification of torture."

Article 10: "Each State Party shall ensure that education and information regarding the prohibition against torture [and cruel, inhuman, or degrading treatment] are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment."

U.S. Abuses and the International Criminal Court

Because the International Criminal Court (ICC) is based in part on the Geneva Conventions, some of these protections for POWs are included under the definition of war crimes in the Court's Statute (such as "torture or inhuman treatment" and "committing outrages upon personal dignity, in particular humiliating and degrading treatment").

However, the ICC does not currently have any jurisdiction over the actions of U.S. nationals in Iraq. In addition, the ICC cannot take action on any case involving an American as long as the U.S. justice system at least investigates these allegations, whether or not it determines there is a sufficient basis for prosecution. We should be able to expect at least this much from our courts. Our leaders must now demonstrate the political will to ensure that our justice system conducts thorough and transparent inquiries into these serious allegations.

European Citizenship to Residents

Paul Oriol

In democratic countries everybody has rights that make him, in some ways, a citizen: social, cultural, labour rights. But almost everywhere the political citizenship is reserved to nationals.

According to the European Charter of Fundamental Rights (the Charter): "Everyone is equal before the law" (Art. 20) and: "Within the scope of application of the Treaty establishing the European Community, and without prejudice to the special provisions thereof, any discrimination on grounds of nationality shall be prohibited" (Art. 21 (2)). Equality is the rule, inequality the exception. Exceptions will have to become rarer according to the Tampere Summit Conclusions: "The legal status of third country nationals should be approximated to that of Member States' nationals. A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens".

The Treaties

The EU citizenship has been instituted by the Maastricht Treaty (the Treaty): "Every person holding the nationality of a Member State shall be a citizen of the Union" (Art.8-1). The Treaty lists the rights attached to this citizenship: "the right to move and reside freely within the territory of the Member States" (Art.8A-1), "protection by the diplomatic or consular authorities of any Member State" (Art.8C), "right to address a petition to the European Parliament" and "to apply to the Ombudam" (Art.8D), "right to

vote and to stand as a candidate at municipal elections in the Member State where he resides, under the same conditions as nationals of that State" (Art.8B-1) and "at elections to the European Parliament" (Art.8B-2).

These rights are of a very different nature. The right to move and to reside can be referred to the Rights of Man: "Every person has the right to move freely and to choose his residence in the territory of a State" (Art.13-1 of the Universal Declaration of the Rights of Man) and "Every person has the right to leave any country, including his own, and to return to his country" (Art. 13-2). This freedom, called for since the Rome Treaty, is not yet fully recognized, even for citizens of the EU. Its extension to nationals of third countries is provided for by the Charter: "The freedom of movement and residence can be granted ... to nationals of third countries legally residing in the territory of a Member State" (Art. 44-2).

The diplomatic and consular protection is a right of the national. "The State must give its protection to its nationals which translates into diplomatic and consular protection to be given to nationals being abroad ..." (European Convention on the reduction of cases of multi-nationality and on military duties in cases of multi-nationality, François Julien-Laferrrière, *Migrations Société*, n. 80, March-April 2002).

The right to petition and to apply to the Ombudam is a right of any administered person. The Treaty grants it to "any natural or legal person residing or having its registered office in a Member State" (Art. 138D) and the

Ombudsmen is "empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State" (Art.138E).

The right to vote and to stand as a candidate at municipal and European elections is reserved to EU citizens.

The Treaty makes of a citizen, in turn, a person-citizen, a consumer-citizen, a national-citizen or a citizen-citizen. Of course, the Rights of Man or those of consumers are also a form of citizenship. But the core of citizenship is indeed the participation in political decisions. The Charter goes further than the Treaty: "Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters..." (Art.12-1). It grants to everybody, hence to nationals of third countries, the right of participation, "in particular in political ...matters". Nationals of third countries may be members of a political party "at all levels", may preside over them, but they cannot vote in any political election.

Present situation

Because of the Treaty, over the same territory people having the same duties are enclosed in castes of citizenship with different rights:

- national citizens living in their national territory (365 million people) have the right to vote and to stand as a candidate in any election
- EU citizens being in a EU country other than that they are nationals of (5 millions) have only the right to vote and to stand as a candidate in municipal and European elections
- nationals of third countries (15 millions) have (in Belgium¹, Denmark, Finland, Ireland, Luxemburg, Netherlands, Sweden) or do not have (in Germany, Austria, France, Greece, Italy) the right to vote and to stand as a candidate in certain local elections, depending on the laws of the country of residence and on peculiar norms of some countries (Spain, Portugal, United

Kingdom) and in all of the States, there are outcastes, as the *sans-papiers*.

The EU citizenship adds a legal discrimination to the many already (ill)suffered, and in a way legitimizes them. In order to suppress such a political discrimination, could the residence be taken as the criterion for awarding citizenship, just as nationality is?

It is obvious that, according to the subsidiarity principle, it is a State that awards its nationality. It would be obvious likewise that it is the EU that awards the EU citizenship. But the EU citizenship is based on nationality, so the States are awarding it indirectly. Hence an inconsistency. Two brothers, Turks, establish themselves in the EU, Ali in Belgium, Umit in Germany. After 7 years, Ali gets the Belgian nationality and becomes a EU citizen. Umit cannot do that. But, as he is perfectly integrated, his business prospers. He calls Ali to live with him. Since his arrival, he, a Belgian and hence a EU citizen, has the right to vote and to stand as a candidate in municipal and European elections. He does not know Germany, does not speak German... Umit cannot vote, but could help him in that task!!!

The Treaty has shown that the arguments against the right to vote for foreign residents are weak in the face of a determined political will. The EU citizens enjoy their rights deriving from the EU citizenship whatever their degree of integration, the length of their residence, the language they speak.

There remains to speak of the reciprocity principle: no fundamental principle requires reciprocity for awarding new rights. It is never claimed for opening citizenship to Norwegians or New Zealanders. Such requirement would make the quality of democracy within the EU dependent on the States that the foreigners have left for escaping corruption, bad management or oppression. The countries that have given the right to vote before the Treaty have done so with

the intention of democratizing their society. They have given it to all residents whatever their nationality.

Extending citizenship is the conclusion of the slow but progressive process of bringing the rights of foreigners in line with the nationals', of extending the right to vote towards a real universal suffrage (from the wealth-based vote to suffrage reserved to men, then to women, then to the young).

Nationality vs. Citizenship

The link Nationality - Citizenship is just an historical one, albeit it is made sacred by the notion of nationality, which can be felt as essential, uncreated. However, laws on nationality vary a great deal depending on traditions and real or alleged interests of the moment.

According to the 1999 census of population, there were 3.260.000 foreigners in France. Demographer Hervé Le Bras could write: "If France had the same laws as the United States, the 510.000 foreigners born in France would be French. And if we had the laws of Latin American countries, residents for more than 10 years would have acquired the nationality of the host country. We would count then 638.000 foreigners only!" (*Coup de Soleil*, no.21) And we could also add: with the German laws, before the last reform, or the Swiss laws they would be 6 or 7 millions! So, depending on which legislation is applied, the "foreign" population can vary from 600.000 to 6 millions! That relativizes the notion of foreigner and that of national.

The Belgian law of 2000 has made easier the acquiring of nationality, determining a significant reduction of the number of foreigners in Belgium without any real change in the composition of that population! Actually, there have been "61.980 naturalizations in 2000, 62.982 in 2001 and 46.417 in 2002. Before that, the country was registering between 25.000 and 35.000

naturalizations a year" (*Le Soir*, 21/06/2003).

Nationality is not the only criterion for awarding rights. More and more, residence is playing that role. From the rights of the *sans-papiers* to the right to get the nationality, passing through the social, labour, cultural, political rights. Rights that were considered political yesterday are recognized today, in democracy, to foreign residents: right of association, expression, manifestation, to join trade-unions ...

The link nationality-citizenship appears so "natural" that often the two words, citizenship and nationality, are used interchangeably. However, they do not answer the same question.

Nationality answers the question "Who are we?", and the answers are several, because people's allegiances are several: nationality, but also family situation, profession, religion, gender, age, and to a little extent citizenship... There is no point in negating the links which exist among people of the same nationality, even if such links make often reference to common ancestors and such attachment is explained by the right of blood. This story is mythical at the national level, and it is even more so at the European level. There is no European people, there is diversity of peoples, of cultures, of religions...

Citizenship answers the question: "How to construct a common future in diversity?". A citizen is one who takes in his hands his situation respecting the common good and, in democracy, with no exclusion. Citizenship implies a relation with others, conflicting but egalitarian.

The European Commission could say that "the nationals of other Member States integrate themselves in the economic and social activity of their hosting country, all the more so as they already enjoy the same rights as the local nationals... It is more logical, if not fully justified, to take part in the elections organized

in their town of residence, even if they have the nationality of another Member State, rather than to continue to participate in the elections of a town where they no longer reside, which they have the nationality of". (Proposal for a Council directive on the right to vote of nationals of another Member State in the municipal elections in the Member State of residence, COM (88) 371, 24/06/1988). If the awarding of political rights is a factor of integration and they are awarded to some and not to others, does it mean that there is an intention to integrate some and not others?

Everybody must be in a position to participate in the construction of a common future, by his professional, sporting, artistic, demographic contribution; but also to participate in the moment when decisions are made. Citizenship is a factor of social cohesion. Can one imagine a true equality in the enforcement of law without equality in drafting it? The right to vote and the EU citizenship would legitimize actions which often are performed already when one participates in the life of his neighborhood, his company, his church, his sporting club or his association of school parents. To this *de facto* citizenship there must correspond a *de jure* citizenship, lest frustrations are generated.

Europe cannot but be based on universal values. Moreover, it must really accept both the variety of cultures and universalism. It cannot be content with a petty multi-culturalism and universalism without, one day or the other, paying the consequences. Nation-States have often been created before citizenship, before the institution of democratic systems; and they are not there even for the EU: there is no European people, there is no European nation-State.

The EU citizenship is a citizenship without State. Diversity is congenital in Europe. Why not to base "Europeanship" on citizenship, on adhesion to principles, on participation? Why shouldn't Europe be a creation by its citizens, by all those who declare their will to participate? Such desire of egalitarian citizenship will constitute the European identity, that cannot be a national identity. Adhesion by naturalization is an adhesion to an already-constituted mythical community. Adhesion by citizenship is an adhesion to a project, to an identity in the process of being built, which rests on a political plan, on reason.

Practical considerations

On the occasion of the European Social Forum, the campaign and a petition² "One Million Signatures in favour of European Citizenship for all Residents" has been launched. It is supported by more than 250 organizations from 12 out of the 15 EU countries. One million signatures for asking the Commission a proposal on this matter, related to the project of the European Constitution. In order to bring this political discrimination in the European political space in the making. At the moment of European elections, of the discussion on the project of the Constitution, of the out-bound enlargement, which should not make us forget the in-bound enlargement and the 15 to 20 million people living on the EU territory without having its citizenship. Its goal is to modify the criteria for awarding the EU citizenship, which should be: "Every person residing in, and every national of, a Member State shall be a citizen of the Union.". Such a wording would be closer to the values declared in other places.

¹In Belgium, nationals of third countries do not have the right to stand as candidates.

²The text of the petition is available in the 11 languages of the EU on the website: <http://www.fidh-ae.org/petition-million.htm>

Ringling an Alarm on the State of Science and Research in the U.S.

Anna Sarotto

John E. Jankoski, of the National Science Foundation, in a recent article published in the *New York Times*, sounds an alarm stating that the United States risk losing their primacy in science and innovation. "The areas of excellence no longer belong to the US only" and the threat comes from Europe, from Japan and from China, says Jankoski. He mentions four important indicators supporting his statement: the number of patents, that of scientific publications, the number of Nobel laureates and the number of research doctorates.

The number of patents. The US still rank first, but in the last twenty years the rate has gone down from 60% to 52%. Of all patents granted, only one half originate from the United States. The other half are the fruit of work done in Germany, Japan, Taiwan and South Korea. Japan climbed from 12% in 1980 to 21% in 2003.

The number of scientific publications. In 2003 American publications in Physics were 29%, down from 61% of twenty years ago. Other disciplines saw a similar decline. China is now ranking first with more than 1,000 works published last year.

The number of Nobel laureates. Until a few years ago the US held undisputed primacy, but this suffered a sharp decline with only 51% of the prizes awarded to Americans and the remaining 49% going to British, Japanese, Russian, German, Swedish, Swiss and New Zealander scholars.

The number of research doctorates. The number of applications for research doctorates for the coming year shrunk by 25% in the US

while increasing in Europe and Asia. To this it must be added that many foreign researchers, after achieving a Ph.D. in prestigious American universities, choose to go back to their countries of origin instead of staying in the United States.

