

UNIVERSITY OF BUCHAREST
CENTRE FOR EURO-ATLANTIC STUDIES



EURO-ATLANTIC STUDIES

5



2002

EURO-ATLANTIC STUDIES

5

EDITOR: CONSTANTIN BUȘE
ASSISTANT EDITOR: CONSTANTIN HLIHOR

EDITORIAL BOARD

- CONSTANTIN BUȘE
- FLORIN CONSTANTINIU
- CONSTANTIN HLIHOR
- ION BULEI
- STELUȚA ARHIRE
- MARIAN ȘTEFĂNESCU
- VALENTIN STAN
- MIHAI DOBRE
- BOGDAN ANTONIU
- ALIN MATEI

TECHNICAL

EDITORIAL STAFF

- Raluca Grigoriu
- Constanța Titu

Correspondence and subscriptions:

CENTRE FOR EURO-ATLANTIC STUDIES, UNIVERSITY OF BUCHAREST

- Blvd. M. Kogălniceanu, 36-46, 050107 - Bucharest, Romania
Phone: 4021-3077307; Fax: 4021-313 1760
- Blvd. Schitu Măgureanu, 1, Phone: 4021 - 315 4701; Fax: 4021- 315 4700.
E-mail: Buse@unibuc.ro

EURO-ATLANTIC STUDIES is published by the Centre for Euro-Atlantic Studies, Bucharest. The Centre is an academic body and owes no allegiance to government or to any political agency. It does not hold opinions of its own. The views extended in this magazine are the responsibility of the authors.

All rights reserved. No part of this publication may be reproduced without the written permission of the Editor.

ISSN:1454-2153

CONTENTS

1. DIRECTOR'S COLUMN.....	3
2. VASILE PUȘCAȘ: <i>The Accession Negotiations of Romania to the European Union. Complexity in Approaches and Results</i>	5
3. RADU TUDORANCEA: <i>The EU Enlargement and its Consequences</i>	11
4. ADRIAN POP: <i>Reviewing South East European Security Co-operation</i>	21
5. TEODORA MOȘOIU: <i>How Might the Final Status of Kosovo, the Future of Montenegro and the Future of BiH as a Unified State be Affected by the Prospect and Process of EU Enlargement?</i>	31
6. ROXANA TUDORANCEA: <i>European Security and Defence Identity (ESDI) and European Security and Defence Policy (ESDP) – Contradictions and Accommodation</i>	39
7. GEORGE ANGLIȚOIU: <i>The Unfinished Beginning of CFSP</i>	55
8. TEODOR MELEȘCANU: <i>Romania's Accession to NATO after the Prague Summit</i>	63
9. DUMITRU MAZILU: <i>NATO Activated Article 5 of North Atlantic Treaty. Romania – An Active Factor of Antiterrorist Coalition</i>	67
10. VALERIU TUDOR: <i>The New Economy – Some New Threats to Security</i>	73
11. VALENTIN STAN: <i>The Political Economy of Security: The EU and the USA at the Crossroads</i>	85
12. CRISTIAN JURA: <i>Legal Dimension of the Fight against Terrorism</i>	93
13. TEODOR FRUNZETI: <i>Forces and Trends Influencing Today's World Changes</i>	101
14. IULIA TĂTĂRU: <i>La position du Parti Socialiste Français face à la construction européenne – la question de l'emploi</i>	113
15. BOGDAN AURESCU, ELENA PARIS: <i>The European and Euro-Atlantic Integration of Romania and the Bilateral Negotiations with Ukraine on the State Border and the Maritime Areas in the Black Sea</i>	137
16. <i>Book Review</i>	145

DIRECTOR'S COLUMN

The events in the Gulf, the intense diplomatic activity for overcoming the serious crisis in the hot areas of the world, the penetration of the public opinion as a pressure factor into the equation of the future solutions of the greatest chancelleries seem to emphasize the need of an immediate exit from the transition situation in which the global security architecture lies and of finding the answers to the serious problems that exist today in the international life. It is obvious that in solving these issues the politicians and the regional or global security institutions have a decisive role but it is also not to be neglected the contribution of the analysts, the experts and of the academic and university structures in finding/suggesting some solutions. The opinions and the points of view expressed in the pages of our magazine by the researchers and the members of the universities devoted to international relations study and also by our younger friends are the sign of the Romanian society's preoccupation for analysing and understanding the politic and military events that are taking place. Observing and researching the geopolitical and geostrategical conditions in which Romania takes action today becomes more necessary as the international situation tends to be more complicated and as some differences of opinion concerning the right way in finding the solutions (of the Iraqi crisis) amplify.

The Romanian diplomacy needs to cope with the dilemma of choosing the solution EU dominated by France and Germany and NATO dominated by USA and also of the geostrategical and geopolitical issues born as a consequence of the rising interest of the great powers in the Black Sea – Caucasian region from the perspective of its being the future energetic tank of the humanity.

We must take into account the evolutions with spectacular changes in the bilateral and multilateral relationships sketched between our neighbours EU and Russia on the one hand and USA on the other hand but also the ones from within the EU – USA – Russia triangle where the direction and the focus points changes are quick and essential. The end of the year 2002 seemed to mark the beginning of a really historical epoch (era) in the Russian-American relationships. At the NATO/Russia council reunion in Rome on the 28th of May 2002, the American president George W. Bush said that it was "a historical achievement for a larger Alliance and a larger European nation. Two ex-enemies reunited now as partners, overcoming 50 years of separation and a decade of uncertainties. This partnership brings us closer to the greatest hint: a unitary, free Europe where peace reigns for the first time in history". Only a few months later this reality becomes history.

How would the transatlantic relationships look like in the following months? What will the evolution in the Eurasian region be and how will the interests of the states in different energetic rich regions be harmonized? The expectation of people concerns also the best means of rejecting the threats and the vulnerability of the international relationships system, the role and the place, in managing regional and global security, of the traditional institutions as UNO or of those recently charged with responsibilities in this field as NATO after the Prague summit. These are only a few questions and dilemmas waiting for a quick answer. Euro-Atlantic Studies Magazine invites you to an academic debate in order to find answers and solutions.

Constantin Bușe, Ph. D.
Director of the Euro-Atlantic Studies
University of Bucharest

THE ACCESSION NEGOTIATIONS OF ROMANIA TO THE EUROPEAN UNION. COMPLEXITY IN APPROACHES AND RESULTS

Vasile Puşcaş

The EU enlargement process has become the main device in building a new Europe and broadening the area of freedom, justice, solidarity and security. Various diplomatic and economic instruments, through which the EU has positioned itself as one of the key actors on the international arena, can be analysed. Still, the process of accession negotiations is particularly important, due to its complexity in results and approaches, interests and procedures and moreover, the pragmatic relationship between Member States and candidate countries that will determine, in the near future, the way Europe moves ahead.

Why this interest in the accession negotiations process? Answers are to be found both in theory and pragmatic policies. First, accession negotiations are much more different than classic, diplomatic negotiations as foreign policy tools and the technical issues used in accession negotiations stand for that. Second, never before state actors have involved themselves into negotiations for accession to an international entity that has so many clear-cut multiple choices to shape its future evolution. The impact can already be seen both in EU Member States and candidate countries (particularly in Central and South-Eastern Europe).

In this complex framework, a definition is certainly needed. Robert Schuman put it correctly: negotiations with or within the EU are defined in terms of harmonisation and in the end, the fusion of interests of the actors involved. Candidates are at the stage where accession negotiations stand for harmo-

nising interests with the EU, following, after provisionally closing all chapters of negotiations, to start preparation for fusion.

Many issues stand for the complexity of accession negotiation: number of actors, continuous evolution of accession criteria and the Union itself, the impact of the European integration in the Member States and candidate countries, the systematic preparation of candidate countries as concomitant with the internal modernisation and transformation process.

In 2004 it seems that the Union will have 25 members. This is a clear example of the fact that every accession moment has become more complex and comprehensive as the Union suffered significant changes. Thus, Great Britain and Denmark have joined a common market, Spain and Portugal a single market. Furthermore, when Finland, Sweden and Austria have negotiated their accession, the European Community has evolved to a political, economic and monetary union. At present, the applicant countries are negotiating their membership of an integrated institutional structure still evolving.

As regards the accession criteria, they have passed from the Cold War specific dynamics and decisions of a more political nature in favour of accession, became clearer with the Copenhagen and Madrid European Councils and are in full swing at the moment, as new elements have been added in terms of behaviour and society modernisation criteria.

To have a clear view on the way the enlargement process is taken, a closer look has to be taken to the Copenhagen and

Madrid moments. The Copenhagen European Council (June 1993) outlined clear accession criteria, providing the necessary guidance for the applicants, in their quest for

EU membership. The Madrid European Council (December 1995) added another issue to these criteria, that of developing administrative capacity.

Institutional framework

This is the initial framework that Romania encountered when applying for membership. Ever since, significant changes have determined a continuous adaptation of Romania's strategies and policies after the start of the accession negotiations on 15 February 2000. For example, differentiations between groups (e.g. "Luxembourg" and "Helsinki" groups) have disappeared in time and own merits in preparation for accession took the lead on the scene.

Changes within the external framework of accession negotiations determined changes and new approaches in the internal preparation of candidate countries.

For example, starting with December 2000, the Government of Romania approached in a new way the preparation process. This involved a total rebuilding of the institutional and legislative concept dealing with accession negotiation issues. The remake has been initiated in January 2001, through a Government Decision establishing the Ministry of European Integration, as a body comprising the main part of the framework for the development of the process. The institutional capacity of the negotiating team was also strengthened.

As regards the accession negotiation strategy, new dimensions were added. In the external plan, cooperation was strengthened with the EU institutions¹ (European Commission², European Parliament), member states and candidate countries. Special attention was paid to improve communication and amplification of the consultation process with these actors.

In the internal plan, new chapters have been approached and supplementary actions were taken for speeding up adoption and implementation of the *acquis communautaire*. Furthermore, improvements have been made in the monitoring methodology as the respecting commitments assumed in negotiation has become a key principle of the internal preparation.

Intensifying the pace of the negotiations includes not only simultaneous approaching of more chapters of negotiations (widening), but also the deepening of it. It has been considered as insufficient to involve actors only at Government level, being absolutely necessary that social partners be part of the process. Thus, in order to involve a larger social spectrum in the negotiation process and to ensure transparency of this process, internal consultations with labour unions, business associations, political parties and other representative organisations of the civil society were also established³.

If former Governments paid attention especially to the easy chapters and to those focusing on political criteria, the current Government of Romania approached negotiations as a whole process. This due to the fact that preparation cannot be done just for one or other chapter, but rather crosswise in order to become a reliable EU member. Thus, the Government shifted its attention toward chapters that have not been approached at all by the end of 2000, chapters regarding the *four freedoms*, the Single Market, main economic sectors, as well as the economic and social cohesion. The chapters addressed were related to the preparation of the market according to the European standards, creating a business milieu and connecting it to the international business climate and internal market.

In this respect, Romania followed a gradual approach towards chapters with serious budgetary impact. From the perspective of contributions to the GDP and of the massive necessary financial resources, Romania entered into the stage of substance negotiations.

In 2002, the year of qualitative preparation for Romania, efforts focused on opening all chapters of negotiations, advancing in negotiations at the open

chapters and provisionally closing as many as possible. Those objectives were fulfilled: at the end of 2002, all chapters were opened, of which 16 were provisionally closed. For 2003, the primary objectives are to provisionally close as many chapters as possible and to continue the systematic preparation as to obtain the statute of functioning market economy at the end of 2003.

The Government of Romania is at present at a stage in accession negotiations

Fulfilling accession criteria

Accession negotiations are more than a process in which interests of Romania and European Union are assessed, evaluated and brought to a common nominator. In fact, the dynamics of opening and provisionally closing chapters in negotiations are based on the progress that candidate countries are making in fulfilling accession criteria.

While fulfilling political criteria⁴ minimizes the risk (of candidates) of being refused to join the EU and later become politically unstable, the same is valid for the economic aspect of the accession, when it comes to the existence of a functioning market economy and the capacity to cope with competitive pressure within the EU.

