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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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The Federalist Debate

Papers for Federalists
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- EDITORIAL
- COMMENTS
- BORDERLESS DEBATE
- FEDERALIST ACTION
- BOOKS REVIEWS
- INTERVIEW

EDITORIAL

- A Constitutional Convention for Europe *Lucio Levi*
4

COMMENTS

- From War to Peace: the Achievement and the Danger *Tommaso Padoa-Schioppa*
7
- Euro: An International Currency?
8
- Mario Monti and Romano Prodi Suggest to Integrate Anti-Trust Authorities throughout the World
10
- Federal/Confederal Solutions to the Israeli-Palestinian-Jordanian Conflict *Daniel J. Elazar*
11
- WTO and Political Reform in China *Carlo Gioja*
17
- Migration: An International Phenomenon Lacking a Global Response *Keith Best*
20
- Sustainable Development *Roberto Palea*
25
- Global Temperature in 2001 Second Warmest on Record
27
- Europe, Change or Perish *Antonio Padoa-Schioppa*
28
- Giscard: "I am a federalist, but..."
29

BORDERLESS DEBATE

THE EU AND THE CHALLENGES OF GLOBAL SECURITY

- New Myths about Russia and NATO *Ira Straus*
30
- The European Union as World Leader? *Laura Davis*
33
- The EU and the Challenges of Global Security and Defence *Sergio Pistone*
37
- The Europeanisation of Defence Industrial Policy *Malena Britz*
41
- Towards De-weaponisation *W. James Arputharaj*
44

FEDERALIST ACTION

Appeal to the Convention on the Future of Europe	46
Human Chain for a European Federal Constitution	47
UEF Executive Bureau Meeting	48
Apply for the WFM Congress!	49
International Conference on Federalism in St. Gallen	49
The ICC Ratification is Approaching	49
Bill Pace and other International Justice Activists Awarded at Urban Morgan Institute	50

BOOKS REVIEWS

One Shining Moment <i>Lucy Webster</i>	51
Democracy and European Constitution <i>George Lingbour</i>	57
Confronting War <i>Ernesto Gallo</i>	60
World Federalism, European Federalism and International Democracy <i>Lucio Levi</i>	63
The End of the Work Society <i>Luisa Moisiso</i>	66

INTERVIEW

Jürgen Habermas	68
-----------------	----

CONTRIBUTORS

	72
--	----

A Constitutional Convention for Europe

Lucio Levi

The European Union at a crossroads

Fifty years on from the founding of its first Community, Europe is at a crossroads. The entry into circulation of the euro, on January 1st, signalled the end of the process of monetary unification. Meanwhile, February 28th saw the opening of the Convention on the future of Europe, which has been assigned the task of redesigning the institutions of the EU. These two events are linked. The first marks the end of a phase in the process of European unification, the second the beginning of a constituent phase, and thus the opening up of the prospect of a federal outcome to the process.

While the creation of the single currency is certainly a historic achievement, it means that the stimulus that was generated by the Maastricht Treaty and that led twelve states to renounce their power to mint coins has now run out. If it is true that a currency without a state is an absolutely unprecedented situation, then it is also clear that the current stage reached in the process of European unification must be regarded as a transitory one. The process has now advanced to a point at which it appears easier to continue in the direction of a federal outcome than to turn back, even though the disintegration of the Union remains a possibility.

The institutional crisis

The nation-states have lost their capacity to govern Europe and to direct the building of

European unity. The clash of national interests has caused the decision-making machinery of the European institutions progressively to seize up. Furthermore, the Nice Treaty failed to produce the institutional reforms that are needed if the European Union is to face the great challenges of the new century, namely: the overcoming of the democratic deficit (the result of the fact that the national governments, within the Council, still have the monopoly of decision-making power on the most important issues); the creation of a unified legal area, so that today's economic Europe might be transformed into an area of liberty, justice and security; the government of economic and monetary union (on which the welfare of the citizens of Europe and the global role of the euro both depend); the strengthening of the cohesion of the Union's institutions in order to prevent enlargement from watering Europe down into a vast free-trade area; and the unification of foreign and security policy, essential if the European Union is to speak with a single voice at world level. Thus, the right of veto has, more and more frequently, prevented crucial decisions from being taken. The Nice summit, at the end of days of inconclusive negotiations, marked the failure of the intergovernmental method and revealed the incapacity of the governments to give Europe a constitution.

The mandate of the Convention

Last December, at the Laeken summit, the European governments acknowledged their

own incapacity to deal, by themselves, with the crisis of the European Union's institutions. This has led to the affirmation of an innovative method, already tried out in the drawing up of the Charter of Rights (proclaimed in Nice on December 7th, 2000), and thus the shift of the debate over a European constitution out of the narrow sphere of diplomatic conferences – something that federalists have long pressed for. The debate has been entrusted, instead, to a compound body made up of representatives from the national parliaments, the European Parliament, the fifteen governments and the European Commission. It is true that this Convention has not been elected by the people, but at the same time it cannot be denied that it is, in its composition, widely representative. It was also decided that the debates and documents produced by the Convention should be made public and that a Forum, representing civil society, should work parallel with the Convention and present to the latter its suggestions.

It is important to underline, finally, that the Convention has been given a very broad mandate: that of drawing up a European constitution. This must undoubtedly be seen as a victory for federalists who, in 1996, launched the campaign for a European constitution in total isolation. That said, the Convention has been given the power only to propose, not to decide. The governments have reserved the right to have the final say, at the intergovernmental conference due to be held in 2004. It is unrealistic to hypothesise the exclusion of the governments from the constituent process. The document that will ultimately define the structure of the European federation will be a Treaty-Constitution whose signatories will be the national governments. The problem is, rather, one of how to break down the resistance of the governments that oppose the federalist

design. There are two obstacles that must be overcome, one theoretical and the other political.

The theoretical obstacle

Let us look first at the theoretical obstacle. The European governments (or at least a good number of them) are no longer hostile, on principle, to a federal-type solution. The expression "federation of nation-states" is one that is being used increasingly by many prominent political leaders. But rather than indicating a solution, it expresses a problem that needs to be solved. It points out the need to reconcile something that, in national culture, is viewed as an insurmountable contradiction: a union of states that has independent power, but does not eliminate the independence of its members. While the governments are clear on what it is they do not want (a superstate that would erase the nation-states), they do not know what it is they do want. Those who grope in the fog of national thinking are unable to see the solution. The task of federalists is to point it out.

The problem is complicated by the fact that all the existing federations have undergone a process of centralisation, which makes them unsuitable as models for Europe. Furthermore, the existing federations are unions of cantons, provinces or regions; there are no federations of nation-states. We are thus faced with the unprecedented task of applying the culture and institutions of federalism to a world region – Europe – that is the area in which both national culture and national institutions were first born and continue to dominate. The crisis of the nation-states can be overcome by transferring some powers upwards (to Europe) and others downwards (to regional and local communities), in other words, by reorganising the state on a number of independent and co-ordinated levels of government.

The political obstacle

The political obstacle lies in the iron law of the preservation of power, power which Europe's national governments will not therefore spontaneously relinquish. They must be forced to do so by two factors: a crisis revealing the incapacity of the European institutions to come up with a solution for crucial problems (such as, for example, the problem of enlargement) and the exerting of strong pressure from below, sufficient to prompt a real qualitative leap forward, that is, the decision to found a European federation.

The veto of the eurosceptics represents an insidious threat to the success of the Convention. Although the former agreed, surprisingly, that a constitutional mandate should be conferred on the Convention, this does not mean that their resistance has been broken down. The Convention will include representatives of countries – Great Britain first and foremost – that oppose the idea of a federal constitution. Furthermore, there is another proposal – favoured by the British government – that is emerging as a real alternative to the federal constitution, and it is to set up an Anglo-French-German *directoire* that would be responsible for foreign and security policy, a sort of EU Security Council.

There is thus a need, in the work of the Convention, and subsequently in the ratification process, to overcome the obstacle constituted by the right of veto and by the taking of decisions by unanimity, both of which would prevent any progress towards a federal reform of the European Union. What is needed, in other words, is for a group of countries to unite behind the federalist design, countries

that are ready to break with their partners in order to create a federation within the Union. The Convention can succeed only if, within it, a federalist vanguard emerges with the capacity to win consensus for a draft federal constitution whose adoption will be subject to a majority vote and which will be applied to all those countries in favour of it. Were things to evolve in this way, it would be difficult for the governments, having agreed to summon the Convention, to go against the results it produced.

The novel aspect of the Convention is its openness to the views of Europe's citizens. And if the citizens demand a European federation, it will not be easy to ignore their requests. The national governments do not have absolute sovereignty. Even absolute sovereigns, in certain circumstances, have been forced to acknowledge that sovereignty belongs to the people. It might be remembered that it was the king who, faced with the crisis of the *ancien régime*, convened the Estates General from which sprung the events that led to the French Revolution. The Third Estate, assuming the name National Assembly, swore not to break away before the completion of the drawing up of the Constitution, which was to establish the outlines of the new order.

Ultimately, success in the battle to complete the process of Europe's unification will depend on the capacity of the Union of European Federalists (UEF) to achieve the uniting of forces and the popular mobilisation that will be essential in order to create a climate of opinion likely to give the most advanced wing of the Convention and of the governments the courage to opt for a federal constitution.

From War to Peace: the Achievement and the Danger

Tommaso Padoa-Schioppa

The euro has come into our everyday life. Its first days have been marked by the changes in our little habits; the anecdotes about its start will be many and they will linger on the inevitable mishaps and on what went wrong, rather than on the great economic and political changes of which the euro constitutes just one episode. What are these big changes?

Professional economists and central bankers believe that the most significant change occurred three years ago, when in Rome, Paris, and Amsterdam the national Central Banks (venerable, often several-centuries-old institutions) ceased to rule their countries' currency, to determine its value by fixing the level of money supply, and to be able to trigger or to avert inflation. As far as the central banker's main functions are concerned, it is then that the national currencies ceased to be real and became just a proxy. Since then, liras, francs, guilders have been only, as somebody said, the national names of the euro, which in fact was already in existence.

Although true, all this looks to the average citizen almost irrelevant compared with the change brought about by the euro coming into their everyday habits. Indeed politicians and normal citizens understood the reality much better than central bankers when, fifteen or twenty years ago, they were able to understand what monetary union really meant, when it was explained to them that banknotes and coins in liras, marks, and pesetas will be replaced by a single banknote or coin, with a single name.

Margaret Thatcher was right when she used as an argument for opposing the single currency her desire to maintain the picture of the Queen of England on banknotes. The plurality of currencies in Europe started just in this same way, when, a couple of centuries after the deposition of the last Western Roman Emperor, the kings - whom we call barbarian- dared take the emperor's image off the face of coins and put theirs in its place. That act signified that they no longer recognized any authority above them, as they were, exactly, "sovereign". And "sovereign" was the name given to one of the coins in the course of European history, while others were called louis, real, napoleon, and carlin. Today, those sovereigns go back in the ranks. It has a certain poignancy to see the heads of King Albert of Belgium, Juan Carlos of Spain, and Beatrix of the Netherlands happily established on the back of the one-euro coin, aware of stepping back, after almost fifteen centuries, to the status of mere rulers of a province of the empire.

In the meantime those kings and those sovereign powers have made quite a long journey. A journey of progress in civilization. Sovereigns have relinquished paganism, given peace and security to their territories, unified language, emancipated politics from religion, promoted art and science, administered justice, expanded trade, and set sail for the discovery of the world. They have also learned how to moderate their power, acknowledging respect for parliaments and ministers. They were taught, sometimes only after having lost their head, that people were not subjects, but

citizens, and that people did not belong to them, but they to the people. Some of those sovereign powers even became republics, no longer passed on by hereditary right.

But as well as being a journey of progress in civilization, it was also a journey of blood and barbarism. Pacification inside the boundaries,

but war, pillage, conquest, and oppression outside. Colonial exploitation, forced conversions, unfair taxation, currency counterfeiting, and torture. The progressive moderation of sovereign power took place inside their kingdoms, not outside. The original act of arrogance, by which sovereigns had

Euro: An International Currency?

In a speech delivered in Washington, November 30, 2001, the US Federal Reserve Board Chairman Alan Greenspan said the euro clearly meets all the key qualifications for a major international currency, and investors will benefit from competition between the euro and the dollar as pressures toward portfolio diversification affect their relative positions on world markets. Greenspan added that labor market rigidities and regulatory differences among the EU member states have likely hampered the euro's acceptance in global financial markets, and that "a resolution of these differences would add to the attractiveness and stature of the euro in the international arena". "First and foremost, an international currency must be perceived as sound," he said, and the mandate of the European Central Bank to maintain a stable purchasing power for the euro "is doubtless firmer than that of the Federal Reserve or any other major central bank."

On January 6, 2002, China's finance minister, Xiang Huaicheng, said that his government should consider buying more euros as soon as possible so as not to be overreliant on the US dollar in its foreign-exchange reserves. "China has always thought the euro important and thinks that it will someday be on an equal footing with the US dollar ... It is

inevitable that the euro will become some countries' reserve currency." Mr. Xiang said after a meeting in Shanghai with Germany's finance minister, Hans Eichel. He did not say how many euros Beijing was holding already as part of its \$200 billion in reserves, the second-largest amount in the world. The euro is already a key currency for trade as the European Union was China's third-largest trading partner in 2000, behind the United States and Japan, with a volume of about \$69 billion. Mr. Eichel, who promoted the euro as an international reserve currency during a four-day trip to China and Iran, said that the euro would emerge in the long term as a worldwide reserve currency.

On January 14 Lord Tugendhat, chairman of the Abbey National Group, UK, stated that while the dollar will retain the overwhelming proportion in Gulf states' reserves in the foreseeable future, some diversification into the euro is inevitable over a 5-10 year timeframe. He also felt any Gulf currency linkage with the euro, or a currency basket with a significant euro component, will likely happen over time. "It is up to the national authorities to decide, but a lot of people see the need for an alternative investment vehicle to the greenback - and the euro, representative of a 370 million population can certainly provide that," he observed (*f.f.*).

dispossessed the emperor of the currency, was not reversed. Indeed the sovereigns remained barbarians in not acknowledging any power above themselves. And barbaric was the last apotheosis of unbounded sovereignty, when (in two World Wars) the whole hard-won progress in civilization was disavowed and a return to paganism was attempted.

For those in their thirties this is past history, told them by their grand-parents and great-grand-parents. But while Europe was still in the darkness of the Second World War and nobody knew how it could get out of it, those grand-parents and great-grand-parents, often in exile, in jail or in the underground struggle, acting in France, Italy, Germany, Switzerland independently of each other, were working out an interpretation of the tragedy which was taking place, were thinking of how to avoid it repeating itself, and were trying to prepare a different future. Monnet, Spinelli, Maritain, von Moltke, and Einaudi are some of their names. Only by putting an end to the claim of the States to unbounded power, only by subjecting the sovereigns themselves to a higher power that would regulate them in some well-defined areas of politics and economy would it become possible to put an end to the continuous alternation between wars and precarious truces, which had scarred European history for more than three centuries, until the final tragedy of the World Wars.

The road chosen for building peace was that of the economy. Gradually a space was created in which goods, capitals, services, and people could move freely – even more freely than they could move within any one state before the European Union was born. In order for those liberties to be guaranteed and regulated at the same time, and in order for every citizen and every business in every country to rest assured they could enjoy them with no risk that another country could prevent them from doing so, a power was instituted superior to that of any one

state: the power to make laws binding for all, to ensure their enforcement and to prosecute violators. They did not create a European State; but in the economic sphere powers were established at the European level which are typical of a State.

For approximately fifteen years the currency of such a European "State" was the dollar; later, for almost twenty-five years, the mark; now, the euro. The world outside has watched this evolution with astonishment. Scholars and specialists have debated and doubted. It was the first time that there was no coincidence between currency and state; that the project was to give a single currency and a single central bank to a "body" which did not have proper state apparatus, its own army, its own foreign policy, and its own police force. So deeply rooted was the habit of the coincidence between currencies and states, that for the "country of the euro" the name 'Euroland' was swiftly coined.

The euro is a step in this long journey, a change of centuries-old habits, which go much deeper in our culture and our identity than the simple acts of making payment, or counting. What specialists do not always understand, is understood by politicians with vision and courage. "The euro is a matter of peace and war", Kohl said many times to his fellow citizens and to Europeans. "If it had been done before, many wars would have been avoided", I have been told several times by strangers in different European countries that I have met by chance and asked them what the euro meant to them.

Why is it a matter of peace and war? Printing a note of one hundred euro costs a little more than ten euro-cents. Why then when a stranger gives it to us are we ready to give him in exchange something real, worth not the ten euro-cents, but one hundred euro? We will never meet that stranger again, and yet we trust him and that piece of paper he hands over to us.

We trust him because his note is our note, his sovereign is our sovereign, we are part of the same society, we abide by the same laws; in sum, we are fellow citizens. This is what the barbarian kings wanted to reject by dividing the empire and throwing out the emperor; this is what their present-day descendants want to affirm, for reunifying Europe, by taking their place on the back of the one-euro coins.

The change of habits that the euro marks and promotes concerns the boundaries of our society, the perception of who is and who is not our fellow citizen. Day by day the definition of the society we feel we are part of will change. Here lies the most significant change to our

habits brought about by the euro; but here lies too the danger. The danger is to think that the euro is the last step, that a united Europe is already accomplished. Those who wanted the single currency most passionately wanted it so that it could help us take further steps, not that it be the last one. The barbarian sovereign is not claiming any longer unbounded power, but there is no emperor yet. The inscription "1 euro" on the face of a coin cannot rise to the rank of emperor. If we want the habit of regarding the man who uses the same coin as us as our fellow citizen not to be an illusion and, in the end, false, then on that habit we must build more.

Mario Monti and Romano Prodi Suggest to Integrate Anti-Trust Authorities throughout the World

Mario Monti, the European Union's Competition Commissioner, interviewed by International Herald Tribune TV (November 29, 2001) declared: "[in order to integrate anti-trust authorities] We are working in two directions: bilateral cooperation and multilateral cooperation. The United States and the European Union have been working constructively together for more than ten years, with the well known exception of the GE-Honeywell merger. But now I am convinced that it's also necessary to go multilateral..." But - the interviewer observes - despite efforts to coordinate with U.S. and other regulators, there is often a divergence of views. The fact is that Brussels uses the so-called *dominance test* to judge if a deal will give a company a dominant position, while U.S. regulators use the *competition test* which looks at whether a deal substantially reduces competition... "The tests are different, which makes it particularly remarkable that in all but one case it has been possible to achieve

the same outcome. Of course, multilateral measures will make the process more difficult... Cartels are certainly the most damaging and perverse violation of competition law, and that is why there is now a widespread fight against them".

European Commission President Romano Prodi confirmed the Commissioner's opinion, on the PBS Charlie Rose show (January 13, 2002): "Europe and the U.S. need a common antitrust regulator to prevent a repeat of the clash over GE's purchase of Honeywell International Inc. ...There will be a time, and I think that can't be too far away, in which for the big oligopolies we need one discipline, one antitrust authority in common... While *one body* may not be set up soon, European and U.S. regulators must pursue *strong cooperation* as the world becomes a single market. How can you apply two different rules to the same companies operating in one market?" (*a.m.*).

Federal/Confederal Solutions to the Israeli-Palestinian-Jordanian Conflict

Daniel J. Elazar

The Israeli-Palestinian conflict, with its daily reports of violence, retaliations, and vain attempts at resuming peace talks, has been worrying for a long time now not only the two unfortunate communities of the Middle East, but also peace-loving people all over the world. Diplomatic efforts to bring to a solution the conflict, most recently the one President Clinton tried to reach with Barak and Arafat at Camp David, have all failed after briefly bringing hope. And the death toll since the start of the second Intifada (Sept. 28, 2000) is presently at about 700 Palestinians and 120 Israelis killed (www.btselem.org/Files), and rising every day. Now, after the September 11th attacks, this conflict has also been recognized as one of the major causes of resentment and hate against the West in the Islamic world, with all the consequences that such attrition can bring about.

At this very moment when, at the same time, hopes for peace seem to have plunged to their lowest point, and yet finding a solution to the conflict appears even more necessary than before, fresh ideas are welcome, and "The Federalist Debate" presents to its readers an extract from an article presenting a federal solution to this conflict, written in 1998 by Daniel J. Elazar, which is little known to the general public.