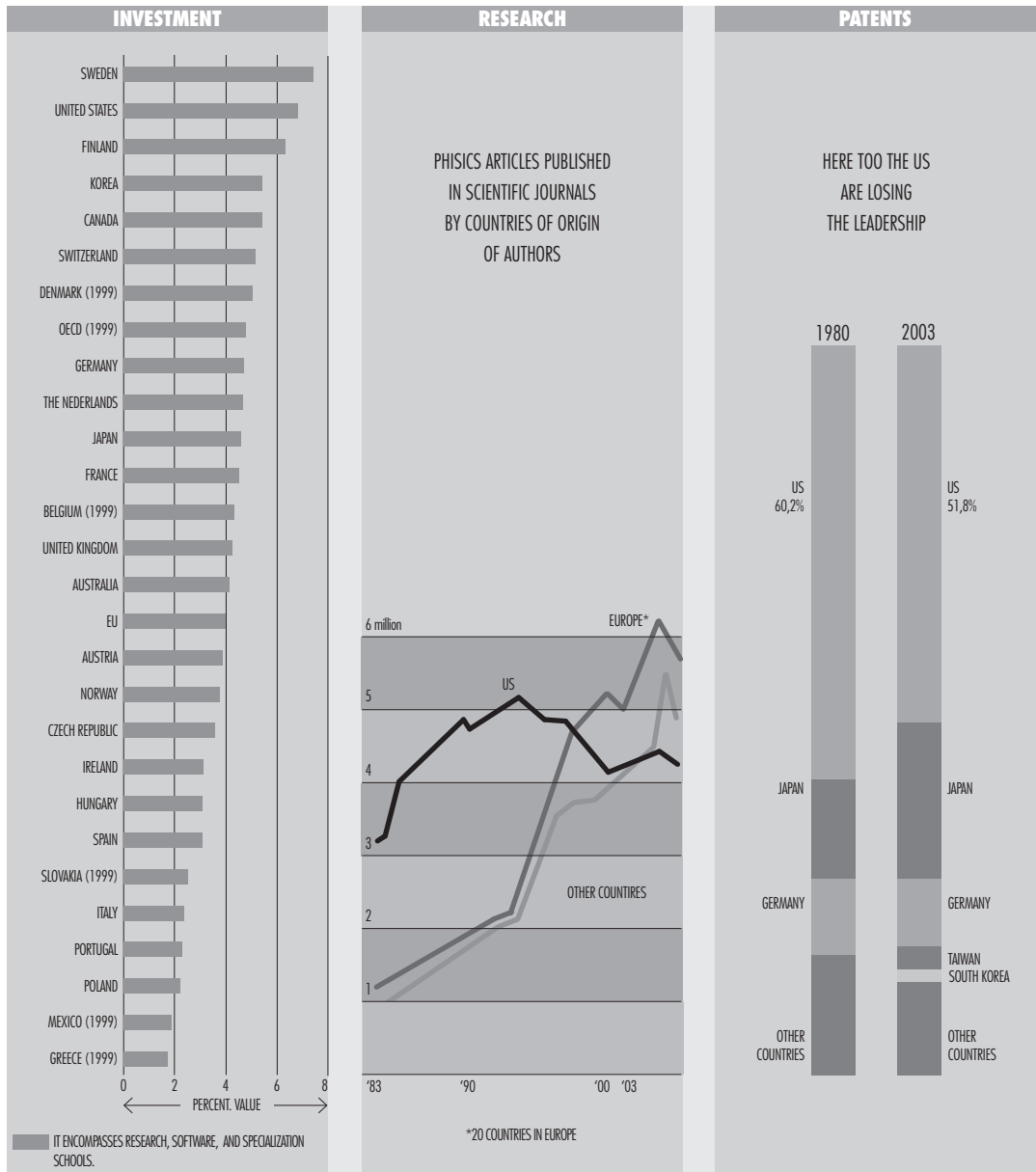
The *New York Times* article lists yet more negative trends. War in Iraq, for instance, caused significant cuts to the budget for scientific research and education, with space missions and national security marking the only exceptions. The fight against terrorism led the federal government to adopt severe visa restrictions, thus limiting the number of students, teachers and researchers coming from foreign countries. These are also attracted by the opportunities offered by China and India and by American multinationals that invest in these countries not only to take advantage of local cheaper labour, but to set up advanced research and engineering units as well.

Analysts express their concern that, while Europe and Asia are growing, scarce consideration is given to this development in the United States. A recent event shocked Americans: the presence of methane on Mars was discovered by Mars Express, a European space probe equipped with an Italian instrument. The American media did not mention the fact, while giving much coverage of the images sent by Spirit and Opportunity, the two NASA robots. Similarly, little has been said and written about the new LHC particle accelerator built by Cern in Geneva, which will be the most powerful tool in the world to explore the mysteries of matter.

Comments

If these negative trends continue, they can certainly have severe repercussions on the whole American economy, the analyst warn. On their part, great regions of the world such as Europe, India and China still need to make

massive efforts to invest in technology and innovation in order to assert their position in the global economy which is increasingly based on knowledge. These investments will also bring enormous social and economic benefits.



Federalism in Today's Europe: A Clarification Effort

Bob Molenaar

What is federalism? How has it developed and what is its future? In a special issue of the Strasbourg based *Revue d'Allemagne* its editors last year made an attempt to give the answers. They recalled that federalism is now applied in 25 countries representing 40% of the world's population. They mention the differences between pioneer federalism of the Swiss cantons and recent developments towards federal structures in Belgium and, earlier, in Britain, France and Italy. Looking at this wide panorama of federal political systems within nation states the authors conclude that Europe presents a different context and that consequently it is unlikely that Europe will develop into a federation.

This conclusion is a wrong one, and it is even in contradiction with everyday experience. As it is not only found in the serious research product published in Strasbourg, but also in the day-to-day attacks against federalist action, it calls for a clarification, also in the federalist debates of today which often do not go beyond the contexts of yesterday's achievements.

Federalism is described as a balanced division of power between the central state and local and regional bodies. But that is not the essence of the federalist approach. It is what its result should be, in a specific context, that of the nation state. In reality, federalism is a universal approach aiming at giving each level of government the maximum of responsibilities according to its capacity of providing solutions for the problems with which it is confronted, while handing over to a higher level of government such issues as it is unable to master. The fashion word

"subsidiarity" is, in fact, reproducing part of the federalist approach, seen in a mirror!

Looking at today's Europe we find a federation created centuries ago by its components, the Swiss cantons, which still officially describe their federation as the "Confédération Helvétique". The United States have gone through the same process, and similar constructions of past centuries can be found elsewhere. Internally, they may still apply the federalist approach to specific new issues no longer mastered by its components. These, in turn, have maintained their remaining part of sovereignty and are proud of it.

Quite different is the story where nation states grant specific parts of the country a certain amount of autonomy. In these cases, power comes from above and is not transferred up to get better governance. France and Italy, Spain, and also Great Britain - for Scotland and Wales - and Belgium, are such cases. Significantly, the British call this "devolution" as the Parliament in Westminster remains fully sovereign!

Germany and Austria also have federal structures. In their present form they are the outcome of the setting up of democratic institutions after the end of World War II to replace the Nazi-regime. The resulting mix shows memories of the medieval past - member states Hamburg and Bremen - as well as influences from the American federal set-up introduced by the allied powers.

In all "traditional" cases of federalist constructions, the "bottom-up" situations, the strength and role of the original components have largely determined the final set up.



Comments

Swiss cantons, American states yielded power to what now has become a nation state. In the “devolution” cases, the nation state has remained the focal point of power, although some of it went down to the components involved.

What conclusions to draw from these comparisons for the perspectives of European federalism? Not that it is unlikely, but certainly that it will be different. Its components have gone far beyond the development of the Swiss cantons when they swore in their federation or that of the American states establishing their union. The European countries of today are fully developed modern industrial nation states; citizens have a strong link with them and consider them as the main centre of governance. Bringing together will not create a state - although Hallstein gave his book the title “Der unvollendete Bundesstaat - but a new structure *“sui generis”*. It will be limited in its responsibilities - in a truly federalist approach - to such issues as even the modern nation state can no longer master.

Studies of the origins of federalism, of the evolution within centuries-old federal states, of the ups and downs of today's domestic federalism are certainly worth while. But as lessons for the future they can only serve a useful purpose if the huge gap between yesterday's federalising components and the modern industrial nation states of Europe is fully taken into account.

The “rightful balance” earlier mentioned as the successful outcome of earlier federalism, does not it bear a striking resemblance to what

today's Europe tries to achieve when applying the “*méthode communautaire*”? This brings us to a further look inside, into the history of the more than fifty years of “making Europe” we have already behind us. If federalism is an approach, there is no ideal blue-print federation of the future we should have in sight when building a federal Europe. Our task as federalists would be to analyse day after day, year after year, decade after decade what tasks our beloved and cherished nation-states can still master in a - rapidly - changing world. We have to look at new formulas which respect the role of the nation state while building a common structure above them to preserve and defend their way of living in a more and more globalised world. It is on that basis that we have to identify - day after day, year after year - what has to be transferred to Europe in order to ensure good governance and what can be left to the nation state which will continue to be seen by the citizen as the main political structure. Seen in that light, the most important article of the European constitution now to be decided on is perhaps the paragraph describing how to amend it in future!

The federalist adventure in Europe as described above thus is not some idealist construction for the future. It is day-to-day political business ever since the High Authority of Schuman and Monnet got supranational powers. Federal Europe is not a dream for the future, it is constructed step by step. Too slowly, as national ministers, civil servants, parliamentarians do not like to confess there are things their citizens need which go beyond their capacity, are beyond their horizon. And that is why you need federalists to keep things moving. For better governance, today, and tomorrow!

The U.S. and Europe, 1945 to Today

*Immanuel Wallerstein**

Since 1945, a primary objective of U.S. foreign policy has been to keep western Europe as a subordinated, highly integrated part of its geopolitical strategic resources. This was easy to achieve in the aftermath of the Second World War, when Europe was economically exhausted from the effects of the war, and when a majority of its populations, and even more of the political and economic elite, were fearful of Communist forces, both because of Soviet military power and because of the popular strength of western European Communist parties. The U.S. program took the form of Marshall Plan economic assistance for European recovery and the creation of the North Atlantic Treaty Organization.

It is within this context that the moves to create European institutions took place. At first, these efforts were limited to six countries - France, West Germany, Italy, and the three Benelux countries - and involved limited economic arrangements. There were also early efforts to create European military structures, which were not successful. The movement in this direction was strongly supported by European Christian-Democratic parties, but also by Social-Democratic parties. They were strongly opposed by the Communist parties in these countries, who saw these structures as part of the Cold War. From a U.S. point of view, European structures seemed desirable, both because they strengthened European economies (and therefore made them better customers for U.S. exports and investments), and because they seemed to be a way of allaying French fears about German military rearmament and integration into NATO.

By the 1960s, two elements in the equation began to change from the U.S. point of view. First, Western Europe was becoming too strong. It was emerging as an economic peer of the U.S. and therefore as a potential serious competitor in the world-economy. Secondly, Charles de Gaulle came to power once again in France. And De Gaulle wanted to have European structures that would be politically autonomous, that is, not subordinate segments of U.S. geopolitical strategic resources. At this point, U.S. enthusiasm about European unity began to cool. But the U.S. found itself politically unable to state this openly. There were further shifts in the situation. The Communist parties of Western Europe grew weaker electorally. And their politics began to change in the direction of what was then called Eurocommunism. One of the consequences was a shift in the position of these parties about European structures, which they began cautiously to support, or at least tolerate.

This was the period in which the U.S. was losing the war in Vietnam, which took a serious toll on the U.S. geopolitical position. The combination of this political-military setback, combined with the emergence of Western Europe and Japan as major economic competitors, meant the end of unquestioned U.S. hegemony in the world-system and the beginning of a slow decline. It required a major shift in U.S. foreign policy from the simple outright dominance of the earlier period. The shift started with Nixon - détente with the Soviet Union, and more importantly the trip to Beijing and the transformation of U.S.-China relations. Nixon initiated the policy of what I call soft multilateralism," a policy that

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would be pursued by every successive U.S. president from Nixon to Clinton, including Reagan and George H.W. Bush.

In terms of Europe, the main consideration was how to slow down what seemed to be a growing trend towards European political autonomy. To do this, the U.S. offered Europe geopolitical "partnership" (that is, a degree of political consultation) on two fronts - the continuing Cold War with the Soviet Union, and the political-economic struggles of the North versus the South. This was supposed to be implemented by a multitude of institutions - among others, the Trilateral Commission, the meetings of the G-7, and the World Economic Forum at Davos. The program on the Cold War resulted in the Helsinki agreements. The North-South program resulted in the drive against nuclear proliferation, the Washington Consensus (in favor of neo-liberalism, against developmentalism), and the construction of the World Trade Organization.