Additionally, progress in fulfilling economic criteria is not just a condition imposed by the EU and which applicant countries are obliged to consider if they want to join the club. It is mainly their inherent engine toward modernisation. After all, internal economic reform enjoys a high degree of convergence with the EU economic standards. The cumulative empirical experience in the economic field provides first the basis for which the "economic" chapters⁵ are opened and provisionally closed and then the framework in which the economic reform continues, thus enhancing the progress at other chapters.

In other words, in accession negotiations, the economic preparation remains one of the main arguments for claiming advancement in opening and provisionally closing chapters of negotiation.

When analysing Romania from an economic perspective, it is worth emphasizing

where the costs of implementing the acquis in the new sectors approached are huge. In this respect, it should not be mentioned only *Agriculture* or *Environment*, by far more important as share of national GDP, but also chapters related to a functioning market economy, such as *Industrial Policy* and *EMU*, where necessary measures were taken by the Government of Romania in order to combat inflation through specific financial and banking means.

that the economic growth, higher exports, increased industrial production and labour productivity, the lower budget deficit and the investments associated with a substantial decrease of inflation are giving substance to the arguments favouring advancement in negotiations.

Several economic details are necessary here. Despite the world economic downturn, Romania registered in 2001 one of the highest rate of economic growth (5.3%) of all Central and South-Eastern European countries. The growth continued in 2002 (4.5%) and a substantial decrease of inflation was registered (17.8%).

Attention is also paid to create sound and attractive economic environment and giving as many long-term opportunities as possible to all investors. At present, a law covering large-scale investments and providing a combination of special fiscal incentives and measures to improve the business environment is implemented. The Romanian Agency for Foreign Investments was created, as an interface with investors, to coordinate the dimension of promoting FDIs in Romania.

As already stipulated by the European Commission in its 2002 Annual Report on Romania, the economic data are indicating that the fulfilment of the Copenhagen economic criteria is achievable on the medium term.

The ability of Candidate States to take on to the responsibilities of EU membership is the third criterion stated in Copenhagen. It is probably the most complex criterion of all, because it implies more than legislative

harmonisation (adopting / incorporating the *acquis* into the national law system), it also means implementation (enforcement).

Transposing the *acquis communautaire* into the national legislation is an essential process for the Romania's preparation for EU accession. The adoption of the *acquis* modernises the legislation, thus creating the framework for the modernisation of the whole society, making the first step towards the full integration into the EU rules and methods system. During September 2001 – September 2002, almost 300 legal acts with Community relevance have been adopted, of which more than two thirds are directly transposing the *acquis*.

However, Romania is well aware of the fact that internal modernisation means more than adopting legislative acts, it also means effectively applying, implementing them at all levels.

The implementation of the *acquis*, an important aspect in Romania's preparations for accession and for its ability to take on the responsibility of membership, strongly depends on the development of the administrative capacity (the criterion added at the Madrid European Council in December 1995).

In order to comply with this sub-criterion, certain adjustments need to be made in the field of institutional building in order to achieve credibility and predictability. It means creating institutions endowed with sufficient openness, transparency, accountability, powers and considerable decision-making independence. At the same time, these institutions have to be subject to specific performance obligations.

Communication framework

The EU enlargement is not an elite project and accession to the EU involves not only the political class, but also the civil society, every citizen, as entity and identity. Dealing with identities, it could be asserted that accession will benefit the whole society, all its components, of ethnically or politically different nature. The majority of the population and the minorities have the same aim in this respect. Recently, the ethnical

For example, as regards the negotiation chapters, the Romanian authorities are currently implementing a programme for strengthening the national system for conformity assessment and ensuring the condition to sign ECAP (*Free Movement of Goods*). The Centre for Recognition of Professional Qualifications has published the procedures for recognition of professional qualifications, the list of regulated professions in Romania as well as the authorities responsible. Twelve working groups for the regulated professions were established and are currently operational (*Free Movement of Persons*). The Working Group for the Identification of Barriers against the Right of Establishment and Freedom to Provide Services was established (*Freedom to Provide Services*). Compliance with the recommendations of the Financial Action Task Force (Financial Intelligence Unit) is ensured (*Free Movement of Capital*). In order to prevent and combat counterfeiting, OSIM (the State Office for Trademarks) is engaged in the modernisation of the internal IT network, creation of the electronic filing and the administration of the electronic files and the assessment of the ways to improve management (*Company Law*). Further examples can be issued on all chapters of negotiation.

The institutional design issues deserve increased attention as they are determining the success or failure of the effective adoption and implementation of the *acquis* in the longer term, as well as the dynamics of the accession negotiations.

minorities living in Romania have signed a statement supporting the accession of Romania to the EU.

Furthermore, as part of the internal preparations for accession to the EU⁶ and internal communication strategy, special attention is paid to NGOs, trade unions, business associations and other representative organisations of the civil society, due to their heavy importance in

supporting democratic participation, involving citizens in the decision-making process, and bringing them in contact with public institutions. At the end of 2001, a caravan with representatives of trade unions and ministers involved in the process of European integration aimed to further explain the procedural aspects of accession negotiations, costs and benefits resulted of the integration into the European Union. Its objective was also to disseminate information and to familiarise the Romanian citizens with the day-to-day life in the EU and responsibilities deriving from membership, to

increase their level of participation to the decision-making process with regard to the European issues.

In approaching the main target groups, the communication strategy combines the principle of an overall blanket impact on the Romanian public with that of addressing individual target population groups. At the same time, the projects associated to the communication strategy contain a main topic chosen on the basis of opinion surveys indicating the main interests of the population that need to be further discussed.

Conclusions

For the last two years, the overall performance proved that Romania is on a positive trend. In this respect, at Copenhagen, a clear framework for accession was formulated for Romania to join the EU in 2007, provided that further progress is made in complying with the membership criteria. Taking this into account, as well as the potential and political will, Romania is likely to become a reliable EU member.

The accession negotiations and the European integration process cannot be viewed only from the perspectives of opening and provisionally closing chapters of

negotiations, adopting and implementing the *acquis*, following economic reforms or developing administrative capacity. They reflect after all the choice of the whole society to resonate with the European nations. Ultimately, Europe cannot be merely technically connected. A closer interdependence of initiatives on different levels will be decisive for the future. In the end, fusion of the interests of the actors involved in the process of enlargement will create new identity, new approaches, and new views: in other terms, a new start for the European community.

¹ The result was a greater fluidisation of information flux, and furthermore the elimination of the blocking points in different negotiation chapters.

² Before the official submission of the position papers to the EU Council, the consultation with the European Commission allows for the identification of specific requirements on different chapters of negotiation, right from the preparation stage and, as a result, for the preparation of complete and quality position papers.

³ For example, in the process of preparing the position papers for the negotiation chapters.

⁴ As a prerequisite for starting accession negotiations, fulfilling political criteria is also perceived as a basis for consolidating democracy and the rule of law, respecting human rights and fundamental freedoms (civil and political rights) and protecting minorities.

⁵ Chapters related to the economic and social cohesion, internal market, and the four freedoms.

⁶ In order to ensure transparency of the accession negotiation process, all of the negotiating chapters were discussed with NGOs, trade unions, parliamentary political parties.

THE EU ENLARGEMENT AND ITS CONSEQUENCES

Radu Tudorancea

Undoubtedly, the process of the EU enlargement presents an enormous challenge, now: if everything goes to plan, the EU population and size will clearly increase, although the income will grow by only 8% or 9% (in par value terms, the increase will be lower – around 5%). The ten central European economies account for only 7% of the EU 15 GDP, so such economic inflow cannot influence too much the single market.¹

Among other reasons, we cannot omit: the access to EU markets (there are no trade barriers between EU countries), insider participation (it is obvious that only members are allowed to participate in the EU's decision-making processes), the access to EU financial resources (the new members would be beneficiaries of the Union's budget); at the same time, EU entry is likely to boost investment. There is also the panic of the closing door reason (the fear of being left out).

Thus, the desire of Central and East European countries to be accepted into the EU derives from a complex mixture of political, economic and security motivations (if we take into account the security motivation, we should say that the membership of the EU offers post-communist countries a way to reorientate their foreign policy westwards and be forever out of Russia's shadow).

During the Cold War these countries felt they had lost their European identity and their countries needed to "return to Europe", to regain it, as soon as possible. As a

consequence, the newly elected leaders in the ex-communist countries rapidly signed up to many international organisations in order to accelerate their integration into the world economy and to join the EU. It is important to show why so many countries are seeking entry into EU. The motives of the applicant countries for seeking entry to the Union are both political and economic. The main political motive for entering the EU is fuelled by the desire to belong to a group of countries whose fundamental aim is to achieve peace and stability in Europe; this motive has the same importance today as 40 years ago, when the EEC was founded².

An analysis of business circles argues that there are "potentially huge economic and business benefits of taking the applicant countries into the EU as soon as possible".³ Moreover, another study of the Commission estimates that enlargement could increase the growth of the GDP of the acceding countries by between 1.3 and 2.1 percentage points annually, and for the existing members it could increase the level of GDP by 0.7 percentage on a cumulative basis.⁴

The EU economy will benefit from enlarging its internal market to almost half a billion consumers and from the accession of new developing markets into the European economy. Thus, the top five candidate-countries for accession grew at an average of 3.4% between 1995-1999, while the EU's 15 countries grew at an average of 2.4% in the same period.⁵

Moreover, a study initiated and conducted by the Centre for Economic Policy Research (CEPR) evaluated that the EU 15 member countries would gain a total of about 10 billion euros from expansion eastwards, even if these gains would be unevenly distributed (with Germany accounting for almost 1/3 of the total).⁶ This study shows, at the same time, that at least 300,000 jobs would be created in the EU 15 if enlargement boosted the Union's GDP by 0.2%.⁷

At the Copenhagen European Council (12-13 December 2002), the heads of state and government reached agreement on a formula for enlarging the EU to encompass ten member states as from 2004.

Thus, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia can join the EU on 1 May 2004, as an expression of an enlargement without precedent, often considered among analysts as being a "big-bang". If we look at the documents produced by the institutions of the EU on the impact of enlargement with ten countries (big-bang), we should not omit the Interim Report submitted by the Commission to the Madrid summit (better known as the "Impact Study"). According to the Commission's Impact Study, there are three main economic benefits to be expected from the process of enlargement, namely: the expansion of the Single Market, strengthening of the Union's position in global markets and boosting of demand as a result of expected massive investment in the acceding countries as well as of their catching up with the standard of living of EU.⁸

The Commission warned that substantial sectoral and regional adjustment pressure is to be expected from the enlargement process and sensitive areas will be the labour market, some traditional sectors of industry and some areas of transport.⁹ It is important that even so, the Commission rejected the so-called "inordinate pessimism" regarding the impact on the less developed areas of the present Union (Union of 15).¹⁰

Another sensitive issue is that concerning the free movement of workers

(migration flows), especially for countries like Germany and Austria. Thus, in response to their own domestic debates regarding unemployment and immigration, these two countries – Germany and Austria – have already asked for a long transitional period before the free movement of labour is permitted. Austria's concern regarding the issue has to do with its geographical position (Austria is almost surrounded by states like Slovenia, Hungary, the Czech Republic and Slovakia, three of which are among the best prepared for accession).