Of course it does not pretend to be the magic answer to this incredibly difficult, thorny, divisive problem; but Elazar's plain, non-partisan, extremely rational presentation, from the historical events and expectations in the area to the merits of the federal solution, may represent an interesting proposal for the intrinsic force and persuasiveness of its arguments, and may hopefully inspire new approaches in future discussions.

As far as the more general perspective our review offers is concerned, the article is also a good example of illustrating the adaptability of federal structures to the most diverse political and cultural situations, and their potential as a rational and democratic solution for the world's problem areas.

The complete article can be found on the Internet at the Jerusalem Center for Public Affairs' site (www.jcpa.org/dje/articles/fedconfed-sol.htm).

... Since 1976, the Jerusalem Center for Public Affairs, through its Institute for Federal Studies, has tried to formulate constructive federal arrangements for the parties of the region that will recognize Eretz Israel/Palestine's pluralist and multi-ethnic character and the national aspirations of its peoples. We have developed eleven options designed to accommodate the interests of the involved parties, specifically Israel, the Palestinians and Jordan, by building

new political arrangements based on federalist principles.

A solution based on federal principles is one that combines self-rule (or self-government) and shared rule (or federal government) over the territories in dispute. However difficult to achieve this may be, it is the only possible outcome which has a chance of success. A move in this direction requires recognition by

all parties of the failure of the exclusive sovereignty model to provide the basis for an acceptable solution to the problem of Judea, Samaria and Gaza.

Any accommodation based on power-sharing and limited autonomy for certain groups must be carefully balanced to at least minimally accommodate the security, nationalist and political interests of the participating parties -- without at least minimal satisfaction of vital interests, even the best laid plan is doomed to fail. While Israel, the Palestinians, and Jordan are the parties directly involved in any settlements, the interest of the Great Powers (particularly the United States) and Egypt and the other Arab states must also be taken into account.

For the three principal parties involved, security and national integrity provide the major impetus for their minimal interests:

For Israel:

- Peace secured by formal treaty.
- Security arrangements on its eastern border providing strategic depth, early warning against any possible enemy attack, protected airspace, control of vital roads for defense purposes; and minimum exposure to terrorist infiltration from the east.
- Maintenance of governance over a united Jerusalem as its capital.
- The continued right of Jews to reside in Judea, Samaria and the Gaza district.

For the Palestinians:

- Recognition of their national identity and practical political expression of that identity.
- Continuation of the special links with Jordan and the Arab world.
- Continuation of economic links with Israel.

For Jordan:

- Survival of Hashemite Jordan, including

protection against possible extremist Palestinian factions.

- Formal and practical expression of the bonds between the Palestinians involved and the Hashemite Kingdom.
- Official status, duties and responsibilities in connection with the holy sites of the three religions.

The following four approaches are commonly viewed as possibilities for solving the conflict in the territories:

- Israel's withdrawal to pre-1967 borders (either fully or with the most minor territorial adjustments) and the establishment of a Palestinian state either separate or linked with Jordan.
- The extension of Israeli sovereignty (annexation) over the territories.
- Repartition of the territories to accommodate Israel's security needs (e.g., the Allon Plan) and allow separate political space for the Palestinians.
- Development of a form of shared rule over the territories by Israel and an Arab partner.

The first two options, involving total withdrawal or total absorption, run completely contrary to the non-negotiable interests of one, another, or all of the concerned parties. The third option, repartition of the territories on terms more favorable for Israel, has been firmly rejected by the Arab parties to the conflict, although it is acceptable to many Israelis. This leaves shared rule as the only viable alternative.

The strength of federalism lies in its flexibility and adaptability. The model focuses on people, not states, as the repositories of political sovereignty and legitimacy, thus shifting the issue of sovereignty to a different plane. Moreover, proper use of federalism requires the provision of adequate guarantees to each entity through a constitutionalized commitment to shared self-rule. Federalism seeks to encourage

unity and diversity together.

Federalism – self-rule/shared rule – involves both structure and process. A federal process must be combined with a federal structure to create a viable federal system or arrangement. A successful federalist process hinges on some sense of partnership among the participating parties based on a commitment to negotiated cooperation on issues and programs. There must be a commitment to open bargaining among all parties to achieve consensus or, at the very least, an accommodation which protects the fundamental integrity of all parties.

Contrary to some widely held opinions, federalism is more than modern federation. There are a number of different federal structures successfully functioning in the world today. In that sense, federalism can be understood as the genus and its various forms, species of the genus...

It is far from certain that the parties to the Israeli-Palestinian-Jordanian conflict have the will to federate. Nevertheless, there is no reason to presuppose that they could not develop the will under the proper circumstances. The objective conditions for federal solutions prevail, although the events of this century make it difficult to achieve. The question remains, however, as to whether there is a sufficient cultural basis for making federalism work among these peoples.

In order to successfully integrate federalism into a given polity, a federal political culture must exist, or be developed, within the constituent population. Among the factors which must be developed are a commitment to democratic government, a willingness to accept pluralism and power-sharing, an agreement to resolve conflict through negotiation, and finally, a sense of self-restraint in pursuing political goals and in the exercise of power which reaches beyond the other tenets of democratic government to

include a commitment to power-sharing.

Israeli Jews come from a long Jewish political tradition of federalism and a deeply federal political culture. A deep relationship between Jews and federalism can be traced back to the Bible: the first manifestation of God's covenant with Israel was the confederation/federation of the twelve tribes. Their federalism was reflected in the tribal federation and covenants of the Bible and through the federal political structures developed in most diaspora communities. Study of this dimension of the Jewish political tradition indicates how this federalist infrastructure has contributed to the Jews' predisposition toward constitutionalized power-sharing.

For the Arab world it is difficult to generalize. Different parts of the Arab world have had different historical and cultural experiences which have molded their individual political cultures. For example, Egyptian national existence has been based on a strong hierarchy and there is very little historical reason for a predisposition toward power-sharing. The Palestinian experience, on the other hand, has historically been based on a strong village and familial structure, providing for a large degree of institutionalized decentralization. The Bedouin experience has been very open to federalism due to the confederal links which exist among clans and tribes.

Nothing in modern political thought among Arab states resembles a theory of federalism. With the exception of the United Arab Emirates (essentially a Bedouin confederation in modern dress), all twentieth century experiments with federalism in the Arab world have failed. Islam is also a vital force in influencing modern Arab political thought. Muslim political theory emphasizes hierarchical and often personalized rule, with consideration for how to induce justice by hierarchical rulers, rather than how

ruling hierarchies can be constitutionally limited. Furthermore, Islamic doctrine seems to almost prevent anything other than a superior-subordinate relationship between Muslims and non-Muslims. As *dhimmi* (protected inferior peoples), Jews and other non-Muslims were respected as "peoples of the book" in Muslim societies, yet they were not considered to be equals or potential partners for governance. Such covenants as there are in Islam are hierarchical, regulating and regularizing the relationships between superior and subordinate.

Some contemporary Muslim thinkers have come to believe that the Arabs might, in fact, be predisposed toward some form of federalism because they are perforce a federal nation divided into peoples and states. This is reflected by such state names as the Egyptian Arab Republic and the Syrian Arab Republic and also by their belief that, like the Bedouin, Arab states wage war against one another without losing their sense of common nationhood (*umma*), even as they preserve their separate peoplehoods (*wataniya*).

Examination of the historical experience of the Palestinians allows some room for optimism. Traditionally, Palestinian society has been highly decentralized -- each village self-contained within the context of whatever external rule was imposed. Rule was shared among the various dominant clans (*hamulot*) and the leadership came from the heads of notable families. Adult males were able to participate in the governance of the village through their activity in the village militia. This system of governance prevailed through 1948 but it was replaced by more formal local government when these villages came under Jordanian, Israeli or Egyptian rule.

The Arabs as a whole (including the Palestinians and the Hashemite Jordanians) do

not appear to be readily open to federal arrangements with non-Arabs, and especially with non-Muslims. But the Palestinians do have a history of informal power-sharing between the village and the state and, in view of the range of options and flexibility inherent in the various federalist options, it may be possible to construct an arrangement not in contradiction with Arab political culture, and, moreover, to adapt the Arab political heritage to a federalist solution...

The Best Alternative?

Is there a best solution? There is no single best solution under all circumstances. What is proposed here is what we believe to be at this time the most viable and pragmatic solution with a chance of successful implementation and sufficient fail-safe mechanisms to minimize the risks that must be taken by the parties in question if there is to be any solution.

From Israel's point of view, as has been articulated previously, a proper federal solution would provide the Jewish state with peace, appropriate security guarantees, provide protection for the Jewish settlements in the territories, and a share in the land's common resources (particularly water resources). These are three absolute necessities in the minds of virtually all Israelis, however they interpret the way to achieve them.

For the Palestinians, there remains a strong interest in being linked in some way with their brethren east of the Jordan river, located in territory which, according to the original League of Nations mandate and the PLO platform, should be part of any Palestinian state. When the PNC recognized Israel's right to exist in its statement in Algiers, it made no concessions whatsoever with regard to Jordan's right to exist independently of the proposed Palestinian state. In spite of that, Arafat is

reluctant to accept Jordan's offer of federation because the Palestinians know that by accepting even a simple confederation with Jordan they will remain at the mercy of the Hashemite rulers and the Jordan army which has crushed them before and has promised to do so again if necessary. Despite recent developments in Jordan, Hussein (*now Abdullah, Ed.'s Note*) has little or no commitment to republican, not to speak of democratic, ideals. Jordan, indeed, should be even more Palestinian than it is.

For Hussein (*now Abdullah, Ed.'s Note*) and his Hashemite Kingdom of Jordan, a federalist solution offers an opportunity to regain a foothold west of the river including a presence in Jerusalem at least (having some connection with the holy sites located there). The advantages of obtaining access to a port directly on the Mediterranean (which would come with Gaza) would also hold great appeal to Jordan.

In the interim, the only way in which a Palestinian link with Jordan would protect the Palestinians is if Israel were involved as a third party. An Israeli counterbalance to the Hashemite ruler would be a powerful guarantee of Palestinian self-government. The Palestinians, to gain a reasonable measure of self-determination, must accept a federal solution and find the appropriate partner or partners for it. Since neither Israel nor Jordan is acceptable alone, perhaps the Palestinians can be brought to realize that what is good for them is a combination of both -- just as Israel has come to realize that, since it will not be allowed simply to absorb the territories, such an arrangement would be the lesser of two evils for it. Since Jordan has no other option, it will have to come to the same conclusion.

It seems that given the considerations of the minimal absolute needs of each of the parties

involved, at this juncture the best solution possible would encompass a Palestinian-Jordanian federation in new boundaries that reflect Israel's security needs, overlaid by a confederation with Israel.

A Palestinian-Jordanian federation would mean one overarching general government for all of the Arab-governed territories on the east and west banks of the Jordan river, divided into two or more constituent states, at least one of which would be controlled by the Palestinian Arabs west of the Jordan river. Israel's role would be primarily to act as a guarantor that both sides live up to their federal obligations as determined by the peace settlement and the parallel constitutional negotiations between King Hussein (*now Abdullah, Ed.'s Note*) and the Palestinians. The integrity of the federation will be important because the federation will be viewed as one Arab state (albeit with two or more constituent entities) in the realm of international affairs.

While the Jordanian-Palestinian federation takes hold, Israel (territorially adjusted to include the State of Israel and segments of Judea, Samaria, and Gaza needed for security purposes or so extensively settled as to be appropriately part of the Jewish state) would be integrated into the arrangement through a confederal arrangement with the Jordanian-Palestinian federation. In a confederation, the states that come together can preserve their full political and juridical characters while establishing certain permanent joint bodies to serve their common needs (as opposed to a federation where one overarching general government rules a single polity).

This arrangement would guarantee Israelis access to the territories that they give up and will also give them a share in critical decisions concerning water rights and other common concerns. Among the tasks that could be entrusted to the confederal administration

would be security in the former administered territories (other than the local police), control and distribution of water resources, economic and fiscal coordination including the maintenance of an open labor market and the promotion of economic development. The functions of the confederation could be conducted by the confederal governing institutions directly, or they could be assigned temporarily (or permanently) to one state or the other. For example, Israel could be made solely (or principally) responsible for security matters for a set period, after which, if things worked well, security could become a shared function.

Such a confederative structure could be governed through a council whose members would be appointed by the parties involved, either through the two states or, perhaps more effectively, by Israel and each of the federated states of Palestine/Jordan. If the former, voting could be on the basis of parity. In the case of the latter, voting would have to be weighted so that the Israeli vote would equal that of the

Arabs. The capital of this confederation would be located in Jerusalem and the Arab presence in Jerusalem could be acknowledged in an appropriate manner. Moreover, any territorial concessions which might be made would be based on an allocation of jurisdiction rather than decisions on ultimate sovereignty, either indefinitely or for an interim period.

Such a federation-confederation combination as proposed here would fulfill all of the fundamental concerns of the involved parties. The Palestinians would get their state, albeit a federal state rather than an independent sovereign one, but they would also be guaranteed a share in the governance of the shared Arab state. Jordan would have a continued standing west of the river. Israel would get secure borders, recognition by its Arab neighbors, and a continuing constitutional relationship with those parts of the historic Land of Israel not within its full political jurisdiction. Most of all there would be peace, a concept which by now the vast majority of the people involved seriously want.



WTO and Political Reform in China

Carlo Gioja

The People's Republic of China became a member of the World Trade Organisation on December 11, 2001. The accession agreements are a promise of radical economic change: within 5 years some of the most sensitive sectors of the Chinese economy will have to open up to outside competition. These changes will bring about plenty of opportunities for both domestic and foreign investors alike.

China's process of economic liberalisation began in the late '70s as an attempt of modernizing the country, under Deng Xiaoping's famous slogan, "let some get rich first". The idea was to allow a gradual shift away from central planning by establishing several "Special Development Zones" that would serve as "experimental grounds" for the market economy, while the rest of the country would remain under the old system. The approach was extremely successful in the eighties as China's GDP grew at exceptional rates, bringing about unprecedented social change.

One of the reasons of the success of this approach was that Deng managed not to alienate the local party bureaucracies, as he essentially traded their continued support for the promise of material rewards, and gave them the licence to freely pursue their local interests as long as they accepted his leadership. Thus, as China abandoned central, Soviet-style economic planning, political fragmentation followed. In the words of Alwyn Young, an economist at Chicago University, "China moved from having one central plan to having many,

mutually competitive central plans"¹.

The defeat of Gorbachev's *perestroika* programme in the former Soviet Union further convinced China's ruling elite that economic liberalisation had to remain strictly void of political content. However, the effects of economic reform to this day have been so far-reaching that everyday life in China thirty years ago scarcely bears any resemblance to that of today. China's Gini coefficient, for example, which measures income inequality on a scale from 0 to 1 (0 being perfect equality), has risen from 0,15 in 1978 to 0,48 in 1999 (Italy's 1999 Gini coefficient was somewhere around 0,33). Average rural incomes are about a tenth of the average income in Shanghai, while purchasing power doubles every three and a half years.

These changes may have serious consequences for the identity of the ruling Party. Accused by its own hardliners of paying lip service to Communism, the Party is now hard-pressed with the need to find a reasonable justification for its chosen role as the "guiding force" of a changing society. In particular, it must find new ways of motivating its own officials, and also new ways to evaluate their performance.

Currently, for example, the promotion of local cadres is linked to the economic performance of their own constituency, and this is measured by looking at indicators such as the local rate of GDP growth or the amount of taxes the government collects from local companies. As a consequence, local officials have a strong incentive to create barriers to internal trade, or

favour their own pet projects. According to a recent study, the volume of interprovincial trade in China has fallen from the equivalent of 37 % of national retail trade in 1985 to about 25%. A can of beer, for example, may cost as little as 8 cents of a US dollar in one province and more than 1 dollar in another. This, together with the absence of a system of checks and balances such as those of federalism, contribute to give local leaders an incentive to protect local interests above all else - sometimes above the interests of the central government itself.

Foreign investors often come to China expecting a uniform and tightly regulated single market. In fact, China is a vast country, and the reality they find is often starkly different, and aptly described by the ancient Chinese phrase, "the Sun is high, and the Emperor is far away". Even today, when local governments wish to look after their own interests, Beijing is often reluctant to intervene, and indeed nowhere to be seen.

When foreign investors are involved in disputes with local competitors, for example, they may find that local courts are still by and large under the control of the local government, which is typically the sole shareholder of the local company. Thus, the foreigner's own contacts in Beijing may prove to be of little practical use. Situations such as these not only undermine the effectiveness of central rule, but may also deter investors from coming to China at all, with disastrous consequences for the economy.

Thus, the interests of foreign investors can sometimes be seen to be surprisingly close to those of the Chinese central government. Some commentators have argued, in fact, that this is what eventually led some in the Beijing leadership to accept China's accession into the WTO. After all, the Party knows well that it must stay abreast of the changes if it wants to preserve its privileged position. Now that

China's economic reforms have been placed under international scrutiny for the first time, Beijing may also have gained an ally that may help bring local governments back into line.

On the other hand, it is clear that China's WTO accession may prove to be too risky a gamble for the country's leadership. One example is the need to reform the agricultural sector, which currently provides the means of support for some 800 million people. As a consequence of the introduction of modern farming techniques and the opening up to foreign competition, some 200 million uneducated people from the countryside may flood the urban job markets in the next five years. Another is the necessity of rewriting the entire legal system so as to make it more transparent and accountable to investors - while preserving the Party's absolute grip on power. These are all potentially explosive issues that the leadership would hardly be willing to take on directly, were it not that it is maybe left with few other choices.

Thus, the idea that political reform of some kind may one day accompany further economic liberalisation is no longer a taboo, as some of the most progressive among China's leadership are already willing to concede. From the point of view of the ruling elite, however, the problem is rather how to keep this complex process under central control.

The issue of the "rule of law", in particular, is fundamental in order to ensure that all nationals or WTO member states that invest in China are dealt with in a fair, accountable and transparent manner. China's own legal history is vastly different from both common law and Roman law traditions, and, in particular, it is traditionally not too familiar with the idea that the Law should always be placed above the capricious will of the rulers. Twenty-five years of radical political experimentation under Mao Zedong have not done much either to modify

this legacy of the past.

However, since China's early contacts with the West in the eighteenth and nineteenth centuries, many leading intellectuals and politicians have been fascinated with the notion of the rule of law, and have often claimed that such a notion is necessary for China to become a truly "modern" country and join the community of nations. China's determination in joining the WTO and its willingness to accept limited international supervision of its legal system, and take all the necessary steps in order to reform it, have much to do with this ancient fascination.

Sometime in the second half of 2002 the Chinese Communist Party will elect its new leadership at the 16th National Party Congress, and the complex negotiations among the various factions to determine the new line-up of leaders have been going on behind the scenes for at least one year now. Both President and Secretary-General Jiang Zemin and Premier Zhu Rongji are expected to retire at the Congress, and hand the reins of government over to their chosen successors.

Succession has already taken place twice in the history of Communist China, and in both occasions it has not been a smooth affair. Upon Mao Zedong's death in September 1976, the struggle for the top post flared up and went on for at least four years before Deng could consolidate its position, while Jiang's ascent

took place in the immediate aftermath of the Tian'anmen Square crackdown of 1989. In both occasions, the successions led to significant changes in the system of government, and in particular to the passing of new State and Party Constitutions.

It would not be surprising, therefore, if the coming of age of the "Fourth Generation" of party officials will similarly lead to substantial changes. The new leaders appear to be, on average, younger and more cosmopolitan than their predecessors, and a number of them have earned advanced degrees from universities in the Western world. The challenges of running the country under the WTO will then be theirs to take on.

It is early to say exactly what changes may or may not emerge out of the 16th Party Congress. Various factions are competing, and for some positions the competition is intense. Moreover, the future role of "retirees" such as incumbent President Jiang is at the moment still unclear. It may also take one or two years before the new leadership will have forged a working compromise within itself that would allow it to rule effectively. In any case, this year's commitment to be a part of the World Trade Organisation, which comes at the end of 15 years of negotiations, will force China's new leaders to make bold decisions that are likely to alter China's political landscape in significant ways.

¹See "Breaking Barriers" in *Far Eastern Economic Review*, July 12, 2001

Migration: An International Phenomenon Lacking a Global Response

Keith Best

An axiom of world federalism is that decisions should be made locally, as close as possible to the people, and reserved upwards to a higher authority only if that is the appropriate level at which they should be taken: the principle of subsidiarity. Migration should be a global candidate. There are some global issues that lend themselves readily to the concept: management of the oceans' resources, global warming and the environment, abuses of internationally recognised universal human rights and others. All these issues have seen treaties, conventions and summits of world leaders to address them at various stages within the last century.