In the 1970s and 1980s, one could say that the adjusted U.S. foreign policy was partially successful. Although Europe's political autonomy increased - remember German's *Ostpolitik* and the gazoduc linking the Soviet Union and Western Europe - by and large Europe did not wander very far from the U.S. geopolitically. In particular, attempts to create a European army were effectively blocked by continuing opposition by the United States. In practice, although not in words, the U.S. had become hostile to European unity.

U.S. policy seemed even more successful on the North-South front. Most Third World countries fell in line with the IMF's structural adjustment policies, and even the socialist countries of east-central Europe moved in this direction. Popular disillusion with the national liberation movements in power and with the Communist regimes in the socialist bloc muted any remaining militancy and created a sense of morose pessimism among the world left. And

of course, the final "triumph" was the collapse of the U.S.S.R.

But this "triumph" did not at all serve U.S. foreign policy interests, least of all in western Europe. For it removed the last major argument as to why western Europe should accept a subordination to U.S. geopolitical "leadership" around the world. Saddam Hussein seized the moment to pose an overt challenge to the U.S., something he would never have been able to do in the previous Cold War days. The Gulf War ended in a truce at the line of departure, which, as the decade went on, seemed less and less acceptable to the U.S. Clinton nonetheless pursued the Nixon policy of "soft multilateralism" in the Balkans, the Middle East, and East Asia, and the west Europeans still declined to break openly with the U.S. on any major issue. Meanwhile, to ensure that western Europe would stay in line, the U.S. pushed hard for the incorporation into European institutions (and NATO) of the now non-Communist east and central European states, feeling that these states would be eager to maintain and reinforce ties with the U.S. and would thus counterbalance the emerging autonomist sentiments in western Europe.

Enter George W. Bush and the hawks. They viewed the Nixon-to-Clinton foreign policy as incredibly weak and a major contribution to the continuing decline of U.S. power in the world. They were particularly disdainful of any reliance on United Nations structures and especially anxious to contain Europe's aspirations to political autonomy. In their view, the way to do this was to assert U.S. power unilaterally, and militarily, in a blatantly forceful way. Their target of choice, well announced beforehand during the 1990s, was Iraq, for three reasons: The Gulf War had been "humiliating" for the U.S. in that Saddam Hussein survived; Iraq would be an excellent site for permanent U.S. bases in the Middle East; Iraq was an easy target, militarily, precisely because it did not have weapons of mass destruction.

The theory of the hawks was that the conquest of Iraq would demonstrate the unbeatable military superiority of the United States, and would therefore have three effects: It would intimidate the western Europeans (and secondarily the East Asians) and end all aspirations for political autonomy. It would intimidate all aspiring nuclear powers and induce them to abandon any pretensions to obtaining such weapons. It would intimidate all Middle Eastern states, and induce them to end all aspirations for self-assertion geopolitically as well as get them to accept a settlement of the Israel/Palestine issue on terms acceptable to Israel and the United States.

This policy has been a complete fiasco. The seemingly easy target of Iraq has turned out not to be such an easy target. At the moment, the U.S. occupation is facing resistance and an ever-growing uprising which will minimally end with an Iraqi government not at all to the taste of the U.S. and maximally with a total withdrawal of U.S. forces, as happened in Vietnam. The attempt to split Europe into two camps - the so-called "old Europe" and "new Europe" - had momentary success. But with the Spanish elections, the tide has turned entirely, and Europe is on the verge of establishing its geopolitical autonomy for the first time since 1945. Nuclear proliferation has not been slowed down. If anything, it has been speeded up. And Middle Eastern states are pulling away from, not edging towards, the United States (with the exception of Libya, a policy that may not last). And Israel/Palestine is in total deadlock, which will persist until it explodes in a way that cannot be contained.

The macho unilateralism of the hawks has failed, and support for such a policy within the United States has declined considerably, even among Republican conservatives. However, what is the

alternative? What the Republican moderates, and even more the centrist Democrats, led by John F. Kerry, offer in its place is a return to the "soft multilateralism" of the Nixon-to-Clinton years. Can this work now? It is very doubtful. It is almost certain that, in the next decade, the siren of nuclear armament will attract a dozen states at least, and that we shall be going from eight to twenty-five nuclear powers in the next quarter century. This provides a real constraint on U.S. military power. There seems no likelihood that Middle Eastern realities will move in any direction the U.S. will like. This is particularly true of Israel/Palestine.

What of Europe? Europe is the big question mark of world geopolitics at the moment. Even the most "Atlanticist" of Europeans has become wary of the U.S. government, and even of a "multilateralist" U.S. But Europe still shares one interest with the United States - the North-South struggle. The adoption of a serious European constitution is still in doubt, especially since a single negative vote on a referendum in any one country can undo any agreement. And in particular, the European left is not yet cured of its post-1945 doubts about European unity, and is therefore not yet ready to throw itself wholeheartedly into European construction. This is particularly true in the Nordic countries and in France, but there are some similar reserves almost everywhere.

A strong autonomous Europe is a first, and essential, building block of a multipolar world. An autonomous Europe that would be willing to work towards a fundamental restructuring of the world-economy in directions that would actually start to overcome the continuing North-South polarization would constitute an even greater change on the world scene. Both are eminently possible. Neither is at all certain.

*Fernand Braudel Center, Binghamton University, <http://fbc.binghamton.edu/commentr.htm>, Comment No. 137, May 15, 2004

The European Empire

Barbara Spinelli

Starting from May 1st, 2004, the European Union changed its conformation, its appearance, its frontiers. It enlarged itself to comprise eight East-European countries, that until 1989 have been part of the Soviet anti-Western bloc, and in the same occasion it received Cyprus and Malta. Our ruling classes tend to minimize the event, as happens when somebody wants to hide an unpleasant, costly, embarrassing, hence unpopular reality. Old Europe behaves as if it is living today in the best of possible worlds and finds itself now, driven by the winds of history, to have to make an indigestible sacrifice in order to rescue the other part of Europe, segregated until yesterday in the East.

In reality, things are different: in the last years the European institutions have embarked on a monumental enterprise for restoring societies ruined by Communism and preparing them for the joining. Such a successful nation-building has no precedent and it already gives Europe a new dimension, that it should be proud of, if only it would be willing to recognize it.

In general, however, in the West the enlargement is not presented like that: it is presented as an act of generosity imposed by external forces, that the Fifteen must perform, but that will probably end up being costly and disruptive. They talk of the Easterners as poor relatives, who will get many benefits from Europe, without becoming a common asset for the Union. There is a peculiar mix of pessimistic sloth and optimism without far-sightedness in such a minimalist reluctance by the old Union. There is the pessimism of those having a very short sight, concentrated on the perturbances already caused by the enlargement:

the conflicting relations with Washington over Iraq, the Easterners' poverty, the increase of migration in the enlarged Union. And there is a strange, stupefied optimism of those that have seemingly lost their sight completely: Europe is all right as it is -say many among the Fifteen- and enlarging it risks to water down something that in their opinion is accomplished already.

Such optimism is strange because it is inconsistent. On the one hand, it prides itself of an apparently functioning Union, needing no other common great project after the euro: a Union which would be threatened, more than exalted, by the enlargement. On the other, the optimism of the status quo is contradicted by facts: indeed, it was the Fifteen that laid the foundations of a qualitatively-different Europe, thanks not only to its constitution, but also to its new continental extension, which is in the interest of the Union and has been made easier by the wide-ranging operation of absorbing the East in democracy and economy.

This image of a Europe weakened by the enlargement does not correspond to truth; it comes from the fact that the Fifteen appear to be torn between old illusions and a new, albeit concealed, awareness. Old illusion, because they live as if they could continue to reconcile what is no longer reconcilable: the imaginary sovereignty of the States, and the lack of a political sovereignty by the Community institutions. That is why they play down the reunification with the other Europe: because they pretend not to see the drawbacks of the *status quo*, and therefore they do not appreciate the new strategic dimension of the Union.

Concealed awareness, because it was themselves and the Commission that boldly integrated the East, without drawing, however, the conceptual consequences. What they do not see is that even in the West governments are intrinsically fragile if Europe is not made, as happens for the East-Central Europeans, compelled to relinquish their freshly-regained sovereignties. It was apparent recently in France: not making Europe destabilizes government majorities -left- or right-headed, western or eastern-systematically punishing who cannot deliver on his promises during the election campaign. And so on in a vicious circle, for the simple reason that no leader dares to say the truth: no important reform is possible nowadays if the political dimension remains national, and if we don't create a Europe which, alone, can confer to the States a wider dimension, a wider market, a wider perspective.

Those who play down the enlargement pretend to be defending the Union, but actually they are the custodians of a national sovereignty they no longer possess, and of a Union that still lacks the size that allows to give back to the Europeans the control over their destiny that the governments have lost and the citizens nevertheless unceasingly claim. What else is in fact "to keep one's word" in an election campaign other than "to control one's destiny"? The single States cannot do it any longer, alone. With a strong Europe they could do so, and precisely such a Union is to be built now, providing that the reduced sovereignty imposed in the East is intimately accepted also in the West.

If so, the enlargement is an exceptional opportunity, not a sacrifice or the payment of historical arrears or a hindrance to the Union's institutions and economy. It does not mean either that we have fallen asleep after the euro. The big project is there already: it is the enlargement itself (Europe's reunification, it's called in the East) and now it is a matter of making it yield fruits the same way Benjamin Franklin was urging to build up the republic born from the

US Constitution in 1787: "A republic, if you can keep it".

The same with the Europeans: with the enlargement they will have for the first time a physical stature of such a strategic value as to give substance to their presence in the world. They will have a formidable weapon of economic and foreign policy, if they will be able to improve the Union by giving it the means, the institutions, the decision-making methods, the constitution, the policies it requires to assert itself. Majority voting will be essential, many Easterners are convinced of this. Jan Zielonka, a Polish political scientist, has denounced the disadvantages of unanimity: "Unanimity requires each time money compensations to be given to the filibustering States, and leads to the adoption of the least common denominator". This means that unanimity is not only paralyzing, but also costly. Should it be abolished, the Union's new dimension will become a real resource. 75 million citizens will be added to the 379 million already present, giving birth to a continent of 454 million people: it is a geo-political force comparable with the USA, Russia, India, China. With that size we will get weight and possibility to be heard.

In Europe's West, things are not seen in that way. They act as if the enlargement were simply an extension of what presently exists, and would not require a veritable quality leap. As we have seen, they belittle the huge work that the Commission has carried out for integrating the Eastern candidates and bringing them to comply with the community norms. Even before joining, they had to adjust to the so-called *acquis communautaire*, the 31 absolute requirements without which admission would have been impossible (transitory provisions are provided for agriculture and free movement of people). These 31 requirements (or Chapters of the *acquis communautaire*) concern market transparency, the functioning of public administration and services, the relations with ethnic minorities, the fight against corruption. They concern

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the free movement of goods, people, services, capital, and also company laws, juridical system, competition, social policy, ecology, education, the media. Democrats in the East are astonished today at the amount of work -methodical, determined, exacting- carried out by the Commission under Prodi's leadership, which every year was publishing its reports on the progress of integration, not so much economic, as juridical, administrative and democratic. "The negotiating attitude of the European Union, always uncompromising on issues of principle, has taught the common people of the East that market economy depends on the rule of law, and that the two have to be inseparable" -said Jiri Pehe, former counsellor to Vaclav Havel.

Much remains to be done and escaped the vigilance of Brussels. Slovenia, for example, joins the Union without having solved the problem of 130.000 Slovenians who have been "wiped out" and are non-citizens, because they are ethnically non-homogeneous (Serbs, Croatians, Albanians, Bosnians) and have not been registered in time in the new citizenship. However, most is done, and much greater would have been the cost of not joining, if ethnic troubles had taken root in the East. The price paid for integrating the East is anyway much lower than that paid for militarily repressing violence in the Balkans.

We tend to underestimate this success, but its significance is enormous. Since the Copenhagen summit, which in 1993 planned the enlargement, Europe has committed itself to a huge nation-building operation in an area disrupted by Communism, and has even produced a world model. It was not a case of rebuilding classical

nation-States, as happens traditionally in nation-building, but of propping up States that since the beginning accepted a sovereignty higher than their own. They have chosen the rule of law rather than the rebuilding of ethnic nations. This is a great contribution that Europe can give to future projects for a great Middle East or in Central Asia.

With its new continental dimension Europe has all the prerequisites for becoming a power. Its nature is going to change, because national particularisms should have been overcome. Some, like Zielonka or the Czech political scientist Rupnik or Claudio Magris, foresee its future in a kind of imperial constitution: it is the preferable solution. Magris recently said very convincing things: "Only the great imperial systems were able to protect minorities (...), Europe can certainly protect cultures and minorities better than nations do (...). Diversities have never prospered so much as under Rome and Austria-Hungary" (interview given to Paolo Rumiz, *La Repubblica*, March 12, 2004).

