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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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Layout
Giampaolo Melideo
by order of FerrariMelideo Agency - Milano
e-mail: gp.melideo@ferrarimelideo.it

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Azienda Grafica il Torchio
Viale Risorgimento, 11
I - 10092 - Beinasco

Administrative Office

The Federalist Debate
Via Schina 26,
I-10144 Torino, Italy
Phone and Fax +39.011.473.28.43
e-mail: federalist.debate@libero.it

Jeunes Européens Fédéralistes (JEF)
Chaussée de Wavre 214 d,
B-1050 Bruxelles
info@jef-europe.net, www.jef-europe.net

Union Européenne des Fédéralistes (UEF)
Chaussée de Wavre 214 d,
B-1050 Bruxelles
info@federaleurope.org
www.federaleurope.org

World Federalist Movement (WFM)
International Secretariat
708 Third Avenue
New York - NY 10017
wfm@igc.org, www.worldfederalist.org

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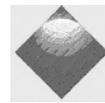
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Steps towards European and World Federation

John Pinder

We need “an active and capable EU [to] make an impact on a global scale [and thus] contribute to an effective multilateral system leading to a fairer, safer and more united world¹.” Such was the conclusion of the strategy paper agreed by the EU Council in December 2003; and it corresponds to what surveys and other evidence show to be a prevalent aspiration among citizens of member states. Thus the question is not what the citizens and their governments want in this respect, but rather what the Union could do to bring it about; and the purpose of this article is to show how the federal idea, as manifested in the European experience since 1950, can make the only genuinely effective contribution to the process.

The first lesson from that experience is that the basic driving force for introducing substantial federal elements into the relationships among European states has been a deeply felt need to deal with the danger, in an unreformed interstate system, of the possible recurrence of intra-European war. That motive, along with the need to deal with common economic problems, has carried the Union far towards federal arrangements for the economy as well as to the establishment of permanent peace among the member states. But this application of the federal idea to its internal polity has not been accompanied by an equivalent process in its relationship with the rest of what is becoming an increasingly dangerous world. While the Union’s strategy paper points in the right direction, it fails to convey a sense of how urgently action is required to confront the dangers facing Europeans today,

including in particular from atomic, biological and chemical weapons in the hands of an increasing number of states and, potentially, of non-state terrorists; from various forms of pressure arising out of global poverty; and from catastrophic climate change. Nor does it indicate that the proper response is to introduce substantial federal elements into the Union’s arrangements for external policy, as a major step towards a European federation.

But whereas the federal process has gone far in important aspects of the Union’s internal affairs that are appropriate for it according to the criterion of subsidiarity, in the field of foreign policy, jealously guarded by most of the member states, the process remains at an early stage. The Union’s structure, however, and many of its internal policies provide a basis on which a federal foreign and security policy can be built; and there is one field of external policy that already, for the last four decades, offers an astonishingly successful example.

Trade, money, aid, environment, defence

The Community’s common external tariff had been put in place by the mid-1960s and the US responded to a suggestion from Jean Monnet by proposing the Kennedy round of Gatt negotiations, in which the participating states agreed to cut tariffs by an average of one third. As the Brookings Institution’s expert on the subject put it: “The dominant position of the United States in Gatt evaporated with the implementation of the Rome Treaty ... the Common Market is now the most important

member of Gatt, and can determine in large measure the success or failure of any attempt to liberalise trade. When Europeans instruct Americans in the realities of the new international economic situation they are demonstrating the change in relative power that has taken place²". The consequence of this shift from hegemonic to bipolar leadership was not the trade wars and the mutual hostility that many opponents of a more powerful Union claim would follow from such a relationship with the US, but on the contrary a process of continued trade liberalisation with the EC/EU and the US as the principal actors, leading to the creation of the World Trade Organisation as the prime example of an effective rule of law in world affairs; and this stemmed from the Rome Treaty's provision not only of a federal instrument (the common tariff), but also a federal executive as negotiator (the Commission), with a federal procedure for accountability (qualified majority voting in the Council which, even if not often used, provides a deterrent to disruptive use of the veto³).

In almost all other fields, the American relationship with Europeans, as with others, remains hegemonic, with an inevitable drift towards policies with imperial characteristics, which make the world neither safer, nor fairer, nor more united. But Europeans have not yet, four decades later, shown much sign of having learnt from this remarkable example of how they could, in most fields of policy, replace the American hegemony by a genuine partnership that is equally beneficial to both.

Thus although the euro has since 1999 become a counterweight to the dollar in international money markets, it remains far from that in the field of international monetary policy. Neither the eurozone nor the Union has the necessary federal elements in its institutions. The eurozone ministers and the Ecofin Council take their decisions without a procedure for majority voting; the European Central Bank

is represented but there is no significant role for the Commission; and the eurozone does not dispose of a common vote in the IMF. But the eurozone could, with an effective common external monetary policy, preferably supported by Britain and other EU states, do much to promote a just and effective world monetary system, less vulnerable to the export of US domestic financial problems.

The EU provides over half the world's development assistance, four times that of the US. Most goes towards the attack on poverty. But a robust economy and good governance are more important for general welfare; and the Union has shown itself capable of providing, for example in the West Balkans, valuable assistance in a range of areas relating to public institutions, civil society and the economy. The EU aims to raise its contribution to 0.7 per cent of GDP; and the interests of both the recipients and the Union would be well served if a growing proportion is used to help enhance the contribution that the recipients can make to security and good governance as well as to their participation in an effective multilateral system.

The significant federal elements in the Union's internal environmental policy have provided a foundation for its leading role in global action on climate change. Despite the handicap of mixed Union and member state competences in that field, it was the Union that secured agreement in the Kyoto Protocol for a modest but significant start to the reduction of carbon emissions, which is a first step towards avoiding catastrophe in the second half of this century. It was moreover the Union which, against active American opposition, ensured the Protocol's ratification by enough states; and the external trade policy was a decisive instrument in this context too, as the essential Russian ratification was ensured by making it a condition of EU agreement to Russia's coveted entry into the WTO. The European Council has now adopted as its target the

cutting of carbon emissions in half by the middle of this century; and if this is not to be a quixotic gesture, the Union will have to persuade enough other states to do the same.

Nearly half a century after the failure of the EDC Treaty, the Union returned to the field of defence, where it has recently taken significant steps: for example the creation of its military staff nucleus in the Council Secretariat; peace-keeping operations in Macedonia and the Congo; the creation of the Rapid Reaction Force and of a number of more quickly available smaller battle groups; and the establishment of the European Defence Agency. The Union can continue to build its capacity and to strengthen its institutions to the point where it can undertake almost any peace-keeping operation. But the US, to be joined perhaps by China, will continue to possess unrivalled military power.

The EU has, however, the potential to be the world's principal power in most fields of external policy save the military, where the US and probably China will continue to predominate; and the Union has so far failed to realise its potential, which is to become the predominant power in 'soft security', i.e. in all fields of external policy save the military, thus enabling it to make its full contribution to the building of an effective multilateral system. It is the process of progressively introducing more federal elements in the powers and institutions for the common foreign and security policy, encompassing its external policies as a whole, as has been done internally, which would enable the Union to achieve its aim in the world.

Completing the federal process in Europe and beginning it in the world

Surely enough of the Union's citizens and governments can be moved to support appropriate reform of the Union's instruments and institutions for external action, through

understanding what it could do to enable Europeans to play their full part as prime movers of an effective multilateralism to avert the perils which confront the world; and through realising that this would not only ensure that the Union emerges from its present dangerous hiatus to engage citizens and governments in a great project, but can at the same time lead to the completion of its own federal process. Given previous experience since the Maastricht Treaty, it may well be that not all the twenty five member states would support such a development. But a core group, building on Joschka Fischer's suggestion, could agree to move ahead in the field of external relations, remaining open to the others to join them later. This would doubtless present many technical difficulties; but given the political importance of the project, they would not be insuperable. Nor should it be assumed that the British would automatically be incapable of taking part. The dissipation of pre-war British enthusiasm for the federal idea, which resulted from Britain's particular experience of the war, was the primary cause of the lack of support for Monnet's pragmatic method of federal steps applied to the Union's internal affairs. But the British are as much concerned as other Europeans about the dangers facing the world; and British citizens, if not yet the government, may be increasingly ready to prefer a genuine Euro-American partnership, with the Union strengthened through the application of federal principles, to American hegemony for dealing with them.

It is of course not only in the context of the European Union that the federal idea is relevant. The structure of an 'effective multilateral system' must, if it is to have real substance, contain a growing proportion of federal elements. That is the full implication of the strengthening of the United Nations which is an important aspect of the Union's external policy.

But while existing forms of cooperation can be

further improved with states that are far from being liberal democracies, an increasingly federal relationship, with more promise for the future, can be developed among those that are ready and willing, as the European experience has demonstrated. An example of the concept is the proposal for a global climate community with appropriate institutions, for which the EU would take the initiative, and which, together with others from the North and the South of the world, most importantly India among the latter, could combine commitments for deep cuts in carbon emissions with mutual support for sustainable development⁴. As in Europe, the intention would be to deepen the relationship and enlarge the membership, and, in this case, to extend the process of federal development

to the United Nations as a whole.

As Tommaso Padoa-Schioppa has observed, in his book on the subject, such a process will take a long time⁵. It is over half a century since the European Community was founded and the EU is still not a federation. The world will almost certainly take longer. But the relations between member states changed for the better from the time when the European process began. War among them became unthinkable and they were able to accomplish major projects together. Federalists must do everything possible to ensure that Europeans apply their federal experience for the benefit both of themselves and of the rest of the world.

¹*A secure Europe in a better world*, Brussels, Council of the European Union, December 2003, concluding paragraph

²Laurence B. Krause, *European Economic Integration and the United States*, Washington DC, The Brookings Institution, 1968, pp.224-5

³For the role of the Community institutions in the Kennedy round, see David Coombes, *Politics and Bureaucracy in the European Community*, London, George Alien & Unwin, 1970, pp. 166-216

⁴See Christopher Layton, *A Climate Community: A European initiative with the South*, European Essay no. 15, London, Federal Trust, 2003, 1st edn 2001

⁵Tommaso Padoa-Schioppa, *Dodici settembre: Il mondo non è al punto zero (September 12, World is not at Point Zero)*, Milano, Rizzoli, 2002

Reforming the United Nations by the Convention Method: Learning from the EU

Antonio Papisca

In one way the difficult transition towards a new, more humane and sustainable world order resembles the problem of constructing a mosaic. It cannot be done without tesserae which someone must arrange for the mosaic to be completed.

With this metaphor my intention is to emphasise that the tesserae for our mosaic – that is, key elements of a sustainable world order – already exist in the internationally recognised moral and juridical paradigm of human rights, international law rooted in the United Nations Charter, multilateral institutions, actions, and precedents. But no coherent outcome has yet appeared because the political bodies which have the capacity to arrange the tesserae have so far lacked the courage to face up to that task: that is, they must make the blueprint for world order visible and ensure that people become aware that we are not groping in the dark and that it is possible to resist the ideology of *Realpolitik* determinism.

The second half of the 20th century saw some positive achievements (epiphanies of global good governance) which it is unreasonable to abandon: especially the UN Charter, the Universal Declaration of Human Rights, the United Nations Organisation, the UN system of Specialised Agencies, and regional integration processes such as, primarily, the European Union. Thus the planet has become like a house filled with a lot of useful appliances that are not properly exploited.

The “DNA” of a more humane world order

In the mid-20th century a human-centric

revolution already changed the DNA of the world system. Today, people would no longer maintain as a matter of principle that respect for human dignity should be subordinated to state sovereignty. Apartheid and colonialism are now taboo. Security and development are increasingly seen as essential to the human condition. Unilateralism, although emphasised by the superpower leadership, is now considered unnatural and costly in both moral and economic terms.

The European system and processes as a fertile lesson for the world

With the European Union presenting a mixed picture of conflict and confusion, though also offering a wealth of opportunities, we may wonder whether it is truly capable of collecting and arranging the tesserae of the mosaic portraying our emerging world order. Its biggest task is to develop and improve our common heritage of universal values into a coherent strategy for building world peace.

That requires moral consistency, general appeal, the ability to govern and lead by example. Can the European Union live up to these standards? Empirical evidence says yes, provided we assume it is also capable of doing so within its own system. My arguments are as follows.

The European integration process has been a model of how it is possible to construct lasting peace between states, peoples and religious entities which for many centuries were fighting each other.

The European system is a living laboratory of mutual learning between differing political

systems and cultures. It is a real yardstick of intercultural dialogue in a very complex historical context.

The European system is also a laboratory of multi- and supra-national governance based on the principle of subsidiarity, both territorial and functional. We can actually say that the system is proving to be successful in carrying out the twofold task of 'agenda development' and 'institution building', in order to suitably meet the governance needs stemming from the structural crisis of traditional statehood, namely the crisis in both state 'capacities' and state 'form', and of the democratic practice. The European Union is the trans-national system in which new and more sophisticated forms of governance – better, of statehood – are actually pursued.

The European system is pioneering international democracy – that is, genuine transnational democracy with supranational political institutions legitimatised through the direct election of a parliamentary body and the participation of civil society organisations and groups in the decision-making process at the supranational level.

The European Union is metabolising the pattern of internationally recognised human rights both in its own practices and externally. Its Charter of Fundamental Rights, proclaimed in Nice in December 2000 and now included in the draft Treaty establishing a Constitution for Europe, advocates the full "constitutionalisation" of the EU system. In treaties with third countries the EU is developing the practice of including a "human rights clause" and by means of speeches and financial largesse it has also campaigned for the establishment of a functioning International Criminal Court.

Furthermore, the European Union is gradually extending both the concept and the practice of citizenship. While the Maastricht Treaty established EU citizenship as a basket of

additional rights available only to member states' citizens – *ad alios excludendos* –, the EU Charter of Fundamental Rights covers all human beings, thus in effect extending citizenship *ad includendum*: a universal and plural citizenship. This challenges the discriminatory approach of the original Maastricht provisions. In this respect the EU is acting as a laboratory for structural change in line with universal ethics and therefore offers an example for the entire world.

The "convention method" used in the ongoing European institution-building process of the EU's comprehensive democratisation. So far two European Conventions have been held, the first on human rights and the second dealing with EU's future structure and resulting in the draft Constitutional Treaty. The rationale behind this innovative practice is that, in accordance with subsidiarity, the traditional Summit Conferences need to be complemented by a more extensive and diversified input when deciding on major statutory revisions. The intrinsic value of the convention method lies in the plurality and diversity of its membership. This allows for a more representative participation, thereby drawing on a wider range of ideas and experience, and increasing legitimacy.

Strengthening & democratising the United Nations as a EU priority

Everything mentioned above should be sufficient to make the European integration process an impressive example for all, and the European Union a credible actor in world politics. But being "an example" is a boomerang for the EU. Globally it is expected to act in accordance with the magnitude of its achievements, and that it has a moral duty to act as a power characterised by successful human rights mainstreaming, peace-building and democratisation. Yet, though it has a single domestic currency, the absence of a EU "single voice" in world politics means that it still lacks the capacity to use those successes as a power resource.

In playing a major role, the EU should give priority to the arrangement of the “world order” mosaic’s tesserae, bearing in mind (a) that behind economic deregulation lies a strategy of institutional deregulation, undermining systems of organised multilateralism, supranational criminal justice, collective security, and non-profit transnationalism; and (b) that the destiny of (new) International Law based on human rights is inevitably linked with the future of the United Nations, of multilateral cooperation, and of the entire network of international organisations. If we abandon these we shall be left without the mechanisms necessary to implement human rights, pursue collective security and human development goals, even that to extend democracy.

The EU task regarding the United Nations

The United Nations Organisation has had its failures and its successes. Nevertheless it contributes to a positive future for the world. To quote but a few of its achievements, it has helped create respect for an international law of human rights, with its complementary philosophy of concern for human security and human development, the enhanced culture and practice of multilateral cooperation, the ongoing pressure to improve the status of women and their role in the world’s political agenda, collaboration with NGOs and civil society movements, the development of international criminal law and the establishment of a supranational criminal justice machinery, etc.

As a matter of priority, in its foreign and security policy the European Union should therefore make what I would call a “preferential choice” in favour of strengthening and democratising the United Nations in accordance with Article I-3 (The Union’s objectives) of the draft EU Constitution: “In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect

among peoples, free and fair trade, eradication of poverty and protection of human rights, and in particular the rights of the child, as well as to strict observance and development of international law, including respect for the principles of the United Nations Charter”.

Seen from this perspective, the question of the UN reform cannot be regarded as simply one aspect of a wider agenda of world order issues. It is in fact central to this agenda.

Over the past four decades innumerable working groups, panels, *comités de sages*, eminent personalities both within and outside the UN itself have produced a plethora of largely empty reports and dossiers on the UN reform. They lie scattered across the landscape like tombstones in a mediaeval graveyard. And yet the need for reform remains urgent, for there is no reasonable alternative to an effective United Nations Organisation.

Needed: a “Universal Convention” to strengthen & democratise the UN!

Reform of the UN should be undertaken in accordance with the principles enshrined in the UN Charter and other human-centric legal instruments, including the Universal Declaration of Human Rights whose Preamble contains the key message, namely: “the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.

The reform strategy should pursue two main objectives: democratisation of UN organs and their decision-making processes; and balancing the two thematic elements in the Charter represented institutionally by the Security Council and the present Economic and Social Council. New headings for these two thematic elements could be, respectively, human security and human development.

Democratisation of the UN is an absolute priority.

Without it, no further changes, developments or improvements are possible. But it must be emphasized that international democracy means *genuine* democracy: not simply “one state, one vote”, but more direct legitimacy of the international organs, involving increased popular participation in the way decisions are taken, with autonomous civil society initiatives at the world political level.