Due to that situation, EU member states have adopted a proposal of the Commission which maintains a seven-year transitional period. The EU's position allows member states to restrict the freedom of the workers coming from the future member countries to work in the actual EU's 15 member countries for 5 years after accession and, in exceptional cases, up to seven years.¹¹

An extensive study made for the Commission by the European Integration Consortium (EIC)¹² suggested that if all ten Central European applicants will join EU together – the "big-bang approach" (now a reality) –, even if there will be free movement of workers immediately after accession, only about 335,000 people would move immediately to the EU 15 countries, which is a very small number, comparing to the EU's present population of more than 370 million.¹³ According to the same study of EIC, the EU's stock of residents from Central Europe would rise over the next 30 years to reach a climax of only 1.1% of the EU population, which is again a small percentage.¹⁴ If we look at the previous EU enlargements we can conclude that there were only modest levels of migration, despite large discrepancies in income and employment between the Southern European members which joined the EU in the 1980s and the rest of Community. Moreover, we should not forget the fact that free movement of labour is one of the four freedoms of the single market, so a transitional period for the Central European workers will somehow restrict economic integration. At the same time, such

restrictions on workers are against the Commission and OECD recommendation that labour mobility in the single market should be increased.¹⁵

Another sensitive issue is that related to wage competition. Thus, some labour-intensive industries such as textiles are likely to be vulnerable to wage competition soon after accession. According to the same European Integration Consortium (2000), on average, Central European wages are only of 9-10% of the EU average (a gap which has to do with labour productivity), so this could influence somehow the wage competition after accession.

If we take into consideration the trade between the EU and the candidate countries we have to admit that it has already been liberalised and together with the removal of tariffs during the 1990s (despite the fact that agriculture remains heavily controlled), trade flows grew considerably. Germany is by far the largest EU partner of the candidates with a share reaching 43% of the entire trade between EU 15 and the candidates. The next positions are occupied by Italy (13%), Austria (9%), France (7%) and UK (6%)¹⁶. Even so, on the whole, trade dependence of the EU on its eastern partners is small, amounting only to 3.5% of the entire EU trade with the World.¹⁷

Most likely, the future enlargement will lead to even higher level of trade, despite the fact that there is a fear among some EU 15 countries that integration with CEEC would lead to a "unilateral invasion of cheap eastern products" in the EU markets (although the increasing EU surplus contradicts these fears).¹⁸

The foreign direct investment (FDI) represents one of the key benefits of the enlargement since it is expected that accession would give an important impetus to this indicator. In fact, FDI started to increase sharply once the EU committed itself to enlargement. Of course, FDI inflows concentrated in those candidate-countries which are the most prepared to join the EU (the case of Hungary, Poland, Czech Republic), while countries like Romania and Bulgaria have received only 10% of total inflows, despite their size and population.¹⁹

The conclusion is that the accession is likely to make a significant difference in investment; accession will lead to the construction of a well-functioning market-economy in the actual candidate countries and at the same time will have positive effects on EU 15 countries, since for many European investors the new growing markets are really important.

Regarding the budgetary implications of the enlargement it is obvious that any kind of enlargement of the EU (the "big-bang approach" won at Copenhagen summit) would have effects on the Union's budget, but the impact on the EU's public finances is rather a political than an economic issue, since the cost will depend on how much EU decides to spend. As we know, the acceding countries are much poorer and much more agricultural than the present member states and they are likely to remain in this position for the foreseeable future, more or less. Thus, as we have seen, the average per capita GDP in the candidate countries is much smaller (ten times) than the average per capita GDP of EU 15.²⁰ At the same time, agricultural employment was on average 22% of total employment for the candidates, compared to an average of 5.3% for the EU 15.²¹ That means that the new member states will contribute with a small amount of resources to the EU budget but they will largely qualify to benefit from structural and cohesion funds, as well as from the CAP.²²

It is well-known that two items dominate the spending side of the EU budget, namely Structural funds (which are large transfers to the poorer member states and regions) and Common Agricultural Policy (a complex set of policies aiming to raise the incomes and output of the EU agricultural sector).

In order to better understand the process of enlargement it is important to show the itinerary followed by the EU officials in managing the preparation of the Union for this task. Thus, the Commission embarked on a process of reform and preparation for enlargement starting with December 1995, when, at the Madrid European Council Summit, it was asked to analyse the EU's future financial framework

in the light of enlargement and to evaluate the impact of enlargement on EU policies. As a result, the Commission presented its proposal for reform of EU policies in July 1997 in the well-known Agenda 2000.²³ Agenda 2000 proposed a financial framework for enlargement in which keeping the ceiling of own resources constant as a proportion of EU's GDP at 1.27% and expenditure for structural operations at 0.46% of EU GDP were the main principles.²⁴ Another proposal was to maintain the existing level of support to the EU 15 and in particular to the less developed ones. The same financial framework proposed by the Commission considered that the additional cost for enlargement during the 2000-2006 period will be ECU 80 billion (in constant 1999 prices), representing around 10% of the total proposed budget.²⁵

Evaluated in terms of GDP, the "cost of enlargement" for the period 2000-2006 represents 0.13% of the EU 15 GDP, and for the year 2006 the figure is 0.21% of the enlarged Union's GDP.²⁶

Overall agreement on Agenda 2000 was reached at the Berlin European Council Summit (24-25 March 1999), whose purpose was to reach political agreement on internal EU policy and financial reform which would facilitate the way for the enlargement process²⁷. Unfortunately, in the framework agreement reached in Berlin, the existing EU 15 members bound themselves in terms of Community to spend regarding the new members (this has been presented as "ring-fencing" of EU expenditure whereby the EU 15 will not make claims to money earmarked for enlargement purposes but at the same time, new members will not encroach on funds earmarked for the EU 15).²⁸

Despite the fact that new financial perspective runs from 2000 to 2006 and knowing that the next enlargement will take place in 2002 (which became a reality), the members have decided not to change the ceiling on Community expenditure even after the accession of new members, which means that before 2006 no member will have the possibility of influencing the EU budget.²⁹ In other words the prospective

members will probably bargain against each other for a bigger share of the allocated funds. Moreover, at the same Berlin Summit, the Council decided that the "cohesion fund" will continue to support infrastructural measures in the member states whose per capita income is less than 90% of the EU average but the problem is that a review of eligibility will be undertaken again only in 2003 (after the first enlargement).³⁰

Another aspect influencing enlargement was the fact that UK has retained its rebate while net contributions of Germany, Austria, the Netherlands and Sweden have been reduced "ad-hoc".

We can say that the Berlin budget deal was only a first step towards solving the financial issues associated with the process of enlargement and that EU could decide later to increase the overall size of its budget. The so-called "Berlin compromise" has avoided and postponed a redistribution of cohesion policy resources beyond the end of the financial planning period.³¹ We should not forget that the current budget for 2000-2006 was drawn up under the assumption that only six countries would join the EU in 2002 (five central European states and Cyprus). However, Agenda 2000 underlined that this was just a working hypothesis since the EU position was that the accession criteria concerning each candidate country would be neither the dates, nor the size, but the own merits of that country. Anyway, we can say that a modest amount of money was allocated for the enlargement by the EU³² but in the longer term expenditure will depend on a series of decisions to be taken in the fields of cohesion policy, agricultural policy and so on.

Like Agenda 2000 proposals for the financing of enlargement, the Berlin European Council says that, in fact, the enlargement will "cost" as much as "we" (EU 15) decide it can be allowed to cost. Although the Berlin European Council fixed the own resources ceiling at 1.27%, a possibility for an increase of the ceiling has been built in case the enlargement expenditure proves to be higher than anticipated (a "big-bang" approach, for example).³³

Another sensitive issue on the agenda of the Berlin European Council was the future of Common Agricultural Policy (CAP). As we know, the CAP is a matter reserved exclusively for the Community. Thus, under the Article 33 of the EC Treaty (former article 39), its aims are to ensure, among other things, reasonable prices for European Union's consumers and fair incomes, by establishing common agricultural market organisations and by applying the principles of single prices, financial solidarity and Community preference. The issue of CAP is a difficult one because of the potential cost of extending the CAP to Central European farmers (the case of Poland is really a big issue).³⁴

According to Agenda 2000, further CAP reform is indispensable, because it will contribute to reduce the price gap for farm products between the EU and acceding states. Since, in the case of farmers in the acceding countries no decrease in their income or of institutional prices was predicted, the Commission proposed a transitional period extending at least until 2006 in which they will not receive direct income subsidies, although that part of the funds will be earmarked for rural development and reform in the agriculture of the new member states.³⁵

If we take into consideration the Berlin European Council regarding the issue of CAP, we can say that the reform of the CAP has been unambitious and in this respect obstacles to enlargement (irrespective of size) have not been eliminated completely. The reform of CAP agreed in Berlin cannot be considered as a final settlement. The issue of agricultural expenditure was postponed (further decisions are expected to be taken before the first enlargement).

The most important issue for the process of enlargement concerning agriculture – that of payments allocated after the accession was also discussed at the Berlin European Council. Thus, the Council established that the payments under the Guarantee Fund will amount to 1.6 billion in 2002, rising to 3.4 billion euros in 2006.³⁶ The European Council agreed also to limit the annual average expenditure on agricultural policy for the period 2000-2006 to 40.5 billion euros.³⁷

If we take into consideration the EU institutions and the "big-bang" enlargement decided at Copenhagen Summit it is easy to understand that this new and significant enlargement will complicate the institutional mechanism of the EU. There is a widespread conviction that the current system, established by the Treaty of Rome, cannot function effectively in a Union of 25 to 30 members. The point is that the process of enlargement must not be allowed to weaken decision-making in the Union's institutions and to undermine the Union's ability to act. Thus, for the future, usual criteria of representation drawn from the experience of parliamentary democracies could not be completely appropriate.³⁸

The Helsinki European Council of December 1999 confirmed that the 2000 Intergovernmental Conference (IGC) should be primarily devoted to preparing the European Union's institutions for enlargement (as stipulated also by Cologne European Council). The IGC ended with the European Council in Nice in December but this did not mean the end of institutional debate in Europe.

If we look back at the way in which the idea of reforming the institutions of EU evolved, we have to take into consideration first the Wise Men's Report on IGC 2000.³⁹

The group agreed that the enlargement is imperative and that the process of institutional reform should begin as soon as possible. Concerning the efficiency of the institutions, the Wise Men's Report identified three issues which needed to be reconsidered, namely the size and composition of the Commission, Weighting of votes in Council (including reweighting, double majority and threshold of qualified majority) and extension of majority voting. Regarding the Commission, the group concluded that the President should benefit from a strengthening of its authority and a clarification of the individual responsibility of Commissioners.⁴⁰ The same report considered the qualified majority voting to be "the rule in an enlarged Union", since the risk of blockage increases when unanimity is required.⁴¹ Regarding the Council, the group identified a few solutions like a significant reduction of the number of Council

formations or an effective co-ordinating mechanism between Councils⁴², while for the Parliament, the Group considered useful to establish a rule on how to allocate seats to member states once the upper limit is reached.⁴³ Moreover, the Report considered to be important also a reorganisation of Treaty texts.

If we take into consideration the Presidency Report on the Next Intergovernmental Conference ("Efficient Institutions after Enlargement" – 7 December 1999), we can distinguish four issues: the size and composition of the Commission, the weighting of votes in the Council; the possible extension of Qualified Majority Voting and other necessary treaty amendments. Concerning the composition and size of the Commission, there were two basic options: the first one, a college consisting of one national from each member state, and the second one, a Commission consisting of a limited and fixed number of members, which would result in a Commission with fewer members than member states.⁴⁴ Regarding the weight of votes in the Council, two options have been discussed: reweighting of the votes and introducing a so-called dual majority system. The Report considered that with an increase in the number of member states, QMV is the key to efficient decision-making, but even in an enlarged Union a number of issues will remain subject to unanimous decision-making.⁴⁵

Another important document is the Commission Opinion of 26 January 2000 ("Adapting the Institutions to Make a Success of Enlargement"). On the issue of the European Parliament, the Commission proposed that the number of MEPs should remain at the figure of 700 seats as the maximum by the Treaty.⁴⁶ Regarding the Commission, the Report considered two options: the first one – maintaining the number of Commissioners at its current level (20) and the implementation of a system of rotation that would treat all member states strictly equally (thus, in a Union with 28 members, no nationality would be absent for two successive terms of office); the second one – a Commission made up of one national from each member state.⁴⁷

Concerning the decision-making process, the main principles were to limit the use of unanimity (QMV should be the rule and unanimity the exception).⁴⁸ As for the issue of qualified majority in the Council, the Commission, although recognizing the merits of the system of reweighting of votes, which would ensure that the qualified majority represents about 2/3 of the Union's population, recommended to foresee in the Treaty that a decision taken by qualified majority requires the simple majority of member states representing a majority of the Union's total population.⁴⁹

So, that was the evolution of the debate regarding the institutions of the EU until the Nice European Council (December 2000), which is considered as being a significant step towards reforming the institution of EU in order to make them able to cope with enlargement.