The sovereignty we have lost in the States we can recoup in such new Europe-empire, and make it an instrument for counting in the world. And if so many Easterners did not understand it yet, it is because they are slavishly imitating the narrow-minded nationalisms in the old Union, where its national governments keep it paralyzed and waver between being conservative or brave. The great Europe is our project, but, as Franklin said, it can be so only on one condition: "If you can keep it", if we will be able to give ourselves the means, the institutions, the methods of decision, the policies to give it substance.



The Competitive Course of the New Europeans

Tommaso Padoa-Schioppa

The young European Union's frontier moves to the East, as two centuries ago that of the young American federation was moving to the West. We can ask ourselves about the economic significance of enlargement, although we know how difficult it is to separate it from the political, cultural and strategic ones. For some years now, consumers, entrepreneurs and governments in the Union are a prey to dejection, which paralyses and wears out. So, they look at the entry in their market by ten new countries in the same black mood. Instead, they should see in it a providential opportunity, because with the entry of those countries the whole Union is enriched by the mix of needs, resources, institutions, in which the secret of economic growth lies.

Firstly, the needs. The newcomers add less than 5% to the Union's GDP, but 20% to its population. The difference between the two values gives the measure of the gap to be filled: a need for better houses, comfortable furniture, appliances, cars, clothing, travels, roads, airports. Hence, more jobs and investments, an immense construction yard.

Secondly, the resources: a high education level, combined with highly competitive salaries. It is the same combination, although in a less intensive form, that is making the fortune of Asian economies.

Thirdly, the institutions: a regained democracy, modern laws, homogeneous to ours, flexible and reactive markets. A gigantic reconstruction operation has already been performed since the collapse of the Soviet system to the present day, driven precisely by

the prospect of entering the Union.

Finally, the size of the new member-States helps: out of the ten coming in, six are less populated than Ireland, which presently is- apart from tiny Luxembourg- the smallest country in the Union. For many years the smaller countries have been the most vital and dynamic in Europe; they are free from illusions of self-sufficiency, and reluctant to keep alive with compulsory measures inefficient national companies in industry and services.

It is not true that the enlargement gives advantages to the new countries at the expense of the old ones. For European enterprises looking for markets where to sell equipment, services and sophisticated products, or sites where to establish themselves with their own investments, the new European regions are the best of markets; they are also a springboard towards other countries of Eastern Europe, like Ukraine, Russia and Georgia. The Union's enlargement will force the old countries to bring to completion economic reforms, a laborious but necessary task: make lighter some heavy public apparatuses, restrain luxury, reconvert productions, enliven competition, reduce protections. These are essential steps for Europe's economic and political survival, imposed by globalisation and decency, rather and more than by the enlargement.

The road in front of them will be long. If the group of the new countries will grow 5 points a year more than we will do (for example, them at 7 per cent and us at 2 per cent), it would take more than ten years for them to just reach our

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average per capita income. The challenge, for the newcomers, is to make their competitive advantages last long enough to fill the gap. So did Italy in the 1950's and 1960's, and Ireland in the 1980's and 1990's. The enlargement does not provide a fleeting, short-term tonic, it changes the European economy in a structural way.

Europe is often not sure whether to suffer or to enjoy its own decline. The enlargement presents her now with a group of countries the decline of which has lasted for decades, which believe in Europe more than it looks we are believing in it at this moment: they can shake us out of our black mood and dejection.



A European Constitution - Without National Veto!

Jo Leinen

For seven years now the UEF has been at the forefront of the Europe-wide campaign for a European Constitution. From the UEF congress in Vienna in 1997 to the UEF congress in Genoa in 2004, important steps can be noted on the way towards our great goal. Hardly ever before has the debate about the future of the European integration and the finality of the European Union been as intense as in the past two years. Civil society, political parties, the parliaments and governments have discussed the European project in great detail. In these discussions, the federalists have played an important role.

Despite the consensus found in the Convention, the European Constitution failed in December 2003 because of the disagreement in the intergovernmental conference. So the battle for the European Constitution continues.

Important political events:

Between autumn 2001 and spring 2004 political developments have taken place which still have their effects on European integration.

1) The introduction of the Euro

On January 1st 2002 Euro notes and coins were introduced in twelve member states of the European Union. This is a historical mile-stone. 300 million citizens pay in the same currency. The federalists had to wait for this day for more than 30 years. Despite several set-backs and delays, UEF has always held on to the goal of a Europeanisation of monetary policy. The Euro has now moved to being the second global currency together with the US-Dollar. In the international capital markets, the Euro increasingly receives trust and support. With this

move, Europe has acquired an important degree of sovereignty and capability for independent action.

Now it would be important to achieve a single representation of the Euro in the various international institutions like the world bank or the international monetary fund. The time is ripe to nominate a "Mr or Mrs Euro" as a Vice-president of the European Commission to represent the European currency both internally and externally.

Both the citizens and the economic actors in the Euro-zone save billions of Euro because there are no more transaction costs and insurance's against currency fluctuations have become superfluous. These advantages have to be explained to the public, even though there were a number of irritating cases of those who exploited the conversion from national currencies to the Euro for personal profit. The hope remains that competition will soon reduce excessive prices and will bring them back over time to their normal level.

2) The Convention on the European Constitution

The declaration of Laeken which resulted from the summit meeting in December 2001 set up the Convention to discuss 64 questions. This was the first occasion in the history of the EU when reference was made in an official document to a European Constitution.

The Convention started its work on February 28th 2002 under the chairmanship of Valéry Giscard d'Estaing. It became clear after only a couple of months that it would not propose several optional answers to the questions posed, but that it would draft a *single text*. Even

the resistance of some member states and Eurosceptics could not hinder that the public talked more and more about a 'constitutional Convention' working on a 'draft Constitution'. Despite the many compromises which had to be made, it is a great achievement that the Convention method allowed for a great deal of substantial progress towards a deepening of the European Union. After the Convention which drafted the EU Charter of Fundamental Rights this transparent and parliamentary method has proven its merits for a second time. The Convention has thus acquired a permanent position in the EU's constitutional process.

The UEF had a direct influence on the constitutional drafting through two intergroups in the European Parliament and the Convention. Together with like-minded organisations, also the "FederalVoice" could play a constructive role. The completion of the Convention's work in June/ July 2003 inspired great expectations that it would be possible to adopt a deepening of the EU in time before the widening. Unfortunately we have been bitterly disappointed in these hopes by the IGC and the failed Brussels summit. The intergovernmental conference is no longer suitable as a tool for further steps of integration. National egoisms are always taking precedence in this procedure over the common European interest.

From the UEF congress in Genoa issues once more the call to adopt the Convention's draft without substantial changes as the compromise achieved in 2003. The Constitution should have been adopted before enlargement on May 1st, but at the very latest it should have been in place before the European elections on June 10-13.

3) Iraq-War

President Bush's decision to launch a war against Iraqi dictator Saddam Hussein has left deep traces in the world and also in Europe. The war against Iraq split the UN, NATO and the EU.

Even though the UN weapons' inspectors under Hans Blix had asked for a couple of more months for the search for the weapons of mass

destruction in Iraq, president Bush decided to conduct a military intervention in Iraq even without a UN mandate, only with a 'coalition of the willing'. In this situation, Europe revealed itself to be deeply split and therefore could not articulate its own position. The majority of the governments in Europe were siding with the USA in favour of war, the majority of the population in all European countries was clearly opposed to the war.

Nevertheless, the crises of the Iraq-war has opened new perspectives for European integration. Germany, France, Belgium and Luxembourg decided at their Brussels summit as an avant-garde to set up an independent military headquarter and to create autonomous European forces. After intense wrangling about the project is now clear: the EU will get its own defence policy. A European planning cell has been founded, the European intervention force is being assembled and the European armaments agency is aimed at ensuring more efficiency and synergies in military procurement.

After the traumatic experience of three Balkan wars it took the additional feeling of powerlessness during the Iraq war to awaken Europe's consciousness and willingness to create an independent foreign- and security policy. The military intervention in Congo's Ituri province as well as the taking over of NATO tasks on the Balkans (in Macedonian and Bosnia) show that Europe is preparing for greater sovereignty in matters of defence and security.

4) European Security Strategy

During the Brussels summit of December 2003 a European Security Strategy was decided by common accord. The so-called "Solana-Paper" is the basis for the European answer to the American security doctrine. Europe chooses a comprehensive, not just a one-sided military notion of security. The EU wants to employ all means and possibilities of preventing conflicts: apart from diplomacy also culture and trade. The activities of European foreign ministers in the Iran-conflict has already yielded first results. Europe is opting for multi-lateralism, not uni-

lateralism. The aim is to strengthen the United Nations and international law. In the end, the EU should have a common seat in the UN-security council but also in the Bretton-Woods institutions, the World Bank and the IMF.

5) World-Trade Conference Cancun

The failure of the World-Trade Conference in Cancun has shown that the north-south conflict is hotting up. Even the developing countries had been promised an opening of the markets in the industrialised countries during the Doha-round, this could not be achieved in Cancun, Mexico in October 2003. The farming subsidies in the US, but also in the EU were the stumbling block in the negotiations for the southern countries.

The failure of Cancun means that we have to change direction in the EU and that we need a profound reform of the European agricultural policy. Subsidies for agricultural exports have to stop. It is impossible to explain to the developing countries why Europe supports the growing of cotton and the production of sugar with billions of Euro while there is already a surplus of these products on the world market.

Globalisation under the conditions of the WTO has increasingly negative consequences also for the industrialised countries. The accession of China to the WTO opens up a new dimension. Products cannot be produced in Europe or the USA at the wages that are paid in China or India. Therefore, hundreds of thousands of jobs in both the production and the service sector are moved to these two countries. Global trade urgently needs to be put on a new basis. Ecological and social criteria have to become part of the global trade agreement. The EU has to make a stronger case for this.

6) Enlargement of the EU

May 1st 2004 will become an important date in history. For the first time, there is a political entity from Poland to Portugal, from the North-Pole to Sicily. The competition of ideas and cultures will be increased through the enlargement. Enlargement will create a new dynamic in the European Union. With 450 million citizens, the

EU will be the biggest internal market of the world and will be a global player in more than one respect.

Apart from this big round of enlargement of the year 2004, the second round of enlargement including Romania, Bulgaria and probably Croatia is a done deal. On top of this, at the end of 2004 the Commission will issue its report on Turkey. The Turkey-question raises a whole host of issues regarding the ability of the EU to absorb more countries and the EU's borders. The federalists also have intensify their debate on these questions in the near future.

7) Financing the EU

The EU of 25 member states needs new financial resources to fulfil new tasks. The discussion about the financial perspective 2007-2013 has already started. One thing is very clear: 'more Europe' cannot be organised with less money!

Since public finances are under strain, however, the efficiency of the EU policies has to be reviewed. This will open the controversies about the regional and the agricultural policies. Both policy areas have to prepare for change. The bases of the EU budget also need to be changed urgently. The debate of the net-contributors leads to misunderstandings and dissatisfaction. Instead of national contributions, the time is now ripe for a truly "own" source of income for the EU. The discussion about a so-called "EU-tax", which means a set share of a tax which exists in all member states to finance European policy has to be conducted pro-actively.

8) European Social Model

Europe has a social model which is unique in the world. Economic progress and social redistribution are combined in the European social model. This European model is under great strain. The ageing of Europe's population, modern technologies and in particular economic globalisation are a great challenge to the European systems of social security.

The Lisbon-process with the open coordination between governments is not sufficient any more as a strategic answer to this. Issues of science

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and research, of employment- and social policy have to become increasingly community policies of the EU. The problems are common to all member states, and so the solutions have to be! In particular in the area of research Europe is falling behind the US and Japan. The European social model can only be preserved if innovation and new products originate in Europe and do not have to be bought in other parts of the world. The realisation of a European area of research is an urgent task.

9) The Development of the UEF

The UEF is in the course of a generational change. It is to be welcomed that people from the JEF are increasingly taking over positions in UEF.

Another very hopeful signal is the enlargement of UEF to the new member states. We are glad that there are active UEF groups in several new member states. Europe can only grow together if there is a consciousness of a European federation both in the east and in the west.

Also the increased cooperation between UEF and WFM is a good sign for the future. The European and World Federalists were both founded on the same day in October 1947 and in the same place in Montreux. After more than 50 years of separate activities, globalisation and the success of European integration bring the two movements closer to each other. Europe's role in the world and in the UN must be accompanied by a concentration of the activities of UEF and WFM.

10) Conclusion

The federalists can be proud of their achievements. Our initiatives have contributed significantly to the fact that after the direct elections to the European Parliament, the abolition of border controls and the

introduction of the Euro, now even the European Constitution is within reach. Our aim is a European Federation with all countries and peoples who are able and willing to join.