UN democratisation should be conceived as a process that will urgently pursue such major goals as, for example:

- making the Security Council more representative, preferably by reorganising or complementing its membership on regional basis,
- establishing a UN Parliamentary Assembly and a permanent Global Civil Society Forum,
- enhancing the role both of non-governmental organisations and local government institutions,
- reinforcing the ECOSOC functions in pursuing social justice goals, including the empowerment of the UN human rights machinery,
- establishing a permanent UN police force (both civil and military),
- enlarging the mandate of the International Criminal Court and strengthening its structure,
- endowing the International Court of Justice with the right to assess the legitimacy of the Security Council acts.

The practice of representative and participatory democracy in the UN would almost certainly have a huge impact among its member states, for international democracy would then be seen as the independent variable of internal democracy. Through dialogue, peaceful exchange, and cooperation, it would have an increasingly positive influence.

Balancing the two main thematic elements of the Charter also means that the Economic and Social Council should be endowed with the powers needed to orient the world economy and world affairs towards social and economic

justice. As we know, the area at present covered by ECOSOC is both extensive and relevant. It includes economic and social affairs as well as the human rights mechanisms and rather loose advisory functions of coordination vis-à-vis the Bretton Woods institutions. Yet, notwithstanding the crucial relevance of these policy areas, its powers are not in any way comparable with those of the Security Council.

Within and around the UN system we speak of human security and human development as two sides of the same coin, both being multi-dimensional and affecting the same subjects, namely individuals, groups and peoples. Why then, in comparison with the Security Council, is ECOSOC so feeble and endowed with so few powers?

To make ECOSOC genuinely a Council for economic, social and environmental security, its functions and powers should be increased to the level of the present Security Council. Such a package, which would be fully consistent with the principles of interdependence and the indivisibility of all human rights, would enormously strengthen the entire UN system.

The practice of democracy within the UN should start already during the preparatory phase of drafting a comprehensive document on its reform: that is, a framework document having both moral and political authority. It is needless to emphasise the delicacy of this phase and the influence it will have on the subsequent formal decision-taking process.

Drafting should take place in a plural and participatory context, by which I mean that the reform document should be prepared by an ad hoc body whose membership should be broader and more diversified than in strictly intergovernmental bodies, as the General Assembly or the Security Council. Its composition must break away from the usual stagnant, inconclusive self-referentialism of the debate at the United Nations headquarters, and also from the hidden agendas of powerful governmental lobbies.

Comments

My proposal is that by means of a resolution endorsed by the General Assembly – where veto power does not exist – a “Global Convention for strengthening and democratising the United Nations” should be established, whose composition would ideally be comprised of the following representative segments:

- UN member states, by regional groupings
- relevant institutions of the UN system
- regional organisations
- national parliaments and the parliamentary assemblies of regional bodies
- local government authorities (through a newly established NGO of “United Cities and Local Governments”)
- NGOs having consultative status at the UN and in global civil society networks
- Women’s global movement
- Permanent Observers to the UN

In practice, this Global Convention for UN Reform would bring reality to the UN Charter’s introductory words: “We, the Peoples of the United Nations”. Their anticipatory message of

a truly trans-national democracy would find an echo in the minds of millions active members of global civil society organisations and movements. A special website would ensure the widest possible access to the Convention’s proceedings, and its final conclusions would then be submitted to the General Assembly as the mandatory institution of this ad hoc body.

As we have seen, the European Union has twice used the convention method with positive results. Its experience entitles it to take the initiative and propose that the question of UN reform should be addressed by the same pluralistic method, duly adapted, of course, to the world context.

The UN Convention would be more than a mere ‘working group’. It would be a constituent entity with a mandate to draft a coherent set of formal proposals. In this way it should be possible to finally overcome the sterile inter-governmental approach, which until now has proved to be the real obstacle to UN reform.

A Constitution for the Internet

*Stefano Rodotà**

Is the Internet in need of a Constitution? The question is topical after the news of censoring initiatives by the Chinese government, leading to the arrest of a dissident there, and even of the cooperation offered by an American portal, Yahoo!. The question cannot be dodged by arguing that any attempt to impose rules on the Web is impossible or unnecessary. The Internet is the widest public space mankind has ever known, where every day millions of people exchange messages, produce and acquire knowledge, build up political and social participation, play, buy and exchange goods and services. Can all this be left to the bullying of authoritarian regimes or to the conveniences of the market?

Some months ago Microsoft already started agreeing to warn its Chinese customers not to use words like liberty, democracy, participation in their electronic messages. More seriously, Yahoo! provided the information necessary to trace back an e-mail that a journalist, Shi Tao, had sent to the United States, reporting on a warning issued by the government to journalists over the risks of the presence of dissidents at the Tienanmen Square's anniversary. Shi Tao was later sentenced to ten years in prison for spreading allegedly secret news. Finally, a law was passed that subjects messages over the Internet to strict control, authorizing only the "good" ones, in order to avoid a democratic contagion spreading via the Web that might foster the influence of voluntary organizations, make mobilization possible among the more than one hundred million Chinese web-surfers, and thus bring about not only dissent, but also rebellion. Do we have to draw the conclusion

that the Internet is by its very nature democratic, and incompatible with authoritarian regimes?

All these facts show very clearly that Internet problems cannot be analyzed from the viewpoint of the traditional libertarian idea that considers the Web to be an intrinsically anarchical space capable of autonomously redressing a violated liberty and which cannot bear any regulation. But to justify the information against the journalist, one of the founders of Yahoo! stated that his company abides by the laws of the country in which it operates. Rules, therefore, exist, and they are severe, and are reinforced by disquieting alliances between States and enterprises, becoming instruments that do limit liberty.

Thinking of legal rules to counter that possibility becomes a necessity, and almost a democratic duty. But one is immediately faced with concrete obstacles, raised in every sector against any attempt to devise legal guarantees adequate to meet the realities of a globalized world and of the new "spaces without borders" like the Internet: namely the sovereignty of national states, and the deep-rooted habit among transnational companies of claiming to be themselves the issuers of the rules affecting them.

Have we no choice but to give up, or should we simply trust in the virtues of the Internet? Looking around, one can spot other possibilities. A fine analyst, Franco Carlini, is proposing a social reaction: let us immediately exploit the opportunities offered by the Web itself, the sensitiveness of the surfers and the possibility of immediate mobilization, replying in this

way to any message coming from a Yahoo! mailbox: "Your message is refused, but we will be pleased to read it if it comes from any mail service other than Yahoo! and is respectful of human rights". In Italy, the members of Magistratura Democratica (Democratic Magistracy) are already doing that, and the Peacelink association offers a mailbox to those who quit Yahoo!. Lacking guarantee rules, citizens all over the world are trying to give shape to a kind of counter-power.

Initiatives of this nature, that take advantage of every means the Internet can give, have been defined as "poacher's strategies", and in other situations have produced significant results, as in the case of the boycott of transnational companies exploiting juvenile labour. At present, Reporters sans Frontières provides instructions about how to spread information over the Internet without being detected. This is more difficult because of the presence of a national state determined to maintain a hard line, and Yahoo!'s interest in conquering China's enormous market. However, should the type of reaction illustrated above succeed in getting a sufficient critical mass, it would surely have more than symbolic importance. That is why the thesis of those arguing that it is better to accept what Yahoo! is doing rather than leave Chinese customers to a much more oppressive national monopoly is not convincing. The very fact that the problem has been raised highlights the concrete risk of a "market censorship". This is a matter on which I have long ago tried to focus people's attention, and it cannot be dodged, considering that the Web's commercial uses have surpassed the non-commercial, thus opening up the prospect of deep changes in the nature of the Internet itself.

The chances of success for strategies from below increase if they are also backed by institutional strategies. When I speak of a Constitution for the Internet, I am not thinking, of course, of a document similar to national Constitutions, but of the necessity to define the principles on

which to base rights relevant to the situations in which those using the Internet find themselves. As a constituent assembly to promulgate those rights is unthinkable, it is necessary to follow different paths, seizing all the opportunities in any part of the world as they arise.

A good starting point could be the European Union's Charter of Fundamental Rights, in which the right to protection of personal data is actually recognized as an autonomous fundamental right. This means going beyond the traditional notion of privacy, and considering the strong protection of personal information as an inalienable aspect of the liberty of a person. It is important to keep this in mind, because the European Union constitutes at present the region in the world with the highest level of protection of personal data, and this fact is influencing decisions in many other countries.

At the World Conference on Privacy, held in Venice in September 2000, the Chief of the Italian Authority launched the project of an international Conference on this topic. This proposal was upheld by the World Conference recently held in Montreux. As past experience shows, reaching agreement will require lengthy negotiations between governments. In the meantime, all the bodies involved in managing the Internet – whether states, citizens, providers, producers, enterprises, or other authorities – are required to start strengthening and enforcing the rules already written down in several documents, experimenting the "new-generation" codes of self-discipline – that is, those which are not the product of sectorial interests only, but are the result of a joint discussion with public bodies – while ascertaining which problems can be solved through better design and usage of existing technologies, thus helping to establish what a new Convention should include in practice.

Along this road, the opportunity offered by the World Summit on the Information Society, to be held in November in Tunis on the initiative of the



United Nations, should not be missed. In fact, there is a proposal that at that meeting a Charter of Rights for the Web be approved, which starts from the recognition that the Internet is bringing about a new, great redistribution of power. Lest censorship-oriented attitudes prevail, it is high time to demand some “constitutional” principles as part of a new planetary citizenship: freedom of access, freedom of usage, the right to knowledge, respect for privacy, recognition of new public goods. In Tunis there will be an opportunity to decide whether technical management of the Internet should pass from the United States to the United Nations.

Meanwhile the European Union, which could act as the motor for this process and has taken a courageous stance on the issue of Internet’s management, is going through a period that risks being dominated solely by security concerns. The Italian journalist Federico Rampini writes that “the authorities in Shanghai have

installed cameras in Internet Cafés and check the documents of people entering them”. That happens in Europe too, while the Commission in Brussels, mainly under pressure from Great Britain, is proposing to redraft in a restrictive sense the legal framework concerning phone communications, electronic mail and the Internet, beginning with how long the data concerning them should be kept. Reacting to this development, the European Parliament and the Warrant Authorities point out that we are dealing here with fundamental rights which cannot be restrained without upsetting the democratic character of our societies.

This confrontation highlights the constitutional dimension of the Internet. It is all the more necessary that the legitimate call for a widespread protest against Yahoo! should apply equally to those European rules that go well beyond the requirements of security protection.

*From *La Repubblica* of October 20, 2005



Tunis: The Battle over Internet Governance has just Begun

Francesco Ferrero

The World Summit on the Information Society (WSIS II), which met for the second time in Tunis last November, was formally centred on the necessity to overcome the so-called “digital divide” between the few who enjoy full access to the Information and Communication Technologies (ICTs), and the many who do not.

But the top priority of the main global actors was actually another one. It was the political control of the Internet. More precisely, the summit was the occasion to discuss whether the present American hegemony should be replaced by a new, multilateral approach. The issue, left open by WSIS I, which met in Dec. 2003, was brought again to the attention of the public during the preparatory meetings, when it was included in the recommendations¹ tabled by the Working Group on Internet Governance (WGIG), an independent team of experts set up by the UN Secretary-General after WSIS I.

The occasion was immediately exploited by a consistent group of countries, led by the European Union. And despite American allegations that “The EU’s proposal seems to represent an historic shift in the regulatory approach to the Internet, from one that is based on private sector leadership to a government, top-down control of the Internet²,” the official position of the EU on the issue dates back to 1997, and is substantially unchanged since then³.

In fact, as happened during the Iraqi war, the international community is asking once again

to the US the same old thing: that it starts to apply a multilateral approach to the solution of the main global economic and strategic challenges. And the Internet is just that: a crucial economic and strategic asset.

Formally, the battleground between the US and the rest of the world is the juridical status of the Internet Corporation for Assigned Names and Numbers (ICANN), an internationally organised, not-for-profit corporation that has responsibility for Internet Protocol (IP) address space location and for managing the Domain Name System (DNS). The latter is a huge distributed database that allows the users to recur to names like *www.google.com*, instead of weird dotted-decimal numbers (like *66.249.93.104*), to reach a specific host among the millions which populate the Internet⁴.

ICANN operates at present, for well-known historical reasons, under a contract to the US Department of Commerce (DoC), and disputes with it must follow the Californian laws. According to a Memorandum of Understanding between the DoC and ICANN⁵, signed in 1998, the US should have renounced its political oversight on the corporation by September 2006. But the Bush Administration announced to the world on June 2005 that: “Given the Internet’s importance to the world’s economy [...], the United States is committed to taking no action that would have the potential to adversely impact the effective and efficient operation of the DNS and will therefore maintain its historic role in authorizing changes or modifications to the authoritative root zone file”, and “will

continue to provide oversight so that ICANN maintains its focus and meets its core technical mission.”⁶

In principle, an immense power is at stake. Should the US decide to cancel a country code Top Level Domain (ccTLD), let’s say “.fr”, from the authoritative root zone file, the move would provoke a huge economic damage to the economy of the affected country. For a rather complex collection of reasons, both political and economical, it is very unlikely that an event like that might ever occur, but power, as we know well in the atomic era, lies more in the potential to do something, than in actually doing it.

The EU, backed by the rest of the international community, is therefore calling for “the development and application of globally applicable public policy principles [which should] provide an international government involvement at the level of principles” and the “establishment of an arbitration and dispute resolution mechanism based on international law in case of disputes”, like the one that is already working in the WTO framework.

A precedent comes to our mind, which is the struggle between the American Global Positioning System (GPS) and the European Galileo. Like the Internet, the GPS was initially developed by the US thanks to its superior technological level. Like the Internet, the technology was initially driven by military demands, but was soon converted to massive civilian use. Like the Internet, the GPS was made available to the rest of the world, but the US retained full control over the system, and a privileged access to the services it provides. The EU repeatedly offered to share the costs and efforts of keeping the system up-to-date, but the Americans did always refuse. They did not want to lose a strategic advantage over the allies of today, who might eventually turn in the adversaries of tomorrow. To effectively counter this hegemony, the Europeans were

thus obliged to deploy their own technology, which, not for chance, immediately encountered the favour of other global players (China and India among others).

Today, someone thinks that some country could be tempted to follow the same strategy, creating its own regional DNS, to break the American monopoly over the Internet. But the situation is different. While different platforms for global positioning can easily coexist, the added value of the Internet lies exactly in its capacity to uniquely resolve addresses throughout the whole planet. If the present disagreement should deepen, the most likely outcome would be the fragmentation of the addressing domain, with virtually no advantage for anyone. In fact, the US, whose corporations gain huge revenues selling goods and services over the Internet, would be the real loser in that scenario.

This is why, despite the fact that, as anybody expected, a solution was not yet found in Tunis, some progress on the issue has nevertheless been made. Following the WGIG recommendation, the summit recognised “the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet” and asked the UN Secretary-General to establish an Internet Governance Forum (IGF), with the mandate to “Discuss public policy issues related to key elements of Internet Governance in order to foster the sustainability, robustness, security, stability and development of the Internet.”⁸

As happens in the field of UN reform, the US Government opposes a constructive solution, but cannot negate that a problem exists. The ability to generate inside the IGF enough political pressure to eventually overcome the American resistance will largely depend on the will of the EU and of emerging countries, like China, India and Brazil, which have a

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primary interest in fair access to ICTs.

The degree of leadership of the EU, in particular, will depend on two factors, which are tightly interconnected: the restart of the

Constitutional process, and its ability to overcome the technological gap with the US, which means the creation of European industrial champions, capable to compete with giants like Microsoft, Cisco and Google.

¹Report from the Working Group on Internet Governance, http://www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=1695

²T. Wright, *EU and U.S. clash over control of Net*, in *International Herald Tribune*, September 30, 2005, <http://www.iht.com/articles/2005/09/29/business/net.php>

³Chronology of EU position on Internet Governance, http://europa.eu.int/information_society/activities/internationalrel/docs/wsis/chronology_ig.pdf

⁴For a simple description of how the DNS does actually work, see <http://www.isoc.org/briefings/016/>. For an insider's view of what lies behind managing the root zone servers see <http://www.isoc.org/briefings/020/>

⁵ICANN's Major Agreements and Related Reports, <http://www.icann.org/general/agreements.htm>

⁶U.S. Principles on the Internet's Domain Name and Addressing System, http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm

⁷European Union (UK) Proposal for addition to Chair's paper Sub-Com A Internet Governance on Paragraph 5 "Follow-up and Possible Arrangements", <http://www.itu.int/wsis/docs2/pc3/working/dt21.pdf>

⁸Tunis Agenda for the Information Society, http://www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=2267%7C0



Respecting Differences, Abolishing Frontiers

Lois M. Wilson

If there was ever a timely need for World Federalism, it is now. The UN World Summit of August 2005 demonstrated some achievements, many significant postponements, and a number of failures. (see “United Nations World Summit” – by John Trent and Fergus Watt of the World Federalist Movement of Canada.) Rather than simply holding our heads in dismay at the blocking of many excellent initiatives put forth by the General Secretary in his April 2005 report to the General Assembly, World Federalists need to take time to analyze the outcome of the Summit, and establish priorities for continuing work. Of all the possible thrusts WFM can underline and support, what are the ones most likely to succeed and which ones are likely to disappear unless supported? In view of our limited lives, finances, and energy, I suggest we build on the achievements, restore immediacy to postponements that have some chance of restoration, and concentrate our work on two or three failures to prevent them sliding off the radar screen.

The one historic achievement was the acceptance by the UN General Assembly of the new Responsibility to Protect people from genocide, ethnic cleansing and crimes against humanity. It recognized that national sovereignty is not absolute. Where the nation state is unable or unwilling to protect its own citizens and is putting innocent people at risk, the international community recognizes a duty to take action. It is not beyond imagination to think this may at some point be extended to address environmental damage and climate change, both of which put people at enormous risk. R2P, as it is known, helped motivate

the Security Council to refer alleged crimes against humanity in Sudan to the International Criminal Court, despite the resistance of the USA. R2P however, was not endorsed by the Security Council and remains subject to its veto. Although the UN did not articulate criteria for the use of force, it is conceivable that R2P can, in the future, provide the legal and moral impetus for some form of UN police force. This calls for sustained action on the part of the WFM with appropriate nation states, particularly in the light of the UN document strengthening the sovereignty of nation states at the expense of human security of the world’s citizens.