During the last fifty years the world has developed international UN agencies which have successfully confronted disease, a controversial but global trade organisation, conventions on human, civil and political rights, a Law of the Sea and, at the beginning of this century, a permanent court which can call to account individuals, however elevated they may be, for crimes against humanity. At long last climate change and the environment have taken prominence and Kyoto will not be the last word on the matter. Military intervention on behalf of the international community in Somalia, the Balkans and Indonesia, the major military action in the Gulf and now Afghanistan have eroded the original concept of the inviolability of a state and non-intervention unless by invitation. Sanctions against South Africa, Burma and, almost certainly, Zimbabwe may not have been altogether effective and

may, indeed, have had unwelcome side effects (such as developing a domestic armaments industry) but they indicate the global community's interest in the internal affairs of states. These are welcome developments demonstrating the understanding of global interdependence, the universality of human rights and the need to curb action which can have wider, transnational implications.

Yet there is this one further issue which dominates the global scene, causes dramatic reaction among the countries of the west and north and tells its own story of human misery, but which has escaped the same scrutiny and action: mass migration. In its causes it often encompasses many of the ills which beset the world and arouses views which regard it as both beneficial and devastating. It is poorly understood, with insufficient research into cause and effect. There is no UN agency which deals with it. The International Labour Organisation has some interest but more about conditions rather than movement. The International Organisation for Migration is an inter-governmental organisation which looks at integration and repatriation issues but does not have the dynamism of an agency or NGO. The United Nations High Commission for Refugees (UNHCR) has a limited mandate, as I shall examine, but has room for manoeuvre and might be able to fill this lacuna.

This should be a matter of concern to world federalists. Soren Jessen Petersen (Director, Executive Office and External Relations of

UNHCR) in his foreword to the book "Beyond Borders" by Elizabeth Ferris (World Council of Churches: March 1993) states "Cross-border and internal population movements have assumed dimensions beyond the response capacity of any single governmental or international body". The author herself identifies the presence of refugees and migrants as being a sign of a troubled world that raises issues of justice and peace. She states "The world is moving beyond borders on many fronts. The movement of people is one of many transnational forces pushing the world, for better or worse, into a global community".

The issue is far wider than that of those fleeing persecution within the terms of the 1951 UN Convention Relating to the Status of Refugees (those outside their country of origin unable or unwilling to be protected by their own governments by reason of a well-founded fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion). Migration encompasses economic migrants against whom, inexplicably for the interests of their domestic economies, the richer countries are pulling up the drawbridge. This is the predicament of "another kind of uninvited visitor who belongs in the broader category of the economic migrant". Illegal "economic migrants" may have no grounds on which to claim asylum, but the hardships they face in their own countries are as severe as the political persecution from which refugees are fleeing⁷¹. Is the Marsh Arab an economic migrant or a refugee fleeing from persecution? The reality is that he is probably both, especially if the economic privation is brought about by deliberate or negligent actions by his own government. The UNHCR Handbook, which is regarded as an authoritative exposition of how to interpret the 1951 Convention, advises "The distinction between an economic migrant and a refugee is sometimes blurred... Where

economic measures destroy the economic existence of a particular section of the population... the victims may, according to the circumstances, become refugees on leaving the country".

As Jeremy Harding and many others have pointed out, the use of the term "economic migrant" as one of abuse in much of the western media, the association of migrants with criminality, the labelling of asylum seekers as mendicants who have no contribution to make, not only stigmatises migrants collectively, in a spine-chilling way reminiscent of what has been done to the Jews over centuries (although most horrendously in the last) but it flies in the face of history and current economic needs. The major economies of the world today have been built on the back of successful trade and economic migration and many will be reliant on further immigration in order to sustain their position and growth. The effect of all this is wide-reaching and it seems, if nothing else, anomalous that whereas the international community recognises the need to manage the global economy, development, the environment, criminal activity and abuses of human rights there appears not to be the same understanding of the need to manage migration – which has an impact on all these issues.

It is against this background that a re-examination of the role of UNHCR by the new High Commissioner Ruud Lubbers is so welcome and necessary. The renewal of the mandate comes up in 2004. In many respects, UNHCR is the most precarious UN agency of all. Funding has been uncertain and has a narrow base – effectively, only about 15 states (in 1998 14 governments and the European Commission) contribute regularly (95% of UNHCR's total funds) and in disproportionate ways: in 1994-1998 the USA accounted for 26% (the next being the European Commission at

17%, Japan 13%, then Sweden 7%) of an average overall annual figure of less than \$1 billion. Moreover, the annual contributions over that period have declined from just under \$1.2 billion to not much more than \$800 million². Ruud Lubbers has made it clear that he wants to change the funding base and examine the role of UNHCR in the UN family.

The original mandate for the UN High Commissioner for Refugees which came into effect on 1 January 1951 was for only three years. Since then its mandate has been extended for five-year periods. Its establishment followed a period of great activity relating to displaced persons who had fled and did not wish to return as a result of the Second World War. The Convention was limited to persons who had become refugees prior to 1 January 1951 (effectively, to Europe) but that was removed by the Protocol in 1967. At its beginning there were an estimated 1.25 million refugees – for many years now that figure has exceeded 20 million.

Over the years several General Assembly resolutions have extended the UNHCR mandate (but with no change to the definition of refugee in the Convention) to include persons outside their country of origin in fear of persecution, armed conflict, foreign aggression etc. and also to internally displaced persons (IDPs) who have not crossed an international border. In 1975, UNHCR was entrusted with certain responsibilities in relation to stateless people. "For the next 15 years, however, the organisation devoted relatively little time, effort or resources to this element of its mandate...the international community's changing approach to the problem of forced displacement has prompted UNHCR and other humanitarian organisations to address the issue of statelessness in a more urgent and systematic manner"³. The persons whom the UN Secretary-General or General Assembly refer to

UNHCR for protection, therefore, is changing and fluid. They should include vulnerable economic migrants in fear of economic persecution. The General Assembly could change the mandate in 2004 to include a watching brief for migration generally.

UNHCR has resembled at times an agency largely devoted to administering camps for refugees, although an important part of its work is in seeking to influence governments: this continues to be a delicate tightrope to tread between influencing, but not alienating, those who fund it and who could ignore it if pressed too hard. It is arguable that there should be much greater emphasis on research and policy work in order to address the causes of migration.

Asylum applications have risen dramatically over the last decade or so in Europe (from about 4,000 in 1988 to 88,000 in 2000 in the UK alone) but this cannot be dissociated from the repressive measures to control immigration introduced by governments over the same period and the ending of alternative routes (such as the German *gästarbeiter* scheme). It is commonly alleged by governments that many asylum seekers are economic migrants and masquerade as refugees in order to gain lawful protection in the country to which they come. The British NGO Immigration Advisory Service (IAS)⁴ has challenged the British Government to allow economic migrants to enter the UK in search of work and to be allowed to remain if able to find it in a reasonable time (akin to European Union citizens exercising their rights under the Treaty of Rome). IAS believes that this would cut the numbers of asylum seekers, as economic migrants would prefer a lawful route to Britain rather than clandestine and in the hands of unscrupulous traffickers. This is at a time when the UK is desperately short of both skilled and unskilled labour with an ageing population which needs incoming labour

beyond what can be supplied domestically if it is to sustain its economic position. Although the Government has made tentative moves towards a more liberal work permit immigration scheme it is reluctant to follow this advice as it believes that it would be an incentive for more migration to Britain.

The response of governments to migration has been almost universally hostile, even increasingly from those countries which, born through immigration, have seen its benefits. "Confronted with growing social problems at home, and claiming that many of these asylum seekers are actually economic migrants, the governments of the industrialised states have introduced an array of different measures intended to prevent or deter people from seeking refuge on their territory. Superficially, these measures appear to be having their intended effect; the total number of asylum applications submitted in the wealthier regions of the world has diminished quite significantly in the past few years, even though the global scale of forced displacement has continued to grow"⁵. This, of course, is not true everywhere. Indeed, in the UK, since repressive measures were introduced increasingly from 1996 the number of asylum seekers has grown exponentially: Government deterrence has been a failure although at some terrible human cost in lives of those forced into the hands of traffickers and seeking ever more clandestine ways of entering the UK hanging on to the sides of ferries at night, perilously clinging to the underside of Eurostar trains through the Tunnel and even setting out on inflatable lilos to swim the Channel; 58 Chinese were found dead in the back of a refrigerated lorry.

We must set this debate in the context of two trends in modern global polity. The first is a greater fusion of intergovernmental and NGO civil society. Increasingly, governments seek the support of specialised agencies when putting

forward their policies. In turn, non-governmental agencies have become more influential with governments and work in a closer relationship with them. That is manifest particularly at the international level whether in aid or other humanitarian work, education and health. The UN and other intergovernmental bodies rely heavily on the support of organised civil society. The role of the World Federalist Movement in putting together the Coalition for the International Criminal Court, sponsored financially by, among other donors, the European Commission and working closely with governments is a good example.

Secondly, in its relationships the world is becoming horizontal rather than vertical: there is often greater community between groups at all levels across national borders rather than within them. Whether the common bond is religion, ethnicity, culture or language these groups are being built across national boundaries. This is facilitated by greater knowledge and understanding of other parts of the world through the availability of radio, television and now the internet. It is enhanced by cheaper travel – which also has its effect on increased migration. There is also the coalition of thought and policy which transcends national borders – ideas are now universal. Attempts to solve intractable problems at the international rather than national level may be influenced by the knowledge that national governments cannot have ethical foreign policies – if the responsibility of a national government is to the welfare and perceived interests of its own citizens, rather than to the global commons, it will interpret international instruments to suit its own domestic agenda and foreign policy objectives at whatever cost to the citizens of other states. A failure to appreciate this basic premise has led to much frustration as global civil society has tried to attribute to them more philanthropic motives. In terms of the Convention there are problems

of different approaches to interpretation of its provisions: most notable of these is that some states will not accept that persecution at the hands of non-state agents (such as the mafia or other groups) gives rise to refugee status rather than persecution at the hands of the authorities (such as the army and police). This problem is within the European Union and is a bar to harmonisation of asylum policy. There is jurisprudence from different jurisdictions on the same Convention but with different conclusions. There are disparate definitions of what constitutes a “social group”. This is an area in which UNHCR should be taking a more pro-active role.

It is time for the international community and the General Assembly to look hard at a hole in the UN family – one that needs to be filled. Migration issues will dominate this century and will have a dramatic impact on global development. It is beyond the capacity of the nation states to manage individually or even collectively regionally (as is being addressed in the European Union with moves towards a common immigration policy after the Treaty of Amsterdam has brought such matters within its central jurisdiction). The implications are global and the response must be commensurate. It is time to extend the mandate of UNHCR or create another organisation which can help to manage this phenomenon.

¹Jeremy Harding, *The Uninvited – Refugees at the Rich Man's Gate*, Profile Books Ltd with London Review of Books, 2000, p. 6

²UNHCR 2000 *Global Appeal*, p. 16 et seq.

³*The State of the World's Refugees – A Humanitarian Agenda*, UNHCR 1997, Oxford University Press, p. 227

⁴The largest national charity giving a free legal advice and representation service to immigrants and asylum seekers with 16 offices throughout the UK and abroad, more than 300 staff and a history going back more than 30 years

⁵*The State of the World's Refugees – A Humanitarian Agenda*, UNHCR 1997, Oxford University Press, p. 183

Sustainable Development

Who does not want it and who cannot do it

Roberto Palea

Since the publication in 1987 of the report of the World Commission for Environment and Development (better known as the Brundtland Commission) called "Our common future", that defined the concept of "sustainable development" and warned the world about the need to pursue this type of development – no step ahead has been made in the recommended directions.

On the contrary, since then:

- poverty, misery, inequalities and injustice have increased;
- the demographic growth has continued;

- the environmental situation of the planet has significantly worsened.

As already underlined by the Brundtland Commission, the task of leading the world towards "sustainable development" lies with the industrialised and developing countries that hold the greatest part of wealth in the world and are the main responsible for the gradual degradation of our environment.

Considered the leaders of the 21st century, these countries are nine; the following table provides some basic data on these countries:

The E9 countries, leaders of the 21 st Century Percentage of World's					
Country	Population 1999	GNP (Gross national product)	Emission of carbon dioxide, 1999	Forest area 1995	Plants of higher type 1997
China	21,0	10,2	13,5	4,0	11,9
India	16,5	5,4	4,5	2,0	5,9
EU	6,3	20,5	14,5	3,0	-
US	4,6	21,3	25,5	6,0	6,0
Indonesia	3,5	1,3	9,0	3,0	10,9
Brazil	2,8	2,9	1,5	16,0	20,8
Russia	2,4	2,4	4,6	22,0	-
Japan	2,1	8,0	6,0	0,7	2,1
South Africa	0,7	0,9	2,0	0,2	8,7
Total E9	59,9	72,9	73	56,9	66,3

Sources: Worldwatch calculations based on Population Reference Bureau, "World Population Data Sheet", Washington (DC), June 1999; World Bank, World Development Indicators 2000, Washington (DC); BP Amoco: Statistical Review of World Energy, London, June 2000; UN FAO, State of World's Forests 1999, New York, 1999; World Conservation Union – IUCN Red List of Threatened Plants, Cambridge (UK), 1998.

A joint commitment by these countries would be decisive for fighting the causes of poverty, for changing the resources distribution, for spreading the ethics of responsible procreation, for slowing down the trends of environmental degradation and for strengthening international institutions.

An example of the potential impact a joint commitment of these countries could generate is the current climatic change.

The E9 countries consume three fourths of the world's resources of oil, coal and natural gas, and their combustion is the main cause of climatic changes. Their joint commitment for an efficient use of energy, for the development of renewable energies and for the manufacture of motorcars with low emissions of carbon, could have important consequences on the current trends of the earth climate.

The problem is that, of the two main areas of the world that should promote this joint commitment among the E9 countries (due to their political and economic influence, their international prestige and their history), i.e. the USA and the European Union, one does not want to and the other one cannot.

The United States have never accepted the sustainable development objectives, as defined by the Brundtland Commission, and have continued to increase the level of their economy and their material wealth with no slowdown.

The American position on the biodiversity issue and on the causes of climatic changes is well known, as is the USA refusal to ratify the Kyoto protocol and its unwillingness to grant, through the International Monetary Fund and the World Bank, the cancellation of debts of the developing countries and to support the UN and other international organisations.

Bush' s energy plan – recently approved – has the declared objective of giving a definite and unconditioned support to development and economic growth based on free market economy.

The deregulation in the energy sector provides for:

- no intervention on prices to reduce energy consumption;
- a more flexible interpretation of the standards on the polluting emissions of power plants;
- oil exploitation in protected natural areas (among which the Arctic National Wildlife Refuge);
- the simplification of approval procedures for new nuclear power plants;
- the revision of the decree on the treatment of nuclear fuel, that dates back to Carter's time (despite the safety risks and the spreading of nuclear weapons that it can imply).

Furthermore, Bush's provisions include the promotion of natural gas but also subsidies and incentives for coal extraction and the building of new nuclear power plants.

Among the quantitative targets specified in the energy plan of the present US government, the objective of promoting - over a twenty-years period - the creation by private enterprise of 1300 new gas, coal and nuclear power plants (about one per week) and new oil refineries is striking.

After September 11th the Bush Administration was led to pay the outstanding debts to the United Nations Organization and to declare that the position of the US in respect of the Kyoto Protocol would be revised; however, as far as the second issue is concerned, no real act has been performed so far.

The attitude of the European Union and the EU member countries towards sustainable development is totally different from the US. The European Union members have always shown their will to pursue sustainable development.

Most EU countries have refused the nuclear solution (Sweden, Germany and Italy) or have blocked the building of new nuclear power plants, giving rise to a public debate on the replacement of the plants in operation.

The European Union has expressed a strong willingness and openness for the cancellation of the foreign debt of the developing countries and for the strengthening of international institutions. Within the European Union, it should be reminded that, since 1990, the Commission has approved the White Paper on "Growth, competitiveness and employment", better known as the Delors Plan, which proposed the institution of a carbon tax to finance the construction of European infrastructures and to reduce the tax burden on non-qualified labour. During the Rio de Janeiro Conference in 1992, the European Union put forward a proposal to establish a global carbon tax aimed at reducing the emission of carbon in the atmosphere and financing world programmes on environmental improvement.

Recently, the European Council held in Göteborg approved the programme of the EU Commission on sustainable development, called "Environment 2010: our future, our choices". As far as climate changes are concerned, this programme proposes:

- full adherence to the goals fixed by the Kyoto protocol;
- commitment to a further 20%-40% reduction of the greenhouse gas emissions by 2020;
- long-term objective of a 70% reduction of the CO₂ emissions by 2100;
- commitment to pursue structural changes in transports and power generation (providing incentives to renewable energy sources).

Other initiatives are proposed to protect nature and biodiversity, to defend public health and improve the management of natural resources. However the EU's good resolutions are frustrated by the fact that Europe, considered by statistics as a united political and economic area, is still politically divided among the national states that make it up.

Therefore there is a presence of as many environmental policies as there are members,

and the European Union does not have the political power to apply in the whole continent the necessary measures to adopt sustainable development (clearly indicated in the Delors Plan), nor does it have a suitable budget to finance the technological shock and the building of European infrastructures that the transition to sustainable development implies. Seen from the outside, it appears obvious that, without a European democratic government capable of acting, the European Union is not in a position to express a reliable foreign policy, as required to negotiate with the other E9 countries the times, conditions, measures and parameters for the transition to sustainable development, or to exercise its leadership at global level to sustain its programme and negotiate with the USA, on an equal basis, the revision of the current American positions.

If the European Union does not intend to limit itself to taking indecisive positions, it needs to become a real federation. The European Federation could contribute to change the current power balances in the world, and would urge other continents to establish their own regional federations; in this way, it could play an active role for a greater and better global governance.

Global Temperature in 2001 Second Warmest on Record

According to The United Nations World Meteorological Organization, the 2001 is expected to be the second warmest year since 1860. The warmest year record occurred in 1998 while nine of the 10 warmest years have occurred since 1990. These conditions are part of a continuing trend to warmer global temperatures that have resulted in a rise of more than 0,6°C during the past 100 years. But since 1976 the global average has risen at a rate approximately three times faster than the century-scale trend (*v.p.*).

Europe, Change or Perish

Antonio Padoa-Schioppa

As surely as they hit the Twin Towers, the Islamic terrorists may well have hit European integration head-on. What is happening at the moment certainly constitutes a serious setback for Europe. Heads of State and Government randomly dashing off to Washington, in the hope of thus showing to the American ally and to their dismayed public opinion that they are the first to show solidarity. Political leaders organising separate meetings on matters which concern European global security. Complaints at Italy's exclusion from the three-nations meeting, in the name of a supposedly wounded national pride and not, as it should have been, in the name of a violated European Union. In all this toing and froing, completely vain and ineffectual, only one thing is clear: that the coordination among the EU's countries, put together with such great difficulty, is running the risk of breaking up.

Do the Heads of Government realize that their behaviour could frustrate an undertaking which was born with the aim not only and not so much of economic union, but rather first and foremost of political union? How can they not perceive that the economic and monetary union itself is in danger if the political union is shaky? And that the Union will be in danger until the community's institutional framework is completed? How dare Chirac and Schroeder, Berlusconi and Aznar and the other European leaders jeopardise, perhaps for ever, the only great initiative – acknowledged the world over – that Europe has been able to build up from the ruins of the two World Wars it was directly responsible for? How can our rulers think of

servicing the interests of their peoples if they renounce the only tool really able to make their citizens' voice – our interests, our values – count in the matters of war and peace, of justice and equity, which are now tearing apart the planet? How can they promote these aims if they refuse to pursue in a coherent fashion the political unification of the continent? European unification was born and grew up in crises. In crisis it could die. Maybe it will be a slow decline, a golden twilight in one of the planet's most beautiful regions. But the forewarning symptoms are alarming. It seems there is nobody today among our government leaders who is willing to risk his political fortune – as were able to do, among others, Schumann, De Gasperi, Kohl – and openly denounce the nonsense of the desire of national power. The citizens of our countries, much more realistically than their leaders, have long since relinquished such a desire.