Already in a Europe with 25 members, enhanced cooperation is indispensable. Given the different degree of development of the political conditions in the different countries, it is clear that not all of them will be able to do everything at the same time. The instrument of enhanced cooperation within the framework of the EU has to be used. In particular in the area of defence policy, but also concerning initiatives of the Eurozone, this instrument can help to overcome blockades.

The adoption of the European Constitution is an important step on the way towards a European federation, but it is not the end of the road by a long range! UEF therefore already has to contemplate the next phase. We need a new Convention for the completion of European integration. The national veto in the EU policies but also for the ratification or revision of the Constitution then finally has to be abolished. The making of the European Commission into a genuine European government has to be achieved. The two-chamber system in legislation between the European Parliament and the Council of Ministers must be extended to all areas. Last but not least a European Foreign and Security Policy has to be transferred completely from the intergovernmental to the community-method.

The federalists have already reached important goals. But we still need the commitment and the courage to make the Vision of the United States of Europe can become reality. The fight for the European Federation continues after the UEF Congress in Genoa with renewed energy!



Crossing The Political Rubicon

Erik Oddvar Eriksen, John Erik Fossum and Agustín José Menéndez

In the beginning, [the European Union] ... was more of an economic and technical collaboration... At long last, Europe is on its way to becoming one big family, without bloodshed, a real transformation clearly calling for a different approach from fifty years ago, when six countries first took the lead. (Laeken Declaration, 2001)

The Laeken Declaration asserted that the European Union is presently at a crossroads. In December 2001, at the eve of large-scale enlargement and in the midst of a broad debate on the Union's future, this observation had considerable merit. Today, although we have the text of a Constitution, this has not laid to rest the deep questions pertaining to the nature and status of the European Union as a polity. But one thing has become abundantly clear. We Europeans can no longer keep on pretending that the Union is a mere economic enterprise. In addition to entering the constitutional terrain, the Union makes up most of Europe, has instituted European citizenship and a wide range of citizens' rights, controls monetary policy in twelve countries, might soon get a police border of its own, and has a decisive influence over national tax and spending policies.

Since the inception of the pioneering Coal and Steel Community in 1951, the process of European integration has achieved substantial political goals: peaceful co-existence, improvement of living standards, and economic and political solidarity among Europeans. Core means were undoubtedly economic, among which of course are the four economic freedoms and the free competition policy. But there were also explicit legal and political means. The founding treaties gave birth to a *new legal order*, the legitimacy of which rested on the common

constitutional traditions of the Member States. As the process of integration unfolded, as new competences were assumed in the seventies, eighties and nineties, the political nature of the Communities became more explicit. At the same time, the constitutional nature of the European legal order was overtly affirmed. The weakest point was clearly that the Union underwent constitutionalisation without constitutional politics, that is, without direct popular input. The fact that the Union has a sort of functional constitution which was never debated and approved by European citizens is indeed at the root of the Union's *democratic deficit*.

This helps explain Joschka Fischer's insistence in his famous Humboldt speech that the Union needed a Constitution that citizens could regard as their own in order to overcome its legitimacy crisis. Fischer's speech signalled the need for Europe to invoke a genuine constitutional moment. The Laeken Declaration not only acknowledged that, but also provided a concrete response. It opened up a constitution-making process which departed substantially from the 'quasi-diplomatic' mode of treaty-making that is characteristic of Intergovernmental Conferences. One novelty of the Laeken process is the conveyance of a *deliberative Convention* mandated to come up with proposal(s) for the future constitutional order of the Union. The Convention thus instilled a more democratic procedure for constitution making.

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As already indicated, the Union has been involved in constitution-making for decades already, since the Communities' very inception. But now it has been made much more *reflexive*. A much more variegated set of stakeholders have been directly involved in the process. Indeed, most of the members of the Convention were parliamentarians, not government representatives. In addition, the Convention's work has been transparent and been openly exposed to public influence and criticism. The political tensions that emanate from Europe's sheer diversity and from the breadth of constitutional visions and traditions came out in the open. Despite all this, the Convention succeeded in putting forward one single coherent proposal, one blueprint for a Constitution for Europe.

What can be said about the Draft? Can it be seen as a further step in the forging of a European democratic constitution, or is it a mere exercise in consolidating the structure in place? The jury is still out on these matters but some projections are pertinent.

First, the Convention exercise amplifies the long-held notion that the EU has entered the constitutional terrain. The constitution making process has gone on for decades, but has now been made more reflexive. A much more variegated set of stakeholders have been directly included into the process. This has also exposed the political tensions that emanate from Europe's sheer diversity and from the breadth of constitutional visions and traditions.

Second, the very title *draft treaty establishing the Constitution* suggests that the process has not yet come to a halt. But what is the nature of this process? The EU constitution does not emanate from scratch, but rather through the careful and incremental forging of a constitutional structure with multiple roots: in EU law, in common national constitutional traditions, and in international law.

Third, an important part of this process of European constitution-making has been that of a process of *fusion* of national constitutional traditions. Democratic constitution-making implies the *appropriation* of the Constitution by its citizens, bound by reasons, not by the past. This aspect of fusion makes the implications for national constitutional arrangements more readily apparent. The continued insistence on the role and importance of democracy is an obvious aspect of this fusion. This is also reflected in efforts to make the emerging constitutional structure comply with democratic principles and to offer a contribution to the rectification of the EU's democratic deficit. The measures include efforts to strengthen EU-level democracy, as well as to strengthen national (parliamentary) involvement in EU activities.

Fourth, the Draft Constitution must be characterised as a hybrid between a nation-state constitution and an international treaty - a *constitutional treaty*. This is so because the Union is said to have a double source of legitimacy: one springing from the will of the national Member States, and another from the will of the European citizens. In this sense, the draft Constitution retains strong vestiges of the system in place. It is marked by hybridity even though the federal imprint is well apparent.

Fifth, the Draft and the process of forging it are evocative of a clear move beyond intergovernmentalism. The compelling language of the Charter - an integral part of the draft - offers further testimony for the entrenchment of a supranational European Union.

These developments rhyme with the Laeken Declaration's evocative language of a real ongoing transformation. The Convention exercise amplifies the long-held notion that the EU has entered the explicit constitutional terrain. Some analysts have warned against such an endeavour, as they are concerned with it possibly undermining the present legitimacy basis of the Union (i.e., its derivative character



from States) without providing an alternative one. However, there are grounds for cautioning against interpreting the draft constitution as the forging of a state. The EU is not a state, and the draft does not offer the blueprint for an EU state. It offers no unambiguous grounds for asserting that the EU has the clear vocation of becoming such. It could be argued that the draft Constitution is an attempt to find a new balance between a Europe of states and a Europe of citizens. The constitutional treaty is not only a pact among citizens, but neither is it merely a contract among states. It has achieved an element of supranational normativity based on the principles of fundamental rights, rule of law, and democracy. In practice, the claim for *direct legitimacy* is only partially heeded: the citizens of Europe should be included directly or via their representatives in EU law-making but the institutional channels for doing so are still democratically defunct.

A constitutional moment has been signalled. A

Constitutional text has been drafted. Still, the European constitutional future is uncertain. But one thing is clear: we can no longer seriously hold that the Union is a mere functional organisation. It is, and it should keep on being, a genuine political community.

In the upcoming elections to the European Parliament, Europeans have a major opportunity to shape their future, including the constitutional future. A newly elected European Parliament, especially if its authority is supported by a high turnout, might still have a chance to influence the Draft Constitution. If this would be so, surely the legitimacy of the constitution-making process would be increased. Whether this opportunity will be seized, and whether Europe will get a constitution that deserves its name, is still to be seen. There is now a bridge across Rubicon. Will the citizens cross it? Will they strengthen its foundations so that it not only serves united Europe but also future Europe?

The authors are co-editors of *The Chartering of Europe* (Nomos, 2003) and of the brand new volume *Developing a Constitution for Europe*, (Routledge, 2004), which is the first volume in the Routledge Series on Democratizing Europe, edited by Eriksen and Fossum. This article was written in April, 2004.

The European Union and its New Neighbours: Ukraine, Belarus and Moldova

Heinz Timmermann

With its eastern extension this May, the European Union will get at first two “New Neighbours”: Ukraine and Belarus, which, after the envisaged access of Romania in 2007, will be followed by Moldova. The common border of the Union with these three countries will be 2400 km long. What will this mean for their relations with the EU? Will they – with a certain delay on the part of Belarus – give priority to their relations with the EU? Or will they prefer to attach primary importance to their relations with Moscow, as the establishment in September 2003 of a “Unified Economic Space” of Russia, Ukraine, Belarus and Kazakhstan suggests? May there even be an “integrational rivalry” or even an integrational conflict between Russia and the EU which would undermine the vision of creating common all-European spaces?

Any of these questions contains enough material to be discussed separately. My task, however, is to concentrate on the EU’s strategy towards its New Neighbours, which, of course, includes touching the above mentioned questions. The EU has rather lately reacted to the upcoming change of the geopolitical situation – the extension of the Union and the shaping of its relations with Russia absorbed too much of its attention. But recently there have been clear signals that the EU – and the New Neighbours likewise – is interested to stay in control of some paradoxical and potentially destabilizing developments, whereby the paradox can be defined as follows: Ukraine and Belarus, as “New Neighbours” are moving geographically closer to the EU, while in fact, as outsiders behind additionally fortified borders, they will be rather marginalized. So it is to be feared that the gap between these

countries and the new EU members in terms of their socio-economic development will widen. To let this process just happen would have extremely negative and destabilizing implications for both sides. The EU is interested first of all in security and stability in the neighbouring region, seeing in the first place not the chances, but rather the risks of the new neighbourhood: illegal migration, organized crime, cross-border environmental destruction. But along with this the EU sees perspectives for positive developments: consolidation of good governance, economic structural reforms as a pre-condition for trade and investment, social balance as a foundation of political and social stabilization.

“Privileged Relations”: The Concept of the EU

Against this background the EU Commission presented to the public in March 2003 its strategy paper “Wider Europe – Neighbourhood”. In this paper Russia is referred to only marginally: because of its size, its importance and its close contractual relations with the EU, Russia has a special position and, apart from this, having a common border with Finland of 1300 km it is already now a direct neighbour of the Union. The strategy paper offers the New Neighbours “privileged relations” – provided that they are willing and able to gradually implement the necessary structural reforms. The EU does not, however, envisage – but neither rule out for all time – full membership of Ukraine and Moldova, which these countries are striving for and which, according to article 49 of the EU Treaty, any European country can apply for, if it accepts the principles of human dignity,

freedom, democracy and legal security.

To be sure, this policy of half-open doors – a kind of third way between partnership and membership – is ambivalent. On one hand it avoids disappointment on the side of the New Neighbours, when their expectations are frustrated and the realization of their aspirations – as in the case of Turkey – is delayed again and again. On the other hand this policy lacks the stimulant which the prospect of membership and inclusion into the international division of labour in world economy would offer the elites in implementing the difficult structural reforms (as it works, for example, in the accessing countries of Eastern Central Europe and recently also in Turkey).

In the following I will discuss in short some central points of the EU's concept of neighbourhood. It applies *actually* to Ukraine and Moldova, but *potentially* – at the initiative of Germany and Poland – also to Belarus, when this country in the course of evolutionary change will have regained its proper place among the democratic nations of Europe. What makes the EU strategy paper meaningful for Belarus is the fact that it gives impressive evidence of the *potential benefit* and *factual loss of benefit* for the country in its problematical relationship with the EU. Here some central points of the EU strategy paper:

1. The core of the neighbourhood concept is the offer of closer economic co-operation. The goal is the recognition of the respective New Neighbour as a market economy and support of the access of Ukraine and potentially Belarus to the WTO (in which Moldova is already a member). This in turn is a precondition for the gradual inclusion of these countries into the Common European Economic Space after the model envisaged for relations between the EU and Russia. In the last instance this could lead to the forming of a unified market, the core of which is made up by the well-known four freedoms: freedom of movement, free exchange of goods, freedom of service and settlement,

freedom of capital transactions. This, however, is a long-term goal which could be reached only after several intermediate phases such as a free trade zone.

2. In its document the EU pleads for negotiations on concepts which combine reliable safeguard of the borders with their maximum openness. That this is not necessarily an illusion is demonstrated by the well functioning border regime on the Finnish-Russian border with more than five million crossings every year. This is confirmed also by the Russian side, for example by State Duma deputy Ryzhkov who pointed out that in terms of living conditions there are surely vast contrasts along that border, but at the same time "it is at the present moment Russia's safest and best organized border." In July 2003 the EU Commission presented a detailed paper on this complex showing instruments and sources of finance (for example by combining the EU support programmes Phare, Tacis and Interreg into one single neighbourhood complex). As to the freedom of movement for people, the EU envisages flexible rules including visa-free movement, if the respective New Neighbour is ready to conclude an agreement on readmission and some other measures for a reliable safeguard of the borders. A very important point for the New Neighbours is the willingness of the EU to facilitate the freedom of movement in local cross-border traffic and to support the respective projects of co-operation. This often applies to territories which are economically underdeveloped and/or inhabited by ethnic minorities and for which full implementation of the Schengen visa regulations would be a particularly hard blow.