Closely related to R2P is the issue of human security, the precise definition of which has been postponed. This affords civil society an opportunity to have its voice heard, and to widen the notion of security beyond military or national security. Human security means building a global domain that limits power and establishes the public good for all citizens: clean water; freedom from loss of life; education for all; freedom from poverty. It is security in the broadest sense for all humans that is at stake. The new Peace Building Commission promises to strengthen the hand of the UN in peacekeeping, peacemaking, and peace building. Its new blueprint to help war-torn countries can include human security for the basic needs of people, echoing the WFM effort to establish a comprehensive system of global security for a long term solution. It is seriously short on detail. Can the WFM contribute to the ongoing work and to crucial decisions that have yet to be made on its composition and procedures?

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The office of the UN High Commissioner on Human Rights has been strengthened and her budget doubled. Moreover, a new Human Rights Council was accepted to replace the discredited UN Human Rights Commission, although no mandate, function, size, composition, membership or working methods have been presented or accepted. The Secretary-General has been quoted as saying, "Nations that believe strongly in human rights must work hard to ensure that the new Council marks a real change." This holds true for the WFM, which may wish to re-double its efforts for Human Rights in the face of the fact that all references to the International Criminal Court were removed from the UN document!

One hopes that a new Democracy Fund will strengthen the UN's roles in promoting democratic governance worldwide. Regretfully, there were virtually no structural or institutional reforms of the UN system, although the Swedish Prime Minister has accepted Annan's request to lead a working group of government leaders to keep up the momentum on UN reform efforts. What influence and capacity has the WFM in helping civil society push their respective governments to take real action on this item? In addition, we have a serious global democracy deficit and a vacuum at the heart of

our international order. If the UN did not exist, we would have to invent it. We need to support the reform of the UN and achieve consensus to give it an effective power to manage change.

Despite the effort to eliminate all references to the Millennium Development Goals, they are still mentioned and the rhetoric remains, even though poverty reducing measures are much behind schedule. There was no review of its eight goals and no new money. Yet some developed countries may indeed move to the goal of 0.7 of GDP for development aid by 2015. Civil society needs to remain vigilant on this issue. Nor was there anything about an end date for trade-distorting subsidies or the dumping of goods in the markets of poor countries.

Significant areas such as disarmament did not receive appropriate attention. A full page devoted to non-proliferation and curbing nuclear and conventional weapons was dropped entirely from the final draft.

Why do I write of opportunities and not failures? It is best expressed by a Lebanese author Amin Maalouf, "My world is one in which one respects differences and abolishes frontiers. But we are moving toward a world that respects frontiers and abolishes differences." I'm for Maalouf's world!

The Next Phase of the Constitutional Process and the European Citizens' Conventions

Guido Montani

The lull in the European constitutional process, due to the No votes in France and the Netherlands, casts a sinister light not only on the European Constitution, but also on the future of Europe. The temptation to give up is rife among the European political forces. The ideology that Europe should abandon any kind of "political" ambition is spreading; integration should only be limited to market. Even the euro is considered as putting a halt to the economy, and not as a European public good on which the wealth and social cohesion of the Europeans depend.

The federalists must react strongly to this wave of euroscepticism. The match is being played around the project of the European Constitution. The forces that are in favour of European political unity have managed, during the Convention, to find an agreement for a Constitutional project that is not the point of arrival of the federalist battle, because it continues to maintain within it an intergovernmental system of decision which prevents the Union from having a federal government, democratic and effective. Nonetheless, having a European Constitution means a big step forward towards a Federal Europe.

The federalists must beware of invoking miraculous short-cuts. The European constitutional process cannot be compared to the adoption of a new Constitution in a national state, where there already exists a bureaucracy, an army and a unified economy. The aim is to transform the Union into a Federation of nation States. The political priority is now the relaunching of the Union's

constitutional process. The ditching of the European Constitution would assure the victory of euroscepticism and nationalism.

In order to win the present battle, the federalists must understand the nature and strength of the enemy: contemporary nationalism. Nationalism is the ideology of the nation State. However, there have been different forms of nationalism in the various historical periods. In the past it fuelled the demon of political power until the collapse of the European system of States. The defeat of Nazi-Fascism did not put an end to the sovereign nation States, but it curbed foreign policy within the barriers of the process of integration, at European and world level. Nationalism in Europe thus lost its aggressive nature towards other populations. Imperialism, as the main foreign policy line, was replaced by European cooperation. But nationalism continues to fuel, both in parties of the left and right, defensive positions for national sovereignty, though today it only represents the ideological shield of the privileges of the political classes, of the economic rents and of corporative interests. The debate on the European Constitution has shown that the goal of nationalism is to prevent the process of European unification from reaching its federal status. The European Constitution is a decisive divide between the old intergovernmental Europe, which wants to limit integration just to the economy, and the new Europe, whose ambition is to become a supranational political Union. The No votes in France and the Netherlands gave voice to the chorus of the eurosceptics and national-populists, who theorise, as does the Czech

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President Vaclav Klaus, the transformation of the Union into a plain international organisation. In Klaus' opinion one should no more speak of European citizenship nor of a Constitution. Monnet and Spinelli's Europe is a childish dream of the past.

The new nationalism kindles a populist idea of politics. It criticises the "élites" in power and representative democracy. It makes an appeal directly to the citizens, to their daily unsatisfied needs, to xenophobic instincts. The people could better express their will thanks to the coming to power of a charismatic leader. The new nationalism sustains the nation State in an ambiguous way. Le Pen in France, Heider in Austria and Bossi in Italy criticise the "élites", that is the executives of the national governments, when they grant quotas of sovereignty to the Union. But they actually do not want a return to the Nation State. Some of them, like Bossi, are micro nationalists. They have understood that if the Union disintegrates, there will not be a return to national currencies and to national armies, but to small country homelands, as has already happened in former Yugoslavia. It is in the political context of the small homeland that the populist leader can finally become the "sovereign" and fight against the unbearable interference of globalisation in the local running of the country. National-populism and euroscepticism of the national governments are close allies. Klaus' ideas are widely echoed by the British press. Chirac, Blair, Schröder and Berlusconi who did not want a federal Europe at the time when this choice was possible in the European Convention, have actually prepared the ground for the spreading of national-populism.

The aim of nationalism is clear: to bring the constitutional process to a standstill. The goal of the federalists and of those in favour of Europe is still hazy: the criticism of the European Constitution, due to some evident shortcomings in it, runs the risk of playing into the hands of the enemy. If the European

constitutional process is arrested, hit by the crossfire of the nationalists, of the *gauchiste européens* and of the "intransigent" federalists, the European Constitution could suffer a fatal blow. The thrust towards enlargement cannot be restrained. An enlarged Europe, a great market without a political soul, will soon become the prey of the narrow-minded ambitions of quarrelsome governments and of national-populism.

The debate concerning the relaunching of the constitutional process now meets the opinion of those who believe that an avant-garde group of willing countries could build a federal Europe. This point of view should be examined carefully, because it could be an obstacle to the relaunching of the constitutional process.

Proposals that an avant-garde group of countries could be formed come mainly from France, the country which in the past, together with Germany, was the promoter of the process of integration. After the No votes of its citizens to the project for a European Constitution, France feels weakened and is trying to find new allies and a new thrust. In fact, the need to form an avant-garde group of countries does not concern France only. It is the answer to a real European problem: the creation of a European government with sufficient powers to face the economic and foreign policy challenges. After the enlargement, one realises that it is inevitable for some countries, which perceive more than others the urgency to advance towards a wider governability of Europe, to look for allies in order to proceed at a greater speed.

This need, however, overlaps that of the relaunching of the constitutional process and could hamper it, if the implementation of some grand project would strengthen the opinion, defended by the eurosceptics, that Europe can go ahead even without a Constitution. One must not forget that the European Convention was formed after numerous attempts by the national governments to solve the Union

problems by means of intergovernmental cooperation.

The attempt to form an avant-garde group is the expression of a process within another larger process. The truth is that a European government with real powers should be formed even though the national governments that make these proposals are not always aware of the outcome. The European government must be responsible before the European Parliament. This attempt could therefore be successful only within a European Constitution, not outside the Constitution and, even less, outside the Treaties. The European Constitution actually anticipated the possibility of forming strengthened and enhanced cooperation between a group of countries, concerning economics, foreign policy and security. The federalists must encourage the creation of avant-garde groups in countries thanks to specific initiatives (as for example the launching of Eurobonds by the Commission to finance a new Delors Plan and the Lisbon Strategy). But they must also remind the national governments that those who act outside a Constitution inevitably create a "*Directoire*" which, in the long term, will arouse resentment among those who have been excluded. If a group of countries really intends to take a first step towards a federal Europe, it must also accept to establish an action pact based on a Constitution. An avant-garde group outside a democratic Constitution is a "*Directoire*".

The European constitutional process has reached an impasse. More than half of the States and peoples of the Union have already ratified the European Constitution. But the No votes in France and the Netherlands allow the eurosceptic governments to uphold the idea that "the Constitution is dead". The British government took advantage of the French and Dutch referendums to suspend theirs, even before the European Council convened. Thus it implicitly sustained the idea that the national ratifications of the Constitution are useless, because the unanimity of the 25 is now

impossible. Should the national ratifications continue – as Blair's Government seems to maintain – Great Britain will refuse to approve of the Constitution, unless France and the Netherlands repeat the referendum on the same text of the Constitution.

Unless there is a radical change in the French and Dutch public opinion, the repetition of the referendum is improbable. It is therefore necessary to find another way out. The European Parliament has recently adopted some proposals, suggesting the following course: a) the European Parliament and national parliaments should jointly organise conferences – 'Parliamentary Forums' – in order to stimulate the debate and to shape, step by step, the necessary political conclusions. The first Forum should be convened in the spring of 2006, in advance of the June meeting of the European Council, the aim being to make comprehensive recommendations to the European Council about how the Union should proceed to find a way out of the crisis; b) the conclusions of the period of reflection should be drawn at the latest in the second half of 2007, on the basis of the debate developed in the Citizens Forums, with civil society, and in the Parliamentary Forums, with the national parliaments, and a clear decision should be reached at that stage about how to proceed with the Constitution.

An initial version of the document, based on a report by Andrew Duff and Johannes Voggelhuber¹, was more ambitious. It was suggesting that, in case it should be deemed necessary to introduce "improvements" in the Constitution, "a new Convention" should be convened in 2008, and that in 2009 "the revised Constitution should be submitted to a consultative ballot across the EU at the same time as the next European Parliamentary elections, so as to give a popular verdict on its outcome".

Even though the European Parliament was

not yet ready to stand for such ambitious ideas, the federalists must support them. It is necessary to strengthen the federalist front and to weaken the eurosceptic one. The proposal of a “consultative ballot” on the European Constitution, on the occasion of the next European elections in 2009, will allow the overcoming of the difficulties met during the national ratifications. If each country proceeds with the ratification of the Constitution, it is very likely, or rather certain, as happened in France and the Netherlands, that the fights for national power – within parties and among parties – will end by dominating the debate, making what is at stake – European political unity – to fade into the background. On the contrary, if on the same day in all the Union countries there is a Yes or No vote for the European Constitution, the European citizens will express their opinion on a European project. If this procedure had been adopted for the approval of the Constitution, it is possible to claim that most likely the response of the vast majority of European citizens would have been positive (as is proved by the fact that, even though only 16 countries have so far given an answer, the majority of the Union citizens have approved of the Constitution).

Finally, it should be noted that, in the case of a “European consultative ballot”, the ratification of the Constitution will come about on the basis of the democratic principle of the majority of the citizens. The unanimity method would finally be overcome and the proposal for the Constitution would end up being strengthened by popular will.

In the next months, the UEF should try to intervene in the debate concerning the constitutional process in order to clarify some issues that have been put aside for now, but that could be an obstacle for the approval of the Constitution.

First of all, in case it should be deemed necessary to convoke a new Convention, it should be a

“Constitutional Convention”, in which only the representatives of the European Parliament and of the national parliaments should sit, that is the European citizens’ representatives. The governments should of course intervene in the constitutional process, because the Union is founded on the dual legitimacy deriving from the national peoples and from the European peoples. The principle of dual legitimacy has already been introduced into the codecision legislative procedure between the European Parliament and the Council as far as ordinary legislation is concerned. Now the principle of constitutional codecision should be introduced into the procedure of approval and revision of the Constitution. The new Convention and the Council must approve the improvements to the text of the Constitution by means of a method that respects the equal dignity of both institutions. No intergovernmental Conference should successively modify the text of the Constitution approved of in this manner.

Secondly, it is necessary for the UEF to clearly point out what means the Union can use to bring about the necessary policies to satisfy the most urgent requests of European citizens. Presently, the Union does not have sufficient resources of its own (it can not issue public European loans and it does not have autonomous fiscal resources) to finance a European Plan for growth and employment. Furthermore, the Union does not have a military force of its own to intervene in the crisis areas when the demands of European foreign policy dictate it. A European foreign policy though, independent of the national foreign policies, does not exist. In the future European Constitution there should be provision for an avant-garde group of countries to give life to a true European federal government, responsible before the European Parliament, capable of making its decisions democratically, without any right of veto.

Nonetheless, the priority is to relaunch the constitutional process. If the European



Parliament does not have the courage to become the propelling power of the constitutional debate, the European citizens will resign themselves in the long run to accepting a market-Europe, without any political vocation. The immediate task of the UEF is therefore:

- to make an “Appeal to the European Parliament” to sustain the original Duff-Voggenhuber’s proposals, including the decisive request for a “consultative ballot” together with the next European election in 2009;
- The Convention of Genoa (December 2005) was a success. It actually represented the first of the Citizens Forums envisioned by the European Parliament, organising the meeting

of the members of the European Parliament most in favour of sustaining the project for a European Constitution, together with the representatives of the European citizens in the NGOs, in the Trade Unions and in the local branches of the European parties. Now the UEF should organise a Convention in Vienna in 2006, in June, and a second Convention in Paris, in November. Finally, in 2007, if possible, a Convention in Berlin should be organised. In conclusion, the UEF should adopt an “Action plan” to mobilise the citizens until the European election in 2009, when a “European consultative ballot” could also be organised by the European Union.

¹See A. Duff, J. Voggenhuber, *A Proposal for Re-launching the European Constitutional Process*, in *The Federalist Debate*, Year XVIII, N. 3, November 2005, p. 42



Participatory Democracy in the EU

John Parry

Sovereignty originally meant the absolute worldly power of the sovereign or monarch. Out of self-interest, absolute monarchs tended to regard their sovereignty as an expression of the Divine Will. They therefore surrounded themselves with all the mystique of pomp and ceremonial. Then, with the growth of democratic institutions in the 19th century, this mystique was transferred to the 'people' in the ethnic sense, leading to the consequent disasters of nationalism and its 20th century form, fascism.

Yet as early as 1690 the Englishman John Locke had expressed a more down-to earth view when he wrote in his *Two Treatises of Civil Government* that the power to levy taxes on the people must be with their consent, that is "the consent of the majority, giving it either by themselves or their representatives chosen by them"¹ No mysticism here! Those who pay must have a say.

Federal systems also concentrate the mind on practicality and thereby demystify the nature of sovereignty. Government conducted by elected bodies at several different levels of society – whether European, national, regional, or local – is of its nature functional and cannot work effectively without citizen participation. Its main concern is the division of competences – Who does what? – and the control of resources. No amount of ceremony can disguise these realities.

Moreover, as the subsidiarity principle demands that decisions should be taken as close as possible to the persons directly

affected by them, the smallest political unit in a federal structure is clearly not an elected local council nor a party committee, but the individual elector.

It follows that sovereignty in a federation therefore rests with the individual voter and the choice he or she makes in the secrecy of the polling booth. The result, and the formation of a ruling majority, certainly depends on how many people vote for the same candidate or party; but when voting in secret, each person does it as an individual and not as part of a collective.

But however numerous its supporters, the ruling majority must never be allowed to act as if its authority is unlimited. Over the past hundred years the world has seen several examples of how democracy can be destroyed by the unbridled acts of elected majorities. It must be emphasized, therefore, that the powers exercised by a parliamentary majority do not endow it with sovereignty. Such powers are only temporary and must be subject to restraints imposed by a constitution whose primary function is to defend the sovereignty of the citizen – that is, his or her individual rights – expressed politically through their elected institutions.

All this may seem relatively straightforward, but at the level of the European Union a different form of mystification appears, namely in functioning of its decision-making structures. To some extent, the EU's institutions mirror those of national federations, yet the division of competences is considerably more complicated. For example, the relationship

between the EU's elected Parliament and the chamber of states, i.e. the Council, is often difficult to fathom.

In the matter of law-making, while the underlying principles of the cooperation procedure may be comparatively straightforward, it is far from easy to explain why this does not apply to all draft legislation. Even the authors of the draft EU Constitution pulled back from the brink of total rationality by listing several exceptions to what they called the "ordinary legislative procedure". Faced with such a wide variety of provisions and hesitations hemming in the EU's legislative competences, it is no wonder the public gives up in despair.

Representation

In ancient Athens all the citizens would gather in one place to take important collective decisions. That was possible because there were not many of them. Women were excluded, and so too were the vast numbers of slaves who formed the majority of the population and did the real work.

Today, in our much larger society, we must rely on our elected representatives. They may not always do exactly what we want. They are not our puppets, nor are they – officially at least – mouthpieces for one sectional interest or another. Their role as *representatives* is to take decisions on our behalf after considering the issues and arguments on all sides of the debate.

The best an election can do is to produce a result which roughly mirrors our views in proportion to the votes cast. But though a voter might agree with one party on the broad thrust of its economic policy, he or she might disagree with it on other issues such as, for example, immigration or nuclear power.

Participation

At both European and the national levels something more is therefore needed: namely,

democracy must become more inter-active with citizen participation in the current debates, seeking other ways of influencing our elected parliaments and governments. Simply going out to vote every few years is not sufficient.