An important issue in Nice was the change of the composition of the Commission (so much discussed earlier, as we have seen). Thus, the Nice Treaty stipulated that from 1 January 2005, each member state will nominate only one Commissioner (now, the 5 "big" nations nominate 2 Commissioners). Moreover, it was reached an agreement that when EU will reach 27 states, the number of Commissioners will be less than the number of member states. The Nice Treaty provided the mechanism for the future enlargement and we can say that it made some concrete progress in agreeing on a number of issues like the QMV⁵⁰, and the European Parliament number of seats for each new member state. After Nice, the European Parliament after enlargement (EU 27) is completely redesigned. Thus, except for Germany, who will maintain its present number of seats (99), the other present members will lose seats and the total number of seats (for EU 27), will amount to 732 (so, more than 700).

Together with the Laeken Summit in December and with the creation of the Convention the process of preparation for enlargement continued and, as the Laeken Declaration stated (section "The Future of the Union"), the European Council "welcomes the Council Secretary General's

intention of submitting, before the European Council meeting in Barcelona, proposals for adapting the Council's structures and functioning to enlargement" as well as "the Commission communication on regulatory simplification which should lead to a practical plan of action the first half of 2002".⁵¹

As President of the Commission (Romano Prodi) said, one of the tasks of the Convention initiated at Laeken was to "devise a structure for the Union that enables it to tackle these great issues".⁵² According to the President of the Commission, "by 2004, final decisions on the reform of the European institutions will have been taken".⁵³

The last EU Summit – Copenhagen, 12-13 December –, the one that decided the enlargement of the Union by ten countries, issued a document which underlines the fact that "the Union endorses the result of the negotiations which have determined expenditure requirements resulting from the accession of the new Member States respecting the ceilings for enlargement related expenditure set out for the years 2004-2006 by the European Council in Berlin."⁵⁴ However, the same Copenhagen European Council of 12-13 December decided that the new member states will receive a "rural development package" which is specifically adapted to their requirements. The amount of money available for the ten future member countries was fixed at 5.1 billion Euros for the 2004-2006 period. Moreover, direct aids were considered for the new member states oscillating from 25% of the full EU rate in 2004 to 35% in 2006.⁵⁵

As we have seen from the beginning of this study, the enlargement process is a very complex one, which implies benefits and, of course, costs. The main concerns regarding a "big-bang" approach are the cost to the EU's budget, the CAP, the migration flows, the impact on the EU's institutions and so on. If we refer to the issue of the EU's budget, we have seen that the future

members will have to share a relative small amount of funds, since the actual members have not decided to change the ceiling on Community expenditure. In other words, the enlargement (even a "big-bang" one) will cost as much as the present member states decide it can be allowed to cost.

Regarding the migration flows, we showed that only a small number of Central and S-E Europeans are likely to migrate to the EU 15 (even if there will be a "big-bang", only 335,000 people would move to the EU 15 countries, which is a very small number compared to the population of EU 15) and they will not cause long-term disruption to labour markets. Moreover, a transitional period (from 5 to 7 years) was adopted to restrict the freedom of movement of workers coming from the future member countries.

If we take into consideration the impact on institutions, we have seen that the EU started to prepare for a Union of 27 members (The Treaty of Nice), so a "big-bang" approach will not mean a great danger for the EU. The EU's current institutions are not fully prepared for integrating the new members which are coming as a result of a "big-bang" decision. However, the enlargement will have to start within the current framework (the next IGC will start in 2004 as well as the debate for the next budget).

Taking in the ten countries ("big-bang" enlargement) in only one move will be a significant contribution of the Union to the continent's prosperity and stability in the next decades, if the enlargement process is managed well. The admission of so many countries will change the functioning of the EU, for the better in forcing it into long-overdue reforms regarding its budget and institutions, but possibly also for the worse, if it does not adapt quickly enough to cope with the completely new situation and with a greater diversity.

¹ Heather Grabbe, "Profiting from EU Enlargement", Centre for European Reform, London, June 2001, p. 21.

² Phedon Nicolaides, Sylvia Raja Boean, Frank Bollen, Pavlos Pezaros, "A guide to the enlargement of the European Union", *European Institute of Public Administration*, Maastricht, 1999, pp. 2-3.

³ European Round Table of Industrialist, *Opening up the Business Opportunities of EU Enlargement*, May 2001.

- ⁴ Directorate General for Economic and Financial Affairs, "The Economic Impact of Enlargement", May 2001.
- ⁵ Heather Grabbe, *op. cit.*, p. 22. If we take into account cities like Warsaw, Prague and Budapest, we will find even higher growth rates.
- ⁶ Richard Baldwin, Joseph François, Richard Portes, "The Costs and Benefits of Eastern Enlargement; the Impact on the EU and Central Europe", *Economic Policy*, No. 24, 1997, pp. 125-158. Their study uses a simulation model, which takes into consideration "allocation effects" – trade creation, trade diversion and additional "Single Market" effects – and "accumulation effects". The resulting real income effect for the EU 15 is evaluated at c.a. 11 billion per year, which corresponds to 0.2% of EU 15 GDP. The same paper includes calculation on the distribution of the effects among the member states. Thus, according to their evaluation, the major beneficiaries will be Germany with 34% of total EU benefit, France (19%) and UK (14%); at least one country would suffer and that is Portugal. The main idea of this study is that EU 15 is likely to gain much as a whole, although some member states will benefit less (Greece, Ireland), or even lose (Portugal) from the process.
- ⁷ *Ibidem.*
- ⁸ COM (97) 2000 Final, 15-7-1997, the Impact Study ("The Effects on the Union Policies of Enlargement to the Applicant Countries of Central and Eastern Europe").
- ⁹ *Ibidem.*
- ¹⁰ *Ibidem.*
- ¹¹ Heather Grabbe, *op. cit.*, p. 14.
- ¹² European Integration Consortium – "The Impact of Eastern Enlargement on Employment and Labour Markets in the EU Member States" (Study made for the Directorate General for Employment and Social Affairs), Berlin and Milano, 2000, website: <http://www.europa.eu.int/comm/enlargement>.
- ¹³ *Ibidem.*
- ¹⁴ Heather Grabbe, *op. cit.*, p. 42.
- ¹⁵ Axel Sotiris Wallden, EU Enlargement: "How much it will cost and who will pay", p. 327, in *The Southeast European Yearbook, 1998-1999*, Edited by Theodoros A. Couloumbis, Thanos M. Veremis and Dimitrios Triantaphyllou, Eliamep, Athens, 1999.
- ¹⁶ *Ibidem.*
- ¹⁷ *Ibidem*, p. 329.
- ¹⁸ Heather Grabbe, *op. cit.*, p. 26.
- ¹⁹ Axel Sotiris Wallden, *op. cit.*, p. 330.
- ²⁰ *Ibidem.*
- ²¹ In the case of structural funds, it is expected that almost the entire territory of the member states will be eligible for Objective support-regions with a GDP per capita of less than 75% of the EU average.
- ²² Agenda 2000, Volume II, Effects on the Union's Policies of enlargement to the applicant countries of Central and Eastern Europe, website: http://europa.eu.int/comm/dgla/enlarge/agenda2000_en/impact/contents.htm.
- ²³ Agenda 2000 tackles all the questions facing the Union at the beginning of the 21st century; the first part addresses the question of the European Union's internal operation, the reform of the common agricultural policy and of the policy of economic and social cohesion (it also proposes a financial framework for the period 2000-2006), the second part proposes a reinforced pre-accession strategy, while the third part consists of a study on the impact of the effects of enlargement on the European Union's policies.
- ²⁴ Axel Sotiris Wallden, *op. cit.*, p. 332.
- ²⁵ *Ibidem.*
- ²⁶ Although the Berlin European Council fixed the own resources ceiling at 1.27, a possibility for an increase of the ceiling has been built – in case the enlargement expenditure proves higher than anticipated (a big-bang enlargement, for example).
- ²⁷ "The Presidency Conclusions, Berlin European Council, 24-25 March 1999", in *The Southeast European Yearbook 1998-1999*, ELIAMEP, Athens, 1999, pp. 565-578.
- ²⁸ *Ibidem.*
- ²⁹ Phedon Nicolaides, Sylvia Raja Boean, Frank Bollen, Pavlos Pezaros, *op. cit.*, p. 71.
- ³⁰ *Ibidem*, p. 72.
- ³¹ Helena Tang (ed.), *Winners and Losers of EU Integration: Policy Issues for Central and Eastern Europe*, The World Bank, Washington DC, 2000, p. 268.
- ³² The 67 billion allocated to the applicant countries over seven years is about a tenth of the money given to the former GDR after unification.
- ³³ Phedon Nicolaides, Sylvia Raja Boean, Frank Bollen, Pavlos Pezaros, *op. cit.*, p. 79.

³⁴ Since Poland is the main concern because of its huge agricultural sector, the EU has already rejected some Polish demands for transitional periods on different agricultural issues.

³⁵ Axel Sotiris Wallden, *op. cit.*, p. 340.

³⁶ Phedon Nicolaides, Sylvia Raja Boean, Frank Bollen, Pavlos Pezaros, *op. cit.*, p. 79.

³⁷ Helena Tang, *op. cit.*, p. 274.

³⁸ Edward Best, Mark Gray, Alexander Stubb, "Rethinking the European Union IGC 2000 and Beyond", European Institute of Public Administration, Maastricht, 2000, p. xi.

³⁹ In September 1999, the President of the Commission, Romano Prodi, invited Jean-Luc Dehaene (former Prime Minister of Belgium), Richard von Weizsäcker (former President of Germany) and Lord Simon of Highbury (former Minister and former chairman of British Petroleum) to give their views on the institutional implications of enlargement. The group presented its report in October 1999.

⁴⁰ Edward Best, Mark Gray, Alexander Stubb, *op. cit.*, Annex III, "Wise Men's Report on IGC 2000", p. 314.

⁴¹ *Ibidem.*

⁴² *Ibidem.*

⁴³ *Ibidem.*

⁴⁴ *Ibidem*, p. 324.

⁴⁵ *Ibidem.*

⁴⁶ Edward Best, Mark Gray, Alexander Stubb, *op. cit.*, Annex VI, p. 340.

⁴⁷ *Ibidem.*

⁴⁸ *Ibidem*, p. 344.

⁴⁹ *Ibidem*, p. 347.

⁵⁰ Of course, the shift to QMV in the Council raises the issue of how and according to which principles member states should defend their interests in the Council.

⁵¹ European Council Meeting, Laeken, 14-15 December 2001, Presidency Conclusions in "Enlargement - Weekly Newsletter", December 2001.

⁵² Romano Prodi, "Europe's Union and Reunification" in *The European Union Review*, Vol. 6, No. 3, Pavia, p. 11.

⁵³ *Ibidem.*

⁵⁴ Presidency Conclusions - Copenhagen, 12-13 December 2002, Annex 1, "Budgetary and Financial Issues".

⁵⁵ Copenhagen European Council, 12-13 December 2002, Press release "Enlargement and Agriculture: fair and tailor-made package which benefits farmers in accession countries". It was decided also that the farmers from the new member states will have full and immediate access to Common Agricultural Policy market measures.

REVIEWING SOUTH EAST EUROPEAN SECURITY CO-OPERATION

Adrian Pop

The present study starts from the premise that stabilising SEE is a joint international community and regional endeavour. Neither regional integration single-handedly nor the European integration alone can stabilise the SEE region. Consequently, deciphering which initiatives – international, European, regional, or a combination of them – have been effective in improving the security climate and on what level is a prerequisite for a robust security

Regional top-down initiatives

The increased involvement of EU, NATO and OSCE in processes revolving around regional co-operation has been a constant feature of the security environment in SEE. The bits and pieces of the recently achieved stability in the Balkans are to be ascribed largely to the externally imposed presence of the international community.