3. The most important and prospective innovation in my opinion is the Commission's proposal to elaborate together with the partners in the framework of the treaty system specific *action plans* for each country. These plans should cover the whole field of co-operation and should be apt to be subdivided according to the specifics of individual sectors or, as EU Commissioner

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Verheugen put it: "Each country will get a made-to-measure suit". The action plans, which the European Council righteously calls political key instruments, will set goals and standards and determine a schedule of implementation which has to be negotiated in each case. Moreover, they will define mechanisms of current monitoring. Thus, the partners will have an instrument which has already approved itself in the course of the extension process in Eastern Central Europe in the form of annual reports on progress. Setting political, economic and institutional standards, these reports serve as a yardstick of progress in the essential fields of reforms, thus giving the EU and the candidates for membership more security and predictability in terms of their future relationship. An analogous procedure will give the New Neighbours certainty that if Brussels would not admit them to the Union, it would not do so because of a principal and voluntary negative attitude, but because of non-implementation or poor implementation of the adjustment and transformation commitments by the countries *themselves*.

A task force named "Greater Europe" under Commissioner Verheugen has now been appointed to develop the neighbourhood concept and to elaborate together with the Eastern partners the respective action plans. As far as Ukraine and Moldova are concerned, these plans are to be presented in summer 2004. Given the different starting positions and goals of the individual new neighbouring countries – Belarus is not even planning to apply for EU membership – there cannot be, from the Brussels point of view, a uniform concept for all partners. The idea of forming an "Eastern dimension" in analogy to the "Northern dimension" of the EU, as suggested by Poland, has therefore not been adopted by the EU. Brussels, instead, favours designing the prospective preferential relations in a flexible process for each country *individually*, in accordance with the different starting conditions, potentials and goals and depending on progress in the implementation of reforms.

Ukraine: European Aspirations

With regard to the clear commitment of the Ukrainian elites to a gradual access to the EU, Kiev showed some disappointment with the fact that the Brussels strategy paper does not provide for such a prospect for the country. Kiev wants more than just form together with Belarus and Moldova an Eastern "circle of friends of the EU" (Prodi). But the EU sees too little progress in the implementation of economic reforms and restructuring of institutions for more transparency, predictability and efficiency. The common report EU-Ukraine on the implementation of partnership, issued in March 2003, mentions explicitly the fields of justice, freedom of the media, human rights and civil society. Documents of the President and the Parliament, referring to the EU, are often nothing but declarations of intent, and in fact they bring little progress. For example, only 20 per cent of the financial resources provided by the State budget for the implementation of the programme of integration of Ukraine into the EU were actually allocated.

Moreover, in the EU there are recently – as mentioned above – some uncertainties about character and substance of the Unified Economic Space Russia, Ukraina, Belarus, Moldavia. Is it mainly a free trade zone being formed to protect the access of Ukrainian products (steel pipes, military technology, agricultural products) to the Russian market? This would not be in contradiction with Kiev's European aspirations. Or will the forming of a Unified Economic Space mean in the last instance the step-by-step establishment of supranational bodies and adjustment of the legal order in the fields of customs, taxes, currency and finance, service and company law? This would hardly be compatible with the European aspirations of Ukraine.

In fact, the attempts made in the document on the forming of a United Economic Space to create supranational mechanisms were at Ukrainian initiative substantially reduced by

modalities which allow to shape the United Economic Space on the principle of different speed, which means that Ukraine would be free to determine for itself the degree and extent of its engagement. Will this engagement be similarly declarative as the Ukrainian EU aspirations? "Ukraine can't be member of two unions at the same time", said former foreign minister Slenko, and there is certainly some truth in it.

Now there are some indications that the Ukrainian elites as well as the ordinary people are increasingly feeling that the deepening of EU-Ukrainian relations is not just a matter of *foreign policy* but that it also sharpens the awareness of the necessity of *internal* reforms. An important impulse for such a new assessment was surely given by the forthcoming access to the EU of Poland as an immediate neighbour with which Ukraine wants to keep up and avoid a deepening of the gap. This could help to improve the chances for the recognition of Ukraine as a market economy and thus for the admittance of the country to the WTO and at the same time provide good conditions for filling the EU action plan for Ukraine with life, thus demonstrating the people the positive sides of the European choice. The results of the presidential elections in autumn 2004 may give some important signals concerning the future political and economic course of Ukraine.

Belarus: Conditioned proposal of the EU

Much alike Ukraine, the Belarusian leadership defines EU integration as a good example of "successful combination of sovereign equality of its members and delegation of power to the common institutions". But unlike Kiev, Minsk does not apply this to the perspective of future EU membership. On the contrary, Lukashenko pleads for the analogous application of the integration *pattern* to the envisaged union state of Russia and Belarus, i.e. the establishment of a union of two sovereign states on equal terms. To be sure, the regime has made several attempts to normalize its relations with the EU

under the label of a "multivectoral policy". But at the same time it has shown no willingness to accept the respective conditioned proposals of the EU (plus OSCE and Council of Europe). That means: in the case of a gradual adoption of European standards of democracy and human rights in Belarus, the EU, on its part, will show flexibility and develop its relations with that country in a step-by-step strategy. This strategy, which is still valid, implies ending political repression, an electoral law that meets European standards, access of the opposition to the state controlled media, and extension of the competences of the powerless parliament appointed by Lukashenko.

In this situation the EU and its member states are following a strategy of double-track dialogue: on one hand they maintain sectoral contacts with the Belarusian authorities, the support of which is needed for arrangements of vital interest for the EU itself, such as the border and visa regime, soft security problems, ecological dangers and last but not least the activities of the OSCE in Belarus. On the other hand the strategy of double-track dialogue is aimed at close relations with the opposition and the emerging civil society who get solidarity and support from the EU and its member states. A good example of this is the support programme of the German Federal government which selectively supports projects in the fields of education, social welfare, energy saving, small and medium business and helps to qualify and interlink the various initiatives of civil society. This offers a chance to promote already now the perspective of an evolutionary change of the regime and the forming of a professional national elite which has enough competence and engagement to elaborate and eventually implement action plans in co-operation with the EU. The fact that there was no such elite when the country won independence was one of the key factors for the populist Lukashenko's victory in 1994.

There are several indications that the development of events in Belarus is now coming close to a critical state for Lukashenko.

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This refers not in the last instance to the fact that he is isolating his country not only from the West, but increasingly *also from Russia*. The EU would be well advised to bear in mind a deepening of the crisis in Belarus and to develop in accordance with the model of the action plan concepts for a democratic change while taking into account the legitimate interests of Russia as the key factor for development in Belarus.

One thing the EU must make clear: in Brussels' view a regime change in Belarus would not be aimed at an absorption of the country by the EU. On the contrary, the EU is interested in an *independent* Belarus which, as a link between East and West, maintains good relations with *both* the EU *and* Russia. The more the partnership between the EU and Russia is gaining substance, the more the risk of negative integrational rivalry between both sides can be reduced.

In this context the EU should appeal to the policy makers in Moscow to exert influence on the Lukashenko regime to promote reform and democracy, thus emphasizing Putin's Berlin appeal of September 2001 for confidence building in Pan-Europe. A regime that isolates itself from the West and recently also from the East, a president who uses the dispute on natural gas to jeopardize the transit to Europe and who charges Russia with terrorism against his country – such a country can hardly be a partner in shaping Pan-European spaces.

Moldova – Under the Lee of History

When the EU, as I mentioned in the beginning, sees rather risks than chances in its relationship with the New Neighbours, this is particularly true for Moldova and its unresolved Transnistrian conflict. The Union has concluded with this country an agreement on partnership and co-operation similar to the one with Ukraine, and recently declared its willingness to play an active role in the resolution of the conflict. The safeguard of the country's territorial integrity is seen by all

Moldovan parties as a priority. In February 2004 Brussels promised to increase its engagement, for instance by extensive opening of the European markets for Moldova. The country could play the role of a "pioneer" in the implementation of the action plan for the New Neighbours, EU commissioner Verheugen said. Until then there had been only limited EU engagement for Moldova – primarily due to slow implementation of economic reforms and institutional transformations which aim at greater legal security.

Moldova, on its part, was disappointed to see its specific aspirations on EU membership as a south European country not properly considered by Brussels. In this context the country's leadership refers to its participation in the European conference and its membership in the stability pact for the Western Balkans. As a member of the stability pact, Moldova hopes and expects to be integrated in the process of stabilization and association for the countries of Southern Europe. Although there has been no concrete promise so far to admit Moldova to the EU, it is attractive for Chisinau to take part in this process, because it serves to prepare its participants on a long-term basis for access to the Union by intensified support programmes and regular monitoring. Thus, with regard to future integration, this process even exceeds the new neighbourhood concept.

Along with this, the communist leadership under President Voronin made it clear that it does not regard the integrational course as an *alternative*, but – in the shape of a strategic partnership – as an *addition* to co-operation with Russia. This makes sense, because Moldova in many respects is dependent on Russia: more than 45 per cent of the country's exports go to Russia; Russia is by far Moldova's most important supplier of energy; and Russia continues to be the key factor in the settlement of the Transnistrian conflict. Thus Moldova looks out in two directions: to the EU and to Russia. This policy gives evidence

rather of a survival strategy than of an explicit engagement for one of the sides. The question remains, how the close relationship with Moscow is compatible with the perspective of EU membership.

Co-operation in the Triangle EU – New Neighbours – Russia

The factor Russia plays a key role in the region. The EU has repeatedly emphasized with regard to the New Neighbours that it does not want to enter into integrational rivalry with Russia by claiming a hegemony for itself. As the Solana-Patten paper of August 2002 puts it, Russia is an “indispensable part of the region”, and it would be problematic “to consider increased regional co-operation without Russia”.

What kind of policy can Brussels pursue with regard to the coordination of interests and co-operation in the sensitive triangle EU – New Neighbours – Russia? What kind of partnership between the EU and Russia would help to make the New Neighbours partners of constructive

co-operation? First of all, the EU must avoid two extreme approaches: on one hand, it should not treat the New Neighbours as a *dependent variable* of its partnership with Russia, which would be tantamount to the recognition of Russian claims of hegemony and would revive the old thesis of “limited sovereignty”. On the other hand, the intensification of relations with these countries should not be pursued in *confrontation* with Russia.

Given the close economic as well as the complex historical, human and cultural links between these countries and Russia, the EU must consider also the Russian interests and try to take them into account in the process of shaping common European spaces. The chances to pursue such a policy will be greater, depending on how clear common interests of Russia and the EU with regard to the New Neighbours will develop in the context of all-European spaces, for instance with regard to such aspects as border management and freedom of travel, harmonizing of the economic order, regional security and co-operation.

The European Congress of the UEF

“European Constitution now! Adoption without veto”, was the topic of the European Congress of the Union of European Federalists, which gathered about 250 delegates, observers and guests from 19 until 21 March in Genova (Italy).

During the solemn opening session of the Congress, the Member of the European Commission Viviane Reading said that she was optimistic that the draft European constitutional Treaty would be adopted; “as it is, it would give the Union important instruments to strengthen the European citizenship”, she said.

The Congress re-elected the social democrat MEP Jo Leinen (Europa-Union Deutschland) as UEF President. “In view of the steps towards a genuine federal Constitution, it is essential that the member states overcome the national veto. If one or more countries are not ready to accept the draft Constitution, those states which are willing should sign it”, declared Jo Leinen.

Apart from the political resolution “Continuing the fight for a federal European Constitution”, which is fully reported below, the UEF adopted a topical resolution on Europe facing international terrorism and a declaration on the Elections to the European Parliament as well as a motion on the cooperation between the federalist organisations and the global civil society movements. The full texts of all these resolutions are available on the website <http://en.federaleurope.org/index.php?id=172>.

The Congress approved the application of the UEF to full membership of the World Federalist Movement (WFM).

After the end of the Congress, the newly elected Federal Committee renewed the UEF Bureau including 3 Vice-Presidents: Philipp Agathonos (Europäische Federalistische Bewegung Österreich), Alojz Peterle, Observer of the European Parliament (PPE, Slovenia) and former Representative of the accession countries in the Praesidium of the European Convention, as well as Sergio Pistone (Movimento Federalista Europeo, Italy) (*b.b.*).

Continuing the Fight for a Federal European Constitution!*

The 20th Congress of the Union of European Federalists, meeting in Genoa on 19-21 March 2004

I.