In this respect the role of the civil society is vital. Only organised citizens' groups can afford to acquire the expertise needed if they are to influence national governments or the EU in each specialised field. Many European groups are highly skilled at this job, particularly those representing business interests. As a step towards greater and more effective participation, the EU has promised greater openness, yet the Commission drags its feet over registering supposedly publicly available documents², and although the 2nd Chamber of the Legislature, i.e. the Council of Ministers, has recently agreed to meet in public session when legislating within the cooperation procedure, it still conducts most of its business behind closed doors.

The Swiss approach to ensuring participation is to allow every citizen to vote in a referendum on issues that specifically affect them. This can work well where the issue is specific and easily understood, though it did lead to Switzerland becoming the very last country in Europe to give women the right to vote. A different example demonstrates how this method might have unexpected consequences. Local referenda held in Wales on whether pubs should open on a Sunday, and at what time they should close, resulted in an increase in road traffic. Drinkers ejected at closing time in their own county then drove swiftly across the administrative border into the next county where the bars stayed open half-an-hour longer.

But major problems can arise when the issues are complex, as the French and Dutch referenda on the draft Constitutional Treaty have demonstrated. This is not because the people voted against the draft Treaty, for that

was their right, but because – according to various surveys – a significant number of voters used this opportunity to express their views on quite different subjects: to show general disapproval of their own government, to protest against immigration, or to express their outrage at the provisions of the Services Directive which was published during the campaign and which they saw as a threat to their own jobs.

Some, in particular in France, also disliked the implications of certain parts of the Treaty which they felt to be an attack on the social market model. Above all, voters often said they did not understand the Treaty. That it was too complex.

Engagement

In short, the referenda results were indicative of a failure to engage the public in the ongoing debates surrounding the European project. In a sense this is a problem of subsidiarity. If, in a democracy, sovereignty ultimately rests with individual citizens who exercise it in the secrecy of the polling booth, then their political leaders have a duty to involve them in what is happening in their name. This is particularly necessary at the European level where the links with the citizens' everyday lives are not so obvious.

The early signs are that the European Commission has realised that its past information campaigns and other attempts to involve the citizens have not succeeded. Commissioner Margot Wallström has now launched a new initiative with her Plan "D" for Democracy, Dialogue and Debate. Her analysis is valuable, and particularly the emphasis on Dialogue and Debate, though it is far from clear how this plan will overcome the citizens' instinctive distrust of official institutions.

It is not sufficient that the Commission should promise to produce documents in more popular language, which in any

case can only be achieved by using native speakers. The question involves far more than language. To be truly democratic, and to help people identify with the European project, not only interest groups but also the citizens themselves should be encouraged to participate in genuine debates *before* final decisions are taken, although this is primarily a task for civil society organisations and political parties rather than officialdom.

Influencing attitudes

For most people, newspapers, television and radio are the prime sources of information. They also, in the best instances, offer an opportunity for participation through discussion programs, vox pops., and the use of audience letters and emails. Public opinion polling is also now developing sophisticated techniques by providing an informational context for their questions, offering either/or choices and in some instances promoting discussion of the issues. In this way they hope to counter the superficial influence on public opinion of media bias or inaccuracies.

One of the most interesting experiments with this approach has been developed by James S. Fishkin at the Center for Deliberative Democracy, Stanford University, USA³. Using his method, the polling exercise involves several stages, the first being to poll a representative but random selection of people on their views concerning the chosen subject. After these initial results have been analysed, the same people are next invited to spend a weekend together to discuss the issues, both among themselves and with specialists. To prepare the discussions they are also sent briefing materials in advance, putting different sides of the argument. One additional element is that their weekend together is also shown on public television, thus sharing the experience with a broader public. This is not quite reality TV of the Big Brother type but it does have the same

human interest and therefore attracts an audience. In the final stage the participants are asked the original questions once again, and it has been found that, now they are better informed, their views have modified.

Registered under the name Deliberative Polling®, Professor Fishkin's approach has already been successfully tested in the USA, Britain and several other European countries. If a Deliberative Polling exercise could be held simultaneously in every EU country the impact on public opinion could be considerable. Techniques of this kind not only help to shape public attitudes. The arguments put forward within the group can also help EU institutions towards a better understanding of the public's concerns.

Such an exercise would be a useful tool to supplement both the proposed Parliamentary Forums⁴ and the Commission's Plan "D"

project and an important stage in the growth of participatory democracy in Europe.

Yet, valuable as such projects may be, so long as the EU is structured in its present form it seems unlikely that citizens will ever become as thoroughly engaged in the debates at the European level as they are in the political issues in their own countries. With national political leaders still treating the EU as an alliance rather than as a Union, it is not surprising that citizens do not feel fully engaged with the European project. It is the EU's intergovernmental character which hinders the development of a fully active citizenship.

Not until we have an elected federal government financed by some form of direct taxation will citizens feel that they have an absolute need to participate at the EU as well as national levels and to exert a genuine influence over the policies which affect them in their daily lives.

¹John Locke, *Two Treatises of Civil Government*, Bk.II, chap.XI, para.140

²See *Statewatch*, September-October 2005, page 1

³*Debating Deliberative Democracy*, 2005

⁴A. Duff, J. Voggenhuber, *Report on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union* (2005/2146(INI))

The European Vacuum

Andrea Bonanni*

Europe continues to pay in terms of political insignificance the terrible mistake of its political division over the war on Iraq, made visible in the spring of 2003 by the "Letter of the Eight" supporting the United States, signed also by Blair and Berlusconi. Two more examples have been given recently. The Euro-Mediterranean Summit in Barcelona, ignored by the Arab leaders and by the Israeli President, closed without a common declaration on terrorism and the Middle East crisis. In the same days in Berlin, the European Commissioner to Justice, Franco Frattini, admitted that he has not yet received an answer from Washington to his request of information about the existence of CIA torture centers in Europe. And he had to threaten the Union's member States that had accepted those "European Guantamos" that serious sanctions will be imposed, up to their suspension from the European Council.

Frattini's stance, courageous and commendable as it was, is actually masking a threefold European weakness. Firstly, the fact that the Commissioner had to send his Director General to Washington for getting information on the torture centers highlights the sought-after indifference of the British Presidency of the EU, who should have dealt with this task. Secondly, the missing answer by the Americans, who still do not acknowledge Brussels' request, shows how little consideration they have for the European concerns. Thirdly, the fact that Frattini had to hint at well-deserved sanctions against the member States eventually implicated in that operation, sounds as an admission of impotence in sanctioning the behaviour of

the United States, who would in any case be the main responsible for a serious violation human rights on the European territory.

In this case, while the Council of Europe is investigating and while the new German Foreign Minister in Washington is about to ask the State Department for an explanation, the silence of the British Presidency of the Union stands out. London uncritically aligns itself today with Bush's agenda on the fight against terrorism, as it did two and a half years ago on the eve of the invasion of Iraq.

Also the failure of the Euro-Mediterranean Summit, where twenty four European Heads of Government have been blatantly ignored by the Arab leaders is to a large extent to be ascribed to the inconsistencies of the British Presidency, that had the task to carry out the preparation work for the Summit. London's insistence on inviting to the Summit the Iraqi Foreign Minister, whose country does not participate in the Mediterranean dialogue, irritated many Arab leaders, throwing once again on the negotiating table the misunderstandings and the wounds aroused by the Anglo-American invasion of Iraq.

But most importantly the Europeans were not able to reach a compromise on a common and shared definition of terrorism, to be included in the final declaration. The Arabs wanted that, although condemning terrorism, the right of armed resistance be recognized in militarily occupied territories. But on this issue, besides the obvious opposition by Israel, afraid of a legitimization of the Palestinian guerrilla, they

had to face the concerns of many Europeans, worried that a recognition of armed resistance could sound as a justification of the bomb attacks in Iraq. As a result the code of conduct of the fight against terrorism is unconnected to a shared definition of the phenomenon it wants to fight.

On the other hand, the Europeans were not even able to have a declaration approved that provides for Israel's withdrawal within the 1967 borders, or that somehow could condition the behaviour of Israeli authorities in the framework of the peace process in the

Middle East. An expected failure, if you wish, but one which explains why the main Arab leaders were not present at the summit.

Be it the peace process in the Middle East or the fight against terrorism, two issues of vital interest for all Europeans, the role of the Union remains marginal. And the levers of command rest firmly in the hands of the American administration. That this, after all, wouldn't displease some governments of the Union which signed the "Letter of the Eight" is the real crux of the matter that explains the eternal European irrelevance.

*From *La Repubblica* of November 29, 2005

The Enemy always near by

Tommaso Padoa-Schioppa

Yesterday the London Tube, today the Paris *banlieue*: threats to the security of our society that would not break out without the new immigration in today's Europe. Are they the result of the crisis of a particular integration model, the British or the French? Many say they are, and point to the differences between the British and the French case: a failure of the multicultural model, the bombs in London; of the integrationist model, the riots in Paris. Mr Blair's mistakes in foreign and military policy, Mr Chirac's in economic and social policy. Social revolt in France, ethnic and religious revolt in Great Britain. It is astonishing to see the haughtiness some local commentators have been using in each country in censuring the incidents in the other country as the consequence of their wrong model.

For sure, the differences are not negligible. In London there were terrorist acts thoroughly prepared and carried out by militants, aimed at people, in the heart of the capital. In France there was a spontaneous revolt, without an ideological or religious manifesto, aimed at property, at the outskirts of the big city. In London, young people willing to die, in Paris young people that want to live. In the first case, a direct connection to 9/11 and the war on Iraq; in the other, a burst of anger and social frustration.

The two models are known by the names "multicultural" and "integrationist". Their archetypes would be the United States and France, two countries with very high immigration. In the first model the immigrant should in theory keep his identity and his

belonging in the group of origin. The host country should ask the newcomer just to respect the Constitution and the laws; lacking a culture of her own, the country would be an archipelago of communities identified by culture, or religion, or ethnicity, or language. In the second model the country should in theory offer the immigrant to become citizen to the full, but would ask him to renounce his belonging in a group. In Europe, Great Britain, the Netherlands and Germany would be examples that apply the multicultural model.

Described in these conceptual terms, the two models look opposite and incompatible, just like part of the newspapers present them to us. In reality, however, common elements were always present; moreover, the differences tend to disappear today in the face of the particular immigration of the last half-century.

Firstly, common elements were always present. Even where it was proclaimed, multiculturalism has been a social behaviour, not a constitutional rule; we were observing multicultural societies, not multicultural States. On the one hand, in America the law is the same for all and is addressed to the individual citizen, not to the ethnic or religious group, it prescribes monogamy also to those, Mormons or Muslims, that have a polygamic creed. On the other, in France the laicality of the State and the right to form associations ensure the free practice of different religions, as well as the formation of groups organized around a common idea, a geographical origin, the color of the skin, or certain customs. Differences abound, mostly

due to the diversity of educational systems and, in general, to the more or less pervasive presence of the State in economic and social life. But, although relying to a different degree on the State and the social body, both models do operate as assimilation mechanisms.

Secondly, differences are disappearing today in the face of the new immigration. Millions of them, instead of tens of thousands; differences of colour, religion, customs, not just language. As to size and differences, the flow of newcomers is not comparable to the inter-European migrations of the past and is such that any model, perhaps even the notion itself of assimilation, is upset. Also in Milan or Turin in the 1960s the immigrants from the Puglia region, freshly arrived with their cardboard-made luggage, were all living in the same buildings and were all going to the same bars, different from those the Lucanians were going to; they too found a hostile city, failings at school, restaurants and saloons that did not let them in. The same in Belgium or in Germany. But differences disappeared in one generation, with the help of economies growing at an almost Chinese pace. Now in European cities differences persist, and the grand-children, the second generation born in Europe, are even more bewildered than their fathers and grand-fathers.

Having undergone such an important, historic change, the encounter between migratory flow and host society does not take just a few years to establish normal relations, and is bound to transform in a permanent fashion the economy, culture, social structure, laws, political systems in Europe. In considering and preparing ourselves for such a transformation, we must not forget that the encounter is the result of a necessity, but at the same time it is a choice that is made under the positive sign of work, not the destructive one of arms.

The newcomers have chosen us for living with us, and have also been looked for for building our roads, cleaning houses, caring for old people and the sick, making night shifts in factories, picking tomatoes. They have not invaded us as enemies, as happened many times in the past centuries in almost every European country; they have not been called by our governments, but by families and enterprises. Forty years ago class struggle was the ideology people were attracted to. Today it is the ethnic and religious identity: both are insufficient, because diversity is simultaneously ethnic, social and cultural. The strong group solidarity created by the old class ideology was a moral obligation, but in any case there was in it a choice, a free adhesion, a way out, which are missing in an ethnic, a geographical and often even in a religious group. The ideology of the class struggle has ignored and repressed ethnic and cultural realities, up to causing them to burst later in tragedies. But today the polarization on ethnic and cultural factors makes it difficult to manage what, to an appreciable extent, is a social uneasiness.

In a very beautiful movie of 1994 ("Before the rain") the Macedonian Manchevski touchingly tells how hatred and cruelty crept in between Christians and Muslims in a village in the Balkans. Life was peaceful amid families living together for generations: water taken at the same fountain, mutual aid in hardships, common memories. But the fall from kindness to brutality is overpowering, almost sudden, it twists people's minds and drives individuals to kill. The risk that some cities in Europe may become like the village pictured by Manchevski is to be looked at seriously. A friend may well live far away; an enemy, instead, is always near by: He is someone we live together with, someone we have much in common with, someone we were calling on until yesterday, and we had to meet again tomorrow.

An Analysis of European Society

Alessandro Cavalli

Considering the social policies presently pursued in Europe, and the implications they have on the European Union, my thesis is that in matters of social policies the Union would do better to abstain from intervening. In fact, a typical feature of federal systems is that some issues can be best dealt with at a local level, others at regional or national level (not many, really), and many at supranational level.

The fact that at the supranational level there is not, in reality, a real power, so that some truly important issues (peace, war, foreign policy) cannot be dealt with in Brussels, causes the machinery set up in Brussels to attempt to justify its presence by expanding in sectors that would not really be of its direct competence; this has negative effects also on the Union's image in the population who see it as a further level of bureaucratic regulation of their activities. For this reason it is often perceived as a remote and distant power.

This said, let us look at some of the difficulties. I would refer my analysis to the crisis in one of the European social models which I define as "the traditional Continental" approach. This model was based on three pillars:

- the family, relying on the extra-domestic work of the husband-father and on the domestic care by the woman-mother (a traditional setting, rather common for a long time);
- work in a big company: almost all of our pension systems were based on workers with a life-long contract;
- the traditional Bismarkian-style welfare State, founded at the beginning of the 20th century,

which assured four areas of security: sickness, old age, injury and unemployment.

That model has had a great many merits in ensuring social security, but now it is in crisis for a number of reasons. Demographic reasons: in a relatively short time the average life expectancy of European citizens has doubled; what once was the possibility of surviving beyond 65 years of age, and as such was insured by the welfare system, has today become almost a certainty, therefore it is not insured through pension systems. As the number of people older than 65-70 years increases (soon there will be one European in three older than 65), a great part of the population will be elderly and hence more subject to illness, at a time when the discoveries in medicine have made many diseases curable, but at a rising cost. Therefore, with an elderly population and ever more refined medical technologies, it is to be expected that a considerable part of a society's GDP will be devoted to the health sector. The increase of health-related expenditure is an irreversible trend.

Without going more in depth into the changes in the production sector, I would like to stress an important transformation in the work market: there will be an ever bigger decrease in the percentage of jobs with stable, long-term contracts and an increase in more unstable jobs: part-time, project-based, etc. This trend can hardly be stopped, though it can be regulated in various ways, and social policies will have to do just that, but despite the differences in social policies among the Union's member States this type of jobs is bound to grow.

Another sector must be taken into account as a sign of significant social transformation, namely the non-market or “out of the market” working activities. For example, when we organize something in a federalist local chapter we are doing some work, but it is outside of the market. This type of work includes any kind of voluntary service, but also domestic-care work such as looking after the sick and the elderly at home, which traditionally fell on women’s shoulders.

These transformations in the demographic and working sphere, added to others, have upset the traditional social model which was composed, as we said, of single-bread-winner families, “Fordist” enterprises, traditional welfare State. Another factor that upsets the model, in addition to factors of a cultural nature, is the change in the types of demand: not only the risks of old age, but, for instance, for the young their being unable to escape a succession of temporary jobs until they are 40 or 50 years old. Temporary jobs are the main route into the labour world, and they are important because they let the young explore the various opportunities that society has to offer, but if they last too long, it becomes difficult for them to break out of such a circuit.

These risks come mostly from the fact that the variety of opportunities offered by advanced societies to their citizens is constantly growing: in older times there was a very high probability that the son of a labourer would become a labourer himself. There were mechanisms leading to the self-reproduction of society, which remained structurally identical from one generation to the next, creating rather stable professional destinies. The liberty of individuals was limited, but they were given certainties. Today, those mechanisms have luckily changed and will change ever more. In a society where merit-rewarding mechanisms are functioning, chances for an individual are many. However, this creates conditions of risk and uncertainty, as society is ever changing.

In this sense the traditional social model no

longer works, nor does the traditional family model, firstly, because forcing women to abandon or renounce chances of personal professional growth outside the home cannot work any longer. One of the great transformations that advanced societies brought about in the last century is precisely the position of women in society, albeit with big differences between countries. Therefore, the family is no longer the only or the main location for the care of a growing elderly population. This means there is a social demand to satisfy, due to the family’s social structure fading away.

In addition, the number of atypical families is increasing, and the traditional model is no longer the most frequent. One-parent families, those composed of a single person, communes and atypical unions are on the rise. In North European countries such phenomena have reached a significant proportion: Six out of ten babies in Scandinavian countries are born outside a matrimonial bond and hence outside the family protection net. In France the figure is 40%, in Italy 15%, but with peaks of 25% in the Liguria region and much lower rates in the South. So social policies based on the traditional welfare model are inefficient.