The Stability Pact for South Eastern Europe: A central conviction behind the Stability Pact concept was that many SEE problems are increasingly regional in scope. Among these challenges, the security-related ones are perhaps the most fitted for such an approach. Thus, the Stability Pact has developed a series of security-related initiatives, including the Stability Pact Anti-Corruption Initiative (SPAI), the Stability Pact Initiative against Organised Crime in South-eastern Europe (SPOC), the Asylum and Migration Initiative, the Regional Return Initiative (RRI), the Task Force on Trafficking in Human Beings, the Task Force for the Co-

strategy in the region. A tentative of 'best practices' approach could offer some hints as to how better co-ordinate the European integration process with the regional co-operation one, thus overcoming the current tension between the principles of bilateral conditionality as the essential basis of both European integration and Stabilisation and Association Process (SAP), on the one hand, and regionalism, on the other.

operation and Development of Border Management in SEE, the Working Group on Regional Civilian Police Training, various initiatives in the area of proliferation of small arms and light weapons (SALW), including a Regional Implementation Plan and the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) near Zagreb, Croatia.

As far as SPAI is concerned, it has made some progress in the past year and a half, due to the remarkably work of the OECD and the Council of Europe. It has produced an action plan that lists priority actions for participating states, it has established a peer review mechanism and it has set up an Operative Secretariat. Out of seven priority actions, three could be considered to be more substantial: reviewing national legislation related to transparency in government procurement; inviting experts to review the effectiveness of various ways to fight corruption related to foreign

development assistance; and announcing plans to provide significant public access to sensitive information in order to expose corruption. However, overall, SPAI lacks effective mechanisms and sufficient resources to move from strategy to implementation.

The implementation of anti-corruption actions has not been very successful also due to the fact that it has been entirely dependent on the local anti-corruption programmes already underway, which, in some cases, have been launched more on paper than in reality.

In its turn, a year and a half after its launching in Sofia on 5 October 2000, SPOC has not fulfilled the expectations put in it. National policies and strategies against organised crime, inter-agency co-operation and the setting up of multi-disciplinary national co-ordination mechanisms and specialised unit to deal with this increasingly worrying phenomenon are in their infant stage; the legislation to fight organised crime, money laundering and corruption has still major loopholes; and there is no clear-cut relationship between major existing initiatives in the field, such as 'Octopus II' programme jointly run by the Council of Europe and the European Commission, aimed at helping states in transition fight corruption and organised crime or the EU initiative launched by British Prime Minister Tony Blair in Spring 2001 to help countries fight trafficking through seconding multinational teams of EU experts. It goes without saying that the said circumstances impede upon one of SPOC's major declared aims, namely a strengthened regional and international co-operation. It is expected that the incoming setting up of a SPOC executive secretariat at the SECI Regional Centre for Combating Trans-border Crime in Bucharest, aimed to strengthen co-operation between the regional crime centre, Europol and Interpol and to assess the legal, institutional and technical conditions for the exchange of information, will partially fix this problem. What SPOC really needs is a thorough Assessment Phase, similar to that of SPAI, along the lines of the already agreed upon 'Country reviews and priorities for reform document'. Such a review process should

focus on three intertwined areas: exchange of information; national legislation; and judicial co-operation.

Similarly to SPOC, for about a year after its setting up in Vienna in September 2000, the Task Force on Trafficking in Human Beings, headed by the OSCE's Office of Democratic Initiatives and Human Rights (ODIHR), was rather loosely connected with relevant countries and organisations involved in training activities aimed at countering human trafficking. This was particularly strange due to the fact that all co-ordinators of the seven priority areas initially considered for urgent action were outside institutions: UNICEF for awareness raising, the International Centre for Migration Policy Development for training and exchange programmes, the Southeast European Cooperative Initiative for law enforcement co-operation, the International Catholic Migration Committee for victim protection programmes, the Council of Europe for legislative reform, and the Office of the High Commissioner for Human Rights for preventing social and economic causes of trafficking. The turning point came only on the occasion of a new meeting in Vienna on 20 September 2001, targeted precisely towards avoiding possible duplication of effort and facilitating possible co-operation between different agencies active in the field. However, there is still little co-ordination between the Stability Pact Task Force on Trafficking in Human Beings and the Regional Centre for the Fight Against Illegal Trafficking set up in Vlorë, Albania, and managed jointly by Albania, Germany, Greece and Italy. This is again rather strange taking into consideration the fact that Albania offers a well-established east-west transit route for traffic in human beings and drugs, and the Regional Centre in Vlorë could provide the kind of fast and complete information exchange with countries in the region and international agencies badly needed to efficiently counter this phenomenon.

The Asylum and Migration Initiative of the Stability Pact, targeting either the return of a country's own nationals or future asylum-seekers or migrants from abroad, is about to establish national action plans and

has created five Country Teams to assist in building up the legal framework and the capacities to deal with these issues. A permanent Support Unit/Secretariat has been established in Vienna.

As far as the Stability Pact Task Force for the Co-operation and Development of Border Management in SEE, it has completed the preparatory phase of setting up principles, norms and standards, but it has not passed yet the decisive test of practical co-operation. Thus, the border guard authorities of the five countries involved in the Stabilisation and Association Process (SAP) have compiled wide-ranging descriptions of their border management systems and pointed out reform plans and preliminary needs assessments. Additionally, on the basis of the principle of regional ownership, special national focal points/task forces were set up in order to develop national strategies in the field, monitor all relevant bilateral and multilateral assistance and training activities in the country, and assist the Support Unit in Vienna in keeping and overview of ongoing activities with regard to border management. However, there is an in-built policy inconsistency between the need for enhanced border security and the need for improved regional co-operation and border permeability in the region. Yet, regional co-operation among various countries in the region and different initiatives dealing with border-related issues remains crucial. From the latter viewpoint, taking into consideration the fact that till now the Border Guard Initiative and the Support Unit of the Asylum and Migration Initiative have been rather loosely connected, a closer co-operation and co-ordination between the two processes is urgently needed. In addition, the Working Group on Regional Civilian Police Training in SEE should be geared pre-eminently towards establishing short-term, mid-term and long-term training courses for border guards, which could be carried out in co-operation with the Association of European Police Colleges (AEPC), the Central European Police Academy and the Nordic Baltic Police Academy.

The problem of the destabilising accumulation and uncontrolled diffusion of

small arms and light weapons (SALW) has gained prominence on the security agenda of the Stability Pact only after the fall of the Milosevic regime. While several SEE countries had already begun to take some steps to tackle this phenomenon, until that moment there had been no window of opportunity to make progress in the country which has been among the most severely affected by it: F.R. of Yugoslavia. In November 2000 a process of informal consultation among experts and representatives from most of the countries participating in the Stability Pact was launched in Szeged, Hungary, which later on was to be known as the Szeged Small Arms Process, in recognition of the achievements of the Szeged Process in building support for the democratic forces in Yugoslavia. The initiative stresses the need to intensify efforts to seize illicit transfers of SALW, destroy weapons seized by interdiction of illegal traffic or that exceed justifiable defence needs and take all appropriate measures to secure SALW stockpiles necessary for defence. Underlining that many of the problems associated with SALW diffusion are increasingly regional in scope, from the onset the participants in the process, representing governmental and civil society institutions as well as international organizations, put forward the idea of the necessity of a comprehensive and refined regional plan. At a second meeting in Szeged in September 2001, the participants benefited from the expertise provided in the form of a Consultation Document by Saferworld, a well-known and experienced British think tank active in the field, and discussed a Regional Implementation Plan prepared by the Office of the Special Co-ordinator, which was subsequently approved at the Working Table III plenary meeting in Budapest last November. In order that this plan should be successfully implemented in the southern Balkans, priority must be given by the Regional Steering Group and the National Focal Points from each of the Stability Pact beneficiary countries to areas such as the human security dimension, strengthening of national controls, augmented co-operation and information sharing between states and improved

stockpile management, procedures and international assistance for collection and destruction of surplus weapons. For developing and implementing projects aimed to reduce the excess supply and illicit trafficking of SALW, a Regional Clearinghouse was recently set up in Belgrade under UNDP auspices.

Regional centres in the field of SEE security have started to become fashionable in recent years. RACVIAC is just one of them, dealing with the sensitive area of arms control. Officially inaugurated on 2 November 2000 near Zagreb, Croatia, as a project under Working Table 3 of the Stability Pact, RACVIAC is meant to provide a forum for regular dialogue and co-operation in SEE in order to facilitate the full and accurate implementation by the region's states of existing arms control agreements, allowing common standards to be identified and leading to improvements in implementation. In addition, it is supposed to provide an international forum for training the verification personnel involved in the implementation of arms control. It should be emphasized that RACVIAC itself has no verification tasks. Tentatively, its major assets are its eighteen countries membership, gathering together SEE and Western European countries (Austria, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, France, FYROM, Germany, Greece, Hungary, Italy, The Netherlands, Romania, Russian Federation, Slovenia, Turkey, UK and USA), its multinational adviser group as well as its sponsorship by a major European actor, namely Germany. However, up till now, other than organising some 20 courses, no significant programme was launched and implemented under the Centre's aegis.

On the whole, the regional initiatives under Table 3 on security, like the Stability Pact altogether, have so far managed to only partially live up to expectations. There are at least four reasons for that. The first one refers to the fact that the Special Co-ordinator's Office has acted as a mere intermediary, without having operative means of its own and without being able to recruit and hire people with relevant experience in the region and to get secondments from organisations with

expertise in the security areas of concentration. The second one is that being basically inter-governmental and inter-organisational arrangements with no legal status, without significant resources, much planning or implementation capacity of their own, their impact has relied on the varying resources, authority, dynamism and seriousness of the designated national representatives. The third reason is related to the fact more often than not, the action plans launched under their aegis have been too general, not taking into consideration other existing national or international initiatives in the area or the specifics of local circumstances, which led to lack of efficiency, duplication and no clear-cut division of competences. The fourth reason is that some of the most significant international endeavours in the field have continued to bypass the Stability Pact. For the Stability Pact to play a more effective role in improving the security environment and building regional co-operation in SEE it will need to set up its priorities more clearly, to focus its efforts better, to promote networking and co-ordination with other international and regional co-operative frameworks and determine where it offers a comparative advantage. Furthermore, fostering the regional ownership of the Stability Pact is deemed to be 'the main recipe for success' of this comprehensive top-down co-operative regional arrangement. Consequently, as envisaged by the special co-ordinator Erhard Busek, the Stability Pact, which has until now primarily served as a clearinghouse for mainly EU projects in the Balkans, is going to transfer more of its functions to the region and to bring the SEE governments closer to the decision-making process.

NATO's South East Europe Initiative (SEEI): NATO's military presence in the region is well known and through NATO-led peacekeeping operations, the Alliance and its Partners promote stability. NATO's military muscle made peace possible on the ground in Bosnia and Kosovo, and has been essential in keeping Macedonia from descending into wider conflict.

NATO's long-term effort to partner with militaries in the region is also a vital part of

regional stability. Efforts to help shape smaller, more professional and civilian controlled militaries throughout SEE has been of great utility, and the efforts should continue and intensify to rid the region of the paramilitary forces that have been a source of so much destruction and violence over the past eleven years or so. Through Partnership for Peace (PfP) and the enlargement process, NATO continues to guide the integration of SEE countries into the Euro-Atlantic space and through co-operative schemes such as the EAPC Regional Open Ended Ad Hoc Group on South East Europe and NATO's South East Europe Initiative (SEEI) further promotes the principle of regional ownership in ensuring regional stability.

SEEI was launched at the 1999 Washington Summit in order to promote regional co-operation and long-term security and stability in the region. A particular focus has been given to the involvement of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia in the regional co-operation. A Consultative Forum on Security Issues on South Eastern Europe has been established, too, which by its nature and composition is an important tool enabling NATO and Partners in the region to play a key role in the implementation of the security objectives of the Stability Pact.