Welcomes the draft Constitution proposed by the European Convention at the conclusion of its work in July 2003 where the representatives of the European and national legislative and executive bodies worked together transparently and consulting the European civil society, and in particular the fact that it:

1. uses the word "Constitution" as evidence of a growing awareness in Europe of a need of a European Federation and the existence of a European people;
2. strengthens the transparency of the European integration project, especially by integrating the political and legal foundations of the European Union in one single text, using a more understandable language, regrouping the competences of the European Union and eliminating the pillar structure of the current treaties;
3. incorporates the EU Charter of Fundamental Rights, thus making it legally binding as an important step towards a Union of Citizens;
4. endows the European Parliament with stronger powers in both legislative and budgetary procedures;
5. allows that the Commission President will be elected by the European Parliament;
6. creates the possibility that the European elections could gain a dynamic in a federal and more democratic direction, particularly if the trans-European parties designate their candidates for the presidency of the

- Commission before each election;
7. strengthens the legitimacy of the Commission which will consequently be much more able to act as a government;
8. introduces the post of a European Minister of Foreign Affairs;
9. creates the means of a citizens' initiative to initiate legislation by at least 1 million citizens coming from different member states;
10. permits structured cooperation in the field of defence;

II.

Regrets that the draft Constitution fails to meet the needs of European citizens in that it:

1. does not give the Commission the totality of executive powers and does not transform it into a supranational Government under the democratic control of the EP and the Council acting as a Chamber of States;
2. despite the introduction of the post of a European Minister for Foreign Affairs, it does not transfer executive powers in the field of Foreign, Security and Defence Policy to the Commission, along with the necessary diplomatic and military instruments, but retains them largely in the hands of the Member States in the Council voting by unanimity; leaves the CFSP still too indecisive and weak for tackling major crises;
3. does not improve significantly the economic governance of the EU and, more seriously, of the Economic and Monetary Union;
4. preserves unanimity in the field of the EU's own resources and in European citizenship;
5. retains the rule of unanimity concerning the decision and ratification of constitutional revision;

III.

Warns that these failings need to be corrected if the European Union is to have a long-term future in securing the peace, justice, sustainability, democracy and liberty by effective action both in Europe and around the world in particular by paying special attention to the culture of people;

IV.

Condemns the summit held in Brussels in December 2003 for its failure to endorse the text proposed by the Convention;

Stresses the importance of maintaining the current momentum in the European integration process given to it by the Convention;

V.

Believes that any renegotiation by the IGC of the contents of the draft Constitution proposed by the Convention:

1. will lack effectiveness because the intergovernmental method of decision-making is ill-suited to taking detailed decisions;
2. will lack popular legitimacy because the intergovernmental method is fundamentally unaccountable;
3. will not improve the content of the text because of the reservations already expressed by some member states that have vetoes over any decisions;
4. should therefore not be attempted;

A.

Therefore, the Union of European Federalists calls upon the heads of state and government of the member states to:

1. recognise the superior democratic legitimacy of the Convention text and adopt it as the European Constitution before the European elections in June 2004;
2. consider the decision of the Thessaloniki European Council to welcome the Convention draft;
3. campaign for its immediate ratification in their respective member states according to

their own constitutional procedures;

4. commit to convening another Convention no later than 2008 to revise the Constitution and rectify its failings;

5. agree that future amendments of the Constitution should take place on the basis of the majority principle rather than unanimity.

B.

If any member states are unwilling or unable to agree or to ratify the text, the other member states should proceed nevertheless with the adoption of the Constitution. No member state should be permitted to cast a veto over the further development of the European Union towards the federal system of democracy that the citizens of Europe so urgently need;

C.

The Union of European Federalists also calls upon the European Parliament and all parliaments of the 25 member states to pass political resolutions before the European elections in June 2004 in favour of the European Constitution and its revision by a new Convention no later than 2008;

D.

This 20th Congress of the Union of European Federalists invites the next Federal Committee, the next Bureau and all constituent organisations of UEF:

1. to organise and lead a campaign in pursuit of these objectives;
2. to engage firmly in the election campaign of the European Parliament by supporting the candidates who are in favour of the text of the Convention;
3. to open a campaign in support of ratification of the Constitution in every member state that has signed it;
4. to start a debate about the future strategy to be followed in the case that the Convention text is not agreed as the Constitution by the end of 2004;



E.

The future development of the European integration depends on the actions of the

citizens, politicians and other European players to fight for what Europe needs so urgently: The European Federation!

*Political Resolution adopted by the European Congress of the UEF on 21 March 2004

Resolution on WFM Membership

The European Congress of UEF meeting on 19-21 March in Genoa,

a. having regard to:

- the current status of UEF as an Associated Organisation (AO) of WFM,
- the strengthened dialogue and exchange of views between world and European federalists,
- the resolutions adopted by the previous Congress and the last UEF Federal Committee meeting of November 2003
- the discussions between officials of WFM and UEF on future relations and projects;

b. considering that beyond the question of the membership status of UEF in WFM, the important common goal should be to develop joint activities and propose joint federalist solutions to the global challenges in Europe and the world;

A. confirms UEF's application to full membership (MO) of WFM;

B. agrees on the following proposals and demands:

1. the payment as UEF's annual membership fee to WFM should be the equivalent of what is already paid to WFM by UEF itself and those constituent organisations that also pay directly. The fees which up to now had been directly paid to WFM by UEF itself and those constituent organisations would in future be collected by

UEF supranational which will pay one single collective fee to WFM;

2. the UEF commits itself to co-finance joint UEF-WFM activities in Europe;

3. from 2004 onwards UEF will also consider giving financial support to the Federalist Debate which is a joint publication of European and World Federalists;

4. representation in the WFM bodies will be allocated between those UEF constituent organisations having participated in the collective fee paid by UEF supranational to WFM; other UEF organisations will be invited to get also involved in WFM policy and decision-making by contributing to the fee to be paid to WFM;

C. invites UEF delegates in the bodies of WFM to promote federalist solutions for uniting the states in the different regions of the world and for reforming the UN and the other international institutions and organisations towards a united, democratic and peaceful world;

D. expresses the will of UEF to act as the representation of WFM on European level.

E. agrees that the conditions which will be accepted by the two parts for UEF full membership in WFM will need to be reviewed after 2 years by the UEF Federal Committee and the WFM competent body.



The Role of the OSCE in the Former Soviet Union

René Wadlow

Maria Raquel Freire

Conflict and Security in the Former Soviet Union: The Role of the OSCE
Aldershot, Ashgate, 2003

As Maria Raquel Freire notes in this important study "The dissolution of the Soviet Union and the emergence of the new independent republics of the former Soviet space deeply changed European affairs. The OSCE responded to the new problems with an encompassing mandate based on the organization's fundamental principles and goals, by addressing needs and fears, by seeking to overcome tensions and difficulties through the peaceful settlement of disputes and through the fostering and implementation of confidence-building measures. OSCE involvement in many of the new republics of the former Soviet Union assumes different contours according to the local problems and needs."

When in the late 1960s and early 1970s, the creation of the Organization for Security and Cooperation in Europe was being discussed and later negotiated, first in Helsinki and then Geneva, it was seen as an organization to bless the status quo between the NATO and the Warsaw Pact states, to bring universal recognition to the German Democratic Republic and to prevent calling into question the frontier between Poland and East Germany. It was first called the Conference for Security and Cooperation, and some saw it as a One-time

conference, held in Helsinki in 1975 that would not have a secretariat nor real activities beyond its justification of the status quo. "Sovereignty" and "territorial integrity" were founding principles.

How this conference was transformed into an Organization and how it became a major agent in the internal conflicts of countries which did not exist at its creation is the theme of Maria Freire's fine study. In 1975 few Western diplomats knew of, or cared about, Nagorno-Karabakh, Chechnya, Abkhazia, South Ossetia, Moldova or its Transdniestrian region. The Soviets were not much concerned either and would reject as "interference in internal affairs" anyone raising human rights issues about these areas.

The "human dimension" aspect of the Helsinki agreement — the Conference had deliberately not used a human rights vocabulary — opened the door to a concern with the rule of law. However, at the time of the Helsinki Conference most of the "dissidents" in the Soviet Union were either Russians or Jews or from republics having status in the USSR and often an earlier existence as an independent states, such as the Baltic states, Ukraine or Georgia. Few in the 1970s and 1980s expected long suppressed minorities such as the Chechen or the Abkhaz to rise again. Central Asia was also off the "intellectual map" of all except a small group of area specialists. No one thought that there would be a difficult and bloody conflict in Tajikistan which would require both governmental and non-governmental efforts at conflict management and conflict resolution.

As an intergovernmental body, the OSCE has

had difficulties in integrating the work of NGOs and other forms of civil society organizations. As Freire stresses "The fostering of civil society in the former Soviet area is a challenging and long-term exercise for the OSCE. In the organization's understanding it is a painful process but worthwhile. Therefore, democracy-building, respect for human rights, and norm-setting are on the OSCE's agenda. However, there are still many pervasive ingredients persisting in the OSCE area which render difficult the already arduous task of building civic communities. The continued violation of human rights and fundamental freedoms, threats to the independent media, electoral fraud, aggressive nationalism, forced migration and the problems of refugees are some of the risks. Moreover, the positive steps taken so far will only produce visible results in the long-term, since democracy-building is a slow process which takes years to consolidate at both the institutional and social levels."

The OSCE has a comprehensive approach to security which relates the maintenance of peace to respect for human rights, economic and environmental cooperation, and strong mechanisms for conflict resolution.

Since the OSCE is not alone in its efforts to build a stable Europe, it is important to look at relations between the OSCE and the UN, the Council of Europe, NATO, and the European Union so that they may work in a constructive, complementary and mutually-reinforcing way. Freire looks at practical examples of competition as well as of collaboration between these

international organizations and the OSCE as a way to move to better cooperative measures. The OSCE, true to its conference origins has no enforcement mechanisms such as the possibility of applying sanctions or embargoes, not to mention lacking NATO's fire power. As Freire points out "As a mediator, the OSCE formulates and discusses proposals, suggests alternatives, and encourages and supports the parties in finding a political solution. OSCE mediation must be adaptable since events, parameters and players in conflict are constantly subject to evolution and setback. The OSCE uses a step-by-step approach, not based on the use of force, but on the finding of common ground between the parties. In its conflict management activity, the OSCE promotes its principles and values as part of the political solutions it seeks, in a comprehensive manner."

The OSCE has very real limitations. It has a tight budget and a lack of specialized personnel. Much of the staff are diplomats seconded from national governments. This results in a high turnover of staff and a lack of primary loyalty to the organization. There is a need for better cooperation and coordination with NGOs. There is a need for an improved capacity for research and analysis so as to move "proactively" to negotiate conflicts on the brink of violence.

Nevertheless, the OSCE has been able to respond to situations which were not foreseen at its creation, basically the tensions and violence in the former Soviet Union and former Yugoslavia. Maria Freire's study is a good analysis of these changes and mechanisms for action.

Holy Land: One Story, Two Ways to Tell It

Maria Elisabetta Caccia Brusa

Peace Research Institute in the
Middle East (PRIME)

Histoire de l'autre

Preface by Pierre Vidal-Naquet

Editions Liana Levi, 2003

"The Intifada did not come out of the blue. It was waiting for the right historical moment to break out. The warning signs were clear to everybody". "It was a grass-roots rebellion, a clear revolutionary uprising. This revolution was not planned, it exploded suddenly like a volcano". The two quotations refer to the 1987 Intifada: the first one according to the Israeli point of view, the second according to the Palestinian one. As we know, history books cannot be impartial: accounts of the events are always given and imposed by the winners, with no intervention possible by the defeated people.

The booklet "The other's story", just published, goes strongly against the stream, because it is the result of a year-long effort at which Israeli and Palestinians teachers and students have been working together in a project that is exemplary for its will of dialogue. It's a small book, a "booklet" as its publisher says, but an extraordinary one, because it contains a parallel story, a synopsis that compares the events which dramatically hit 20th-century Palestine. On the right page, history as written by the Israelis; on the left, history as written by the Palestinians.

The first page starts with the birth of the Zionist

movement that originated the Jewish migration to Palestine in 1882. The second, the Palestinian, begins with Napoleon's little-known project to build a Jewish State in the midst of the Arab world, in order to win the support of the Jews against Great Britain. And for gaining the Jewish bankers' favour he even went so far as to promise them to rebuild the Jerusalem Temple. After him, at the half of the nineteenth century, it was the English Foreign Minister Lord Palmerston to suggest to impose an English Protectorate in the midst of the Arab world, to avoid an eventual political union of them.

Who has read many books on the events regarding those troubled peoples, often driven one against the other by the interests of those who want to rule the world by the *divide et impera* method, is really surprised by the careful choice of adjectives and verbs in expressing one's truth without offending the other's. History books are written making painful cuts and singling out moments considered fundamental for understanding human events. This book takes a particular care in pointing out three events: the Balfour Declaration of November 2, 1912; the birth of the State of Israel in 1948; the Intifada of 1987.