In the debate in France on the occasion of the referendum, part of the Left felt the Constitution contained too much State intervention, while for others there was too much market. This is partly explained by more or less neo-liberal opinions, but above all the debate made clear that the old traditional European model must be reconsidered in any case. In what direction? A direction that on the one hand would make many rights and benefits no longer conditional on being employed, but rather on being citizens, the so-called citizenship rights. For example, the (inapplicable) proposal for a citizenship-based guaranteed minimum income. The diversity in the conditions by which the value of personal security can be protected against the risks that life brings with it and the necessity to cope with very diversified needs are causing the national

Comments

welfare systems to become inefficient. Probably the trend that should be established is that of a system largely diversified at various levels within the territory, though obviously there will be some ensuing problems.

A family policy cannot be the same in the South of Italy as in the North, because family life conditions are quite different, and for the same reason it cannot be the same in Tampere (Finland) and in Sicily. The idea is that social policies are territorially differentiated, and that many of the competences that the States have today, with their massive welfare systems, must somehow be transferred to lower levels. Probably a few very general guidelines can be adopted by the European Union, although dealing with such problems is not one of the EU's main tasks. That the varying modes of a complex and extremely diverse society could be modelled by the Union is unthinkable, and even more so as the enlargement process proceeds. Moreover, Europe's richness is rooted in such a diversity of very heterogeneous social conditions, that it is equally unthinkable to homogenize within the time frame in which some policies have to be worked out.

The suggestion I would like to offer is this: let us be careful not to assign to the Union more competences than those it absolutely must have. To do so would damage its image in the eyes of the citizens. I have the feeling that we have already gone too far and that by dealing with issues that it could easily disregard the Commission is becoming unable to deal with the important matters. There is today in the public opinion a "weariness" with regard to the European integration process. We have

seen this in France and The Netherlands, but is also present where referenda have not been held, and also where the Yes would win. There is perplexity over how the unification process is taking place. I believe that some of this weariness is due to the fact that, as they cannot deal with the truly big issues, the Brussels bureaucrats invent functions for themselves that could very well be handled at the national level, or even be delegated to sub-national levels. My comments about social policies apply also to other areas. Certainly there are aspects of the social policies that we must deal with as a Union, for example immigration, a phenomenon which is bound to increase in the future and needs regulation at the European level, as well as some aspect of the citizenship rights. Other matters can be better dealt with at lower levels. These are issues that can be handled in different ways, but cannot be ignored with the excuse that they are outside the control of public authorities, for they can be controlled with varying modalities. No doubt the Union will have to cope with some aspects of this problem.

There are also other problems in the field of social policies that the Union should deal with, but it is advisable that it does so with a light touch. Education systems are one example, where it might be necessary to introduce measures relating people's mobility, but it must not go much farther than that, for education systems will remain strongly conditioned by the different cultural approaches, which are still mostly national. A policy could be worked out for creating European centers of excellence, but the main body of education will remain national for many years to come, and rightly so.

On Some Aspects of the European Social Model(s)

Lionello Casalegno

People frequently talk today of the challenges of globalization, and in particular of the changes that it imposes on the economic and social systems of our societies in the name of a competitiveness which must be pursued at all costs if we want to survive in this world that has become global. Many take for granted solutions that require lower taxes, less State, more flexibility in the labour market. Neo-liberal theories appear to be dominant at present in the Western world, and the defense of the welfare levels attained in the past decades is viewed as a rearguard battle to protect privileges by now absurd and unsustainable. There are certainly big differences among the various countries: for historical reasons in Europe in particular there is greater consideration for social aspects than, for example, in the United States. We can then ask ourselves whether one can, for a start, talk of a European model in respect of the problems just mentioned and more generally of the criteria that guide the organization of society and the economy, and of living together.

In the opinion of many scholars a European model does exist, and it differs from other models in various aspects. C. Buhigas Schubert and H. Martens¹, for example, point out three features: first, as proclaimed in the EU Constitution (still to be ratified) and in common with other Western countries, it is founded on such values as democracy, the rule of law, and respect of human rights. In addition, it is characterized by relying on multilateralism and “soft power” as the means of solving international disputes. Secondly, Europe is characterized by social economies, and by its willingness to balance economic achievements with such other goals

as social cohesion, leisure and environmental sustainability. Thirdly, it is consequently characterized by having a larger public sector than most other countries.

To give some figures, social transfers (pensions, sickness and disability schemes, unemployment benefits, housing programs, etc.), aimed at reducing poverty and helping to achieve greater social equality, affect (excluding pensions) 52% of the EU population, with however significant differences between countries (from 70% in Denmark to 17% in Italy). This is reflected in the level of taxation, which is 26% of GDP in the USA (and similarly in Japan and Russia), while in Europe it is around 41,8%; and in the size of the public sector which is around 50% of GDP in Europe, with the UK at 40% and Sweden at 67%.

The role of the public sector therefore, which as we said is peculiar in Europe for its significant size, is fundamental for the economy and for social cohesion. It may be, as some believe, an unbearable burden, an elephantine bureaucracy, a big obstacle to national competitiveness and to the good functioning of the market. But, if efficient, it may also be a protagonist of development, as we will see.

Going in greater depth into the economic and social realities of the 25 European countries, one can immediately see that there is no single European social model, but four or five, commonly defined by geographical area (but also with matching statistical indicators, see Fig.1), as, for example, in the recent Sapir Report², or in the European Policy Center’s Working Paper No.

20 of September 2005¹. Thus we have:

- the Nordic model (Denmark, Finland, Sweden, plus The Netherlands), where the highest levels of social protection expenditure can be found. Government intervention in the market economy is low; instead, it is significant in providing “active” policies for the unemployed. Workers’ unions are strong.

- the Anglo-Saxon model (the UK and Ireland), where social expenditure amounts to 21,8% of GDP (2001). The attitude to markets is quite liberal; social benefits are targeted and work-conditional, and privately paid welfare plans are growing. Employment rate is higher than the average in the EU, and the national welfare system looks financially sustainable. Trade unions are weak, salary dispersion is high and growing, with a large presence of low paid jobs, hinting at a non-negligible probability of falling into poverty (see Fig.1).

- the Continental model (Austria, Belgium, France, Germany and Luxemburg), is characterized by good welfare coverage, which, however, is financed to a large degree by employment-adverse taxes. So relatively low employment rates and the demographic challenge of aging population, determining a shrinkage in active population, risk making the system financially unsustainable. Germany in particular, as well as Southern Europe, finds itself in a “welfare without work trap” in which young people and women in particular are penalized by the scarcity of jobs.

- the Mediterranean model (Greece, Italy, Portugal and Spain) has many features in common with the Continental model. It is further conditioned by the sizeable incidence of pensions on social budgets, and by frequently resorting to early retirement to put segments of working age population out of the labour market. Workers’ unions are still rather strong, although their membership is declining and they are criticized for protecting traditional jobs without sufficient openness to the new professions and a more modern (and equitable) approach to welfare.

(A fifth group would be that of the Eastern

countries that have recently joined the EU, but this is considered a transitional group, as pretty soon they will very likely adopt one of the previous models).

Fig.1, taken from Ref. 2, shows how the EU-15 countries are placed with reference to two parameters, namely the Employment Rate and the Probability of Escaping Poverty (= 1 – Poverty Rate). The countries group together around the point representing the European average values, which is taken as the origin of the horizontal and vertical reference lines according to the definitions given above, the only exceptions being Austria and Portugal which would be more similar, respectively, to the Nordic and Anglo-Saxon models. Sapir gives also a different, telling interpretation of the same diagram. As a model can be considered “efficient” if it creates enough employment, and “equitable” – if it keeps the risk of poverty among the most disadvantaged part of its population low –, then the two axes may represent respectively the “Efficiency” and the “Equity” of a model. So, the Nordic model is both efficient and equitable, the Continental is equitable but inefficient, the Anglo-Saxon is efficient but not very equitable, and the Mediterranean delivers neither efficiency nor equity.

Let us now consider the model that from what we have seen so far looks the most interesting: the Nordic model. Its success appears to be due to a good mix of the Anglo-Saxon model with its liberal approach to the market and the Continental model with its provision of good social protection; hence the presence of a strong role of the public sector (taxes in the Nordic model countries are at 45-51% of GDP, as opposed to 31-37% in the Anglo-Saxon model).

The Nordic countries also rank consistently among the first when countries are compared according to other indexes which take into account not only strictly economic factors, but also factors measuring the satisfaction

of citizens with regard to government, the business environment, their own lives, etc. So, among the top ten countries in the Human Development Index (UN, 2001) we can find five Nordic countries (NCs), in the Quality of Life Index (Economist Intelligence Unit, 2005) 4 NCs, in the Responsible Competitiveness Index (AccountAbility, 2004/5) 5 NCs. The World Economic Forum has published the rankings in the Growth Competitiveness Index for 2005, and Finland is once more first, followed by the United States, and then Sweden and Denmark; and also in the nine "pillars" of the Global Index (comprising, for example, Institutions, Higher Education and Training, Innovation) Finland is always in the first twelve. And so it is in the Corruption Perception Index by Transparency International.

What is particularly striking in these statistics is the fact that the countries excelling in competitiveness are also the ones which simultaneously exact the highest levels of taxation. How is it possible? Does it not contradict the maxims of neo-liberal theories?

For sure there are many elements that make such a remarkable result possible. First of all, there is the efficiency of the public sector, both in providing services (education, health, etc.), and in managing the redistribution of resources, and in particular social transfers. Also, it becomes itself a propeller of the economy when, for example, it directly invests in research and development, in environmental technologies, in the technological innovation of the state administration (e-government), or the ever more widespread care of the elderly. Transparency and the virtual absence of corruption were mentioned already. These are things that require a highly developed civic conscience in all levels of the population, a conscience that took a long time to truly become a national cultural trait.

A second element is the institutionalized dialogue between workers, entrepreneurs and the State which in the Nordic countries, in

particular in Denmark, has become known as "flexicurity". Briefly, it consists in a combination of (very liberal) regulations on labour flexibility; a generous and efficient system of assistance to the unemployed; and an "active" public policy towards the labour market, which aims to requalify those out of work. It is to be noted that about 80% of workers are members of a union, and yet about 30% of Denmark's work force change jobs every year. They do not lose their pension rights or paid holidays, etc., and they receive benefits and training. Thus the entrepreneurs have a very flexible work force available. Rather than job security, the trade unions protect the possibility of developing workers' competences. They and the whole system aim not at avoiding unemployment but rather "at getting the unemployed back to work by making them employable". The idea is that "security does not come from having the same job for as long as possible, but from being able to qualify progressively for the many new job opportunities which arise in a dynamic labour market"².

The result is that in those countries globalization is not seen as a frightening threat. According to a Gallup poll carried out this year, only 40% of Danish workers think there is a "very large" or "large" risk that their jobs might be relocated in another country, while 90% judge the risk to be "low" or "non-existent". And if they should indeed lose their job, 59% of Danes think it will be "easy" or "very easy" to find a new one.

The question that comes naturally is: can the Nordic model be exported? Can it become the Europe-wide model? "Unfortunately not" is the answer most experts give. Too many elements are linked to intrinsic features in those societies and cultures; and there is not even complete uniformity among the Nordic countries themselves. However, at least two general indicators can be drawn from this quick presentation of the European social models.

The first is that some reform of the Continental

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and Mediterranean social models in the direction of opening the labour market to a greater flexibility is necessary, but balanced by “active” and efficient means of social protection. Only thus can social reforms in Europe acquire the consensus necessary to become acceptable.

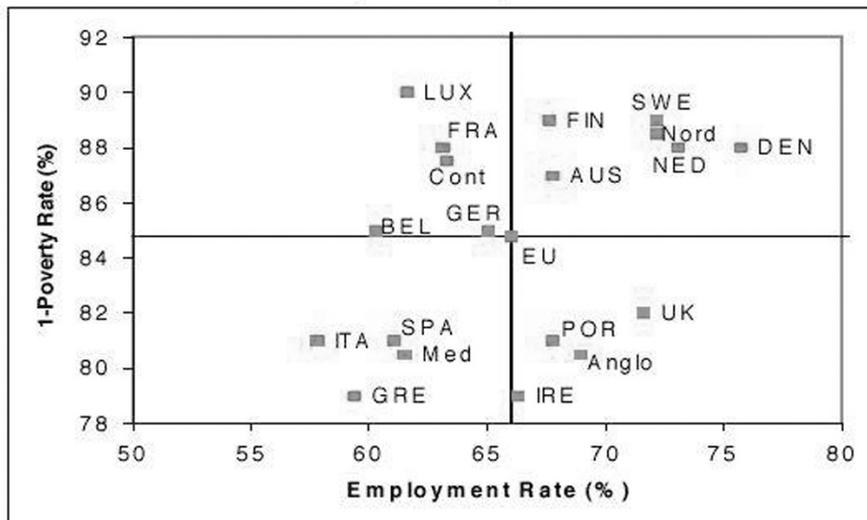
The second indicator is that, despite what the neo-

liberals assert, advanced social models which aim at a good level of national competitiveness hand-in-hand with an important role for the State in maintaining social cohesion, protecting and promoting citizens’ welfare and education, can be financially possible and sustainable. The success of the Nordic countries is there to prove it.

¹C. Buhigas Schubert and H. Martens eds., *The Nordic Model: A Recipe for European Success?*, EPC Working Paper No. 20, September 2005

²A. Sapir, *Globalization and the Reform of European Social Models*, Bruegel, September 2005, <http://www.bruegel.org>

Figure 1
Employment Rates and Probability of Escaping Poverty of European Social Systems



Source: André Sapir, Ref. 2

The EU and Iran's Nuclear Program

Sergio Pistone

The issue of Iran's nuclear program is evolving to become a serious crisis. Unless innovative ideas are found, two possible scenarios, both extremely dangerous, are looming.

The first scenario is the acceptance, for sure accompanied by political and moral censure and also by economic sanctions, of Iran getting access to nuclear weapons.

First of all, there is to stress how utterly risky it is to apply to Iran the argument of a stabilizing effect of nuclear deterrence as we experienced in the framework of the USA-USSR confrontation during the cold war. In reality, the acquisition of nuclear weapons by Iran would increase, not reduce, that country's vulnerability in the face of the two nuclear States that Tehran feels are possible foes, i.e. the USA and Israel, as it is ill-founded to believe that Iran has the technical and economic resources to develop an effective second-shot nuclear capability in the short run. The acquisition by Iran of nuclear weapons would therefore make more likely a pre-emptive missile or aerial attack against its nuclear installations and plants.

There is also to keep in mind that Iran, besides having an authoritarian regime with strong fundamentalist tendencies (that have been strengthened under the new President Ahmadinejad, who has even made statements on the elimination of Israel from the Middle East maps), is an unstable State (a similar thing can be said of Afghanistan), where there may be a serious risk of the weapons passing into terrorists' hands, against whom deterrence cannot possibly work, as they do not possess a home territory that can act as

hostage for retaliation. If it is not possible to rely on the stabilizing effect of deterrence, it is nevertheless certain that Iran becoming a nuclear power would trigger a domino effect in the entire Middle East, as many Arab States – with Saudi Arabia and Egypt first among them – would be inexorably pushed to start their own nuclear programs. This would make the state of regional security much less secure for Tehran and for all the other States in the area, with evident, very serious implications for the global situation.

The alternative to accepting Iran as a nuclear power is the possibility of a pre-emptive attack by the USA or Israel to destroy the Iranian plants before they get to the stage of producing nuclear weapons. This too would be a nightmare scenario. The already extremely critical situation in the Middle East would erupt with almost uncontrollable consequences for energy supplies (and hence for world economic development), terrorism, and migratory waves. Moreover, the already difficult relationship between Western countries and the developing world, particularly the Islamic states, would suffer serious repercussions. The discriminating attitude that accepts in the Middle East Israel's nuclear armament and fiercely opposes Iran's would be perceived as an intolerable act of arrogance by the West and could only reinforce the tendency towards a clash of civilizations.

As the dangers of Iran's nuclear program become clear, there is an urgent need to formulate a political plan to avert Iran's nuclear armament and then to take concrete steps to put this plan decisively into effect

without resorting to the risky option of a pre-emptive attack. For such a policy to be sound, it must be capable of meeting both Iran's objective security requirements, and those of its economic development. It must be stressed that only if those requirements are met will progress towards a peaceful evolution from the present authoritarian, theocratic regime in Tehran towards democracy and modernization be possible. It must also be stressed that in putting a sound and efficient policy towards Iran into effect the European Union's role will be indispensable.

Let us discuss these statements in more detail. First, we have to acknowledge that Iran has genuine concerns about its security and that these are unrelated to its present regime's authoritarian and theocratic nature, so much so that the vast majority of Iranians support the nuclear program and consider the pressures on Iran to renounce its nuclear rights as a signatory State of the Non Proliferation Treaty (NPT) to be illegal. Among the challenges to Iran's security we can mention in particular the historical experience of two invasions (in 1941 by Great Britain and the USSR, and in 1980 by Iraq), and of the coup d'état contrived by Churchill and the CIA in 1953 which put an end to the democratic regime of Mossadeq, who advocated nationalizing the oil industry, and returned Reza Pahlavi to the throne. In addition, we must be aware of the chronic instability in the Middle East region, whose central problems are the Israeli-Palestinian conflict, the overwhelming military might (both conventional and nuclear) of the Israeli State, the US policy aiming at the control of the oil resources in the Middle East and, in this context, pursuing a changeover of non-friendly regimes by force, as happened in Iraq; and the fact that, looking ahead to the eventual depletion of its oil fields, the matter of establishing alternative energy resources – among which nuclear power occupies a central place – is of vital importance.