A prime contribution of the initiative to help bring about lasting peace, stability, freedom and prosperity in SEE is the South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities (SEECAP). Materialising a Romanian initiative within EAPC and SEEI, SEECAP was endorsed on the margins of the EAPC Ministerial in Budapest on 29 May 2001. With the aim of evaluating security challenges in SEE and to identify some opportunities for international co-operation, SEECAP is designed as a general, flexible index for the regional priorities, promoting the principle of regional ownership. Its significance resides in the fact that SEECAP is the first comprehensive common document on perceptions and priorities of the countries of the region in order to bring peace and stability in SEE. SEECAP is based on the idea that common perceptions

of the security challenges facing the region would promote common action to address these challenges and ultimately lead to security strategies and defence planning based on these agreed upon common perceptions. Confirming the essential contribution of and requirement for international engagement in the area, SEECAP is conceived to support and complement the objectives of the Stability Pact for South East Europe and other regional co-operation processes, such as the South East Europe Co-operation Process (SEECP) and Southeast Europe Defence Ministers Process (SEDM), as a concrete contribution to building a secure, stable and indivisible Euro-Atlantic area.

A second major contribution of SEEI to the stability of the region is the South East Europe Security Co-operation Group (SEEGROUP), an advisory forum on security issues developed in the SEEI framework, which benefits from the NATO International Secretariat expertise. Comprised of representatives of Albania, Austria, Bosnia and Herzegovina, Croatia, FYROM, Greece, Great Britain, Italy, Serbia and Montenegro, and Switzerland, SEEGROUP aims to contribute to the support of NATO mechanism of clearing house type, to identify the existent shortcomings within the assistance in the field of regional security, to promote expert co-operation and to harmonise and co-ordinate the relevant regional projects. This is done by SEEGROUP's functioning on three complementary levels: biannual meetings of the national representatives; contacts between chiefs of the NATO missions in Brussels; and ad hoc groups constituted on projects on progress. SEEGROUP's setting up has appended an extra added value to the initiative as it had improved the connectivity between SEEI and other regional co-operative arrangements, among which the SEDM should be mentioned in particular.

SEEGROUP has closely followed the drafting and adoption of SEECAP and it is involved in the process of periodically screening and implementation of it. SEECAP follow-ups are meant to coherently enlarge the issue areas addressed by its members,

as to cover a large spectrum of military and non-military threats, including terrorism. One of the priorities of the current Romanian presidency of SEEGROUP is to draft, with the support of the NATO International Secretariat, a document concerning the ways for implementation and revision of SEECAP. In addition, the current SEEGROUP presidency is concerned with the follow-up processes of reform of the security sector, promoting a package of measures for the struggle against asymmetric threats in SEE, stimulating the exchange of expertise in defence matters between the countries in the region, exploring possibilities for electronic interconnectedness, and co-ordinating those activities with other initiatives in SEE. Last but not least, some ambitious proposals are currently under consideration. One of them concerns a study aiming to analyse the strategies/documents of national security in SEE, as to provide a unitary picture of different approaches to security in SEE and to make recommendations regarding risks factors, defence planning, civil emergencies, and the process of drafting the strategies of security (SEESTUDY). Another proposal regards the creation of a Balkan Defence College in the form of a virtual framework, using either the PfP Consortium of Defence Academies and Security Studies Institutes web, already existent, or a regional IT network, currently in construction. All these testify for the seriousness of the implementation of the regional ownership principle by the SEEI.

The Southeast European Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crime: The SECI Centre is the only international law enforcement organisation that brings together police and customs representatives. Operational since the 1st of November 2000, in its annual report, drafted at the end of its first year of existence, the SECI Centre in Bucharest, Romania, was able to report advances in its efforts to prevent, detect, investigate, prosecute and repress trans-border crime in SEE. From an operational viewpoint, out of the twenty-two needed police and customs liaison officers – one police and one customs representative from each eleven participating states (Albania,

Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, FYROM, Moldova, Romania, Slovenia and Turkey) – fifteen liaison officers (seven from police and eight from customs) from nine countries were already in place. Moreover, four task forces have been set up: a Task Force (TF) on Drugs Trafficking, led by Bulgaria, a TF on Trafficking in Human Beings led by Romania, a Commercial Fraud Task Force led by Croatia and a Customs Valuation Fraud TF led by Albania. In 2002 other four task forces are to become operational: a TF on Financial and Computer Crime headed by FYROM, a TF on Trafficking in Small Arms led by Albania, a TF on Stolen Vehicles led by Hungary and a TF on Trafficking in Strategic Materials led by Romania. In addition, after the 11th of September 2001 terrorist attacks on the US, a Resolution of the Centre, expressing its great dismay for the tragic events, established a special working group to assist the US in investigating terrorist activity, to provide appropriate information regarding the flow of refugees for the SECI member states and Western European countries, and to provide assistance for the SECI member states in their activity of preventing and combating terrorism.

Some of its various task forces were more active than other. For instance, in 2001, within its specialised TF on Trafficking in Human Beings, more than 250 pieces of information were exchanged, four regional operations were conducted, a project for witness protection has been initiated and an active co-operation with FBI, USAINS, Austria, and Stability Pact for trafficking in human beings was established. Similarly, during the same period of time, some 236 pieces of information were exchanged on drug trafficking cases and other 251 on commercial fraud ones. In addition, the Centre has managed to establish good co-operative relations with nine countries enjoying observer status (Austria, Belgium, France, Germany, Italy, The Netherlands, Poland, Russian Federation, USA, UK and Ukraine), as well as with INTERPOL, EUROPOL, World Customs Organization (WCO), and various initiatives on the area of

combating organised crime developed under the aegis of Stability Pact, OSCE and UN. Furthermore, special agreements were signed with the European Union Law Enforcement Co-operation (EULEC), the International Organization for Migration and the International Centre for Migration Policy Development. All these point to the conclusion of a promising start as far the institutional "division of labour" and co-ordination between the SECI Centre and major international organisations and law enforcement agencies are concerned.

Regional bottom-up initiatives

A lot of attention has been devoted lately to SEE countries' experience of and prospects for regional and sub-regional co-operation. In addressing this booming phenomenon, both arrangements of a military and non-military nature have been accounted for. It goes without saying that whereas the former have – in actual fact or as a potential – a direct impact on security, belonging to the 'hard' security sphere, the latter have only an indirect impact on it, being attributable to the 'soft' security one.

The main still unsolved inconsistencies related to the regional and sub-regional integration processes stems from a series of inter-related realities: first, there is a certain contrast between the EU conditional accession criteria and the need for enhanced regional and sub-regional co-operation. Second, the current historic drive for state formation in the region hampers the regional integration imperative. Third, putting aside the subjective issue of some countries' rejection of their belonging to SEE, either on grounds that the term Balkans is something else than the larger South East Europe one

Regional security structures

Establishing effective regional political consultation, conflict prevention and crisis management capabilities and mechanisms are required to complement broader international arrangements. The organising idea that shapes the regional response to

Impressive as it is, this record does not say much, though, about the overall efficiency of the Centre. The truth of the matter is that the bulk of the SECI Centre task forces are still in the preparatory phase and it is still to be seen if the ambitious legal, operational, administrative and information technology (IT) plans of the Centre, as well as the plethora of proposals put forward by the member states in connection to its activity in the future are going to be materialised. What's more, the Centre still lacks a task force in combating small and light weapons diffusion.

(Romania) or because of their self-declared Central European orientation (Croatia, Slovenia), more difficulties on the way of regional co-operation arise from the fact that the so-called SEE region is hardly a region at all, with the Eastern Balkans generating stability and having a record of integration and region-building activities and the Western Balkans characterised mainly by wars, disintegration, various conflicts, hatreds and instabilities. Further divisions arise from the fact that different SEE countries are enjoying various statuses vis-à-vis NATO and EU and are on different stages of European and Euro-Atlantic integration processes, encompass different economic, demographic, and military potentials, are different in their ethnic and religious outlook, have different historical experiences and political traditions and perceive differently the regional co-operation. However, precisely because it acts as a bridge over this multi-faceted diversity, improving inter-state relations and opening communication channels, regional co-operation is so valuable.

this challenge is the multinational framework of co-operation in the area.

The Southeast Europe Defence Ministerial (SEDM) Process: This is a forum for political dialogue and military co-operation, which has reached a certain level

of maturity, due to its already six years of existence. However, only in the past one and a half year it has started to bring tangible results and its programmes have started to present themselves as an effective whole rather than disconnected parts. SEDM's strengths rely on membership, covering most of SEE region (Albania, Bulgaria, Croatia, Greece, Italy, the Republic of Macedonia, Romania, Turkey), plus the US, Slovenia and Croatia with observer status, on its being a high level mechanism of harmonisation of the various SEE viewpoints on security and defence matters as well as its current focus on crisis management-related issues. From the latter point of view, lately some ambitious projects have started to be developed under the SEDM process auspices. Among them, one could enumerate:

- Establishing a Civil-Military Emergency Programme entrusted with the co-ordination of disaster response and humanitarian relief in crisis situations in the region;
- Setting up a viable, cost effective and interoperable Communication Information Network (CIN/CIS) for crisis management and CIMIC relation improvement in crisis situations;
- Fostering an Engineer Task Force (ETF) for civil assistance, humanitarian crisis and disaster relief which will ensure a speedy and well-co-ordinated response to disasters and emergencies; the engineer forces of each SEDM country are going to be deployed on their own national territory, and in case of intervention, the command and control are going to be implemented inside SEEBRIG, parallel with it or independently, at the level of each country; ETF is deemed to become a significant regional asset for mutual support in times of crisis, natural disaster and humanitarian need;
- Putting together a network for interconnecting the military hospitals (and, possibly, the civil ones as well) of the SEDM countries (SIMIHO) in order to use information systems for lending medical assistance.

The Multinational Peace Force South Eastern Europe (MPFSEE): Despite being launched under the SEDM process aegis in October 1997 and comprising the same membership, the MPFSEE has too long been a 'sleeping beauty' in the region. The MFSEE Agreement has been signed on 26 September 1998, a year after its launching. Its Political-Military Steering Committee (PMSC), as the decision-making body of the MPFSEE, has been rather a loose framework of consultation, and its main operational 'arm', a mechanised brigade under the name of SEEBRIG, has been declared fully operational only starting the 1st of May 2001. However, meant to materialise the UN Stand By Arrangements and available for possible deployment in UN or OSCE-mandated NATO or EU-led peace support operations, as stipulated by Security Council resolutions, under UN Charter, the MPFSEE has at the very least a promising potential to be employed in regional crises management. To be sure, there are challenges to be met in order to fulfil this mission, including issues of interoperability, varying levels of engagement, differing capabilities, strained resources and possibilities for full connectivity and complementarity with broader arrangements, as well as problems of a political nature.

Romania took over the Presidency of both MPFSEE Political-Military Steering Committee (SEDM/PMSC) and SEDM Co-ordination Committee (SEDM-CC), on 1 September 2001 for two years. There are usually seven priority goals of the current chairmanship. They include: improving SEDM contribution to security and stability in SEE; maintaining the transparent and open character of the initiative as to admitting new members in SEDM; enhancing the co-operation framework in order to address non-conventional and non-military threats to regional security; creating appropriate diplomatic and military conditions for an increased involvement of partner countries in crisis management; developing and implementing SEDM co-operation programmes; improving military training including by making use of PFP training centres available in the region; and ensuring an efficient transfer of

MPFSEE headquarters from Plovdiv, Bulgaria, to Constanta, Romania.

The Black Sea Naval Co-operation Task Group (BLACKSEAFOR): This is an example of a sub-regional military grouping which remains for now more like a promise rather an accomplishment. The idea of establishing a multinational force in the Black Sea, following the example of the Baltic Sea countries' military co-operation, was officially materialised in Istanbul, in April 2001, only two years after its launching, at a meeting of the Military Navy Chiefs from the Black Sea riparian countries (Bulgaria, Georgia, Romania, Russian Federation, Turkey and Ukraine). The EU has been up to the present moment rather weary of this military arrangement, not the least because Turkey launched it, in its post-Cold War effort to regain some influence in Eastern Europe and the post-Soviet space, particularly in the

Black Sea area. However, its significance is not to be underrated. BLACKSEAFOR remains the only military structure after the breakdown of the USSR in which the Russian Federation takes part. Furthermore, it is the only naval one that has been set up in SEE and Black Sea area in post-Cold War era for search and rescue, humanitarian assistance, de-mining and environment protection operations. In view of the Black Sea harbours' location along the Eurasian energy transportation corridor, at the crossroads of two key geopolitical axes, namely the Baltic Sea-Black Sea and the Black Sea-Caspian Sea, and their possible use as launch pads for the tentative war against Iraq in order to bypass traditional routes which might ignite the Arab countries' anger, BLACKSEAFOR's security contribution might increase in future.