Nobody dares declare the simple truth, that the institutional remedies necessary and sufficient for bringing to conclusion the union's long journey are very few, but clear. They cannot understand, nor can they make it understood, that such reforms – and the institutional reforms we have been discussing for years, going round and round in circles – will be necessary tomorrow. They will be necessary for preventing the Union from failing if it should become just a free-trade area following its enlargement to the East, but they are necessary even today for facing the threat of terrorism. These reforms do not bring with them the end of nation states. What is required instead is

instituting a true European government for the matters that cannot be solved at national level nor through intergovernmental coordination alone.

Those who justify inaction by the hostility of some member-states, forget that in the past the most important initiatives of European integration – from the Common Market to the single currency, from the social policy to the free circulation of people – originated from the impulse of some, not all, of the states that later took advantage of them. The present risk of stagnation and implosion is happening without European public opinion and the European Parliament being able to make their strength felt – when it could be decisive. If this does not change, then we must conclude that Europe's destiny as a subject of history is doomed. And yet never as in the present moment – in the Middle East, in the relations with Islam, in Africa, in Latin America – is Europe's effective presence needed.

Our recent and distant past, with its ups and downs, our very scars, our values in defence of human rights (which are universal values), our willingness to transfer part of our sovereignty to the UN, our unequalled knowledge of peoples, cultures, economies, even those far from our own, could make a decisive contribution to the Third World's economic transformation, to the solution of regional conflicts and to the adoption of truly far-sighted policies for world peace. Actually a bold initiative by a country without which European integration could never reach its full realization – France – would be sufficient to bring Germany, Italy, Benelux and others to share a few really unavoidable principles for transforming a grouping of impotent subjects into a true union of States.

These principles are: collective majority decisions in the European Council and in the Council of Ministers, rebalancing of powers,

and subsidiarity. Just this, nothing less than this. As in the months preceding the outbreak of WWI, so today the responsibility of European national political classes, and in particular of their leaders, is enormous. If in the not too distant future, the future of our sons and grandsons, Europe has become an unimportant province of our planet, rich only in an illustrious past and in exquisite food and in painted canvas, their blindness will be judged inexcusable.

Giscard: "I am a federalist, but..."

In a meeting with the Committee on Constitutional Affairs of the EP (October 2001), Valéry Giscard d'Estaing, after comparing the European Convention to the Philadelphia Convention, declared to be a federalist. He then added that it is not realistic, for the time being, to expect a federal reform of the European institutions, since the expression "federation of nation-states" entails a contradiction that cannot be overcome. He believes that a better way to think about the evolution of the European integration process lies in the formula "Union of States with federal competences".

As regards the institutional reforms, he stated that the EP and the Council both exercise the legislative power, while the Council of Ministers, including Mr. Pöhl and Mr. Giscard, should be the executive. On the issue of a federal vanguard going ahead on the adoption of a Federal Constitution, he stated that if there is going to be a Constitution, it should be for all member states.

He then clarified his thinking in an interview published by *Le Monde* on January 10th: a double-speed Europe is not a good option neither a realistic one. As President of the Convention, he will try to reach an agreement among all member states, an agreement that leaves open the possibility of opting out. In the same interview he underlined that the intergovernmental method has proved to be inadequate to reform the Union, this is the reason why the Convention was called; he changed his mind over its meaning and possible outcome: he does not see it any longer as a flight ahead of some, but as "the beginning of a process" (*l.m.*).

New Myths about Russia and NATO

Ira Straus

One welcomes any prospects for improved NATO-Russia relations, but there is cause for scepticism in face of a new spate of myths being promulgated by Western diplomats in the last couple of days. One myth is that Russia does not want to join NATO. The other is that Russia might also get a "veto" if NATO starts consulting seriously with it, and that every NATO member has a right to veto decisions in the alliance.

Let me start with the second point, since it is the psychological basis of the fear of Russian membership. Do NATO members in fact have a right to veto decisions in NATO? No. The North Atlantic Treaty - which anyone can easily find and read, it is only two pages - leaves the NATO Council free to set its own procedures. It did this deliberately, so that members would have no right of veto. This has been attested by the late Amb. Theodore Achilles, the main author of the Treaty. It has been attested by Dirk Stikker, the third Secretary General of NATO, who devoted several pages of his memoirs to explaining why there is no right of veto in NATO. It has been attested by many, many other authorities.

It is another matter if the Council often extends to its participants a *de facto* privilege of veto. This is a matter of diplomatic courtesy, not of right; and if we may speak plainly to one another, not in the ingrown language of certain diplomatic circles, we should say that it is often a mistake, a problem of too much self-indulgence and mutual indulgence on the part

of NATO diplomats, with the result of obstructing important work and undermining both the strength and the flexibility of the alliance. As to the fear of Russia getting a right of veto, it is impossible under the North Atlantic Treaty. As to the prospect of Russia getting a "*de facto* veto", it all depends on what is meant by this phrase. If it means that NATO would let Russia repeatedly obstruct decisions, then it is highly implausible, but if it were to happen, it would be due to foolish behavior on the part of the other diplomats sitting around the table, not because of any veto rights on the part of Russia. If it means that NATO might sometimes compromise with Russia's view rather than ignore it, and might give Russia's voice as much weight as it gives to, say, Luxembourg or Hungary, then it is highly desirable. Russophobes within NATO have been complaining of a "*de facto* Russian veto" for years, every time there was a hint that NATO might compromise with Russia's views on some subject. Their idea of cooperation is, it would seem, that Russia should give its view and then NATO should make sure to do the exact opposite.

To avoid this kind of malicious treatment of Russia's valid concerns, it is extremely important that Russia's voice should come with a real weight attached to it, something that makes it hard to ignore. The present proposals do not yet seem to provide for this. Western officials have mostly spoken as if the only way to do that would be to give Russia a right of veto, which they justifiably oppose although

they unjustifiably speak of it as a real issue. Sergei Ivanov, the Russia Defense Minister, has said much more realistically that Russia's voice can be given real weight by giving it a vote: "Russia would have the right to vote, the right to take decisions ditching the present form of cooperation within the Russia-NATO Permanent Joint Council where such a mechanism does not work". Somewhat surprisingly, his comments have been more democratic, as well as more constructive and more realistic, than those of Western commentators, who have almost invariably focused on the undemocratic idea of a "veto" and then proceeded to complain about it. However, there has been one report - in the Russian press (Interfax, Nov. 23), not the Western press - that has Lord Robertson also speaking of a vote for Russia: "A Russian envoy or ambassador to Brussels could periodically attend the council's meetings on certain issues and have the right to vote at them", he said. When asked what issues Russia could vote on, Robertson said that these include fighting terrorism and possibly nonproliferation of nuclear weapons and setting up of a non-strategic missile defense system in Europe. Ironically, Vladimir Lukin, former Ambassador to the U.S. and vice-speaker of the Duma, said that the Blair proposals are not as good as membership, not because he wants a veto but because he wants a vote: "It is better for Russia to become a NATO member, to receive a voting right and a veto right at that organisation."

The talk of a veto, then, is misleading on all counts. It is misleading in all its myriad forms, forms so contradictory that they should have given reporters a clue that there was something wrong with it. Yet it has spread widely in the last few days in the Western media. Why? To begin with, it built on many previous years of myth-making on this subject. In the current round, however, it seems to have started with a question from Reuters about whether Russia

wouldn't be getting a veto power. This brought a careless answer from Lord Robertson that maybe it would be so. And that answer brought a spate of fearful reactions in European capitals, reactions that verged on a hysteria. The fears grew rapidly to the point of threatening even the meager improvements in Russia-NATO arrangements that Tony Blair has been proposing. Russian officials had to deny that they have any wish to get a right of veto. This in turn was mistaken as confirmation that the issue is real.

As to the myth that Russia does not want to join NATO: the Russian elite has explained for years that they would like very much to join the alliance as an equal member, but Mr. Putin has already stated clearly that Russia does not intend to "stand in queue to join NATO" like all the other small countries of Central and Eastern Europe. The meaning of his comment is that Russia does not intend to put itself through the humiliation of going through a beauty contest like the other countries, get judged on whether it meets the standards, face a series of report cards, jump through hoops demanded by the West and then find that the bar gets raised and new hoops are put out for some new jumps, and so forth. If Russia is to join NATO, it will not be by standing in queue, nor by sneaking in through a hidden entrance, but by a mutual decision in which both sides agree on terms that make it something that is in the mutual interest.

This is the plain meaning of Mr. Putin's comments. I might underline the accuracy of this interpretation, by mentioning that, several days before Mr. Putin made his comment about "not standing in queue" to join NATO, I had heard the exact same formulation quoted from a figure in Mr. Putin's Administration, and the meaning of the formulation was to support, not oppose, preparations for Russia's joining NATO. Specifically, the meaning was to say that

it was necessary to go ahead with unofficial discussions between Russians and Westerners about how Russia could join NATO, to prepare public and elite opinion for Russia's joining, and to arrive at some plans for doing this in a way that would be in the interest of both sides, so that in the end Russia and NATO could proceed in a dignified manner to agree on a plan for Russia joining and carry it out.

The mass terrorist murders of September 11 could have never occurred, if America and NATO had followed the natural course in the 1990s of forming an alliance with Russia. Instead, they played a game of renewing geopolitical competition vis-a-vis Russia, what they called "the Great Game". The aim of the game was to deprive Russia of its influence in the Caucasus and Central Asia. It was a drunken game, a kind of cold war hangover. As a part of this game, the Taliban were welcomed by the U.S. when they were coming to power; it was only afterwards that America gradually turned against the Talibs. But it never could agree to actually being wholeheartedly on the same side of Russia against the Taliban - not until the massacres of September 11. Then we paid the price for our

drunken elite games vis-a-vis Russia.

Are we finally cured of the hangover? On the level of the people, yes. But then, we always were cured on that level. It is the elite level that counts. We have, as everyone in the elites from Sergei Ivanov to Lord Robertson has stated, a historic second chance, now when we are united against a common enemy, to build the kind of relationship that we ought to have built in the 1990s. But are the elites ready to build a workable framework for this relation, or to let it slip through the fingers in this period, which is the period of greatest openness and opportunity for doing something new?

The Blair proposals offer some hope. It is, however, a half-way hope, the hope of a first step that would need to be built on as a launching pad, not treated as an institutional landing point. The hysteria and retreats already surrounding the Blair proposals offer cause for concern that they will be whittled down and the space for growth cut out of them, just as happened to the NATO-Russia Permanent Joint Council four years ago.

A historic opportunity is a terrible thing to waste.



The European Union as World Leader?

Reflections on the case of the Republic of Macedonia

Laura Davis

Meeting at Laeken in December 2001, the European Council posed the question: “Does Europe not, now that it is finally unified, have a leading role in a new world order, that of a power able both to play a stabilising role worldwide and to point the way ahead for many countries and peoples?”¹ Leaving aside the question of the final unification of Europe, in this article I would like to raise some thoughts on what kind of leading role the European Union should take on the world stage, what kind of power the EU could become, and what kind of model the EU might serve for other countries and peoples, using the example of EU foreign policy in the Republic of Macedonia².

A leading role in the new world order...

The events of 11 September brought two issues into stark relief inside the European Union: firstly, the different degrees of relationship with the USA amongst the member states of the European Union, and secondly the EU’s position as a military power. Speaking shortly afterwards, a senior national representative to the EU said privately that the EU was fully aware that unless it did not offer full military support to the USA at that point, then it could not count on any military support from the USA in the next 30 years – a gamble that the EU was simply not prepared to take. The subsequent development of European Defence and Security Policy (ESDP) and, importantly, brokering an agreement with Turkey over EU access to NATO resources, may be seen as a direct consequence of this weakness.

Yet whilst increased coordination between the military structures of the member states and between the EU and NATO is clearly necessary and desirable, it would be a mistake to concentrate on military capability to the detriment of the other foreign policy tools that the EU has at its disposal, particularly on the European continent.

Recent history shows that military force, even hegemony, is no longer a guarantee for security, as the nature of conflict, and so warfare, have changed. Further, the organisation of the world is changing – on the one hand through increasingly interdependent – globalised – relationships at the supranational level; on the other through the reduced importance and power of the state. The second may be clearly illustrated by the rise of intra-state rather than inter-state warfare, which may also include forces with transnational elements or characteristics.

The bipolar world of the Cold War froze many such conflicts, which were then to erupt with the Thaw, and at the same time offered security of a type as the two hegemons were clearly identifiable to each other, and similar in structure. The shifting of power – and what constitutes power – in the post-Cold War, implies that the assumptions underpinning foreign policy, and defence and security policy, need to be drastically reconsidered.

A new world order should be one based on the principles of democracy and rule of law, rather

than military force. The participation of the many is a far more secure arrangement than the domination of the few. As the largest aid donor in the world, coupled with its economic strength, the European Union has the potential to promote liberal democracies and market economies throughout the world. Further, the EU's commitment to the viability of supranational democracy and the rule of law should encourage it to further promote developments at the world level such as the International Criminal Court and the reform of the United Nations.

...that of a power able both to play a stabilising role worldwide...

Relations between the European Union and the Republic of Macedonia can be seen to be significantly affected by the European Union's unique concepts of citizenship and identity³. Unlike a nation-state, the European Union has only a nascent identity, and citizenship is in addition to the citizenship of the member states, enhancing the latter but not replacing it. The principle of "unity in diversity" which underpins both EU citizenship and identity and drives Enlargement reinforces the concept of civic, rather than national citizenship. The lack of territorial definition or finality in the current European Union, coupled with the increasing acceptance that boundaries of states, whilst inviolable, are moving towards administrative units rather than the division between "us" and "them" is equally important.

The case of the Republic of Macedonia is interesting as it is the first time that a clearly European Union, rather than only member state, foreign policy has come to light. The European Union's strongest foreign policy tool in Europe is Enlargement. The Copenhagen Criteria have guided EU policy towards the Republic of Macedonia, despite the fact that the Republic of Macedonia is not (yet) a candidate

country. The Stabilisation and Association Agreement (SAA) signed on 9 April 2001 is an evolution of the earlier Europe Agreements signed with Central and Eastern European states after the transition to democracy, and reflects the change that the European Union itself has undergone since that period.

The SAA lays out clearly the EU's priorities for its relations with the Republic of Macedonia, namely: the development of pluralist democracy; economic and social transformation towards a market economy; the approximation of legislation to EU standards, and support for the institutional and administrative capacity to achieve this through the CARDS programme. The SAA is also intended to pave the way for the Republic of Macedonia's candidacy to the European Union. The evolution clause states: "recalling the European Union's readiness to integrate to the fullest possible extent the former Yugoslav Republic of Macedonia into the political and economic mainstream of Europe and its status as a potential candidate for EU membership..."⁴. Further, the SAA requires regional cooperation, a continuation of the emphasis on cross-border cooperation of the Stability Pact in which the European Union is a major player. This should not be seen as a requirement that the states of South East Europe should integrate with each other before joining the European Union, rather as a development of the Europe Agreements: that states do not exist in a vacuum and that good relations with neighbouring states are vital for democratic and economic stability.

A key element throughout the SAA is the development of a civic rather than national state, in which all the ethnic groups – the ethnic Macedonians and the ethnic Albanians being the largest and between whom tension led to violence in 2001 – have an equal stake in the state, and that stake derives not from membership of one ethnic group or another,

but from civic citizenship. As part of its strategy on Justice and Home Affairs and the development of a pluralist democracy, the European Union has been strong in its support to the reform of public administration and the justice system, and for improved Albanian language education in general⁵. The importance of local government reform is also emphasised. The Republic of Macedonia is possibly the most centralised state in Europe, and considerable international assistance has been given to reforming public administration, which includes both technical assistance and support for reforming the local government laws to increase the powers of local authorities. The latter has led to unease in the ethnic Macedonian population, many of whom fear the consequences of decentralisation in majority ethnic Albanian areas.

These issues were incorporated into the Framework Agreement⁶, signed as a EU, US and NATO brokered agreement for disarmament of Albanian rebels and as the basis for the reorganisation of the Republic of Macedonia. Crucially, the Framework Agreement was designed not only as a ceasefire, but also as a peace plan, and the basis of a multi-ethnic, civic state. One key element was the amendment of the Constitution, which had previously identified ethnic Macedonians as the constituent nation of the state.

...and to point the way ahead for many countries and peoples?

The European Union's foreign policy towards the Republic of Macedonia, particularly during 2001, may be seen to have made a positive step away from its former policies in South East Europe. The SAA and the Framework Agreement both envisage a multiethnic, civic state enjoying good relations with its neighbours, pluralist and devolved democracy, and economic reform and regeneration. The

comparison with any other state in the region, particularly Bosnia-Herzegovina where the Dayton Accords, designed as a ceasefire, have created and perpetuated the concept of national rights rather than civic rights, and maintain the division of the state along national lines, is marked.

Yet the Framework Agreement is far from a done deal – there is considerable resistance to it, not least from the President and Interior Minister. Many ethnic Macedonians further see that their perceived losses – the loss of a national state- have not been met by commitments from their neighbours to protect Macedonian minorities. Rumours of plans for Greater Albania, and Greater Kosovo still abound, and territorial and population exchanges have been proposed by the Macedonian Academy of Arts and Sciences⁷ to create an ethnic Macedonia. The long standing dispute with Greece over the country's name is still not solved⁸.

There is still much to be done in the Republic of Macedonia and the region: the development of civic, multi-ethnic states across South East Europe must remain high on the agenda, and the European Union must be pro-active rather than reactive. The encouragement of regional cooperation, whilst recognising the efforts of individual states, needs long term political will and economic focus.

Yet it is the political will that the European Union lacks in foreign policy. As long as foreign policy is divided between the two pillars, it risks falling between the two, and is unlikely to remain coherent. It is thought that it is the personalities and the working relationship between Commissioner Patten and High Representative Solana that have avoided divergence or territorial battles between the two, yet with a change of personnel can this be maintained? And the question of the role of

member states must also be addressed in the immediate future. Again to use the case of the Republic of Macedonia: had the European Communities adopted the Badinter Commission's recommendations and recognised the state of the Republic of Macedonia in 1992, in face of Greek objections, one element of the disputes in the region could potentially have been avoided.

On the one hand, the nature of conflict is changing, and it is apparent that military might alone is insufficient to address security in the European Union and elsewhere. On the other, the European Union in the case of the Republic of Macedonia can be seen to have begun to address root causes with potentially lasting solutions. If the European Union wishes to play a leading role in the new world order, then firstly it should concentrate on establishing a new world order based on the values of democracy and the rule of law, rather than on military force. It is uniquely placed in Europe to project stability and to export the values of civic citizenship and supranational integration through the Enlargement and Stability and Association processes. In other parts of the

world, it can serve as a model for future development, such as the African Union. At the global level, it should promote international democracy and the rule of law through, for example, the International Criminal Court.

Yet if it truly wishes to point the way ahead for others, then it firstly needs reform in order that the European Union may have a truly EU foreign policy. Secondly, increased military coordination within the European Union is a necessity, as the EU should, if necessary, be able to act without US equipment. Yet the focus on military capability should not be at the cost of developing that which is truly unique about the European Union: it has the potential for addressing root causes of conflict through economic and technical assistance to promote civic democracies. It also can provide the example of how warring nations fare much better as integrated states with supranational democracy and rule of law. These latter elements have a far greater potential to address conflict effectively in the 21st century than an arsenal, no matter its size.

¹ *Laeken Declaration on the Future of the European Union*

² The Republic of Macedonia is used throughout this article as reference to the state also provisionally named "The Former Yugoslav Republic of Macedonia"

³ For greater discussion on this point, see L. Davis in S. Broughton, L. Davis, and A. Loomis *Politics and Identity in Macedonia: Intrinsic versus Extrinsic Understandings*, paper presented to the *Macedonia Macedonias* Conference at the SEES, University of London, June 2001, publication forthcoming

⁴ *Stabilisation and Association Agreement between the EU and FYROM, Preamble*

⁵ The absence of adequate Albanian language education since the closure of Prishtina University in Kosovo means that there are very few ethnic Albanian officials in the administration and legal system

⁶ Signed at Ohrid, 13 August 2001, by ethnic Macedonian and ethnic Albanian leaders

⁷ Reported in *Dnevnik*, 31 May 2001

⁸ For more detail see *Macedonia's Name: Why the Dispute Matters and How to Resolve It*, in *International Crisis Group Balkans Report*, No 122, www.crisisweb.org

The EU and the Challenges of Global Security and Defence

Sergio Pistone

I believe that there are three fundamental reasons why the European Union should create a single army to replace the national armies and subject to the direct control of the EU government and parliament. After giving a schematic account of these reasons, I shall explain how creating a European defence system automatically implies a new relationship with NATO, and highlight the limitations of intergovernmental cooperation in the field of defence (and in foreign and security policy generally), as regards both efficiency and democracy.