For the reasons mentioned above, the nuclear military option is a fallacious response to such challenges, yet in the absence of a convincing alternative it seems destined to prevail. Such an alternative will only be possible if Iran's renunciation of the military aspects of its nuclear program (with all possible checks) forms part of a comprehensive regional security agreement, which must include sound guarantees with respect both to Israel's overwhelming power, and to America's policy of changing – by force if necessary – any regime it regards as unfriendly. The agreement should also mark the beginning of a general process of stabilization in the Middle East region. In short, a Conference for the Security and Cooperation in the Middle East should be convened, on the model of the European CSCE, in which a regional system of confidence-building that includes Iran would be agreed, together with a credible control and progressive reduction of armaments, resumption of the dialogue concerning a Middle East Nuclear Weapons Free Zone, and promoting cooperation in economic and technological fields and on human rights.

Such a framework would establish the conditions for pursuing a solution to the Israeli-Palestinian conflict along the lines of the agreement signed in Geneva on December 1st, 2003, by Israeli and Palestinian delegations headed respectively by Yossi Beilin and Yasser Abed Rabbo; and also for the stabilization of Iraq by replacing imperial American management by multilateral management, implying a decisive role for the UN. Progress in those two fields will, in turn, be a decisive factor in strengthening the regional agreement on security.

Besides the security guarantees provided by the Conference for the Security and Cooperation in the Middle East, compensation for Iran's renunciation of military nuclear capability should consist of action to meet the needs of its economic development. To this end,

the following is to be considered: economic and technological cooperation between the countries participating in the regional security agreement, which should eventually be translated into forms of a genuine economic regional integration; Iran's entry in the WTO; an end to the US sanctions enacted by the ILSA (the Iran-Libya Sanctions Act, approved by the US Congress in 1996 and renewed in 2001 for another five years); and a comprehensive trading agreement with the European Union.

This said, an essential precondition for putting such a policy in place concerns the NPT. That treaty not only guarantees the non-nuclear-weapon signatory countries "the inalienable right ... to develop research, production and use of nuclear energy for peaceful purposes without discrimination", but also the commitment by the nuclear powers "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

The significance of this commitment lies in the need to overcome the permanent discrimination between countries possessing nuclear weapons and those which do not. To be lawful, the demand that Iran should renounce nuclear weapons, together with the policy of non-proliferation of weapons of mass destruction in general must therefore be accompanied by real progress towards fulfilling that commitment. This means that the Baruch Plan on the elimination of nuclear weapons should be re-launched and updated. It should, among other things, cover weapons of mass destruction of all kinds, and should also include countries outside the NPT such as India, Pakistan, Israel, and North Korea which withdrew in 2003. It requires a decisive strengthening of the UN too.

We certainly have to acknowledge that the

actions listed above for impeding Iran's nuclear program are difficult to put into practice. Not only is there a need to overcome opposition from the authoritarian, nationalist, obscurantist tendencies that thrive in the Middle East's instability and backwardness. There is also another significant obstacle in the American inclination to deal with world problems with an hegemonic, imperial attitude based on systematic unilateralism, on pre-emptive wars and unrestrained free-market ideology, for all of which the doctrine of spreading democracy acts as an ideological mask. On the other hand, the proliferation of weapons of mass destruction, world poverty, transnational terrorism, serious instability in entire regions of the world – not to mention the need to govern economic globalization and ecological issues – are fundamental challenges which affect all our planet's varied peoples and their political classes. This fact alone underlines the necessity of formulating a policy aimed at creating a more equitable and peaceful world whose pillars should be stronger international organizations with policies aimed at integration and regional stabilization.

In this context, our vital interest lies in achieving the stabilization of the Middle East and for obvious reasons the EU therefore is expected to play a role of primary importance. Solana's document *A safe Europe in a better world* shows how the EU, having launched an historical process of supranational pacification, now has a duty to initiate a process aimed at global pacification.

While, with specific regard to the Middle East, initiatives such as the Barcelona process and the EU-3 (France, Great Britain and Germany) trying to persuade Iran to renounce military nuclear power are already underway, the question remains of how to increase the coherence and efficiency of the European Union's actions. Its policy towards Tehran, for example, should be part of a comprehensive project of regional stabilization of the kind

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outlined above. A clear and resolute proposal should therefore be made to this effect. It must be emphasized that unless the pressures on Tehran are contained within a framework of talks proposing a regional security agreement as a convincing alternative to Iran's nuclear arms program, they could unwittingly be instrumental in leading to an American-Israeli policy of launching a pre-emptive attack against Iranian installations, in the same way as the weakness of Europe's position on Iraq contributed to America's war against Saddam.

To arrive at establishing a Conference for the Security and Cooperation in the Middle East it is not sufficient that the EU proposes it, although the mere fact of launching such an

initiative would have a significant impact. The EU must also be able to convince the main political actors in the Middle East, and above all the United States, which implies that it must be capable of acting on the international plane: in short, of giving birth to a real USA-EU partnership as an indispensable means of overcoming American hegemonic and imperial attitudes. Such a policy is however hampered by the EU's present institutional system, characterized by national rights of veto in the fields of foreign policy, security and defense, and by meager financial resources. Therefore, the vital necessity of a sound European policy towards Iran, and generally in the Middle East, is one of the main reasons for calling urgently for the full federalization of the European Union.

Torture and Legal Reform in China

René Wadlow

Manfred Nowak, the Special Rapporteur of the United Nations Commission on Human Rights on Torture, carried out a 20 November to 2 December 2005 mission to the People's Republic of China (PRC), including visits to Beijing, Lhasa, and Urungi (Xinjiang Uighur Autonomous Region). It is important to understand the role and limits of a Special Rapporteur and Nowak's far-reaching recommendations to the Government of the PRC. While his observations on the absence of essential procedural safeguards necessary to make the prohibition of torture effective will come as no surprise to Tibetans, Uighurs or Falun Gong practitioners – all of whom have often reported cases of systematic torture –, it is his recommendations on the Chinese legal system which stand out. I will analyse these recommendations briefly. They are related to issues being discussed within China, and it is important to use what influence we may have to move the Chinese legal system in a liberal direction toward universally-recognized United Nations norms.

The position of Special Rapporteur of the UN Commission on Human Rights did not exist at the birth of the Commission, but has developed in response to serious and long-lasting situations. The role of a Special Rapporteur has grown over time. Basically the growth and influence of a Special Rapporteur reflects the skills and abilities of the person named by the Chairman of the Commission after consultation with the other members of the Bureau, and in practice, with the UN Secretariat which has a list and background information on potential Special Rapporteurs.

The impact of a Special Rapporteur is also influenced by the skills of the senior staff of the UN Secretariat, who is his staff person and who usually accompanies a Special Rapporteur on his missions.

There are two types of Special Rapporteurs: country-specific Special Rapporteurs and thematic Special Rapporteurs. The country-specific rapporteurs are designated usually when there are publicly visible human rights violations and the country in question has few friends or powerful enemies. There is a Special Rapporteur on Myanmar (Burma) but not on China or Pakistan. A history of which countries have a Special Rapporteur to analyse their human rights record would tell us a good deal about world politics but would take us too far from our subject here.

The second group of Special Rapporteurs are called thematic because they deal with a particular theme – usually a type of violation that one finds in many different countries, such as violence against women, summary or arbitrary executions, arbitrary detention. More recently, in answer to calls to pay more attention to economic, social, and cultural rights, there are Special Rapporteurs on the right to food, to education, and to adequate housing.

A country need not accept the visit of a Special Rapporteur. Visits to Burma have been on-and-off. With some countries, it is usually "off". In the case of China, there was a 10-year gap between the first request of a Special Rapporteur on Torture in 1995 and

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the mission visit in 2005. The first Special Rapporteur on Torture to request a fact-finding visit was Nigel Rodley (now Sir Nigel), who for many years was head of the legal section of Amnesty International and later a professor of law at an English university. The second Special Rapporteur on Torture to ask for a visit was Theo van Boven, a Dutch law professor who had been Director of the UN Center for Human Rights before the Office of the High Commissioner for Human Rights was created. Van Boven has remained active in the UN human rights system in a number of different capacities and so was well known to the Chinese government. The third request which was finally accepted was from Manfred Nowak, an academic from Austria also active in human rights NGO activities. As Director of the Ludwig Boltzmann Institute of Human Rights, he had been largely responsible for the NGO parallel conference during the UN conference on Human Rights held in Vienna.

Special Rapporteurs are not ‘investigators’ – a term used in certain newspaper reports on Nowak’s mission. Their basic purpose is to make recommendations to the government involved for ways to align practice with internationally-recognized norms. Norms can be stated in a treaty such as the UN Convention against Torture. The norms can also be made more operative through the comments of the Committee on Torture, which studies reports from countries which have signed the Convention. China was one of the first States to ratify the UN Convention against Torture in 1988.

Nevertheless, a Special Rapporteur has to have some knowledge of what is going on in a country in order to make relevant recommendations. This is done from an analysis of complaints – “serious allegations” – sent to the UN human rights Secretariat and from discussions within a country with legal specialists, professors, local officials, human rights organizations where they exist,

prisoners and former prisoners. There are often discussions prior to the mission with specialists who have a knowledge of the country. As Nowak writes: “The Special Rapporteur recalls that over the last several years his predecessors have received a significant number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. These have included a consistent and systematic pattern of torture related to ethnic minorities, particularly Tibetans and Uighurs, political dissidents, human rights defenders, practitioners of Falun Gong, and members of house-church groups. These allegations have been and continue to be documented by international human rights organizations.”

“The methods of torture alleged include, among others: beatings; use of electric shock batons; cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of handcuffs or ankle fetters for extended periods (including in solitary confinement or secure holding areas), submersion in pits of water or sewage; exposure to conditions of extreme heat or cold, being forced to maintain uncomfortable positions, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms, deprivation of sleep, food or water; prolonged solitary confinement; denial of medical treatment and medication; hard labour; and suspension from overhead fixtures from handcuffs. In several cases, the techniques employed have been given particular terminologies, such as the ‘tiger bench’, where one is forced to sit motionless on a tiny stool a few centimetres off the ground; ‘reversing an airplane’, where one is forced to bend over while holding legs straight, feet close together and arms lifted high; or ‘exhausting an eagle’, where one is forced to stand on a tall stool and subjected to beatings until exhaustion. On the basis of the information he received during his mission,

the Special Rapporteur confirms that many of these methods of torture have been used in China.”

Nowak then outlines three main categories of necessary legal reforms to overcome the use of torture by police and prison staff. The first reform is to eliminate or radically modify those institutions which fall outside the regular legal system. These are institutions where the door to torture is easily opened and where abuse is widespread.

The first is the Re-Education through Labour system where the police are all powerful; often no time limit is set for ‘re-education’. Many Chinese legal specialists are aware of the abuses and inadequacy of the Re-Education through Labour camps, but the weight of habit is heavy. The second scene of torture is often pre-trial detention centers and police bureaus. These cannot be abolished, but supervision is necessary. The training of police in legal and moral standards is necessary. The third scene for torture is psychiatric hospitals – the Chinese having copied the Soviet use of psychiatric hospitals and drugs for people who do not ‘think correctly’. Again, there needs to be training in moral standards for mental health workers, and some form of appeal system for those placed in psychiatric care against their will.

There is a need to abolish imprecise and sweeping definitions of crimes such as “disrupting social order” which is the charge against many in the Re-Education through Labour camps.

Basically, the abolition of torture must come through an improvement in the moral outlook

of all those in the police, security and legal system. Police, lawyers and judges have low prestige in Chinese society. The pay is low in contrast to the growing modern business sector. As Nowak recommends, there is a need to “take measures to enhance the professionalism, efficiency, transparency, and fairness of legal proceedings; and raise the status and independence of judges and courts within the Chinese legal system.”

Only as a policeman, prison guard or security official develops an image of himself as a servant of justice will torture be set aside. It is the belief that each person is to be treated with dignity that will prevent a police official from lowering himself in his own eyes and in the eyes of a prisoner by using torture or degrading treatment.

These reforms in attitudes and practices will come basically from within China. However, we from the outside can build a universal sense of outrage at the systematic dehumanization of the person that is torture. We see the slow but growing outrage at the use of torture by US forces in Afghanistan and Iraq. Some people thought that the USA had higher standards and more safeguards concerning the use of torture than China. Now we see that police and intelligence officials with different cultures and different political systems will use similar methods of torture. The way for a radically new way of treating those arrested and prisoners will be long. Manfred Nowak’s report is an important step in the evolution of the Chinese legal system, and his recommendations must be widely supported.

South America – the Hard Choice between Bush and Isolation

Fernando A. Iglesias

Almost two hundred nation states exist in the world today. Among them, those in South-America have the unique privilege of being born under the inspiration of continental unity. Both the “Colombian” general Simón Bolívar and “Argentine” José de San Martín, whose campaigns liberated the subcontinent from Spanish domination, fought on behalf of the South-American unity and not for nationalistic reasons. Bolívar in particular considered a continental South-American Republic, which he called the “Patria Grande”¹, to be the most reasonable means of achieving freedom and prosperity, and he worked towards this goal until the end of his days.

But immediately after the expulsion of the colonial armies, South-America plunged into a process of Balkanization. Today, some two centuries after its auspicious beginnings, it is divided in 13 countries that have gone their own way through history when not actually fighting each other. South-American history has been characterized by dramatic episodes such as the Guerra de la Triple Alianza at the end of the XIX century in which 80% of the male Paraguayan population was exterminated by the joint armies of Brazil, Argentina and Uruguay, or the wars in which Bolivia lost both its coasts and its hopes for the future, or the absurd conflict between Ecuador and Peru at the end of the XX century.

We South Americans usually blame the British Foreign Office for our Balkanization and related episodes, though whether those smart colonialists were truly worried about a united South America when at the same time they allowed North America to be divided into

just two big countries is highly dubious. The evidence may be intrinsically controversial, but grand speeches on the Bolivarian “Patria Grande” with little or no action to back them up amount to no more than typical examples of our idiosyncratic character in much the same way as Anglo-Saxon pragmatism is typified by fewer words and more facts. If any doubt subsists, the current situation justifies my sceptical approach – unfortunately!

Meanwhile there is not a single civil organization whose main goal is South American unity, while national parties and governments have become experts on saying one thing and doing another. At present, the Mercosur – that is, the continental free-trade arrangement between Brazil, Argentina, Uruguay and Paraguay – is blocked by constant disputes between its main partners. Despite their ideological affinity – for they almost all claim to be “center-Leftist” and “pro-continental” – the countries of the South-Cone have been unable to go beyond fine words in promoting continental unity. For example, during the last two years the President of my own country², Néstor Kirchner, has been in a state of permanent conflict with his colleagues: with President Lula of Brazil on export quotas, with President Tabaré Vázquez of Uruguay over two cellulose-producing factories, with President Lagos of Chile over gas and ambassadors, and with President Fox of Mexico on the attitude towards the NAFTA. Even more amazing is that our former president Eduardo Duhalde remains in charge at the ghostly “South-American Community of Nations” although Kirchner, who appointed him, now accuses of being “a Mafia Godfather”.

The result is that Mercosur is stalled at the same point at which the discredited “Neo-Liberal” presidencies of Carlos Menem (Argentina) and Henrique Cardoso (Brazil) had left it, which means it is still unable to negotiate as a large common market with the EU and the NAFTA. It is also incapable of joining the Andean Community which, in its turn, is too poor and weak to stand on its own feet as a viable entity. Although, at their meeting last year in Cusco (Peru), the South American presidents proclaimed the birth of the “South American Community of Nations”, the awful truth is that we still are – as usual – in the sphere of grand gestures and useless words. While *claiming*, as our national presidents did, that South-America would be an economic, monetary, and political unity within fifteen years (I repeat: in fifteen years!), not a single concrete measure towards achieving this goal was adopted. This is clear confirmation that the Patria Grande is no more than a trendy excuse for getting on to the front pages of newspapers.

Moreover, the fact that a populist leader such as the Venezuelan president Hugo Chávez is its most persistent advocate, while at the same time spending 2 billion dollars annually on Russian submarines and other armaments, condemns the so-called “South American Community of Nations” to international isolation. It has become the curtain behind which two other very concrete projects are concealed: namely, bilateral agreements with the US and delirious, populist dreams of national sovereignty, autarchy and power.

The recent Summit of Mar del Plata (Argentina) must be seen in this light. While the mass media showed popular street demonstrations against Bush, with Maradona wearing a “Stop-Bush” T-shirt, the international press was insisting on the impossibility of obtaining unanimous support for a declaration in favor of the ALCA – that is, the Alaska-Tierra del Fuego free market promoted by the American administration – less visible but more meaningful evidences indicated

that the opposite was true. Only Venezuela (that is to say: Chávez) was against the ALCA proposal. The four Mercosur countries asked for reforms of the ALCA project while all the rest – a total of almost 30 countries, including those in Central America – were in favour, which means that they will join the NAFTA through bilateral agreements.

Equally meaningful is that whereas the South American center-leftist presidents asked Bush for a European model of integration of Americas – that is to say, both economic and political integration –, the Mercosur and the Andean Community have a NAFTA-type structure in which there are no genuinely common political institutions and such integration as exists is confined to the economic dimension.

In addition, while Latin-Americans consider themselves closer to the European tradition than to USA, Europe seems trapped within her own troubles such as expansion to east, the French-Dutch “NO”, menaces linked to the spread of global terrorism, excessive unemployment rates, insufficient economic growth, and difficulties with immigration. Even worse, justifiable worries about American hegemony are promoting moves towards creating a unified European Army and that could truly end the European dream of global peace and democracy through the federal integration of the world.

These days, nobody of standing in Europe seems to realize that the consistent steps towards world democratic unity which the EU represents must be extended globally or else the dream will die. Nobody seems to understand that economic and *political* agreements with Latin-America, as well as with the African Union, Israel, Palestine, Australia, Taiwan and Japan, are the best strategy to contain the American hegemony. An extended and unarmed federation led by Europe could prepare the way for a global democratic federation which seems to be the only peaceful chance of countering the incipient formation of an American Empire. The alternative – namely,

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competing in the military field – would provide American Hawks with the perfect excuse for reinforcing US unilateralism, nationalism, authoritarianism and militarism, as September 11th has definitively demonstrated.