The first event means for Palestinians "the meeting of the Zionist and the British colonial ambitions", and for the Israelis "the English government's support in starting up a Jewish homestead in Palestine". The 1948 war runs on two parallel tracks, and understandably so, because it marks the birth of the State of Israel, but also "Al-Naqbah" (the Catastrophe) for Palestine. What counts is that the two



narratives be put one in front of the other, to let us be aware of both. Sometimes the tale chooses the myth: “the return” for the Jews; for the Palestinians “Mohammed’s flight”, in memory of which the Al Aqsa mosque was built, to which the Wailing Wall would belong. But beware of destroying a myth that the collective memory has developed over the remembrance of genocide or expulsion.

With this book, twelve (a biblical number) teachers of good will have become at the same time cultural agents and peace promoters, because they are helping their students of the first two High School years to understand the other’s history. And this, more than any “road map”, shows the way to live together in peace. So much so that in the middle of each page there is a white space which divides the two tales: in this space teachers and students can add their short story or a comment or a remark. It is unthinkable, for the time being, to imagine a common tale, but for sure this attempt “tries

to build a better future by overturning each stone instead of throwing it”, as written in the introduction.

It is undeniable that the Arab people was a victim of colonialism, as the Jewish people of Nazism. Today both peoples mourn for their killed dead, also because the colonization policy goes on, as well as the unilateral claims for the territory. But between the two extremes a growing number of people on both sides are calling for an agreement and for mutual recognition. The Israelis write: “For the first time two peoples stand up one in front of the other, like two partners who must find together a solution to their problems”.

This book is a concrete demonstration of the desire of peace, that each of us should voice, so that in the future there will not be anymore who is afraid of boarding a bus or who has to stand watching his house being demolished.

Published by the *Eco di Bergamo* on January 7, 2004



The East African Community's Customs Union Signed

The three East African Presidents Mwai Kibaki (Kenya), Yoweri Museveni (Uganda) and Benjamin Mkapa (Tanzania) signed in Arusha (Tanzania) on March 3, 2004, the East African Community's (EAC) Customs Union.

The signing of the Common External Tariff (CET) was a major breakthrough in establishing the region as a single market and investment area. Previous attempts in November last year and January 16 this year failed to bear fruits.

The leaders agreed on the 25 per cent protectionist import-duty rate, which Uganda had earlier disputed, as the highest threshold for the CET regime. Uganda, which at the time argued in favour of a 20 per cent rate, however, did not lose out, as the three countries agreed to review the rate after five years. By December, last year, at least some 20 per cent (53 product categories) of EAC tariff lines from among the three countries still remained unresolved. Among them being metal, paper and paper products, edible oils, barley, wheat, milk and sugar.

The CET is the first move towards the formation of a Customs Union, leading to the region's economic integration, which started 10 years ago. The EAC treaty provides that the Customs Union shall be followed by a Common Market, then a Monetary Union and subsequently a political federation.

The main objective of the Common Union is the formation of a single trading territory in which partner countries freely trade without paying duties. The draft protocol, issued in Arusha (Tanzania) envisages a three-band 0-10-25 per cent CET regime for the next five years. This means that raw materials from outside the EAC would be zero-rated, intermediate goods would attract a 10 per cent levy, while finished goods would be most punitively taxed at 25 per cent. Other provisions of the protocol bind the EAC states to remove existing non-tariff barriers to trade towards the eventual institution of a tariff-

free trade regime in five years. While the protocol envisages a tariff-free trade regime among the three countries, Uganda and Tanzania have been allowed to put surcharge on goods from Kenya, due to perceived differences in levels of development and industrialisation among the partners. In return, Kenya will pay for its relatively industrialised state by giving duty-free access to imports from the two EAC partner states with the implementation of the Customs Union protocol on July 1, 2004.

President Kibaki emphasised the need for regional integration as a vital response to globalisation. He called for urgent implementation of the protocol to enable the region benefit from it.

Based on an article by John Oyuke, in *The East African Standard*

Belgian PM Calls for a G8 of Regional Unions

Speaking at the Annual World Bank Conference on Development Economics in Brussels, Belgian Prime Minister Guy Verhofstadt called for the G8 group to be replaced with a group of regional unions.

The G8 (Group of 8) is an informal group of eight countries: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States. Each year, G8 leaders and representatives from the European Union meet to discuss broad economic and foreign policies. In Mr Verhofstadt words, "We need a global political response capable of rivalling the globalised market in which we are living. One way to achieve this goal is to replace the G8 of rich countries with a G8 of regional groupings [...] This group would make up a forum favouring, without discrimination, co-operation between the main continental structures: the European Union, the African Union, Mercosur, Asean and the North American Free Trade Agreement [...] Such a G8 would not only improve the relations between the parts of the world but would also

encourage different regions to intensify their collaboration. I think that the European Union could serve as an example in this respect".

The same proposal was put forward by the federalists in the past, along with an analogous proposal for the composition of the UN Security Council. The growing difficulty in promoting a fair and equitable globalisation, supported by the world population, will surely promote a further discussion on these very topics (*ff.*).

Walesa for a World Parliament and Government

The former Polish President Lech Walesa in an interview given to "Universal Press Syndicate" on May 28, 2004, said: "We are struggling badly in the world, and we have not adopted a proper solution to our problems. (...) In order to have a globally organized world, we also need global structures. The new era requires of us a new framework to protect ourselves. We need to either create new organizations or reform the United Nations.

"We need a global parliament, we need to transform the Security Council into a global government and NATO into a global Ministry of Defence. My suggestion 15 years ago and today is that we need real institutions to deal with all the border conflicts and address anti-Semitism and territorial disputes. We, the generation of the 21st Century, should show we will not allow anyone to violate the rules or else the global forces will bring order. This is what is still needed" (*ll.*).

The Rwandan-Genocide Plotters Re-Organise in Congo

Tension is mounting in the Great Lakes Region in Africa for the alleged re-organising of the *interahamwe* militias. We have a saying: "Linda

kigweeyo afumita mukira", meaning in English: "When you wait too long, you might miss the catch". There is a group calling itself "Fighters of the Democratic Forces of Liberation of Rwanda" (FDLR) that attacked a village in North Western Rwanda on April 1st, 2004. Jean Damascene Nyitegeka, who deserted and gave himself up to the Democratic Republic of Congo (DRC) army, told the Agence France-Presse (AFP) in Goma, a Congolese town on the Rwandan border, "Nearly everyone wants to leave, but there are a handful of leaders who were implicated in the Rwanda genocide who do everything possible to stop people from leaving". It is alleged that the FDLR, created in 2000, is made up of Rwandan Hutus who fled their country after the genocide and who have launched incursions from their bases in Congo into Rwanda, with the aim of toppling the government in Kigali. This rebel group has recruited many child-soldiers.

The Ugandan army has made heavy deployment on Rwanda's borders amid fears that the *interahamwe* militias have infiltrated the area. On March 1st, 1999, more than five American tourists were attacked and killed at the site of impenetrable Bwindi National Park. The Rwandan army said it too had deployed troops on the border, preparing for an attack by the *interahamwe*. "We have to move very fast to prevent loss of lives" said one of the officials of the Rwandan army. President Kagame of Rwanda has also warned that they are likely to redeploy troops in the neighbouring Democratic Republic of Congo. Rwanda said they were attacked by extremist forces on April 8th, 2004, and urged MONUC (the UN forces in the Democratic Republic of Congo) and the Congolese government to take this issue seriously, warning that they will not hesitate to send troops back to the Democratic Republic of Congo if such attacks continue. Rwanda sent troops to the Democratic Republic of Congo in 1996 and 1998, saying it needed to protect its borders from rebels based there. However, after pressure from the United Nations, Rwanda withdrew its troops from Congo in October 2002 (*j.s.*).

Carla Del Ponte

Chief Prosecutor at the International Criminal Court for the former Yugoslavia

Interview by *Lucio Levi*

The Guantanamo detainees and the procedures and timing of the trial of Saddam Hussein reopen the controversy over the feasibility and lawfulness of trials that transcend the sovereignty of individual States.

The experience of the International Court shows a model to be followed, because only in this context can a rightful trial be assured both to the prosecution and to the defence. The Milosevic trial under way in The Hague would be unimaginable in Belgrade. It will be the national States' duty to complete later, once the responsibilities of the chiefs have been ascertained, the proceedings against the material executors of the orders. But a trial is necessary: it is an element of hope for the victims and, in the long run, of conciliation and pacification. When a nation is able to judge with equanimity its own past, it passes a great test of maturity.

The novelty of the International Criminal Courts consists in applying international right to individuals and no longer to States only, with the consequence of jeopardizing the impunity that the Heads of State and government have always enjoyed, because they were protected by their absolute State-sovereignty. To what extent does the action of the International Criminal Courts limit the States' sovereignty?

In fact, there is the problem of State sovereignty, and it poses itself above all with the permanent Court, but not so much for former Yugoslavia, because in the case of Bosnia-Herzegovina and Kosovo there is NATO which exerts an almost total control (both political and on public order), thus replacing, at least partially, national sovereignty. The problem, instead, exists in

relation with the permanent Court, as a State which has ratified the Rome Statute renounces part of its sovereignty when war crimes, crimes against humanity and genocide are concerned (which are the main competences of the permanent Court and the International Criminal Court). Therefore that State has performed an act of transfer of sovereignty over such inquiries and those responsible of such crimes. This, at least, is the principle; so the powerful, who quite unlikely can be judged in a national Court, would no longer remain unpunished. The problem arises, however, at the moment when an investigation is to be conducted, because coercive measures and arrests must be carried out by the national systems!

By what extent does the lack of coercive tools of its own for delivering the perpetrators of international crimes to justice affect the operational capability of the International Criminal Courts?

The problem is to get such coercive measures implemented. The Prosecutor of the International Criminal Court has no sanctioning power over those who do not comply with the international duty to carry out the coercive measures. Hence, if this does not happen, does the State face a sanction or not? In fact, a law without a sanction becomes hardly enforceable, if its enforcement depends on the presence of the rule of law or on a State's choice.

As far as the permanent International Criminal Court is concerned, the Security Council has ruled that, if a State does not comply, the President of the Court can take sanctioning measures. The permanent Court should probably appeal to an assembly of the States who have ratified the

Rome Statute, but this is an enormous problem. I, as Prosecutor of the International Criminal Court for former Yugoslavia, am in need of the continuous support of the international community, that is, of the Security Council, the United States, the European Union, who will in turn exert pressures on a State (Serbia, Montenegro, ...). About the United States, I must say that it is exerting strong pressures for the arrest of Karadzic and Mladic. And its support is essential for my investigations, as, regrettably, Europe is politically non-existent and in order to get cooperation it is necessary for me to wander from one capital to the other, hoping to find everybody in agreement.

Political pressures must be exerted for the coercive measures to be efficient, but also, for example, for getting access to documents and military archives. That is why the Prosecutor is not only the Prosecutor, but also a wanderer among the various governments, which he has to spur and try to persuade. For example, the American government has to take a decision on a \$150 million financial and economic aid to Serbia and Montenegro, the so-called certification, and it has conditioned it on the arrest of all fugitives, in particular Mladic. Last year the condition was the arrest of the third fugitive, without whom the trial could not have started, and actually the government has handed him to us three days before the expiration date. Now we will see.

Which institutional reforms are necessary for improving the operational capability of the International Courts?

To begin with, we must say that our operational capability is not yet completely full, meaning

that there are still many obstacles in obtaining a full jurisdiction: as mentioned before, this depends also on the cooperation by the States. Our experience shows that even the Security Council is reluctant to take concrete measures for forcing States to comply. So, in our experience, improving means first of all to improve procedures. In fact, the Anglo-Saxon code of procedure binds us, in trials covering ten years of crimes (as in the case of Milosevic), to prove in court, starting from the base crime, Milosevic's responsibility; and we cannot have at our disposal a file, nor what constitutes the objective elements of a crime. Of course this requires a lot of time: in Milosevic's case we have spent two years for presenting the indictment, also because there could not be more than three hearing-days a week, and many times sittings had to be adjourned because of defendant Milosevic's bad health conditions. Now, on June 8th, we will begin with the defence presentation: it will probably take another two years.

Other problems are those of relocating in another state the witnesses and their families, and of translating into two languages (English and French) the documents in Serbo-Croatian, complicated and expensive tasks; but all this is inevitable for a fair trial to take place. And then the important thing is to arrive at the end of the trials, the time to spend is what is needed. Another missing element in this trial is that no plaintiff suing for civil damages is admitted, because that is not provided for in the Anglo-Saxon code. Their presence has just been introduced in the permanent Court, but for us so far the victims, even in a trial like this one, are only very important witnesses, but with little voice. Therefore improving is necessary, first of all in the area of procedures.

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