First of all, the need to assign exclusive competence for defence to the EU (in other words to create a European army) is an inevitable aspect of creating a federal European state, which is indispensable if the unification of Europe is to be made irreversible. Basically, we are talking about achieving a European federal monopoly of legitimate force to guarantee a fully effective supranational legal order in Europe. This latter is destined to remain structurally precarious until the nations have been disarmed, leaving them with police forces only for matters of internal security. The requirement to achieve a monopoly of force at supranational level has always been present, but has become concrete and urgent because of the challenge of European reunification presented by the break-up of the bipolar system.

The problem we face is the creation of a Union of 600 million inhabitants in a context of

unparalleled national, religious and cultural pluralism, and of profound economic and social inequalities. Such a task is clearly unthinkable without first creating a European state system encompassing the nations, which would not only guarantee the government of the economy and solidarity between rich and poor states, but would also have the means to enforce the laws of the Union and ensure observance of liberal-democratic principles (including the protection of national, cultural and religious minorities) within the member states. It should be noted that some cases, for example Albania, will for a long time require direct EU administration.

The second reason why a European defence is necessary concerns the international autonomy of the EU. We who are federalists know that only a world democratic state holding a monopoly of legitimate force would be able to protect the independence and the legitimate interests of all the states, eliminating the necessity of self-protection based on arms. We also know that this objective (which is the ultimate aim of our struggle) can only be reached by means of a long process, the fundamental stages of which are the diffusion of democracy throughout the world and the creation of large continental or sub-continental federations. It is clear therefore that until the European federation has an autonomous defence capability of its own, it must entrust the protection of its security to another power, namely the USA, and therefore cannot assert its own fundamental ethical and political values effectively.

By contrast – limiting ourselves to a particularly important example – a federated Europe, and therefore autonomous on the military level, would be able to face the challenge of globalization, currently dominated by the American neo-liberal policy, by asserting an alternative line. In other words the EU would, first of all, have the capacity to guarantee internally a socio-economic model in which competitiveness can be made compatible with solidarity and sustainability. Then, it would also have the strength to sustain this model at world level, through a reform of the global economic organizations which today are weakened by unilateralism in American policy, the influence of large multinational companies and uncontrolled financial speculation.

Finally, the European defence, understood as an integrative part in building the European federal state, would allow Europe to make a decisive contribution to building world peace, which in the final analysis means building a world federal state.

On the one hand, the disarmament of the European nation-states would mean bringing definitive peace to the most turbulent region of modern and contemporary history, which generated two world wars, the Cold War and the Balkan wars. The success of this peace, apart from its value to the Europeans, would have exemplary value for the pacification of other parts of the world (through the development of regional integrations) and ultimately for bringing peace to the whole world. On the other hand, a European federation, with a single foreign policy and defence capability, would be able to act effectively at international level, with a strong interest in and genuine possibility of pursuing a grand strategy for peace at world level.

Today mankind is confronted by challenges such as the proliferation of weapons of mass destruction, the question of ecology,

unrestrained globalisation and the North-South gap, all of which impose the choice to “unite or perish”. In this context, European federal unification will represent the strategic moment of the shift to a genuine multipolar world balance. This would remove the asymmetry at world level which makes it structurally impossible to reinforce the global international organisation, because as long as the overweening power of the US and its *de facto* position of world domination exist, the USA cannot possibly accept international institutions which see it on the same level as the other states. In a more evenly-balanced world system, the peace strategy of a European federation would be manifested in the following initiatives in particular.

- It would be possible to pursue a more unitary and more effective commitment of all countries of the world to tackling the environmental emergency.
- The dollar would no longer have a monopolistic role, so that a new Bretton Woods agreement could be forged to pursue world monetary stability in the interests of even the poorest countries.
- The EU could make a decisive contribution to promoting processes of regional integration, and in particular African unification through a Marshall Plan, which would involve a huge commitment of resources, both economic and in terms of security; this effort would, on the other hand, be compensated for by the objective interest of opening up an enormous market, defusing a highly dangerous situation of chronic instability on the southern borders of the EU, and blocking vast waves of emigration and a continuous environmental degradation.
- An autonomous Europe would be in a position to fight against international terrorism and to carry out an effective policy against the proliferation of weapons of mass destruction and therefore, to pursue an alternative to the unilateral plans of anti-missile defence, which

bring to mind the illusions of the “Maginot Line”.

- Military autonomy and efficiency would allow the EU to make a substantial contribution to crisis management and therefore to the reinforcement of the UN; moreover a serious commitment would also be possible to the non-military management of crises through compulsory civilian service, which only a united Europe would have the necessary legitimacy to establish.

Coming to the relations between the EU and NATO, it must be clear that a European federation with a single defence could, without increasing overall spending, have adequate military forces both for the defence of its own territory and for the management of crises beyond its borders, which today constitute the most important commitment in the field of security. This becomes immediately clear if one considers the enormous waste incurred by the national division of spending, the lack of standardisation of equipment, the dispersion and duplication of research activities, overstaffing and low investment. This waste means that to deploy a military capacity equal to that of the Americans, the Europeans would have to spend five or six times more than the Americans. By contrast, the creation of European federal armed forces would permit huge savings and therefore a military efficiency adequate to the EU’s security responsibilities, without increasing (and actually tending to decrease) the current level of overall European spending.

From this it is clear that the defensive autonomy thus acquired by Europe would automatically obviate the need for American protection and transform the Atlantic Alliance into a genuine partnership between equals. This would, among other things, imply the complete repatriation of the American armed forces stationed in Europe; unless, for reasons of equality, European troops

were to be stationed on American territory. NATO would no longer be the dominant structure, so that it could be absorbed into the context of the Organisation for Security and Cooperation in Europe.

In conclusion, I want to emphasise that the road to a genuinely unitary and autonomous European defence is certainly not that of intergovernmental cooperation, as it is currently happening with the initiative for the creation of a European rapid reaction force, aimed at executing the so-called Petersberg tasks¹.

To the inefficiency which we have already seen on the economic level, intergovernmental cooperation adds inefficiency on the political and operational level. It is clear that no crisis management operation can be exclusively limited to the military aspect, and that the possible use of force can only be contextualised in a continuum of policies which include both diplomatic and economic approaches. In other words, before and after every intervention, military force is only an instrument of broader policies, even if its use must clearly respond to very precise criteria of effectiveness and security. Therefore if a policy of crisis management is split into various fragments with no link between them, since there are various levels of responsibility and institutional mechanisms, we have the surest recipe for failure. Meanwhile, it is a fact that in the EU there is no decision-making centre capable of achieving coherence between the various policies, mediating as necessary, and assuming final responsibility. This situation stems from the fact that certain fundamental competences, such as fiscal policy, remain outside the EU, while those within the EU depend on different decision-making systems (the three pillars of the EU, which involve in particular the unbelievable rivalry between the Commission and the high representative of the Common Foreign and Security Policy), or they are

exercised by bureaucratic powers between which there is very little co-ordination (for example, economic aid is not subordinated to political priorities). It is clear that an efficient crisis management policy requires the change to a system of government able to take important decisions at the necessary moment and to impose coherence on the actions of the EU as a whole and on the political and administrative acts of the "Eurocracy". It is equally clear that this can only be a federal system with full competence over foreign and defence policy; a decision-making mechanism based without exception on majority resolutions and on joint co-decision-making between the Council of Ministers (transformed into a federal senate) and the European Parliament; and financial autonomy adequate to the responsibilities that Europe is called to assume.

Finally we must point out the critical relationship

between the intergovernmental approach to defence and the democratic process in Europe. Here there is an insuperable contradiction. To avoid accentuating the democratic deficit which characterises European integration, strict democratic control by the national parliaments must be maintained over the conduct of the national representatives in the bodies of defensive cooperation. This can only make it more difficult to reach a consensus, given that the national parliaments do not have the responsibility of pursuing the common European interest. By contrast, intergovernmental cooperation can limit its own structural inefficiency in decision-making only by more or less openly disengaging itself from national democratic controls. Only the full federal parliamentarization of the EU can reconcile decision-making efficiency and democratic control.

⁴WEU Petersberg Declaration, Bonn, 19th June, 1992



The Europeanisation of Defence Industrial Policy*

Malena Britz

Introduction

Since the end of the cold war dramatic changes have taken place in the European states' defence industrial policy. In the beginning of the 1990s the defence industrial companies in Europe were mainly state owned, nationally placed companies of limited size and with limited co-operation with each other. In the beginning of the 21st century, the picture has changed and now it shows fewer, mainly privately owned, transnational companies. On a political level a Letter of Agreement (LOA) has been signed in an effort to create a new regulative framework for the defence industry on a European level. From a federalist perspective this development is interesting because it shows how far the functional integration has proceeded in Europe, in areas that formally do not belong to the European Union. Hence, it is a good example of the democratic problems that arise when the integration process continues in a strict intergovernmental fashion.

Factors behind the process: changes in security, economy and technology

As we all know by now, the end of the cold war dramatically changed the security situation in Europe. Since then, there has been great

uncertainty of who the enemy actually is. The security threat is no longer that of a big scale war between the USSR and NATO with the possible spread of the conflict to bordering states, but rather smaller conflicts on the borders of Europe or completely different kinds of threats such as terrorist attacks or environmental catastrophes. This has led to changed security and defence policies and in many states also to changes in the defence structure, as well as a changed need of defence equipment.

The defence budgets of the European states have decreased in the last ten years. The changed security situation is one reason, the recession in the beginning of the 1990s is another. When national budgets needed to be diminished and there was no more any obvious threat from the former USSR, defence budgets seemed to be an obvious item to reduce. The criteria to qualify for the European Monetary Union have also contributed to the diminished budgets of some states. In addition somewhat different ideas on public spending have also been spread: a more neoliberal view has in many states replaced a more Keynesian view.

For the defence industry itself competition has increased, and put pressure on the companies to increase their productivity. The creation of the Single European Market has

*This article is based on Malena Britz and Arita Eriksson, *British, German and French Defence Industrial Policy in the 1990s*, User Report at the Swedish Defence Research Establishment, August 2000 and Malena Britz, *Development of Swedish and French Defence Industrial Companies in the 1990s - A Comparative Study*, Score Working Paper, 2000/6

contributed to the increased competition. Many of the defence industry companies also produce civilian material, which has forced them to adjust their production to the SEM. On a global level the competition has also increased, largely due to a restructuring of the US's defence industry that started in the first half of the 1990s.

The fast technological development increases the costs of research and development and thus makes the development of new defence material more expensive. The technological development also makes civilian and military products more similar. The development of military technology used to lead the general technology development, now it is usually the other way around. This also means that the development of the markets for different civilian technologies are important for the development and use of new military equipment.

Characteristics of the development

The changes in the defence industry structure and those in national policies and political organisation of the defence industrial policy area, are two processes that go hand in hand.

The re-regulation of the defence industry in the different states of Europe shows some common characteristics. One is a privatisation of what used to be state-owned industry. Before the 1990s it was only the UK that had started to privatise its defence industry. By the turn of the century this process has started in all defence equipment producing states.

There have been a number of mergers and acquisitions in the defence industry. These have taken place both on national levels and on the European level. A development of the same process on a global level (mainly transatlantic, but also between European companies and e.g.

Australian companies) is also visible. A general trend on a European level is that what started out as joint ventures between companies in different states in many cases have developed into mergers and acquisitions.

The governments' views on the development and how it should proceed have also differed, and consequently the development has not been identical in the different states. However, the overall pattern has been that of a national restructuring and consolidation of the defence industry as part of a restructuring on a European level. In this process the military aerospace industry has been in front and it seems as if other defence industrial sectors are following.

The political ambivalence on how the process should continue has been quite big and consequently the process has been company-led. The restructuring of the defence industry has resulted in an increased need of a new regulative framework. However, before the Letter of Intent (LoI) process started, political efforts to co-operate were less successful than co-operative efforts between companies.

"The LoI process"

At the end of 1997, French, British and German governments asked the aerospace industry how a restructuring of the industry should be pursued. This was the start of a new co-operative effort that resulted in a Letter of Intent between the UK, France, Germany, Italy, Spain and Sweden in 1998. The states involved started six working groups and an executive committee, which worked on a Letter of Agreement that was signed in July 2000. The Agreement includes seven areas where the states will co-operate and have the same regulative framework¹. One reason that was given for the need of such an agreement is the development of the CESDP (Common

European Security and Defence Policy).

In the letter of agreement it is stated that a common political and legal framework is necessary, so that the restructuring of the European defence industry can create a more competitive and solid technological industrial base "and thus contribute to the construction of a common European security and defence policy". This agreement is interesting because it is only an "ordinary" intergovernmental deal with no formal connections to the EU. Still, the developments within the European Union are given as one of the reasons for the creation of the agreement.

It is clear here that the new security situation, with a new insecurity about the future also brings new forms of co-operation. In the "old" world the member states of military alliances tried to have as compatible a production as possible of defence equipment. This LoI process shows that the changed security situation has changed the role of military alliances, as well as the role that an intergovernmental agreement can play.

Federalist views on the process

This development poses a well known problem to federalists: should we favour a development that clearly increases the European integration even though it is clearly intergovernmental, or oppose such a development and prioritise federal reforms and increased democracy?

The development of the defence industrial policy in Europe in the last ten years is an example of what usually is called flexible integration, and in the future it might be possible to compare this development to that of the Schengen agreement. The Schengen agreement started out as an intergovernmental agreement between some European states, an agreement that later was incorporated in the treaties of the EU. A similar development for this agreement is not impossible, since it is open for other states to sign it. The factual development might be considered desirable from a federalist point of view. A common security and defence policy is often seen as a necessary part of a federal Europe. If the measures taken in the LoA are needed in order to create such a policy, it could be argued that those measures themselves should be welcomed.

However, the far-reaching commitments in the LoA are undertaken outside the decision-making process of the European Union. When incorporated into the treaties, as was the case with the Schengen agreement, the rules created instantly become EU law, without any discussion neither on national levels nor on a European level. The agreement might not even pass the national parliaments. Such processes are very difficult for the citizens of each state to follow and greatly contribute to the democratic deficit of the Union. When the European integration proceeds in such a fashion, neither the democratic procedure nor the result of the process are satisfying.

¹These are: security of supply, transfer and export procedures, security of classified information, defence-related research and technology, treatment of technical information, harmonisation of military requirements, protection of commercially sensitive information

Towards De-weaponisation

A View from South Asia

W. James Arputharaj

The issue of small arms and light weapons has been on the UN agenda since the mid-1990s. Studies indicate that 500 million small arms and light weapons are in circulation around the world, that is one for every 12 persons. It is a little known fact that the number of civilian casualties involving small arms is much greater than the number of deaths in armed conflicts. Since 1990, these “weapons of mass destruction” have caused four million deaths: 90 per cent of the deaths were civilians, 80 per cent of them women and children. Smaller conflicts do not attract the attention of governments because they are not all-out wars. About 80 per cent of the 20,000 people killed in South Asia in the last 50 years were victims of such conflicts. The issue of small arms could also be an element in awareness education, intended to spread a culture of peace, enabling countries in South Asia to engage solidly in de-weaponisation programmes.

The UN “Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects”, which was held in New York between July 9 and 20, 2001, reached a consensus on many important first steps needed to alleviate the grave threat that weapons pose to international peace and human security. UN Secretary-General Kofi Annan praised these steps as being essential in building norms and in implementing collective measures against this global scourge. He noted in particular the potential benefits for all states from improved control over both the private ownership of military standard weapon and, even more critical, the transfer of such arms to non-state groups. Conference president Camilo Reyes Rodriguez (of Colombia) said that the measures contained in the adopted Programme

of Action were a significant step forward in addressing one of the most urgent problems facing world peace and security. He, however, expressed disappointment at the failure to agree on controls over private ownership of arms and over arms transfers.

The Programme of Action has agreed:

- To put in place and implement adequate laws, regulations and administrative procedures to ensure effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates;
- To make every effort, without prejudice to the right of states to re-export small arms and light weapons that they have previously imported, to notify the original exporting state in accordance with their bilateral agreements before the retransferring of those weapons;
- To develop and implement, where possible, effective disarmament, demobilisation and reintegration programmes, including collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict zones, as well as to address the special needs of children affected by armed conflicts.

At the national level, efforts to control small arms proliferation would actually entail major amendments to national laws. All South Asian countries follow the Arms Act of 1878, which defines the parameters for the manufacture, sale and ownership, as well as the import and export of arms, throughout British India. The programme stipulates the establishment of national coordination agencies responsible for policy guidance, research and monitoring of

efforts to combat the illicit trade. This is a welcome step in South Asia. Civil society groups can resort to a single agency instead of running to different ministries. The document provides for action to be taken under appropriate national laws to identify groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession and financing for acquisition of illicit small arms and light weapons. It ensures state responsibility for accounting for all small arms and light weapons held by the states and provides for effective measures to trace such weapons. This is a major step in recognising the origin of arms used in cross-border terrorism, as in the case of Kashmir.

The provision to collect and destroy arms, particularly in post-conflict zones, is a major achievement. In Bangladesh, arms that were in circulation were not collected and destroyed after the country's liberation. The arms in the system have had a disastrous effect on its society. Arms from the Afghanistan conflict exceed 10 million pieces. Also in places where there is the possibility to end existent conflicts, internationally-recognized collection and destruction procedures will help a great deal.

At the regional level, the programme has agreed to establish, where appropriate, sub-regional or regional mechanisms, in particular trans-border custom co-operation and networks for information-sharing among law enforcement, border and custom control agencies. This will help control trafficking across borders.

With regard to international co-operation and assistance, states undertook to encourage the establishment and strengthening of co-operation and partnerships at all levels among international and inter-governmental organisations and civil society, including NGOs and international financial institutions. States and the World Custom Organisation will be encouraged to step up co-operation with Interpol to identify groups and individuals engaged in the illicit trade in small

arms and light weapons, in order to allow national authorities to proceed against them in accordance with their national laws.

The programme is silent on transparency in the matter of trade between governments, which is essential in South Asia. Many of the unresolved conflicts are related to post-colonial-period problems such as partition, annexation of provinces and insecurity among the minority communities and other vulnerable groups. Some of these issues were never approached within the framework of peaceful resolution of conflicts. Nor has the document outlined a clean plan of action in terms of people-centered conflict resolution and peace-building in a society which is both weapon-dependent and experiences excessive arms accumulation. The availability of arms both with government and non-state actors impedes the peaceful resolution of conflicts and undermines security and freedom of expression, and promotes forced migration. In South Asia there is a large number of internally displaced persons and war-affected women and children. The UN Conference does not ensure freedom from fear for the civilian population from those who seek weapons and private armies to protect themselves. Can governments protect their own civilian populations from violent armed conflicts and reduce human insecurity? This was the question this writer, as one of the two dozen NGO representatives from all over the world, raised at the conference. The problem of small arms has to be approached from a human security perspective, to make it possible for human development to be assured for all people.

The conference has indeed discussed "Small Arms in All its Aspects" but arrived at a consensus only on a few aspects. It is necessary that civil society leaders follow up on what was achieved at the conference and plan for the next conference that the General Assembly was recommended to convene not later than in 2006 to review the progress made in the implementation of the Programme of Action.

Appeal to the Convention on the Future of Europe For a European Federal Constitution

Freedom, security, peace and welfare are under threat both in Europe and throughout the world. The international order built after the 2nd World War is unable to handle these challenges of the 21st century: ethnic conflict, terrorism, intolerance, arms proliferation, financial instability, tensions between rich and poor, and despoiling of the environment.

We cannot accept the decline to which our divisions condemn us. Europe must face up to its responsibilities. Alongside the European Monetary Union a political, economic and social Union must also be created. Europe should be transformed into a genuine Federation of Citizens and States, progressively embracing the entire continent.