South America, eroded by its own nationalism as well as by American arrogance and European indifference, finds itself in such a grave situation that the ALCA free market has now become the best way of avoiding the complete Africanization and Cubanization of

the subcontinent. Corporations and markets understand perfectly that geography is dead, yet political organizations persist with their blind territorialism. *America for the (North) Americans!* they seem to say, ignoring the existence of the isthmus of Panama.

Meanwhile, caught between President Bush's tempting invitations and the abyss of isolation, South American hesitates. Yet no real help is on offer, and that is not good news for the democratic integration of the world.

¹Big Homeland

²Argentina

Argentina and Chile Create a Peace-Keeping Force

Argentina and Chile, old enemies just some decades ago, have signed a bilateral agreement on the creation of a unified peace-keeping force operating under the UN command. The first mission of this common force will start in 2006 in Haiti, where two military contingents of these countries already work. But beyond the optimistic declarations of the two national ministers who signed the agreement, this news deserves a balanced judgement.

Argentine troops were already inside the Chilean territory in 1978, when General Videla and General Pinochet were willing to start a big war for the possession of three unpopulated rocky islands in the Beagle channel, close to the Antarctic. Their real aim was then to rally their public opinions on behalf of "national interests" in order to cover their past crimes against civil population. Once these facts are considered, the treaty deserves to be regarded as a great step forward towards peace, and another demonstration of the congruence of peace and democracy, on the one hand, and tyranny and war, on the other.

Nevertheless, if we look at the stagnation of *political* agreements between Argentina and Chile (Argentina is a full member of the Mercosur, whereas Chile is just an associated member who has signed a treaty of commerce with the United States), the failure of South-American political classes becomes evident.

In this perspective, it is not that surprising that military affairs get unified better and faster than economic and political ones. It repeats what happened during those Seventies of genocide and menaces of war. Indeed, the "Plan Condor", a general agreement between all the South-American dictatorships for the co-ordinated persecution of opposers beyond borders, which was mocking at national jurisdictions and sovereignties, remains the most advanced political agreement ever developed between South-American national governments (*f.i.*).

Capitalism and a Justly Governed World

Gilbert Jonas

One of the biggest mistakes made by the industrialized world since the collapse of the Soviet Union in 1991 is that, because communism self-destructed, it follows that capitalism was the victor. Setting aside the checkered history of capitalism prior to 1991, it seems that only the visually impaired could overlook capitalism's grim record over the past fifteen years.

For example, the same year that the Soviet system was torn asunder, the American stock market crashed over the bursting of the dotcom bubble, during which trillions of dollars were lost by shareholders and workers' pensions, producing a painful recession. Economic growth in the bastions of capitalism – Japan, Western Europe and the United States – has been at best anemic. Under terminal siege were the social programs of the Western world – especially health and retirement support – because the contemporary capitalist systems were proving incapable of supporting the social commitments made by employers, including governments, to workers.

In the United States corporate scandals surfaced in unprecedented numbers and scale, involving the theft or misappropriation of tens of billions of dollars, while corporate CEOs and their inner circles fraudulently enriched themselves through stock options based upon criminal manipulations of their profit margins and financial statements. According to a *New York Times* editorial (1/1/05), the ratio of corporate CEO compensation to that of American workers soared to 431 to 1 in 2004. In these massive acts of piracy, corporate leaders were guided by the largest accounting firms, most major banks and brokerage houses and the most prestigious law firms in the nation. Their acts were "justified" by

some of the nation's most prominent academics and members of Congress, while regulatory agencies were packed by the Reagan and the two Bush administrations with agents of the very industries they were supposed to be regulating. Meanwhile, the average annual pay and the standard of living of the vast majority of Americans has declined since 1991, while a tiny minority – less than one-tenth of one percent – have added billions to their net worth, partly through tax cuts heavily targeted for the megarich. The official number of Americans living below the poverty line (that is, prior to Katrina) has grown, as has the number of Americans without health insurance. The corporate scandals have now morphed into lobbying scandals which will implicate scores of Senators and Congresspersons, their staffs and officials of the Bush Administration.

If these facts were not sufficient to verify the dysfunctionality of capitalism as we know it today, one need only briefly review how "victorious capitalism" has played out in American foreign policy since the Soviet collapse. The administration of Jimmy Carter (1977-1981) undertook a brave attempt to focus foreign policy on human rights issues, under the perseverant direction of Assistant Secretary of State Pat Derian. That focus was peremptorily abandoned by Reagan's minions, who instead sought to spend the Soviet Union to its demise and to impose new free market standards upon the world. However, until the United States became the sole superpower in 1991, that initiative was only partially successful. It remained for the two Bush presidencies, and a not insubstantial boost from the centrist Clinton presidency during which the Republicans gained

Borderless Debate: The Decline of the US Power and South America

control of Congress, to carry the objective to its fullest extent.

By controlling the World Bank, the International Monetary Fund and the regional international funds, the United States had sold the rest of the world, but most importantly, many developing nations, two debatable propositions. The first was that every time a developing nation fails to meet its loan obligations to public and private lenders, it must as promptly as possible repay the lenders the full amount with interest, in order to retain its “credibility” with international capital markers. That principle was aggressively enforced, despite the fact that in most cases it meant imposing enormous hardship and grinding poverty on the majority of the citizens of the borrowing governments. It was also imposed despite the destabilizing effect such policies had upon nascent democracies and allies. While a few ideologues within both Bush Administrations and some Wall Street big wigs guiding the Clinton economic policies may well have believed philosophically in such drastic measures, the principal motivation was to ensure that American and other Western banks were not strapped with heavy losses. In short, the State Department for most of the past two decades served as a collection agency for the big lending institutions. Rarely, if ever, has anyone suggested that part of the responsibility for making bad loans fell upon the banking officials themselves for taking reckless risks. Nobody asked who was responsible for due diligence in approving huge loans to countries like Bolivia, Argentina and Peru.

The second, and equally devastating, policy was the aggressive pursuit of so-called free markets, which in practice meant the opening of Third World markets to American manufactured goods and services, while stonewalling the reciprocal removal of huge subsidies and even tariffs for American agricultural products. A few years ago George W. Bush and the US Congress approved a sum of \$21 billion in agricultural subsidies for cotton, sugar, soy beans, and wheat and other crops, most of which were in direct competition with small farmers in developing countries. The

consequences were tragic: over the past decade Americansubsidized farm products (and the even more heavily subsidized European agriculture) have wiped out hundreds of thousands of small farmers in Africa, the Caribbean and Latin America, greatly contributing to the massive poverty of the nations of those regions. Both the United States and the European Union have stonewalled real reform while making the usual pleasant sounds that they have learned from civil society. They will stonewall for as long as they can get away with it for that is the mantra of capitalism – hang on to your own profits at the expense of every one else.

For a variety of complicated reasons, however, the seemingly limitless power of the United States has begun to diminish over the past few years (and the gross incompetence and cruelty of the Bush response to the victims of Hurricanes Katrina and Rita have hastened this decline.) The world has watched the US lose much of its moral authority by opting out of vitally important treaty obligations (including the Geneva Conventions and the nuclear reduction agreement with Russia), by repudiating its signature on the treaty establishing the International Criminal Court and strong-arming dozens of small nations to accept bilateral agreements which would void the ICC’s jurisdiction over American soldiers and civilians, by espousing the notion of preventive war, and by invading a nation (Iraq) which posed no concrete threat to the US and then failing horribly to impose a peaceful occupation.

The rebellion began in Argentina when a newly-elected president with Peronista influences refused to strip his nation and his people of their limited material wealth in order to pay back the loans provided (imprudently) to previous regimes by world and American lending institutions. The rest of Latin America watched in awe and observed that the sky had not fallen on either Argentina or its left-leaning president, Nestor Kirchner, when four years ago he defaulted on over \$100 billion in foreign debt. Quickly the lenders comprehended his resolve and restructured the debt. Last month Kirchner

made a \$9.8 billion payment to the IMF, which seems have settled Argentinean accounts with the global institution. It has no plans to involve itself further with the American-dominated IMF.

Then the demagogic elected president of Venezuela, Hugo Chavez, found his voice and it was both anti-capitalist and anti-imperialist. He became a public ward of Fidel Castro to the open consternation of Bush and Cheney. Secret American efforts, including financing, to topple Chavez through elections failed by sizable margins. After all, to a majority of Venezuelans, Chavez' major "crime" is that he is using the nation's oil profits to raise the living standards of the nation's poorer classes which the wealthier classes believe to be at their own expense.

Next came the resounding presidential victory of an acknowledged socialist and labor leader, Brazil's Luis Inácio Lula da Silva, who has decided to repay only a small portion of the hundreds of billions of foreign loans to Brazil. He has made it clear that Brazil will not repay these vast loans on the backs of its poor, as had been the earlier practice of Third World debtors. Meanwhile, Brazil's GNP has grown consistently since Lula's inauguration and there appears to be a seed of unity developing among Brazil, Argentina, Uruguay and Paraguay. (Can Chile be far behind?)

Next, after considerable global pressure, the G-8 members have agreed to forgive the debts of the world's forty poorest nation, not particularly welcomed by the Secretary of State Rice or the Oval Office.

The most leftward political change took place in Bolivia in mid-December, when Evo Morales, a socialist and native Indian, decisively won the presidency of that incredibly poor nation. He was the first Indian president (the Bolivian majority is Indian) and the first person to win the presidency by an absolute majority. His principal objectives have been to reclaim control of the nation's sizable natural gas resources in order to negotiate a larger share of the income for his people and to reverse the US-imposed program to halt the growth of the coca leaf, on

which most Bolivians are dependent as a mild stimulant. Washington seeks to wipe out coca production because it is the primary base for the drug cocaine, offering no equivalent alternative to coca growing.

As the United States holds its nose over the leftward swing in Latin America, its involvement on that continent is becoming a victim of inertia. The vacuum created by this posture is quickly being filled by China and Russia, as well as the European Union, Taiwan, South Korea and Japan. Pro-capitalist as each of these Statist economies claim to be, they are not about to lose major economic opportunities, now that the United States' global power has begun to diminish. It should be self-evident to even a college economics major that most of the industrialized nations have reached their present economic development either through a mixture of socialist and capitalist policies or through Statism, in which the government played the major role in economic decision-making and financial subsidization. The developing nations have been increasingly aware of those lessons and will increasingly choose the welfare of their people over any externally-imposed ideology, capitalist or otherwise.

Since its inception, the American world federalist movement has been dominated by those who have strong reservations about socialist or populist economic philosophies. The majority have long preferred a limited form of world federation which would eliminate war but which would involve itself minimally in global economic affairs. That has no resonance today any where else. The vast majority of the human race desperately require the active investment of the industrialized world, either on the way towards federation or as part of a federalist package. Failure to accept the active developmental participation of government, nationally or globally, would doom the billions who endure poverty every day. It would also make the participation of the developing nations far less likely in any proposed world federal government.

Argentina Chooses the Euro

The Argentine government's decision, announced at the beginning of January 2006, to buy euros for its monetary reserves, so far maintained for the most part in dollars, represents a new step in the process – going on for some time now – of the international monetary system's transformation.

The gradual "stepping down from the throne" of the American dollar in that system, in parallel with the gradual "stepping down from the throne" of the United States as the hegemonic power in the world power system, is a process that by now looks irreversible. What is emerging is a new multipolar financial system based on a plurality of currencies (besides the dollar, the euro, the yen and perspectivevely the Chinese yuan) that, in parallel with a new political multipolarism, will redesign the world power

system. It will not be, in any case, an easy transition; it will require efficient governance capabilities on the part of all actors, and for the duration of it it will be necessary to avoid that dangerous conflicts and power vacuums be created. Europe, with its present institutions not yet completely federal, is not in a position to adequately play the role that it should play. One more, and decisive, reason for completing once and for all the Union's constitutionalization process, that must make her capable of speaking with one voice on all the big issues on the world agenda in the 21st century. It is necessary that the European national ruling classes understand it at last, and that the European ruling class presently on the scene (members of the European Parliament, EU Commissioners, etc.) decide to explicitly and publicly launch such a challenge (*g.b.*).

The Strengthening of Mercosur thanks to Venezuela?

Venezuela's request to fully join Mercosur has been approved by the Board of the organization on September 12, 2005. Negotiations will then start on May 15, 2006, as stated by the Venezuelan coordinator at Mercosur, Carlos Amorin.

What about Hugo Chavez's aims? According to his speech at the Summit, Mercosur must be a

political organization, not just an economical one, and should deal with social matters as well as with economic integration. The organization will be provided with a Parliament – following a decision of its Council – which should be active before next December. It looks like a new chance of political integration for the Latin American continent (*e.g.*).

UEF/WFM Joint Seminar

Federalism Peace and Democracy: The Experiences and Contributions of the European Union and the African Union

On Friday 4 November the UEF and the World Federalist Movement (WFM) held their first joint public conference at the European Parliament in Brussels. About 130 participants of the UEF, the WFM and the general public took part in this event.

The session was opened by the President of the Republic of Senegal, Mr. Abdoulaye Wade. President Wade declared himself in favour of a "United States of Africa" and acknowledged that the European Union had been a direct inspiration for the institutions of the African Union. To him, federalism is a solution to the micro nationalism that plagues Africa. He admits, however, that some of his counterparts in other African states disagree with him on the nature of this federation. This other "school" favours sub-federations on the African continent, such as Western or Eastern African federations. For president Wade these options are not viable: He explained that various forms of federations have been tried in Africa since the colonial era and that

all have collapsed. He believes that since Africa faces continental problems, it ought to have some form of federal government on the continental level to address health or environmental issues efficiently.

The conference then moved on to a case study of the EU and the African Union's contributions to a more peaceful and untied world. Prof. Lucio Levi, Professor of Comparative Politics at the University of Torino, presented the characteristic of the EU's contributions to peace. Mr. Jean Paul Pougala, representative of the African Federalist Movement, discussed the contributions of the African Union. The public debate then closed with a round table discussion on how regional unions can contribute to the strengthening and democratisation of the United Nations. It included Prof. Levi, Mr. Pougala, Prof. Fernando Iglesias, of the University of Buenos Aires, Mr. Keith Best, chair of the WFM Executive Committee and Mr. William R. Pace, Executive Director of the WFM.

Joint Statement of the UEF Federal Committee and WFM Council

The Federal Committee of the UEF and the WFM Council, meeting on 5-6 November 2005 in Brussels,

- Having regard to the disappointing conclusions of the World Summit relating to essential security and peace matters which took place in New York on the occasion of the 60th anniversary of the United Nations,

A. Considering that:

- the UN Summit should have launched a profound reform of the United Nations,
- the current disproportionate balance of power among world states, which is based on sovereign national states, represents the major obstacle to substantial democratic reform of the UN;

B. Regret that crucial issues of disarmament, nuclear non-proliferation, poverty, human rights and the protection of the environment were neglected or eliminated;

C. Take note that the final document of the Summit:

- a. does not even mention disarmament and nuclear non-proliferation,
- b. makes various declarations of principle and reaffirms the objectives of the Millennium Declaration, but does not commit itself on the means necessary to secure peace and international justice,
- c. condemns terrorism but without agreeing on any common definition,
- d. postpones the reform of the Security Council *sine die* and doesn't make any proposals for democratising the structures of the UN;

D. Believe that the European Union, because

it represents the most advanced experience of regional unification in the world, should pave the way towards a multi-polar world order able to strengthen the UN in its role of guaranteeing international law and promoting peaceful solutions to international conflicts;

E. Regret however that the European Union is not capable of contributing effectively to this goal as long as the political leaders of its member states remain reluctant to reach a common position on foreign security policy and to transfer these competences to the European level;

F. Deplore that the campaign by Germany to enter the Security Council, supported by France and the United Kingdom, considerably weakened the credibility of the EU as a regional and world political actor;

G. Call on:

1. the **European Union** to:

- strengthen its political union through a genuine Federal Constitution and its foreign, security and defence policy in order to speak with one voice and promote peace in the world,
- agree on a single seat in the UN Security Council which would pave the way for the entry of all regional groupings of states, in view of the transformation of this body into a Council of large regions of the world;

2. **the states** in other continents of the world to face the challenges of democratisation and of globalisation by promoting or further developing their regional integration and by promoting cooperation, solidarity and democracy between their regional groupings within the United Nations.

Europe Starts out again from Genoa

Nicola Vallinoto

After being the host city of the UEF Congress in 2004, Genoa becomes again a European capital: the 3rd and 4th December 2005, more than four hundred participants, coming from various countries of the EU, and representing about a hundred of organisations, local movements and municipalities, have given life to the first Convention of the European citizens, with the objective to relaunch the constituent process after the French and Dutch NOs in the referendum on the European Constitution. The initiative, the first of its kind in Europe, has tried to fill up the total vacuum of the so-called "reflection period" decided by the national Governments. The Convention, promoted by the UEF, the Italian MFE, the JEF, and the Federalist Intergroups for the European Constitution in the Italian and European Parliament, is the first step of a program for mobilising the European citizens to relaunch the constituent process from the bottom up. The aim of the Convention is to create a permanent dialogue on the future of Europe among the citizens of the entire continent and the institutions that represent them, starting from the European Parliament and the national Parliaments.

The working sessions of the forum have been subdivided in five parts. The opening session has been introduced by the Secretary of the Federalist Intergroup for the European Constitution in the European Parliament, Bruno Boissière, and chaired by the President of the UEF, Mercedes Bresso, with the contribution of twenty speakers of different

national organizations, international networks and representatives of local municipalities. In the afternoon session, three thematic working groups have addressed the main arguments of today's crisis of the political integration process: Europe's responsibilities in the world, the economic-social model for globalization and a sustainable development, an active citizenship and a participative democracy.

In the Sunday morning's final session, the Convention has adopted a Manifesto, with some concrete proposals for an effective relaunch of the European Constitution. Guido Montani, President of the MFE, presented the Manifesto to the Italian and European MPs of different political groups, that participated in the Convention, in order for them to become the spokesmen in their respective assemblies.