Other regional initiatives with a security component

The South East Europe Co-operation Process (SEECF): Three years and a half after its re-launching, with the signing in February 2000, in Bucharest, of the Charter on Good-Neighbourly Relations, Stability, Security and Co-operation, the first political document to be added to the Stability Pact, the SEECF witnessed its first major achievement in the security area. After post-Milosevic Yugoslavia rejoined the grouping in October 2000, and Bosnia and Herzegovina became a full and equal participant in February 2001, on the occasion of the fourth SEECF summit, a new window of opportunity for fulfilling the SEECF political and security objectives has been opened up. Lately, besides addressing the violent developments in Kosovo and Southern Serbia, the SEECF member countries (Albania, Bosnia and Herzegovina, Bulgaria, FRY, FYROM, Greece, Romania, Turkey, plus Croatia as observer) are committed, as stressed in the SEECF's documents, to give a more prominent profile to their co-operation in fighting terrorism, corruption and illicit trafficking of weapons and drugs. The presence at various SEECF summits of high-level EU representatives

such as the EU foreign policy chief, the EU commissioner for external affairs and the coordinator of the Stability Pact testifies for the interest EU is devoting to the grouping's evolution.

The Adriatic and Ionian Initiative (All): Despite being primarily economic, infrastructure, environmental and cultural-oriented, the four-years old All has included among its priorities, right from its inception, the co-operation in combating all forms of criminal activity. To be sure, till present, the member states (Albania, Bosnia and Herzegovina, Croatia, FRY, Greece, Italy, Slovenia), together with the European Commission as the main All partner, have limited themselves to issue various statements of intention on the topic, the more comprehensive one being the Joint Statement adopted in Split in May 2001. In accordance with the latter document, the strategy of combating illegal activities in the Adriatic-Ionian area rely on three elements: the harmonisation of the visa regimes of the member countries as the first step in the prevention of illegal migration; the operationalisation of the State Contact Points as centres of information exchange

on illegal migrations, organised crime and visa regimes; and EU support through European Commission funding for the organisation and border control performance in non-EU countries. However, important as it is as a premise, the EU support for the projects of the initiative on combating criminal activities is not in itself a guarantee for success. The All should not repeat the Black Sea Economic Co-operation organisation (BSEC) mistake, which tried to

complement its economic co-operation focus by reaching agreements on fighting organised crime and on collaboration on emergency situations, but without any follow-up activities, which left the said agreements basically on paper. In order that the All should really make a difference for the Adriatic-Ionian security environment, pragmatic-oriented projects with clear-cut objectives must be constantly pursued in the region.

Conclusions and Recommendations

For the foreseeable future, regional co-operation in SEE in the security and defence fields is more likely to develop incrementally, bottom-up rather than top-down. There is a widespread dissatisfaction in the region with grander regional organisations such as the Stability Pact, which failed to live up to expectations. Letting aside the fact that the latter were too high, the EU approach of working directly with governments and states has proved to be inefficient when dealing with weak states that are unable to deliver what is expected from them.

The need arise to change the approach to a bottom-up strategy relying on those domestic-initiated regional security initiatives which have proved to be more successful than other. In order that the strategy should be consistent, identifying areas of positive and negative overlapping of various groupings, security concerns and concrete projects must be the first priority.

There is a need to identify ways to overcome the tension between the EU integration and the regional/sub-regional co-operation and to synchronise the two processes in SEE. To that effect, NATO and the EU should make more clear to the countries concerned the fact that a good record of co-operation at the regional and sub-regional levels increases their chances for integration in the wider Europe.

NATO and EU support for regional initiatives in SEE should be prioritised. Variables could include membership diversity, practical achievements, bottom-up approaches, and consistency with the international community's goals in the region.

Devising clear-cut screening criteria and supporting civil society-driven mechanisms of monitoring the implementation of various security initiatives should be put in place and constantly reviewed.

How Might the Final Status of Kosovo, the Future of Montenegro and the Future of BiH as a Unified State be Affected by the Prospect and Process of EU Enlargement?

Teodora Moşoiu

I. INTRODUCTION

Many countries in South-Eastern Europe have recognized that their best future lies not in ethnic or religious strife and isolation but in being involved and fully participating in the process of European Union integration. The EU's offer to Bosnia-Herzegovina and Federal Republic of Yugoslavia to participate in the **Stabilization and Association Process (SAP)** holds the seeds of future integration into EU structures, trade liberalization, financial assistance, help with democratization and

civil society and the development of a political dialogue in return for political and economic reform and regional cooperation.

The EU is the major contributor to the development and re-integration of South-Eastern Europe into the big European family and the prospect of EU membership is an important incentive for change along with a clear and growing evidence of commitment to European ideals and standards as well as to genuine intra-regional cooperation.

II. EU's INVOLVEMENT IN THE BALKANS

In 2002, after 10 years of turmoil in the Balkans, European leaders decided that the successful key for the future of the region must be closer association with the EU and the clear prospect of membership. This policy, known as the **Stabilization and Association Process (SAP)**, envisages the development of privileged political and economic relations with the countries in the region, supported by the substantial financial assistance program **Community Assistance for Reconstruction, Development, and Stabilization (CARDS)**. It underpins the objectives and mechanisms of the Stabilization and Association process, i.e., the new **Stabilization and Association**

Agreements (SAAs) including the preparation for them. As each country moves deeper into the Stabilization and Association process, assistance will focus increasingly on support for the reforms and institution building necessary to implement the obligations of the Stabilization and Association Agreements. CARDS assistance will finance investment, institution building and other programs in four major areas:

- Reconstruction, democratic stabilization, reconciliation and the return of refugees.
- Institutional and legislative development, including harmonization with EU norms and approaches, to underpin democracy and the rule of law, human rights, civil

society and the media, and the operation of a free market economy.

- Sustainable economic and social development, including structural reform.
- Promotion of closer relations and regional cooperation among SAP countries and between them, the European Union and the candidate countries of Central Europe.

Following the Feira Council of June 2000, which confirmed that the EU's goal is the fullest possible integration of the Balkan countries into the political and economic stream of Europe, the Zagreb Summit of the 24th of November 2000 set the seal on the SAP by gaining the region's agreement to a clear set of objectives and conditions.

The **Stabilization and Association Agreements (SAAs)** represent both the cornerstone of the Stabilization and Association process and a key step to its completion. Countries in the region also accepted that the Stabilization and Association Agreements when signed, would be the principal means to prepare themselves for the demands that the perspective of accession to the EU entails.

The SAAs focus on respect for democratic principles and integration into the EU single market. The EU's political strategy towards the region relies on a realistic expectation that the contract it enters into with individual countries will be fulfilled satisfactorily. Careful preparation with each country before the EU offers such a contract has been and remains a vital component of the Stabilization and Association process.

The conclusion of such Agreements has as final end the signatories' commitment to complete over a transition period a formal association with the EU, tailor-made for each country's individuality and circumstances but comprising the same core obligations.

The mechanisms of the Stabilization and Association Agreements themselves (from specialist sub-committees to political level meetings such as the Stabilization and Association Council) will allow the EU to help prioritize reforms, shape them according to EU models, solve problems, and monitor their implementation. Effective implemen-

tation of the **Stabilization and Association Agreements** is a prerequisite for any further assessment by the EU of the country's prospects of accession. Each will need time, help and encouragement to implement such obligations properly.

The SAP is not merely a bilateral process with each country in the region: the Zagreb Summit emphasized also the need for regional cooperation. The EU's policy objectives are principally:

- to encourage the countries of the region to behave towards each other and work with each other in a manner comparable to the relationships that now exist between EU Member States. An important means to this end will be the establishment of a network of close contractual relationships (conventions on regional co-operation) between the signatories of Stabilization and Association Agreements, mirroring the bilateral relationship with the EU as represented by the Stabilization and Association Agreements.
- the creation of a network of compatible bilateral free trade agreements (as part of the conventions mentioned above) which means that there are no barriers to goods moving between the countries of the regions themselves nor between the EU and, in effect, neighboring candidate countries;
- the gradual re-integration of the Western Balkans region into the infrastructure networks (TENS) of wider Europe (transport, energy, border management);
- to persuade the authorities in the countries of the region to work together to respond effectively to the common threats to the region's and the EU's security that come from organized crime, illegal immigration and other forms of trafficking. In many cases, e.g. on visa policy, a common approach by all the countries will be needed to deal with the threat effectively.

Each country's contribution to achieving these objectives will help to determine the EU's assessment of that country's implementation of Stabilization and Association Agreement and its readiness

to contemplate the greater demands of full integration into the EU.

Simply stated the EU's objective in the Balkans is to transform it and equip it to sustain liberal democracy and the rule of law, rooted in strong institutions, supported by thriving market economies trading with each other and with the wider Europe.

The Balkan countries identify the EU with security, with a decent and rising living standard, with the rule of law upheld by accountable, democratic, non-bureaucratic

public institutions, a system in which rights of minorities are protected by law, not by carving territory. Thus, they recognize the EU as perhaps the most successful conflict prevention and resolution mechanism. In turn, this gives EU a tremendous leverage. Employing the policy of stick and carrots, EU can increase in long-run democracy and the rule of law in the body politic of South-Eastern Europe countries, can help to bring stability and transparency and develop neighborly cooperation in the region.

II.1 EU's RELATIONSHIP WITH FEDERAL REPUBLIC OF YUGOSLAVIA (FRY)

The EU relationship with FRY takes into account but does not prejudge the outcome of two other ongoing processes:

- The efforts of the two constituent republics (Serbia and Montenegro) to clarify and redefine their relationship within the Federation;
- The future status of Kosovo and its relationship with the Republic of Serbia and the FRY overall.

The ultimate objective of EU political and economic relations with the FRY is to ensure that the FRY makes the full transition to a democratic civil society and an open market economy by bringing its policies and legislation closer to those of the European Union, with integration and EU membership as the final goal.

The FRY has not yet reached the stage of negotiating a Stabilization and Association Agreement, but a joint EU-FRY Consultative Task Force, with representatives from Federal, Serbian and Montenegrin administrations, and UNMIK has been established to support and monitor the FRY's progress toward this stage.

Participation in the European integration process will place political and economic demands on the FRY that the country has now a limited capacity to address.

In the political area FRY's capacity for European Integration will be assessed by reference to its ability to secure democratic principles, the rule of law, respect for human rights and protection of minorities. But the fundamental issue lies in the path of Yugoslavia and its constituent entities' aspirations for EU integration: a clear

definition of the State. The current uncertainty of Kosovo's final status and Montenegro's position within the federation affects its capacity to fulfill the requirements for rapprochement to the EU and progress with SAP.

Besides other medium term challenges that need to be tackled, if FRY's political, economic and social development is to be assured and sustainable, the clarification of the Federal state is the most important. The challenge for the Federal Republic and Kosovo authorities will be the clarification of political and institutional arrangements within the Federation. A new platform, further transformed into a reformed Constitution, will be required to establish a functioning system of governance inside the Federation.

On the 14th of March 2002 the leaders of Serbia, Montenegro, and the Federal Republic of Yugoslavia (FRY) signed an agreement in Belgrade to replace FRY with a new "state community": a "union of states" to be called "Serbia and Montenegro". If the agreement will be implemented it would establish a loose association in which the two "member-states" enjoy almost all the prerogatives of independence except those that require international recognition (e.g. UN membership). The republics will control their borders (including customs) and become fully responsible for their economies and internal security. The future union will depend on the republics to fund its institutions: the assembly, president, council of ministers, court and the armed forces.