We, the Citizens of Europe, ask therefore the Convention on the Future of Europe to achieve the following priorities which can provide Europe with *democratic foundations* and *the capacity to act efficiently*:

1. to produce a single draft of a European Federal Constitution, which will incorporate the Charter of Fundamental Rights of the European Union;
2. to submit all European legislation and budget to the co-decision of the European Parliament and the Council and to majority voting within the Council;
3. to transform the European Commission into a "Government of the Union" which will be democratically legitimised by the election of its President by the newly elected European Parliament;
4. to extend the Community method and instruments to all European policies, including Common Foreign, Security and Defence Policy, and to endow the European Union with adequate own financial resources;
5. to exclude the right of veto in the Convention and over the procedures for the adoption and revision of the European Federal Constitution.

We invite all members of the Convention, the European Parliament and the European Commission, all members of parliaments and the governments in the European Union and candidate countries to support these demands.

This Appeal was adopted by UEF in the framework of the Campaign for a European Federal Constitution

Human Chain for a European Federal Constitution

On Friday 14th December, about a thousand European citizens, representatives of the organisations of civil society and elected representatives at the local, regional, national and European level participated in a human chain around the Rond-point Schuman, right in the heart of Brussels “*quartier européen*”. This event was organised by the Union of European Federalists in collaboration with the Intergroup European Constitution within the European Parliament on the occasion of the European Council meeting in Laeken.

The Treaty of Nice did not respond to the necessity of reinforcing the political dimension of the Union within the context of the Union’s enlargement to a dozen or so new members. Rejected by the Irish people, the ratification process of the Treaty is gravely compromised. If the EU does not manage a qualitative leap of its political system, Europe will be condemned to institutional paralysis, incapable of governing the Euro, of acting on the international scene, of efficiently contributing to maintaining world peace, of fighting against terrorism and of defending Europeans’ security. It will be left in the hands of the financial markets and incapable of facing the challenges of globalisation. There cannot be a strong Europe with weak institutions; and there cannot be strong

institutions if their democratic legitimacy is not reinforced. It is time to build Europe with the Europeans; it is time to re-found Europe on the basis of a European Constitution, which will guarantee human rights and be based on the fundamental principles of democracy, solidarity and subsidiarity.

For these reasons, European citizens, organisations of civil society as well as elected representatives joined in a human chain where they asked that the process to be opened by the calling of the Convention shall be concluded by the adoption of a European Constitution by the end of 2003. Among other participants and/or speakers: Daniel Cohn-Bendit, Co-President of the Group of the Greens/EFA in the EP (Verts, F), Virgilio Dastoli, Spokesman for the Permanent Forum for Civil Society, Andrew Duff, MEP (ELDR, UK), Monica Frassoni, Co-President of the Group of the Greens/EFA in the EP (Verts, B), Fernand Herman, President of the U.E.F.-Belgium, Jo Leinen, MEP (PSE, D) and President of the UEF, Cecilia Malmström, MEP (ELDR, S), Fientje Moerman, Member of the Belgian Chamber of Representatives (VLD), Gérard Onesta, Vicepresident of the EP (Verts, F), Mihail Papayannakis, MEP (GUE, GR), Mario Segni, MEP (UEN, I), Alison Weston, President of JEF, Olga Zrihen, MEP (PSE, B) (*l.c.*).

UEF Executive Bureau Meeting

The first meeting of the newly elected Executive Bureau of UEF was held in Bruxelles (15-16 December 2001), following the Laeken Council. In his introduction, the President of UEF Jo Leinen reported on the Laeken Declaration. He welcomed the convening of a Convention and the mentioning of a "Constitution for European citizens", but regretted that the President and the two Co-Chairmen were appointed by the national governments, instead of having been elected among the members of the Convention.

The Bureau agreed that the Convention, convened at the Laeken European Council, will play a key role in the next months of the Campaign. The Resolution adopted at the last European Congress was evoked, in which the UEF demands very clearly that the Convention behave as though it were a constitutional Convention. Yet, the Members pointed out the fact that both the final result of the Convention and the outcome of national debates (which already weakens the impact of the Convention's outcome) will be the starting point only of discussion in the next IGC.

The UEF will try to identify the federalists' allies (both inside and outside of the Convention) and play a vanguard role pushing the Members of the Convention (by creating an Intergroup European Constitution within the Convention; contacting the 16 MEPs and inviting them to make a coalition with their national colleagues), acting on the politicians whose positions might influence the Convention (the work of the UEF constituent organisations will be especially

important), acting in co-ordination with the civil society.

The main instrument of this campaign will be an Appeal to the Convention. After discussing a draft presented by Sergio Pistone, the Bureau proposed to insert in the original text a demand that the project within the Convention should be elaborated and adopted by majority voting and that the entrance into force of the Constitution should not require the unanimous consent of the Members States. Once adopted by the Bureau Members (in the 23-24 February meeting), the final Appeal will be submitted for the signature of national and European politicians, and then sent to the Convention. An open letter to the Convention will be sent to Valéry Giscard d'Estaing, Giuliano Amato and Jean-Luc Dehaene.

Fernand Herman, Paolo Vacca with the help of the European Secretariat and a person to be appointed by JEF will be in charge of drafting a newsletter called "*ConventionFlash*". As regards civil society, the UEF will take the initiative of gathering the "federalist family" (organisations such as the UEF, JEF, CCRE, CIFE, FIME, etc.) in order to discuss their common strategy and co-ordinate their joint action. The document drafted by Marc-Oliver Pahl and Francesco Rossolillo (outline of a European Federal Constitution) will be the reference document for this platform. Lucio Levi was appointed "Chargé de mission" on behalf of the Bureau for the relations and co-operation with the World Federalist Movement and other global movements (*l.c.*).

Apply for the WFM Congress!

World Federalists and other friends can now register and book their accommodations for the WFM 24th World Congress on the internet. The Congress will take place from July 11-15, 2002 in London, England, at the Imperial College. For more information go to <http://www.wfm.org/congress>.

There are different levels of accommodations, from more "basic" facilities at the Imperial College on-campus residences to discounted rates at four-star hotels within walking distance. If you have never been to a WFM World Congress, this is your opportunity to meet hundreds of World Federalists, as well as key government, UN and NGO leaders who will be joining it. Early registrations help WFM in budgeting and planning for the Congress. Also, accommodations are limited, so you may wish to reserve as early as possible. For specific questions please contact Rik Panganiban, WFM Membership Director, at wfm@igc.org.

International Conference on Federalism in St. Gallen

The International Conference on Federalism 2002, to be held from 27-30 August 2002 in St. Gallen, Switzerland, aims to provide a platform for the exchange of ideas and experiences between people with a practical involvement in federalism from the fields of politics and administration, along with scientists and representatives of business and other areas of society. Public figures and decision-makers from all over the world who are interested in a constructive exchange of experiences and information with regard to federalism will be invited.

A specific youth program is intended to open up the Conference to young people. One or two

representatives from each federation will be given the opportunity to gain experience at a high-level international conference, working together with other young researchers and practitioners from all over the world. The youth programme will take place on the days before and after the conference. It will be open to federalism practitioners or federalism researchers aged between 20 and 30, young politicians, graduate students studying federalism, or members of an NGO. They must have a significant interest in the subject of federalism and some experience in this field.

Further information may be found on www.federalism2002.ch. Project Manager of the International Conference on Federalism 2002 is Ursula Abderhalden <ursula.abderhalden@eda.admin.ch>.

The ICC ratification is approaching

The International Criminal Court (ICC) will soon become the first permanent court capable of investigating and bringing to justice individuals who commit the most serious violations of international humanitarian law, namely war crimes, crimes against humanity, genocide, and once defined, aggression. Unlike the International Court of Justice in The Hague, whose jurisdiction is restricted to States, the ICC will have the capacity to indict individuals. The ICC will be created on the basis of the Rome Statute (or the ICC treaty), adopted on July 17, 1998 in Rome at the United Nations Diplomatic Conference of Plenipotentiaries.

The ICC will be complementary to national jurisdictions, and will act only when national systems are unable or unwilling to genuinely carry out investigations or prosecutions of such crimes. To this effect, the primary national legislation and practices should enable States to

bring to justice the persons responsible for the crimes under the Rome Statute. The jurisdiction of the Court is not retroactive. It will only apply to those crimes that are committed after the entry into force of the Rome Statute.

The International Criminal Court will be established when sixty states have ratified the Rome Statute. By the deadline of 31 December 2000, 139 nations had signed the Statute, and 52 have ratified to date. The Coalition and like-minded governments seek to achieve entry into force as quickly as reasonably possible, a goal which cannot be realized without the support of civil society and governments all over the world (*j.s.*).

Bill Pace and Other International Justice Activists Awarded at Urban Morgan Institute

On November 9, 2001 the Urban Morgan Institute for Human Rights of the University of Cincinnati College of Law hosted a conference on the Establishment and Role of the International Criminal Court (ICC) and an award ceremony honoring ICC activists. Panelists and recipients of the William J. Butler Human Rights Medal are: M. Cherif Bassiouni, Professor of Law at DePaul University College of Law; Hans Corell, Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations; Philippe Kirsch, Canadian Ambassador to Sweden and Chair of the UN Preparatory Commission and William R. Pace, Convenor of the Coalition for the International Criminal Court (CICC).

The University of Cincinnati College of Law (established in 1979) was the first endowed institute at an American law school devoted to the study of international human rights law. The

Urban Morgan Institute for Human Rights ("the Institute") is dedicated to the promotion and protection of human rights, particularly as it relates to the education of tomorrow's leaders. Last year, UN High Commissioner for Human Rights, Mary Robinson, was honored for her extraordinary efforts on behalf of international human rights.

On their web site, the Institute makes this statement:

"For many years the nations of the world have struggled for meaningful ways to find justice for gross violations of international law and human rights, such as crimes against humanity and genocide. As the last century drew to a close, the member states of the United Nations and numerous non-governmental organizations culminated the lengthy and difficult process of establishing a permanent International Criminal Court. The Urban Morgan Institute for Human Rights recognizes that there were many, many persons who gave greatly of their time and energy to reach this milestone and who continue to work tirelessly to make the dream of an International Criminal Court into a reality. Of all these significant individuals around the globe, there are four who deserve special recognition - M. Cherif Bassiouni, Hans Corell, Philippe Kirsch, and William R. Pace. As cardinal figures in the creation of a permanent International Criminal Court, each of these extraordinary gentlemen epitomizes those traits of courage, creativity and tenacity that are necessary for the consummate human rights advocate and for which we honor each of them with the William J. Butler Human Rights Medal."

CICC Convenor William Pace stated: "I am very aware, in my case in particular, that in honoring me individually, the Institute is honoring the efforts of thousands of individuals and organizations of the CICC." (*g.k.*).

One Shining Moment

Lucy Webster

Gilbert Jones

One Shining Moment:

*A Short History of the American Student
World Federalist Movement, 1942-53*

New York, iUniverse.com, 2000

This fine book records the work of thousands of U.S. college and high school students who were student federalists in the decade of greatest support for their goals and ideas. While the book is organized chronologically, this review is topical on the rise and fall of student federalist support, ideas and tensions within the movement, and the opportunities and problems of seeking international community within a bipolarizing world.

In retrospect, my main comment is on the tragedy of lost opportunities that are indicated in the book. The dominant approach of the US world federalists pandered to the simplistic law-and-order, white-hat-versus-black-hat thinking of the nation. The students who asked for greater scope to work for world community and justice for poor nations were allowed to leave the movement in 1951 because the main leadership of UWF wanted to focus only on "world government with Limited Powers Adequate to Prevent War." That was not enough to catch the wave of change that might have lifted the nation above its growing Cold War concerns. Nor was it enough to hold some of the best leaders the federalist cause has known.

A History of Student Federalist Support, and the People Involved

Harris Wofford was a 14-year-old high school

student in 1941 when a radio broadcast promoting Clarence Streit's idea of an Atlantic union of democracies led him to organize students across the United States. Harris later helped create the US Peace Corps and led its work in Africa, worked with Martin Luther King, was president successively of two major universities, was Senator from Pennsylvania, and Head of the Corporation for National Service. Many other SF leaders—Thomas Hughes, Immanuel Wallerstein, Ted Weiss are good examples—have made significant contributions to the political and intellectual life of the nation. Gil Jonas, the author of this book, and current Chairman of the World Federalists of Greater New York, was for thirty years an active leader of the National Association for the Advancement of Colored People (NAACP).

The wartime organizing was energetic. SF's first national convention at Columbia University early in 1944, with 102 delegates from 75 student chapters in 16 states, heard Harris Wofford, about to become an Air Force cadet and Clarence Streit at a public mass meeting that Tom Hughes opened with a "Challenge to the Elder Statesmen." Hughes was elected president to succeed Wofford, and presided over three open business sessions and over a model world constitutional convention. More than half the delegates pledged their summer vacations to work for the Student Federalists to identify and support candidates who were most favorable to SF goals for the November Presidential elections.

In 1945 Supreme Court Justice Owen J. Roberts addressed a SF rally in Washington where scores of veterans publicly declared their

support. The SF newsletter proposed that President Roosevelt become the U.S. representative to the UN with the power to act on his own. Clare Lindgren from Minnesota succeeded Tom Hughes as SF President after organizing a summer institute and convention at American University in Washington, D.C. The institute was deeply affected by the two atomic bombs dropped on Japan early in August. Wofford, unable to obtain leave from the Air Force, sent his views urging the SFs to move into the universalist camp away from the partial federation proposed by Clarence Streit and Federal Union. He also urged SF to begin a dialogue on arms control, especially with regard to the atomic bomb.

Student Federalists at the UN founding conference held in San Francisco from April 25 to June 26, 1945 included Harris Wofford, Tom Hughes, and SF Veterans Committee chairman Cord Meyer, Jr. who was there as an aide to Minnesota Governor Harold Stassen. The ferment on college campuses following the United States use of atomic bombs and the growing distance between SF and Federal Union in Washington, led to establishing a New York office. Virginia Lastayo was recruited as the one full-time "paid" employee with a squad of volunteers, including Wofford, Joseph Wheeler, Alvin and Steve Kaye, Mary Ellen Purdy, David Bauman, Ivan Abaram and Shane Riordan.

1946 was a year of expansion and outreach. Harcourt Brace published Harris Wofford's book, *It's Up to Us*, coordinating the release with a Town Hall Meeting of the Air debate in which Harris Wofford and Thomas Finletter spoke for the world federalists. Four institutes were held: in Exeter New Hampshire, Jacksonville Florida, the University of Chicago, and Pomona College in California. NYU volunteer, Larry Fuchs, organized groups throughout the New York area. Foster Parmalee, a Princeton University student, interviewed Albert Einstein about

world federal government in a broadcast heard by several million Americans. War veteran Steve Chadwick of Yale persuaded the college's American Veterans Committee chapter to adopt a world government resolution, later also adopted by the national AVC, which joined the federalists to urge Congressional support. With 111 chapters and a membership of 4,000 to 5,000 at the end of the year, the SF Board authorized a \$100,000 expansion budget over five years and moved its New York headquarters into a new "World Government House" at 31 East 74th Street.

81 Student Federalist (including 30 delegates) took part in the February 1947 Ashville conference that merged the five main US world government organizations. Gil Jonas estimates that one third of the total membership represented at Ashville was the 4,000-5,000 SF members, which would place the total at 12,000 to 15,000. Only six students were elected to the Executive Council of 38, including several who were past student age; they were Helen Ball, Virginia Lastayo, Claire Lindgren, Cord Meyer, Jr., Colgate Prentice, and Harris Wofford.

After Ashville, UWF student membership almost doubled to 9,500 and the number of chapters increased from 149 to 272 in 40 states. However this upward trend reversed in 1949 as the Cold War took hold of people's perspective on what would be possible. By the end of November there were 7,600 student members, compared to 33,000 adult members, and with much lower dues the ability of the Student Division to maintain staff, run institutes and influence policy was challenged. Nonetheless the October 1949 Convention in Cleveland elected a strong new National Student Council, including Murray Frank from NYU as Chairman; Jonathan Fine as Vice Chair who became a physician and founder of Physicians for Human Rights; Priscilla Johnson, later a Soviet specialist at MIT; John Kemeny who

became president of Dartmouth; John Sutter from Harvard who became an Asian scholar and is currently active in WFA and WFM; Immanuel Wallerstein from Columbia who became a prominent sociologist; Herb Weiss, also from Columbia who became an expert on the Congo; and Ted Weiss of Syracuse who was Manhattan's liberal member of Congress for six terms. Student staffing was maintained by special contributions. Nonetheless tensions continued.

Ideas and Tensions Within the Movement

One Shining Moment chronicles the shift from initial support of a federation of the democracies to world federation, from the positions taken by the Student Federalists during the war to their stance after the UN and the atomic age were inaugurated on June 26, 1945 and August 6, 1945 respectively. Meeting in Chicago from September 28 to October 1, 1944, the second student convention decided to "shift the emphasis of the organization from the immediate uninclusive federation of democracies to an eventual Federal World Democracy." Members were advised to support the expected "comparatively weak United Nations Organization [which] will come from the war" while urging "all free peoples to unite in a nuclear Federal Union that would cooperate with other governments as a member of the forthcoming United Nations League."

A major Student Federalist meeting in Concord, Massachusetts, February 8-11, 1946 revisited basic positions in the light of postwar realities. The resulting Concord Charter called for the destruction of irresponsible nationalism while preserving national identity by transforming the UN into a "new world sovereignty." The charter recognized "frankly that the United States and the Soviet Union are the two chief obstacles to such action. Either is powerful enough to take the lead." To overcome these obstacles, the

charter asserts, "We must make world citizenship a political fact." It outlined educational and advocacy techniques such as a study program for local chapters, training institutes, analysis and commentaries on current issues bearing on world government, and it called for establishing a Teachers' Division, a Council of Advisors, a permanent international committee to promote like-minded groups abroad, and it established an autonomous Graduate Information Service to inform members of opportunities to work for world federalist goals in fields such as government service. It also "strongly urge[d] the unification of all adult federalist groups in a common movement for federal world government with a minimum of doctrinal conflict."

As a conference for delegates plus invited student leaders, Concord participants included Daniel Patrick Moynihan of Tufts (US UN Ambassador in 1975-1976 and multi-term Senator from New York) and Brooklyn high school student Stephen Schwebel (later judge on the International Court of Justice). Following Concord, Cord Meyer Jr. and Harris Wofford spoke at a dinner in New York City to "report to their elders", people such as Wall Streeters Harold Bach and Randolph Compton, former presidential adviser and law professor Grenville Clark, economist Leo Cherne, columnist Clifton Fadiman, future Air Force Secretary Thomas K. Finletter, pollster Elmo Roper, writer Rex Stout, poet Mark Van Doren and radio newscaster Raymond Swing.

Amending the Concord Charter at a large SF convention in Chicago late in 1946, support for the United Nations was added, while the text stressed a "new world sovereignty" that would "effectually attack the economic and social problems whose solution is essential to the creation of a world community." The author of *One Shining Moment* states that this clause was

to have preeminent meaning for student federalists, that it “reflected a left-of-center influence by those who supported either democratic socialism or the general New Deal, Fair Deal approach to government.” This, he writes, was associated with a commitment to several current issues: eradicating colonialism, racism and the great disparities of wealth between the haves and have-nots, and eliminating the arms race with its sponge-like absorption of America’s “surplus” wealth. This focus was reflected in a new book by Emery Reves, *Anatomy of Peace*, especially in the sentence, “Peace is not simply the absence of war; it is the presence of justice.”

An institute at the University of Chicago endorsed by Chancellor Robert Hutchins was held in parallel with the student Convention. It included the noted antifascist author, Dr. G.A. Borgese, and Professor Mortimer Adler, who together with anthropologist Robert Redfield and Stingfellow Barr, authored a draft constitution for a world federal government, which was published in 1948. The institute also heard lectures on “Marxism and Federalism” by former SF president Tom Hughes, who asserted that Soviet Marxism had been subverted by nationalism. Hughes later became the US State Department’s Director of Intelligence, Minister in the US Embassy in London, and later the President of the Carnegie Endowment for International Peace.

Expanding political programs during 1946, the SF Board asked chapters to persuade state legislatures to support a resolution calling for the establishment of a world federal government; members were urged to place world federation planks in party platforms for 1948, and to support federalists for political office. The SF Board passed a resolution asking student federalists to promote “non-controversial, non-political, international projects furthering the world community (i.e.,

UNESCO and the UN Economic and Social Council).” Emphasizing the autonomy of chapters, the SF Board decided to permit them to take positions on any foreign policy issue that its membership believed would “lead to a world government policy”, and while Chapters were not to endorse candidates, members were urged to participate in politics.