The great participation to the Convention's working sessions has a clear political meaning: the European citizens want to participate in the constituent process, asserting their will to proceed to the federal integration of the European continent, despite the block opposed by the national States governments. Another world is possible. Another Europe is possible. The Convention of the European citizens will not disband until its aims will be fulfilled. Genoa is, in fact, the first of its kind in the Old Continent: in 2006, more meetings will take place in Wien in spring and in Paris in autumn. More information on the programme and the contributions can be retrieved from <http://www.citizensconvention.net>.

European Manifesto of the European Citizens' Convention in Genoa

Today humanity faces a vital choice. Despite the end of the Cold War, conflicts and wars continue to take a heavy toll of lives. The proliferation of atomic arms and weapons of mass destruction has not at all stopped. International terrorism is a daily reality. The continuous appeals for international solidarity do not touch the divide between rich and poor. Nature is being devoured by a civilisation which threatens all forms of life on Earth if the problems of climate change, consumption of non-renewable resources, water pollution, deforestation and loss of biodiversity are not solved. Who governs globalisation?

The international organisations, which in the postwar period after the Second World War, starting from the UN, should have created a world order of peace and cooperation, still lack autonomous powers. Instead, they are just simple instruments serving the great and small powerful nations. They must be reformed radically. Never before have Kant's words rung so true: «The violation of rights occurring in one part of the Earth is felt everywhere.» No people, no minority, no human being should suffer the will of the stronger. Freedom, equality and fraternity must become the basis of the union of all peoples and of all the individuals on the planet. Thus, the rules of democracy should be applied not only within states, but also in relationships among states, starting with a democratic reform of the UN. The national governments already speak in the United Nations General Assembly. The citizens of the world should also have an assembly in which to make their voices heard.

Europe can make a specific contribution to the future of humanity. Among the ruins and wreckage of the old world order, the germs of

a new world can be perceived. The European Community, founded in the postwar period among the nations that had shed blood across the continent and the world, succeeded to bring peace to Europe and to guarantee progressive wellbeing to its peoples, first, in the western part and, then in the eastern one, spreading democracy and the rule of law as far as the boundaries of Asia.

However, the European Union is an unfinished project. Democracy, curbed by the narrow boundaries of nation states, is in crisis. Populism and demagogy are finding increasing support. There is a return of nationalism in new forms in a Europe which is always on the verge of unity and division. It is necessary to transform the Union into a democratic community of democratic nations, therefore into a European Federation. European citizens are asking for a Constitution that will allow the Union to speak to the world with a single voice, especially in the UN Security Council, with its own government, responsible before the European Parliament. They are asking for a Constitution that will recognise peace as a founding value of the Union, that will advance social progress, and that will guarantee fundamental rights to all individuals, including a right of citizenship based on residence. We also ask for the development of the European civilian service in order to strengthen the identity of European citizens. The role of Europe in the world should be to promote a new world order, founded on peace, justice, cooperation with poor countries and sustainable development.

The governments have the democratic duty to conclude the national ratification processes. Should they fail to do so by the end of 2006, the

European citizens' Convention asks the European Parliament to relaunch the constitutional process on a new basis. The European Parliament should demand a Constitutional Convention, made up of representatives of the European and national parliaments with the mandate to draft a new Constitution, and should organise meetings with the European citizens and fora with members of national parliaments. The new Constitution shall be

subject to a European consultative ballot, on the occasion of the European elections in 2009, and only enter into force if a double majority of citizens and states approves it.

Another world is possible. Another Europe is possible. The European citizens' Convention shall not be dissolved until it will have reached its goals. In 2006, the appointments include Vienna and Paris.

Appeal to the European Parliament, the European Council and the National Parliaments*

We, the undersigned European citizens,

alarmed

by the drift towards euro-scepticism and nationalism which is spreading all over Europe, and by the fact that some political groupings have shamefully given up striving for the creation of the European Federation, pursued by the founding fathers in the aftermath of WW II;

believing

- that the draft European Constitution is the symbol of a political community in the making and a first step towards a European Federal Government, which is necessary for securing a sustainable development, the creation of new jobs, the ability of the EU to speak with one voice to the world, peace, cooperation with the poorest peoples for their development, and safeguarding the environment of the planet;

- that the negative result of the French and Dutch referendums on the European Constitution represents a protest of the citizens of those countries against their governments and the present EU, for its democratic deficit and its inefficiency, rather than the refusal of European Constitution and the project of a European Federation;

considering

- that a wider debate about Europe is needed in order to engage with the citizens and pave the way towards a future Federal Europe;

- that it is the duty of the European Parliament, the only body which legitimately represents European citizens, to listen to them, and to propose to the Governments how to overcome the present stalemate of the constitution;

- that a majority of the EU member states comprising a majority of European citizens have already ratified the Constitution;

- that in order for the current ratification to continue, changes to the ratification method have to be made;

demand

- the **European Council** to agree that the Constitution should step into force automatically after the ratification of 4/5 of member states representing the majority of the European citizens;

- the **European Parliament** to convene, as soon as possible, Parliamentary Fora (Assises), made up by delegates of the European Parliament and the national Parliaments, in order to re-launch the constitutional process with the contribution of the active forces of European society; the Parliamentary Fora shall

a) debate the citizens' concerns and the major political questions that emerged in the course of the national ratification campaigns like the European social and economic model and Europe's role in the world;

b) listen to the proposals of the organizations of European civil society on how to proceed with the European project;

c) present no later than at the end of 2007 a proposal on how the European Constitution should be improved and enter into force;

d) propose a European-wide consultative ballot on the improved European Constitution in parallel to the next European Parliament elections in 2009;

- the **national Parliaments** to support the initiative of the European Parliament to re-launch the constitutional process and possibly to host a session of the Parliamentary Forum.

* Adopted by the UEF Federal Committee

The Divided West

Ernesto Gallo

Jürgen Habermas

Der gespaltene Westen (The Divided West)
Frankfurt, Suhrkamp, 2004

This volume is a collection of works (some of them had already been published) by the most recent Jürgen Habermas. Over the last years the German philosopher and sociologist has become more and more active in the European political debate, especially as far as international affairs are concerned. The core of his articles and short essays has to do with a profound division within the West, especially with regard to the Iraqi war: the aggressive attitude of US foreign policy can be understood as a sign of a new dangerous mentality, which ignores international law and puts at risk the realisation of the Kantian dream of perpetual peace, that has so far been embodied in the long and still incomplete process of European integration. Furthermore, the long rollers of American choices are entailing a deep crisis both within the European Union, which was supposed to be a peaceful actor but has split on the war issue, and inside the United Nations, marginalised and even humiliated by the unilateral US policies. In broad philosophical terms, such attitudes would highlight the divide between law – as the basis of human living together – and the subjective morality that is becoming a clear ideological ground of American foreign policy: that is, the arguable idea that the US has a mission to fulfil and a responsibility before human beings and even God.

The book is structured according to a general dichotomy: the first part deals with Europe,

the second one with the world and the United Nations.

Europe is a classical Habermas' concern. Topics such as the German question, the Kantian meaning of European integration, our common identity, our common social model, our possible role in the world, if and when the continent will be united, are all tackled in this collection of articles, interviews, and short essays. Particularly meaningful is the Appeal for a more united Europe published on the *Frankfurter Allgemeine Zeitung* and co-signed by French philosopher Jacques Derrida on May 31, 2003.

As far as the European Union is concerned, Habermas strongly believes in the significance of federal institutions, possibly starting from an open core of willing states: such a solution would establish the crucial role of law on our continent, and give Europe the means to have a say in world affairs. Peace is the most important aim, together with democracy and social justice: once again, the German philosopher shows how he has developed an original synthesis of Kantian and Marxian ideas.

Habermas' claim for a European Constitution is once again strong and clear. To this end, we don't need a classical, "national" European identity. It would rather be preferable to rely on a deeper civic solidarity, rooted in a text, which should give birth to a new kind of European patriotism. A good Constitution should remind us of our common values of peace, liberty, democracy, welfare, and provide Europe accordingly with adequate institutional means. Probably it's not the case with the current constitutional draft, but it's the one we have in front of us, and it might be

seen as a way to proceed further towards more ambitious goals. As usual, Habermas' vision of Europe's hopes and possible future scenarios is realistic as well as open to innovative outcomes. At least in Europe, for the time being, federalism is *the* answer. The French and Dutch NOs in the referendums on the Constitution remind us however that the European Union must pursue a better-defined project. Be it about peace inside and outside Europe, human rights, in taming globalisation etc., still the current EU doesn't fill European hearts with the passion of a great – and realistic – design. In other words, European citizens can really identify themselves with common institutions only if they perceive that integration is a concrete answer to address their daily issues as well. Unfortunately, Habermas' book was written and published before those negative votes; we can however be sure that he will soon come up with new, fresh thoughts on European affairs, if we consider his strong and passionate commitment on such issues in the last years.

When dealing with world affairs, Habermas concentrates on a revolutionary perspective: the constitutionalization of international law. To this end, he suggests to give voice to world public opinion that has many times proved to be against wars, violations of human rights, war crimes. To think of a state at the global level seems to be rather hard. In Habermas' opinion, the political and democratic weight of the United Nations should be strengthened: a reformed Security Council, representing the great regions of the world, a proper World Parliament, new and stronger International Courts, more powerful regional organizations (if not true federations) are put forward as the key-instruments to this aim. As far as a world government is concerned, our author seems however to be rather sceptical: as in other cases, the fear of a world Leviathan is sometimes stronger than the objection that a global government would be endowed with quite limited powers, in particular the ones

concerning security and economic issues.

It is anyway worthwhile to note that Habermas attributes a crucial role to global phenomena, which underlie and support the chance to rely on truly global institutions, be they *stricto sensu* federal or mainly cosmopolitan ones.

Another traditional Habermasian concern has to do with micro nationalism, identities, search for new homelands. Again, it is significant the fact that he recognizes globalisation to be a crucial source of such problems, and sees the need of new and far-reaching political projects to go beyond the limits of localism. Unfortunately, the recent elections in Poland and the overall political climate in Europe do not induce optimistic feelings. Let's however try to address the following question: how could we interpret Habermas after the French and Dutch votes? First, we could answer that there are no alternatives to the European project. As he suggests, we may imagine three different scenarios: a world ruled by one country and by the market (as the US neocons propose); a widespread and scattered empire of global capital à la Toni Negri; a clash of civilizations (along a vaguely nostalgic Schmittian fashion). Even without feeling desperately pessimistic, we must be aware that such perspectives are not that unrealistic; on the contrary, the current world affairs seem to embody a mixture of the various scenarios.

Secondly, Europe needs a vanguard, as stated by Habermas itself. It must be a vanguard of people, of citizens, according to the need of giving voice to rising expectations of civil society. At the same time, it should be a vanguard of states as well. Two NOs to the Constitution do not speak for the whole of Europe; on the contrary, they so far represent a minority. Europeans cannot waste their chance to build something new in human history, and the debt to peace they still have to pay both inside and outside our continent.

First Meeting of an Arab World's Parliament

On Tuesday December 27, an Arab world's parliament met for the first time in history at Cairo, Egypt. Some of its 88 members come from rather "proper" national parliaments, other ones are representatives of advisory councils, in countries such as Saudi Arabia or the United Arab Emirates, which have never had parliamentary institutions.

This new body will meet in Syria twice a year. On the one hand, it is understood as a way to give stronger powers to the Arab League at the international level; on the other, it's a step to strengthen democracy in the Arab world and to give a say to assemblies' representatives as well at a supranational level. Some Arab League officials made explicit comparison to the establishment of the European Parliament that, *mutatis mutandis*, might set an example to its Arab counterpart. On the day after its first meeting, the appointed President, Mr Mohammad Jassem Al-Saqr from Kuwait, declared that he will immediately resign, in case the parliament won't enjoy clear legislative powers and will act as a barely consultative assembly (*e.g.*).

First Galileo Satellite into Orbit

In the early morning of December 28, the first satellite of the European Union's Galileo navigation program has been launched from Kazakhstan. This date will be remembered in the annals as the start of the European race with the US in the field of Global Navigation Satellite Systems.

The spacecraft, named "Giove-A," took off from the Baikonur Cosmodrome on a Soyuz rocket. It is the first of a total of 30 satellites which the EU is aiming to deploy by 2010, with a total investment of 3.4 billion euros. The system will provide access to precise timing and location services delivered from space, offering an

alternative to the Global Positioning System, controlled by the US military.

Giove-A will test technologies needed for the other components of the project, like the in-orbit performance of two atomic clocks, and the radio frequencies assigned to Galileo by the International Telecommunication Union. Months ago, the assignment of these frequencies caused a deep clash between the EU and the US, with the latter trying to stop the European project.

Washington seems to be worried by this new step towards a growing European independence, which comes shortly after the introduction of the euro. Galileo has immediately met enormous consent in the rest of the world: Many emerging international players, including China and India, decided to support the project, in exchange for the promise of full access to the services that the system will provide.

The project is being realised, for the first time in history, by means of a Joint Undertaking, a juridical subject defined by the Treaty establishing the European Community (art. 171), which can be set up by "the Council, *acting by qualified majority* (my italic) on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee". This is in fact just another proof that the EU is able to realise its most ambitious projects only when it is not subject to the constraints of unanimity.

The Galileo Joint Undertaking has been founded by the European Commission and the European Space Agency, and is open to the member states and other public and private partners that want to join in (*f.f.*).

New Italian Study on the Condition of Young Muslims in Europe

The Edoardo Agnelli Center for Comparative religious studies, based in Torino, Italy, has recently delivered a paper, edited by Jocelyne Cesari and Andrea Pacini, which contains the

first systematic research on the condition of young Muslims living in Italy.

While there is an extensive literature on the issue in many European countries, in Italy only a few publications have been published in the last years, and therefore this text fills an important gap in the sociological research.

Young Muslims born or grown up in Europe represent the future of the European Islam. They will influence its development and its chance to be integrated (or not) within our society.

Reading the stories reported in the paper, we can observe, as one might expect, a great variety of views, but all of them seem to have in common a laical approach. This seems to be mainly a form of defence against a prejudice towards the Islamic world, which grew all over Europe after the attack on the Twin Towers. "Whenever you enter in a public place – tells a young girl – you have to say 'I'm a Muslim, not a terrorist, I was born and grew up in Milan and I am not a stranger'". "As young Muslims – reports another – we feel under big pressure, because we feel observed as soon as we move. The same at school: each word we tell is weighed up".

Thus, to counter the pressure, the young Muslims are trying to give a new "look and feel" to Islam and to gain a higher degree of attention by the media. In this way they react to the climate of suspect they often feel towards Islam, which fatally falls back on them.

In another interview, a young guy living in Emilia, but native of Morocco, says that he feels fully integrated in the Italian society, so much to have been selected by his schoolmates as a delegate of their class, "They respect me exactly because they know I'm a Muslim. They trust me because I live according to my principles, – he reports – and I represent them".

Some of the interviewed were victims of discrimination, especially after September 11, but the hardest times seem to have passed by (*m.b.c.*).

The Whale that Went to London

Londoners are well used to receiving exotic visitors but nothing prepared them for the sight of a bottle-nosed whale swimming up-river past the Houses of Parliament on 20th January last. For two days crowds gathered on the river bank and helicopters hovered overhead as marine experts tried their best to help it return safely to the open sea. Several times it became stranded on mud banks because the Thames is tidal and the water level is not constant. Finally it was decided to lift the whale on to a barge but, despite the efforts of veterinary specialists, it died a couple of hours later on its way down the estuary.

But what led it into the Thames in the first place? There is speculation that changes in the ocean currents due to global warming may be affecting the whales' normal migration routes, or that the frequent use of sonar by fishing fleets, naval forces and oil companies may be interfering with the whales' own communications sonar. Yet throughout history whales have ventured into the Thames from time to time, the last recorded visit being in 1913. Long before that, in 1658, John Evelyn described a beached whale near Greenwich. That too drew crowds to wonder at it – and watch it being killed.

The difference between then and now lies in the public's attitude. Today's crowd beside the Thames, and those watching on TV, all longed for the rescue attempts to be successful and for the whale to be returned, free and healthy, to its normal life – proof, if any were needed, that human instincts do change. Yet despite international agreements, Japanese and Norwegian whalers continue to hunt these harmless mammals (*j.p.*).

Contributors

ANDREA BONANNI
Columnist of the Italian Daily *La Repubblica*

LIONELLO CASALEGNO
Assistant to the Editor, *The Federalist Debate*

ALESSANDRO CAVALLI
Professor in Sociology at the University of Pavia,
Italy

FRANCESCO FERRERO
Vice-Secretary-General of UEF Italy

ERNESTO GALLO
Member of JEF-Italy National Board

FERNANDO A. IGLESIAS
Editorialist, specialised in the political aspects
of globalisation, and teacher in the University
Lomas de Zamora in Buenos Aires, Argentina

GILBERT JONAS
Member of WFM Council

GUIDO MONTANI
President of UEF Italy; Professor in International
Political Economy at the University of Pavia,
Italy

TOMMASO PADOA-SCHIOPPA
President of Notre Europe, Paris

ANTONIO PAPISCA
Professor in International Relations at the

International Department of Research and
Services on the Right of the Person and the
People, University of Padova, Italy

JOHN PARRY
Previous Vice-President of UEF

JOHN PINDER
Chairman of the Federal Trust and Honorary
President of UEF

SERGIO PISTONE
Vice-President of UEF; Professor in History
of European Integration at the University of
Torino, Italy

STEFANO RODOTÀ
Professor in Civil Law at the University "La
Sapienza" of Roma, Italy; Former member of
the Convention which drafted the Charter of
Fundamental Rights of the EU

NICOLA VALLINOTO
Vice-Secretary-General of UEF Italy

RENÉ WADLOW
Editor of *Transnational Perspectives*, representative
to the United Nations, Geneva, of the Association
of World Citizens

LOIS M. WILSON
Acting President, World Federalist Movement;
CC, former Canadian Senator