Extensive preparation led to smooth compromises at the conference organized to effect a merger of the five main world government organizations held in Asheville, North Carolina, in February 1947. Some 500 delegates and member/observers from 33 states participated. Under the name of the new organization, United World Federalists, a subtitle was agreed representing the so-called minimalist school of federalists. This wording, “for world government with Limited Powers Adequate to Prevent War” reflected the views of “those who believed that the sole purpose of a world government was to maintain peace (and the status quo), while ignoring poverty, colonialism, racial and ethnic conflict, and domestic tyranny, or those who believed that the best strategy for gaining popular American support ... was to limit the purpose of a world government to the prevention to war ...”, to quote from the assessment by the author of *One Shining Moment*.

I remember this debate from the time I joined UWF in 1947 to form a chapter at my school, and that I thought the purpose of a world federal government would be as much to promote peaceful change as to prevent atomic war. Change for justice was the goal of most student federalists. Also, many adult federalists did not want to preserve the status quo, but, as Gil Jonas wrote, simply believed that the minimalist strategy was best to gain support in the United States. The text of the Asheville document opens with a statement of beliefs that, “We believe that peace is not merely the

absence of war, but the presence of justice, of law, of order-in short, of government and the institutions of government; that world peace can be created and maintained only under world law, universal and strong enough to prevent armed conflict between nations."

After Asheville, the membership of the Student Federalists and student chapters of other merging groups became the Student Division of UWF governed by a National Student Council, which had considerable autonomy except that its purposes and activities were not to conflict with UWF policies and purposes. In March 1947 the Student Division announced the formation of 28 new chapters bringing the total to 143, and almost 100 students attended its convention. Inspired by City College of NY chapter president Abe Bargman, 15 students from 10 states volunteered to take off from college for the winter semester to be regional field organizers. This energy plus new student leadership on the UWF National Executive Council did not prevent a growing schism between the students and the majority of adults in UWF. The students wanted to take stands on current issues relating to the eventual achievement of world government or world community. They also supported the proposals for a people's constitutional convention as one process, and emphasized economic justice as a focus of their maximalist goals.

As the election of 1948 approached there was growing tension between the federalist advocacy program and external trends. Four Soviet scientists denounced Albert Einstein for endorsing world federal government, characterizing it as a capitalist plot, and Stalin rejected the Baruch Plan for UN control of atomic power. The Communist take over in Czechoslovakia and increasing pressure in East Germany, France and Italy was accompanied by the removal of youths from western countries from the headquarters of the World Federation

of Democratic Youth. Gil Jonas writes that the American response was to buttress the parties of the democratic center and left with material support. At the same time UWF increased its zeal for a universalist approach; Cord Meyer, W. T. Holliday and Thomas Finletter testified in May 1948 before House and Senate Committee hearings on world government proposals, three Republican party state conventions approved pro-world government resolutions and Harold Stassen made this goal an important part of his campaign for the presidency.

As the Cold War set in and NATO was created in response to Soviet advances in Europe, many students did not see a quick route to world federation through legislative decisions; they were more and more impressed with the many aspects of world community that would probably prove to be necessary precursors to world federation. In contrast, the adults who did not leave UWF in view of the difficulties posed by the Cold War, became increasingly convinced that a narrow focus on limited world federation would serve all nations and lay a war-free basis for economic development and decolonization.

From late 1949, for three years, a Columbia University undergraduate on the UWF National Executive Council, Immanuel Wallerstein, was in debate by correspondence with both adult and student leaders over the future direction of UWF. He argued that the majority of people in the world wanted national dignity and economic opportunity as well as freedom from colonial rule and that the Soviet Union was exploiting this demand for change in a way that would harm their freedom. By focusing on narrow legalistic images of world government, he said, UWF was making itself irrelevant to the global struggle for justice and equity. By working for limited federal world government as a goal to be promoted by the United States, UWF was out of touch with the dynamics of

history. At best these efforts would only protect the status quo, but would probably have little effect at all because the demand of the time was for change not stability. These views were warmly endorsed by the students, and rejected by the adult leadership of UWF.

In the end, the students at the 1951 Des Moines convention of UWF walked out because the organization would not allow the Student Division to "issue a supplementary credo that it may expand upon but does not conflict with the policy of UWF, Inc.". This credo, which was part of the Wallerstein documentation, "was clearly a major stumbling block in any rapprochement", writes Jonas. Other elements were dwindling resources, and a long-standing conflict over student chapter autonomy within state and regional organizations. The latter point, plus the fact that I was in Europe during the summer of 1951, explains why I was not involved in these events. The colleges in the Boston area (Wellesley where I was, Harvard, MIT, Tufts, Radcliff etc.) had an active program that was ideologically in tune with the student positions. Unlike the case elsewhere, this was not blocked by the adult leadership and staff in New England. The following summer when I worked in Washington DC for the IUE/CIO, attended the USNSA conference, and the UWF convention in Chicago, I was elected chairman of the residual Student Division, and made an effort to mend fences. It was too late. The new organization set up by the departing students, which I had joined, was named WORLD (World Order Realized through Law and Democracy). It sought to engage leaders of other student and youth groups (including Students for Democratic Action, the International Development Placement Association, and World Republic), and it persuaded USNSA leader Ken Kurtz to accept the paid chairmanship. Its prospects were bright at first thanks to the ideas of the students who left UWF and the energy sparked by various inter-

organizational bodies such as the World Assembly of Youth and USNSA. However financial problems undermined its prospects when a \$1,000 per-month grant that leaders of World Republic had transferred to WORLD was withdrawn by the primary grantor.

Working with International Democratic Students and Facing Right-Wing Opposition

While the Soviet Union and communists elsewhere claimed that world federalist goals were part of a capitalist conspiracy, the extreme anti-communists in the United States claimed that world federalists were working with communists to undermine American freedom. In California, a major center of right-wing anti-communist activity, the state legislature pressured the University of California at Berkeley to impose a loyalty oath on the faculty. Student federalist units challenged this in various ways. In May 1950, Gil Jonas ran successfully for off-campus student government representative at Stanford on a controversial election platform: to restore Stanford's membership in USNSA, to urge Stanford students to support professors who refused to sign the loyalty oaths, to send a delegate to the Rome Congress for World Government, and to call for permission to debate political issues on campus. Right-wing opposition to the world federalists reached such a level during this period that the California student federalist chairman, Bill Friedlander, observed that federalist chapters were being asked to leave campuses.

The US student federalists who actually attended the Rome Congress in April 1951 were Abe Bargman, Curtis Farrar and James Roberts who was World Student Federalist Chairman. Ever since Foster Parmalee, then SF Treasurer, attended the 1946 Luxembourg Convention of world government organizations from 14 countries to plan the formation of the

Movement for World Federal Government (which took place in Montreux in 1947), US student federalists played an active role internationally. The UWF Student Division sent the largest delegation from abroad to the WSF Congress in Hastings, England in August 1948 where a US student federalist, Joseph Wheeler, was elected WSF President. Even after the Des Moines departure of students from UWF, the elected President of WSF was an American Fulbright scholar in Amsterdam, Bill Andrews, who contributed from his grant to sustain the WSF office. During the 1952/53 academic year when I was UWF student chair, I corresponded with David Webster who ran the Amsterdam office from 1949 to 1952, and then with Bill Andrews who encouraged me to become WSF Secretary General following the very large and impressive 1953 Copenhagen Congress of the World Federalist movement. I filled this job for a few months prior to the arrival of Virginia Lastayo Riorden and spouse Shane, who came

mainly with his own research and writing agenda.

Both before and after the 1951 schism, UWF Student Division leaders worked actively with the American Civil Liberties Union, the NAACP, and Students for Democratic Action on issues involving US foreign policy and free speech, and they developed coalitions with the American Friends Service Committee, the United Christian Youth Movements and the Collegiate Council for the United Nations on UN peace force questions. At the same time they were actively involved in the formation of the US component of the World Assembly of Youth, designed to be the international alternative to the Communist-dominated World Federation of Democratic Youth. Immanuel Wallerstein and other leaders of student federalist thought were able to find more responsive applications of their ideas in the World Assembly of Youth and related organizations than they had found in UWF.



Democracy and European Constitution

George Lingbour

Larry Siedentop
Democracy in Europe
London, Allen Lane, 2000

"Where are our Madisons?": in this stimulating and provocative question that Larry Siedentop (Professor of Political Doctrines at Oxford University, but American by birth) is posing, is contained one of the keys for his book

Democracy in Europe, which in its title calls vividly to mind *Démocratie en Amérique* by Alexis de Tocqville. So, history of the American federation becomes the benchmark for understanding the events of European integration: the values and principles it is founded on, the institutional form it must give itself, the international political and economic role it may play.

The statement Siedentop is starting from is very

questionable but clear: "the European Union is a French creation". And in Europe "a delayed crisis" is under way as a consequence of Germany's reunification. This is supposedly the real cause of the acceleration imparted by France to the economic and monetary integration and to the outlining of a common foreign and security policy. That is why Siedentop believes that in Europe "a great constitutional debate has become indispensable". This is the point we wish to concentrate ourselves on here, having mentioned that Siedentop's book offers other interesting cues too, in particular when read after the terroristic events of September 11th, 2001: it will suffice to mention the chapters on the relations between Europe and the United States, and between Europe, Christianity and Islam.

Why Constitutions are so important? Siedentop explains it starting from the essential role the state has in Western history. "The state is one type of government – a government in which 'sovereign' authority is attributed by a constitution, written or unwritten". "The state" –Siedentop writes– "is not a morally-neutral mechanism": it brings with it the value of equality of individuals, which is the hinge of Western modernity (and which according to him is deeply rooted in the Christian historical and philosophical heritage). The idea of "sovereignty" is the hinge of individual identity and plays "a primary role shared equally by all", which the state takes as its foundation and for this very reason creates "a liberty potential" for each of us.

Siedentop recognizes three forms of state one can make reference to in Europe: the French, the German and the British. In France he sees above all a centralized bureaucratic model, with a powerful and competent administrative apparatus. Federal Germany, on the contrary, is founded on the presence of institutional weights and counterweights, on the dispersion of authority and power. Great Britain is based

mostly on informal institutional rules and on customs, according to the tradition of common law.

In the French model (where the tradition of Roman right is strong, with its emphasis on the role of the State and the idea of "the common good") Siedentop sees the least suitable one for building a culture of consent in Europe. According to him, who times and again denounces (without ever giving convincing examples) the damages of a power concentration in Brussels, the risk would be to find ourselves with an idea of Europe associated with "the arrogance of unaccountable élites", which in the end will foster divisions rather than unity. A Constitution instead must provide citizens with fundamental directions on at least three matters: the separation between the executive, legislative and judiciary powers; the relations, established in it, between center and periphery; the protection of a set of fundamental rights.

The concrete reform proposals brought forward by Siedentop are based on the necessity to create an "open political class" in Europe and to face the problem of its leadership. He thinks it is necessary first of all that English becomes formally the common language in Europe. In addition he proposes the creation of a European Senate (an idea taken up by Tony Blair), elected indirectly, with the Senators chosen from within the national Parliaments, in which they will maintain their mandate. The European Senate would act as a bridge between the national political classes and the Community decision-making process, with two main tasks: to operate so as to limit the regulating procedures at the communitarian level to the strict minimum; and to foster the devolution of power to the local level. For this reason half of the members of the European Senate could be elected indirectly by the regional assemblies; Siedentop even supposes that these seats

could be awarded only to those countries which have carried out an actual devolution of powers.

The other proposal deals with how to make the activity of a European Court as valuable as possible, in order to create a common jurisprudence aimed at gradually forming in Europe a wide consensus over the sharing of decision-making power between center and periphery. This implies, however, as the author mentions several times, a greater involvement of the judiciary in the political arena, on the model of what happened in the history of the United States.

For Siedentop, "Federalism, more than any other form of state, makes it possible *in principle* to adjust the claims of citizenship and civil society, of the public and private spaces" (italics by the author). At the same time, "the federal is the most complex and demanding form of government (...) because federalism seeks to minimize the need for coercive power and to maximize a willing obedience to law". The author warns however of the risk of a "revenge of the regions", of a resurgence of regional identities and loyalties, which could exploit the European institutions against their respective states, unless a careful constitutional standing is provided for subsidiarity. But for Siedentop (maybe with some contradiction) even too haste a European integration could clash with regional and ethnic resentments, with feelings of inferiority, humiliation and victimization by part of some nationalities.

More interesting are his considerations on the role the European Constitution could play in the relations between the European Union and the United States. Europeans, as a matter of fact, tend to underestimate how fragile the American democracy is, beset by the insidious danger of the emerging -due to the shift of

internal power towards the states of the South and the West - of a ruling class which is more populist, fundamentalist, opposed to the traditional political and economical élites. The presence of a Europe sharing certain liberal-democratic values may be a source of safety for the American establishment. It is not impossible - Siedentop even says - that some day a "Marshall Plan in reverse", a moral instead of a material one, may be necessary: a European Constitution could then have the function both of international proselytism for liberal-democratic values - like the American Constitution had in past times - and of strengthener of Americans' attachment to these same values.

"Federalism is the right goal for Europe. But Europe is not yet ready for federalism" is the closing sentence of Siedentop's book. In his opinion we are confronted with questions requiring decades, if not several generations. However, it looks like he ignores the debate and the process which are under way in Europe, the real alternatives that the national governments have in front of them. At the same time, he is taking for granted, without any factual evidence, many commonplaces about the risk of a "European Super-State" (although he admits that in Great Britain they often do not understand that "federalism" and "centralization" are antithetical terms, not synonyms). His book is useful for its reflections on the importance of a European Constitution and on the background it rests on, even if it is perhaps in future goals, more than in past roots, that the reasons for staying together in a European federal state can be found. Recent history shows how important it is for Europe to have a temporally defined horizon: 1992 for the single market, 1999 for the single currency; and 2004 for the Union's institutional reform: the European Constitution is the historic task of this generation.

Confronting War

Ernesto Gallo

Ronald J. Glossop

*Confronting War: An Examination of
Humanity's Most Pressing Problem*

Jefferson, N. C., McFarland, 2001

If anybody could think that after the end of the Cold War, war is no longer the main problem for humanity, the events of September 11 and its followings have dramatically reminded all of us that such a huge question, far from being worked out, still needs to be addressed. Professor Glossop, writing in 2000 the fourth edition of his successful *Confronting War*, deals with a context of widespread ethnic and religious conflict, nuclear proliferation, development of new chemical, bacteriological and biological weapons, and increasing international disorder, after the collapse of the bipolar system. He calls our attention to four foremost aspects of the contemporary war problem: the still large expenditure for military purposes, especially in poorer countries; the persistent risk of nuclear conflicts (let's think of the lasting indo-pakistani contest, just to give an example); the reality of international and - particularly in the last decade - intra-national wars (let's call to our mind the events in Yugoslavia, Rwanda, Somalia, Afghanistan, Indonesia and so on). A chart on page 164 - reviewed by the US Senate staff - expressively shows the size of the problem: a small dot in the center square represents the whole firepower in World War II (3 megatons), while 6000 other dots all around illustrate the firepower in existing nuclear weapons in 1981; a single US Poseidon submarine counts for three dots, that is 9 megatons, powerful enough to

destroy more than 200 of the largest cities of the former Soviet Union.

Glossop's work is characterized by many features which make it accessible also for people - like students - who need a general introduction to the issue: the approach is wide and comprehensive, as he handles all the main theoretical, historical, military, institutional, legal questions connected to the war problem; the whole book is inspired by a constant and passionate appeal to the use of reason and of a critical scepticism, inviting the reader to consider all the pros and the cons of every hypothesis and proposal. Glossop's effort is aimed to demonstrate that war is by no means a necessary, unavoidable, natural reality, but, on the contrary, it's a sickness, a disease of the society, that breaks out when a better, non-violent way of working out conflicts (which are instead a natural element of human life) is not used, is tried without success or is simply not available. In this way, the main goal of our concern becomes the search for alternatives which could allow human beings to solve their disputes without resorting to violence and the task to be coped with is to find a solution to the war problem, acting like a doctor, who gathers information, does a diagnosis, and in the end gives some prescriptions to cure the disease. Therefore, Professor Glossop's focus is both theoretical and pragmatic, trying to find a possible solution to the war problem; and, like democratic institutions have provided human beings with peaceful instruments to face conflicts within countries, why not think of similar devices at a wider, possibly global level?

In the first part of his work, Glossop illustrates

a general framework, both conceptual and historical. Defining war as a “large-scale violent conflict between organized groups which are already backed by governments or which seek to establish their own government over some territory”, he offers a very comprehensive idea, including international as well as intra-national wars, while leaving out disputes in primitive societies and small-scale, non-violent conflicts, which can’t be eliminated since they are part of the human nature. As far as peace is concerned, Glossop refers both to a negative (a mere absence of war) and a positive (a peace grounded on justice) one, emphasizing the tension which may arise between peace and justice when the former is only a negative, maybe conservative, one; this matter has been discussed throughout the centuries by political philosophers.

Glossop’s attention concentrates then on the tricky issue of the causes of war. Considering them mainly as contributory factors, he underlines the role of human aggressiveness and the way individuals tend to identify with groups in competition against each other. Nationalism here carries great weight, especially what Glossop calls “doctrinal nationalism”, according to which each racial-ethnic group should be granted an independent political nation-state and all members of the same group should live together in a single political nation-state. The role of “doctrinal nationalism” as a cause of war is quite self-evident, with regard both to the World Wars and to contemporary conflicts, such as wars of liberation, separatism, irredentism, and reintegrationist efforts. There could be, of course, many other reasons of competition among groups: survival, economic conflicts, ideological clashes, fights for a better status, or to get power for the sake of it. Other scholars point out the importance of arms races, military planning, military-industrial complexes, capitalistic ruling classes, or even efforts to

eliminate injustice; all these elements are historically involved in the outbreak of most wars. What Glossop wants especially to underline is however the fact that wars don’t have any of the redeeming qualities which they are sometimes supposed to possess. War has always to do with physical, psychological and economic destruction; it has never been a means of demographic control, nor an instrument of a supposed genetic selection. Large military expenditures slow down economic growth and the US boom in the 90s can partially be explained by the end of the Cold War and the subsequent freeing up of resources previously employed for military aims – as stated by Alan Greenspan himself. Technological progress which war is supposed to provide us can be well accomplished in peacetime too. Although some people could claim that war might be necessary, if we think rationally there is nothing for which we need war. Understanding this is a great step in order to fight for elimination of war from human life.

The most intriguing part of Glossop’s work is the last one, where he discusses the pros and the cons of several proposals for solving the war problem. In his reflections about the origins and causes of wars, he presents four levels of prescriptions on how to deal with the war problem, first considering the attitudes of individuals, then turning the attention to national governments, to their policies, and in the end to the whole international system. Many of these proposals are complementary and can be implemented together. With regard to individuals, for instance, many of Glossop’s suggestions seem to be very useful. Trying to behave in a more tolerant and responsible way, to develop a non-violent approach, to feel loyalty to humanity rather than to a small community, and even to learn a common world language could prove important factors in promoting a peaceful attitude. The war problem needs however to be addressed at a higher level.

Many Western scholars assume, for example, that war is due to the existence of non-democratic governments and that democracy in every nation is the way to peace. Although this hypothesis carries some truth, Glossop remarks that many democratic governments, such as the US, have been involved in wars and the assumption that in democracies ordinary people want peace is disavowed also by recent events: a war which can be won quickly and with few casualties generally receives popular support.

The level at which Glossop wants to face the war problem is the one of the international system. Many thinkers and citizens believe that, in a world which is running toward a global community, there's a strong need for an organization that should cope with the great political issues overlapping national borders, and overcome the limits of old nation-states. Some people suggest that national sovereignty should be limited just in specific situations: the United Nations and their International Court of Justice, for instance, should be awarded wider powers, more financial funds, more direct interaction with private citizens. Ronald J. Glossop supports however a more comprehensive perspective. It's high time to think of a world government. Federalism here could play a decisive role. The present United Nations may be converted into a federal-type central government in order to handle the largest problems of the world community – such as environmental degradation, starvation, human rights, international crime, disparities in wealth, and, of course, war. Such a global democratic polity would manage conflictual situations by means of voting and debating. Many people are doubtful about the chance that a world federalist government will put an end to wars. Above all, the US federal experience shows the wound of a painful civil war. Other scholars maintain that such an idea sounds too utopian: maybe a functionalist approach or a

grass-roots mobilization look more realistic. Professor Glossop's stance about the likelihood of a world federalist government is however optimistic – and on very good grounds. The US secession war has been a bloody one, but a single conflict in 200 years sounds very different from the horrors of the European experience, based on centuries of nation-states and wars. A world federalist government is by no means as utopian as it could be thought to be. Small and poor countries could be interested in joining together to fight for more equalization from a stronger position. The large ones will spend less for military purposes, furthering a greater economic growth. Of course, national governments are required to give up their sovereignty, and this is the most delicate matter.

To sum up, Glossop offers a wide range of topics dealing with the matter of understanding and solving the war problem. When speaking about the causes of war, he seems to underline the weight of nationalism rather than the matter of sovereignty. Most federalist literature – Lord Lothian, for instance – while stressing the role of nationalism, clearly points out how sovereignty, being responsible for international anarchy, appears undoubtedly to be the ultimate cause of war. Professor Glossop doesn't provide us with a definite answer, as he prefers concentrating on solutions with regard to the present international framework. The current world situation, as we know, looks very problematic and complex to face. Some solutions are however closer than we imagine: many Europeans, for instance, are peacefully fighting for a wider and federalist European Union, concern on human rights and equitable globalization is steadily increasing, and we are waiting for the implementation of the International Criminal Court. As Glossop states, a right approach to the elimination of war begins by dreaming of things that never were and asking ourselves: "Why not ?".

World Federalism, European Federalism and International Democracy

Lucio Levi

Jean-Francis Billion

World Federalism, European Federalism and International Democracy

New York, World Federalist Movement and Altiero Spinelli Institute, 2001

Federalism is one way to take part in the life of our time. It is probably the best way to grasp the underlying trend of contemporary history that is leading to the unification of Europe and of the world. The federalist proposition is largely shared as the most visible aspect of the historical process of the 20th century (the growing interdependence between peoples and states). As a matter of fact, it is this tendency that impels the unification of Europe and the world. However, difficulties begin when we seek to understand the meaning of the social life framework enlargement; and to place this phenomenon in the perspective of a clear vision of the future. A recent book, *Age of Extremes. The Short Twentieth Century, 1914-1991*, by Eric Hobsbawm, points out these difficulties and takes stock of our century. After affirming that globalisation and interdependence are new realities of our era, Mr. Hobsbawm concludes saying: "We do not know where we are going."

How can one explain the fact that in Hobsbawm's text, as in other surveys of contemporary history, the meaning of globalization remains indecipherable? The most profound reason for an inability to imagine the future lies in the crisis of the sovereign state, which has lost the power to resolve the fundamental problems on which the destiny of

peoples depends. There is a close connection between the state's power to control the political situation and the people's capacity (not only "the man on the street," but also intellectuals) to understand the meaning of events in relation to the course of history.

Political institutions provide a code of meaning for social life. The state not only organizes social life, but it also provides the frame of reference that gives meaning to it. Consequently, contemporary history remains obscure to those who have not adopted the supranational point of view by which alone it is possible to discover, in the unification of Europe and the world, its real meaning. The facts are there, but they reveal their meaning only to those who adopt the supranational point of view by which alone it is possible to discover, in the unification of Europe and the world, the real meaning of contemporary history. This is the point of view taken by those active in the federalist movements. This makes it possible to experience in advance what may become generalized with the coming of the age of federations which was predicted by Proudhon.

In this book, Jean-Francis Billion analyses the significance of the emergence of this point of view in contemporary history. He documents the evolution of the different approaches and the ups and downs of federalist movements, and identifies a long-term tendency towards convergence and even unification as a rational necessity and a historical tendency that has asserted itself over recent years.

The author notes that the era of world wars represents the starting point not only for

European unification but also for world unification. The League of Nations, the UN, and the European Communities all represent attempts at an institutional response to the problems of international anarchy and war. Analysis of their structures shows that these are diplomatic machines, not supranational governments. Yet, despite their limitations, the states need these international organisations to regulate their disagreements and deal with their common problems. It is a vital need, for it is by these means that the states are prolonging their existence. It is their last line of resistance. International organisations express the need for unity. The means required to satisfy this need have not yet been created; namely a common government to eliminate force from international relations, to build peace, and to effectively and democratically resolve those problems that have acquired international dimensions.

The fact is that governments, to attain these goals, must pay so high a price (the transfer of part of their national sovereignty to a supranational authority) that they only do so under the pressure of an external constraint. Herein lies the formidable obstacle that has to be faced in the struggle for peace.

The nature of this problem requires that we now shift our attention to the principles of federalist action. We recall a fundamental postulate of federalist strategy voiced by Altiero Spinelli more or less as follows: The national governments are at once the obstacle to and the vehicle of the process of political unification. They are the obstacle because national governments never spontaneously renounce their sovereignty; they are the vehicle because governments alone have the power to transfer their sovereignty to the supranational level. This suggests the proper role of federalist movements in the process of political unification; that of initiative, execution being far

beyond their means. European and world unification are tasks that require a powerful coalition of forces: of governments, of large parliamentary majorities, of most political parties and of the non-governmental organizations (NGOs) that represent civil society. The federalists' task is to bring together all those that have favourable attitudes to the unification of Europe and the world, and to use the force of this group to exploit the contradictions of international state co-operation and go beyond its limitations tackling the institutional question of international organisations.

The world federalists are right when they emphasise that the ultimate goal of federalism is world federation. But this goal can only be reached after intermediate stages. Their neglect of this aspect of federalist strategy has condemned them to isolation. During the long years of the Cold War, they tirelessly bore witness to an ultimate goal: world government as an alternative to the organisation of the world into sovereign states.

But political action does not simply consist of declaring goals. It also includes exposing contradictions that undermine the stability of established powers; exploiting these in seeking out interlocutors and allies; and launching a long-running political campaign aimed at drawing a dividing line between those for and those against a specific political objective. This is precisely what the European federalists have done.

Federalist movements are still at an experimental stage, even though in Europe they have shown a capacity to exercise a real influence on the political process. Organisational division, including that between the European and world federalists, has clear political significance: for the moment, they share no common strategic vision. Federalist

theory and organisation are still at a developing stage; the point of arrival of this process will be a common theory of federalism and the organisational merging of the various federalist movements. This book represents an important contribution towards developing an awareness of problems common to all branches of federalism.

Thanks to Altiero Spinelli, federalism has been enriched by a new dimension: the theory of action. He conceived the European federation, understood as the first stage towards world federation, as a political alternative as well as a prime political objective. What distinguishes the federalist way is that it aims not to control the established powers, but to create new powers beyond the states. Spinelli showed that those who seek to pursue federalist objectives by means of national power (whether by party or by governmental means) are condemned to failure and to remain rooted in conservatism.

The objective of supranational power marks the difference between federalist organisations and all other political players. While governments, political parties and NGOs seek the solution of international problems in terms of international co-operation, the federalists' goal lies in a

radical transformation of the structure of international relations.

It is important to continue probing deeper into the way of thinking that stems from the basis of all autonomous federalist action. This is done with a view to the unification of all federalists and of all those political forces, particularly the peace and environmental movements, that have a global vision of the major problems of our age but have not yet discerned effective criteria to modify the structure of international relations.

The challenge that world federalism now must face is to show that it is capable of taking the lead in the process of transition towards world government. During the Cold War world government lay in a vague and distant future, but today it has become a feasible objective to pursue, even if only by degrees. In any case, it must also be recognised that the battle for European federation is crucial for the future of federalism. A victory in Europe would show that it is possible to bring about a union of states above and beyond the nations, and it would strengthen the hand of federalists engaged in fighting for other regional unification projects and for world unification.



The End of the Work Society

Luisa Moisiso

Ulrich Beck

The Brave New World of Work

Cambridge and Malden,
Mass., Polity Press, 2000

Since 1970, while we have been hearing more and more about computer revolution and globalisation, labour demand, and particularly low-skilled labour demand, has been decreasing in the industrialised countries. This caused a rise of unemployment in some Western countries while in others there has been a growth in income inequalities. Referring to this situation Ulrich Beck starts his essay *The End of the Work Society* stating that the really significant datum in such context is not the contrast between the persisting high level of unemployment in most of the EU countries and the growing income inequality in the US, but the evolutionary process, noticeable at a world-wide level, that introduced discontinuity and informality into subordinate employment.

If what Beck called first modernity had as counter stone full employment, the second modernity exhibits an approach between the North and the South of the world, making labour precariousness the rule everywhere. The phenomenon, that Beck calls “Brasilwood of the West”, shows that the so-called nomadic workers, that shift between employment and unemployment and continuously move about different industries and work places, are not, as it was believed after the second world war, a post-modern left over, but rather a variant in the development of subordinate employment.

Following this reasoning, Beck aims at exploding

the taboo of the work-based society: such a taboo takes for granted the role of the working activity in the society as if that had always been the case, and therefore such a role should persist in the future. Beck reminds us that in ancient Greece as well as in ancient Rome to be a citizen meant to be free from the necessity of working and therefore to be able to take part in political activity. The author places in a future not so far away the unavoidable end of the work-based society as we know it, because the central position of work cannot any longer coexist with the increase in productivity of the economic system and with the ecological limits of our present model of development.

After having pointed out that the model and the ethics of modern democracy based on regular jobs are growing older and becoming more and more paradoxical, Beck illustrates different scenarios that have been proposed in the recent past, from the neo-liberal one (in which deregulation of labour market reduces unemployment but causes other social problems) to the society of plural activities (in which subordinate employment is not the only socially worth activity but has to grant space to other activities such as family, voluntary work and political activity).

He comes to the conclusion that all these very different visions share a common limit: they are bound to the moulds that ruled working society in the first modernity. Instead Beck wants to trace the outline of a future in which the aim cannot be that of recovery of full employment or its replacement with various and dissimilar activities, persevering in thinking that time not devoted to work is an extra. Beck’s proposal is that of a new social model where, beside the time devoted to satisfy material needs, “new spaces for individual development where it’s possible to devote time to

a number of activities" are inaugurated and granted. Among these activities a central role should be played by what Beck calls "civil labour".

Civil labour – Beck explains – is something different from civil engagements. This latter activity is based on gratuitousness while a so-called "civil revenue" would reward the former so that those who choose to devote themselves to it are relieved of material concern. Beck's motto becomes therefore "to provide financial support for civil labour instead of backing of unemployment". The author draws also a distinction between civil labour and work of social utility: in fact the former should not be understood as a kind of forced work but should be based on spontaneity and self organisation of citizens.

Beck devotes many pages to study in depth this proposal that anyway remains vague and naïf due to the lack of consciousness of the institutional dimension. At a certain point Beck recognises the illusoriness of debating the future of employment without questioning the future of nation-state that has been during the first modernity guarantor and administrator of the welfare state. But he then renounces to deepen the institutional and political aspects of the second modernity. He seems therefore to accept the idea that the change from the first modernity, enclosed in the nation-state system, to the second modernity, where welfare economy based on state intervention is progressively dismantled, consists inevitably in accepting a new reality characterised by spread insecurity. He determines some palliatives for this new state of things, palliatives that are based on people's goodwill and unlikely recycling and adaptation of the old nation-state structures.

In this book Beck provides the reader with interesting food for thoughts that partially resemble federalist analysis. In particular he underlines that the change from the first modernity, where the nation state guaranteed a certain number of securities, to the second

modernity, where spreading security is borderless, has caused epoch-marking breaks among which the growing disterritorialisation of welfare, due to the lack of coincidence between state and society. In a world where capital is organised at a global level while employment is more and more segmented and individualistic, and for the majority it is localised in a certain geographic reality, the classic social model tied to nation-state dimension is not any longer capable of fulfilling its old obligations and promises, nor able to give new solutions.

Concerning the European situation, he points out the democratic deficit and the lack of power at the Union level and he also mentions the European constitution that, from his point of view, has to be "the seal of truly exercised European civil rights". Nonetheless he doesn't say a word on the institutional reforms necessary to speak of democracy and citizenship in Europe. In fact when he states that "a Europe of the citizens can originate only in a Europe of civil labour" and that "the European democracy can be obtained with and through civil labour", Beck seems to delegate to the activity of willing citizens and non-governmental organisations of various type the creation and the safeguard of supranational democracy.

Furthermore, if Beck rightly denounces many visions on the future of full employment as incapable to move ahead and to project a medium-long term future, a federalist analysis of his proposals shows that, from the institutional point of view, is the author to be locked in a framework already outdated. In fact Beck concludes his essay stating that the necessary transnational regulation to face the challenges of globalisation finds ground in negotiations among nation-states and, showing that he hasn't understood the federalist model of democracy, concludes by saying that international democracy passes through the possibility for a Belgian or British citizen to intervene in the German electoral campaign.

Jürgen Habermas

Interview by Giancarlo Bosetti*



"I agree with Joschka Fischer: the Federal Europe project is the only realistic one. Jürgen Habermas, the philosopher of the triad "morals, politics, right", is a strong supporter of Kantian supra-national systems, but also of the European life-style. Two years ago in an article he was calling for a European Charter of Rights. Now that the Charter has been approved by the European summit, -he explains in this interview to "Caffè Europa"- he wants a Constitution, a true Constitution. Because where there is a Constitution, there is a State - something not everybody agrees with, as was made clear after the far-from-exciting conclusions of Nice.

But let's proceed in an orderly manner and let's listen to him just before his departure from Starnberg to Rome, where he will attend the meeting of the Fondazione Basso on "Public sphere and European Constitution".

The title of your address to the meeting in Rome, Professor Habermas, is "Why Europe needs a Constitution", without any doubt or question mark. Just about one year ago, in an article you published on "Reset", you did have doubts, you were talking of preliminary steps. Did you change your mind?

At that time I was speaking of a "Charter", but this term, due to the European Charter of Fundamental Rights, is worn out by now. However, be it a "constitutional contract", a "fundamental law" or simply a "Constitution", what is meant is always the same concept: the

European Union must no longer exist on the basis of international treaties alone, but it must conceive of itself as a political order that the European citizens are giving to themselves by themselves. To this end a referendum is necessary, and should be held in the whole of Europe over the question of the European Constitution, the first part of which, I believe, corresponds to those fundamental rights which have just been proclaimed in Nice.

But with regard to Nice, what is your opinion on the results of the summit? Are we closer or farther from a European Constitution?

If one observes the Nice summit from this perspective, three results have been reached: firstly, the Union's enlargement to the East, the timing of which has been fixed, brings us closer to a final definition of the Union's boundaries. Secondly, an agreement has been found on the "flexibility principle": this means that in an enlarged Europe a nucleus of member countries can be established, which can make common cause for pursuing specific goals in important political areas. And finally all the quarreling over the questions of

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weighted votes and majority decisions has clearly shown to all participants that, at the next conference in 2004, they must decide on a general rule for the sharing of competences among the various political levels -that is, among the Union, the member States, the Regions or Länders. This is the central question which affects the organizational part of a future constitution. So we are already on our way to transform the European Union of the treaties into a European Union legitimated by a Constitution.

Anyway for the time being we have the "Charter of Rights". How do you consider it?

That document is the strong, well-accomplished expression of the legal representation of ourselves, of which we Europeans must be proud. An example of this is its Art. 3. The resolutions made on bioethics and human clonation answer with suitable ethical self-limitations the new manipulating possibilities offered by biology and biotechnologies. In addition, the Charter of Fundamental Rights has a stronger social content than the treaties in force today. And this, although the fundamental rights so far have been just "proclaimed", will certainly have its effects on the European Court of Justice's jurisdiction, which up to now has been dealing more and more with rights of economic liberty.

In the debate of these last months Joschka Fischer, with his speech at the Von Humboldt University in Berlin, brought forward a clear position: a well-defined federal project for Europe. But this project has been opposed by many sides, from France (Chirac, former minister Chevènement and others) in the name of the national state, and by the UK (Blair, Giddens) in the name of a cosmopolitical vision which rejects supranational burocracies.

I share Fischer's opinion, because it is the only

realistic one. A European Federation, which not only comprises States, but takes some characteristics of a State - for example, becoming financially autonomous by collecting its own taxes -, is a consequence of the economic union, decided at the political level and now completed. After the renouncing of monetary sovereignty and the institution of a common market, the European member states may renounce a closer political union only if they wish to embrace for a long time the neo-free-trade paradigm in the economy, which is prevailing today all over the world. We are witnessing today the abdication of politics in front of the requirements of a transnational economy set free to have its course. But this is the result of political decisions, therefore it is not a process that cannot be reversed. To this moment a democratically-managed political life is the only means for the citizens to act consciously for their collective future.

Anthony Giddens, in an essay and in an interview to "Caffè Europa", criticized Fischer in quite a clear-cut manner and with definitive accents: "Europe is not and will never be a State". How do you react to this judgement?

By saying that that, at the end, will depend on whether the peoples of Europe will want it or not.

How can the European Union proceed, "go deeper", without the United Kingdom consent?

To this day the European Union has been driven ahead mostly on the basis of economic interests. These interests today continue to be a determining factor only for the East- and Central-European countries, candidates for entering the Union. The disappointing outcome of the Nice summit reflects the reservations present in the other European

countries. We are at the threshold separating a political will from purely economic interests.

How then to proceed further ahead?

A political will cannot form without a clear perspective. I ask: do the citizens of Europe really share the neo-free-traders' human model, according to which every person is to become at the same time entrepreneur and exploiter of his own work force? Because this is indeed what is behind the social policy which presents itself as "investment on human capital". Do the European citizens really want a society in which the majority has to shut their eyes in front of harsh social inequalities and marginalized minorities? If it is so, they must know that this is the consequence of a highly selective idea of justice, one which limits itself to "equal opportunities". Do Europeans really want a future in which democracy becomes only a façade, and the State specializes in guaranteeing market liberties, and politics in creating favourable conditions for free competition?

Are you defending the European social model against the Anglo-American one?

My polemic remarks have just the aim to make it clear that Europeans do not have to defend only a position of theirs, but a *Lebensform*, a way, a style of life. This is the reason why they should be interested in the fact of being capable to speak with one voice, in order to make themselves heard in the international community.

When you speak of federalism, do you have in mind the American model of Madison, Jay and Hamilton? Or rather a substantially different one?

Europe could only be a State of nationalities, in which even the smallest nations will maintain their pride and their identity, and will therefore

be able to assert their tongue and their culture. All this will take different forms than in the United States. In Europe, for instance, a Senate - or a second Chamber that originates from the developments of the present Council of Ministers- will have a stronger position than what it has in America.

Is Europe in the condition to have a Constitution, in the sense of something more binding than a mere Charter of principles, something more than a document of political intentions? Is Europe a community we can consider an "Öffentlichkeit", as you call it, meaning a "public sphere"? Is there a European public opinion, is there a European public debate?

We must ask ourselves instead: would it not a politically-constituted community, that compensates for the democratic deficit of the Brussels authorities and officially redefines their political importance, contribute to the building of a European system of political parties and of a European civil society? and at the same time also of a European public sphere and a common political culture? One has to imagine the building up of a State and a society as a circular process. We can speak of a European public opinion insofar as the national arenas will open up to each other.

In spite of the economic mergings, the mass-media system remains very national.

We do not need European media, rather we need media that in their own country make known the discussions taking place in the other countries. An example of this was the coverage of Nice given by La Repubblica, Le Monde, Frankfurter Allgemeine Zeitung or El Pais. An informative service of this kind should always take care that citizens of different nations take interest at the same time in the same issues, and that they can form an opinion on the same controversial matters. If such an

openness and such a convergence of national discussions exist, then the filter of translating from one place to the other is not an obstacle. *Presently the idea of a political Europe is consciously shared by part of the élites, in particular in some countries. But can Europe be built by a minority?*

Intellectuals so far have left the European question to politicians. They could have played a positive, anti-élitarian role, so as to stimulate a wider discussion. They could have taken initiatives putting in motion the democratic formation of a will on European matters, beyond Haider's and Stoiber's populism.

After unification, Germany has become much

greater than the other big countries in the Union, both in population and gross income. We have heard of claims for a bigger number of councilmen. What will be your country's role in the continent, towards both the East and the West?

I believe that Schroeder has reacted in the right way to Chirac's fears. Germany had to have no aspirations to a special leading role in Europe, neither had it to confirm fears that we Germans could have such aspirations. The old Bundesrepublik's tradition is still strong enough to immunize the Republic of Berlin against false temptations. What I am wishing for is a cooperative Germany in a growing Europe, side by side.



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