The agreement was the direct outcome of the EU's determination to block the

Montenegrin separatism and keep the two republics together. Before the EU High Representative, Javier Solana, intervened in November 2001, the two republics were on the brink of approving a Montenegrin referendum of independence. By persuading Montenegro's and Serbia's leaders and warning them of the negative impact and consequences if they pursued independence, Mr. Solana pushed them to preserve some sort of federal union. However, the March 14 agreement fell short in addressing the EU's original ambition, neither securing a federal state nor closing the debate on Montenegro's status. Unfortunately, the agreement is provisional (either party can review the arrangement after three years), ambivalent, incomplete and its terms satisfied very few in either republic.

The three-year moratorium on independence should start a serious dialogue among parties and politicians in Montenegro, where voters are split over the independence issue.

Since March 14 the governments have begun to address the range of practical issues raised by the agreement, on the assumption that Serbia and Montenegro will act as semi-independent states. The immediate challenge for them is to agree on the detailed content of their new union. Unfortunately, none of the three parliaments can be counted upon to adopt a Constitutional Charter by the required majority. The March 14 agreement may not be implemented even with good faith efforts in both republics, and certainly without continuous EU pressure. Moreover, even if a new union does take shape it is possible not to survive due to the new trend of political and public opinion which asserted the Serbian independence for the first time. If this occur, the international community must re-open the agreement, providing a stable, sustainable solution based on democratic legitimacy.

The EU should stop trying to decide on behalf of the republics themselves what their relationship will be and impose artificial solutions. Instead, it should use the new

agreement by helping Serbia and Montenegro to build a lasting solution.

It would be worse for the EU to rush into signing a SAA just for the sake of binding the union together, before the question of Montenegro's and Kosovo's status have been resolved.

As a conclusion:

- Serbia and Montenegro should focus on resolving the concrete issues regarding their future relationship in accordance with the March 14 Agreement. Even though the Constitutional Commission ratified the constitutional Charter there is still a long way until the Constitution will be ratified by the Parliaments of the two constituent republics;
- EU should be ready to accept whatever solutions Serbia and Montenegro will agree upon for their future relationship, in line with the March 14 agreement, including the possibility of separation;
- EU should be ready to provide impartial technical assistance to Serbia and Montenegro on the issues that need to be resolved whatever the form of their ultimate relationship;
- EU should refrain to sign a SAA with the FRY or even its successor "Serbia and Montenegro" until the status of all its entities (Kosovo, Vojvodina) has been approached and resolved.

In order to move toward a resolution of Kosovo's final status, two attitudes must be taken into consideration and tackled: an external aspect that need to forge a process to address the final status, a dimension that involves the interest of and relationship between different actors with a stake in Kosovo's future and an *internal* aspect that must fulfill the development of Kosovo's own democratic institutions, the rule of law and human rights, in order to prepare Kosovo for its final status that should eventually be agreed, a process that is ensured by the EU's involvement in the FRY.

The EU's presence in Kosovo takes three major forms:

- ECHO: the Humanitarian Aid Office, which is the EU's humanitarian arm providing emergency assistance to the people in need;

- The European Agency for Reconstruction, which finances and manages sustainable reconstruction and development programs in Kosovo under the political guidance of the European Commission;
- The EU pillar of the United Nations Interim Administration in Kosovo (UNMIK). As a part of UNMIK, the EU is in charge of revitalizing economic activity in Kosovo, rebuilding what has been damaged by the war and creating conditions for a modern, open market economy.

Before addressing a final status for Kosovo several conditions must be fulfilled: they concern a stable, democratic Kosovo, standing on its own feet, peacefully integrated into the region and with a clearly defined place in the international community.

One of the main reasons for not addressing the Kosovo's final status is the weakness of its institutions, including the Assembly, the ministries and the criminal justice system and their ability to protect the minorities rights. The slow establishment of self-government institutions after the election of a new Assembly on November 17, 2001 reveals the inexperience of Kosovo's political parties and the deep fault lines that divide Kosovo society. Furthermore, the criminal justice system does not have yet the capacity to investigate and prosecute crimes in an impartial and effective manner. Minorities continue to lack freedom of movement and the economic and social opportunities that such freedom brings.

Another reason for deferring final status discussions is the fear of increasing regional instability. Since 1999, Kosovo has been a factor of instability in the region, exporting insurrection and extremism in Macedonia and southern Serbia. It is also feared that independence for Kosovo would set a dangerous precedent for other would-be secessionist movements in the region, such as the Bosnian Serb and Albanians in Macedonia and southern Serbia.

The search for a solution needs to take full consideration of the reality that no Albanian is prepared under any circumstances to become integrated in a new form of Serbian or Yugoslav state. Also, full sovereign independence for Kosovo appears to be unrealistic for the moment due to the miserable conditions for minorities and the lack of functioning institutions.

Conditional independence under a form of international trusteeship offers the most appropriate solution. Conditional independence would be an attempt to reconcile the Kosovo Albanians' quest to determine their political future with the concerns of their neighbors and the new regional and international environment. The purpose of international engagement is to facilitate a stable, sustainable solution for Kosovo, Serbia and the region. A viable future for Kosovo has to be based on close integration with its neighbors, in a stable region. However, the international community should not seek to impose models of integration that do not enjoy the support of the countries and entities concerned.

It is said that regional integration and closer cooperation which develop in the Balkans under the EU's authority can lead in the long term to a new and improved environment, where countries become more dependable on each other, and the chances for confrontation decrease. Small regions like Kosovo, which aspire to a new statute, cannot be autarkic, first and foremost due to the lack of resources (one should add the lack of tradition as an independent actor, ill functioning of institutions and democratic practice). Therefore, sooner or later these regions will look for forms of integration or cooperation, even union with countries in the region that share the same interests. Economic standards will be the "propelling" force that will determine such an approach. It should not be excluded even the possibility to reunite with Serbia.

II.2 EU's RELATIONSHIP WITH BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina is a full participant in the Stabilization and Association Process. The present structure of the State of Bosnia and Herzegovina (BiH)

was established under the General Framework Agreement for Peace. The responsibilities and powers of the State of BiH are strictly delimited. This had as a

consequence a weak state without many of the attributes associated with statehood. The continuous presence and involvement of the international community has ensured that democratic principles have been applied in the elections held since 1996 but respect for the rule of law and human rights is not yet universal.

The role played by the international community and especially the High Representative is a unique feature of BiH. In the period until 2001 the authorities in BiH were unwilling to take ownership and work together to build the country. During this period the office of High Representative has been the motor of reform in BiH.

BiH is some way far from being capable to conclude a SAA. In order to support and monitor BiH's progress on reform a joint EU-BiH Consultative Task Force has been established. In March 2000, the Commission presented a *Road Map* of the most pressing steps, which will allow BiH after completing them to advance to the next stage within the SAP. When the Road Map has been completed, the Commission will undertake a *Feasibility Study* that will indicate how far BiH has advanced in reform, and if it can begin negotiations with the EU on a SAA.

Participation in the European integration process will require political and economic demands on BiH, which the country is not yet able to wholly address having only a limited capacity. BiH will have to demonstrate "ownership" of the reform process and show that it is capable of taking the difficult decisions necessary to transform in a stable, investment-driven (as opposed to aid-dependant) country. The Government of BiH asked for a partnership with the international community and the Office of the High Representative (the EU contributes over 50% of the budget of the OHR) has responded by establishing a Partnership Forum. Under the leadership of the OHR the international community will be involved in restructuring its presence so that partnership with BiH can be supported and ownership created.

The main objective of the European Union's assistance is to support BiH in the framework of the Stabilization and Association Process, in particular:

- To help consolidate the peace process and foster inter-Entity co-operation;
- To help ethnic reconciliation and the return of refugees and displaced persons to their homes of origin;
- To establish functioning institutions and a viable democracy based on the rule of law and respect for human rights;
- To lay the foundations for sustainable economic development and growth;
- To bring Bosnia and Herzegovina closer to EU standards and principles.

Only with the creation of the present governments has BiH begun to assume "ownership" of reform, but continuous commitment to ownership will depend on a variety of factors. First, political will must be maintained within the governing parties/coalitions both at State and Entity level. OHR and SFOR must play an important role in ensuring sustainability, by providing stability and security, which would give reformist policies a chance. Sustainability can be undermined by the need to demonstrate quick results. Second, BiH recognized its weakness in the area of administrative capacity. Minimal interpretation of the State administration responsibilities and inherent systemic deficiencies such as low staff numbers, poor internal organization, poor coordination directly impact the ability of BiH to assume the ownership of reform. In order to achieve the necessary internal stability required for progress in the SAP, self-sustained economic development must be reached in the coming years. Although the foreign assistance will continue to translate into new projects over the next two-three years and provide an important source of growth for the economy, there is an urgent need to continue and accelerate the process of economic reform and development with a particular emphasis on creating an environment conducive to increased trade.

BiH does not function as a single economic space. The removal of trade barriers between the entities is a step in the Road Map and it is likely that they will be

eliminated in the near term. The next step which must be addressed is ensuring that the single economic space is consistent with that of the EU which will require that BiH develops and implements adequate laws in line with the *acquis* in the internal market area. This will bring BiH closer to the EU and other countries of the SAP and will enable BiH to enter into multilateral and bilateral trade agreements, although care must be taken not to assume free trade obligations which the fragile BiH economy is unable to cope with.

EU's support in creating a market economy and a vibrant private sector

III. CONCLUSION

There is no doubt that the EU's involvement in the Balkans, as a part of its common foreign and security policy of assuming greater responsibility in South-Eastern Europe, represents a logical step in trying to cope with the instabilities of this area. EU can be a catalyst in solving the wounds left open after the disintegration of Yugoslavia.

EU possesses the necessary political and economic leverages to influence the countries in the region (particularly FRY and Bosnia and Herzegovina) to embark on the road that can lead them to be integrated into the European family: that is respect for human rights, a stable, functioning democracy based on the rule of law and a working market economy.

Lots of money and lots of troops that have been already assigned to the region do not by themselves produce lasting peace. The final status of Kosovo (which is a subject of much speculation), the future of Montenegro and the future of BiH as a unified state will be decisively affected by the strategy employed by EU. This strategy should be twofold: on the one hand, it should help the region itself to stand on its own feet and to discourage the sort of dependency which has threatened BiH; on the other hand, in making the necessary resources available, it should transfer with them the values and principles that underpin the EU itself, namely democracy, the market

involves the completion of critical transition reforms which are essential to breaking the vicious circle of declining growth and rising unemployment.

Meeting all these challenges will facilitate the realization of BiH's foreign policy. Internal stabilization, assisted by CARDS would enable BiH to progress within SAP and in the medium term would allow the conclusion of a Stabilization and Association Agreement. This would improve national, regional and European security and would encourage stability, promote investment and trade and facilitate further reform.

economy, the rule of law – values upon which modern prosperity was built and old animosities were put out. The augmentation of the economic level of a country (as BiH), a state part of a federation (as Montenegro) or region (Kosovo) has as long-term consequence an appeasement of certain exclusion feelings or frustrations, contributing toward stability and internal cooperation.

The challenge lies on BiH, Montenegro and Kosovo which must undertake in overcoming the legacy of nationalism, extremism and war but most important there should be a strong political will to find out viable solutions. In helping the region to integrate into the most feasible political and economical organization, EU is helping itself to avoid facing in the future possible alterations of the established status quo in this area.

The process of the EU's enlargement is like a two-way street. It not only supposes financial support but also requires compliance with the values hold dear by the western civilization. The spread of these norms/values will decrease the likelihood of drawing fault lines again and the assumed pre-conception that countries in the area are addicted to cleavage will therefore become history. The EU's enlargement bears a historical role determining if this century will be European or won't be at all.

Bibliography:

1. Chris Patten, *EU Strategy in the Balkans*, International Crisis Group, Brussels, 2001.
2. European Commission, *Federal Republic of Yugoslavia Country Strategy Paper 2002-2006*.
3. European Commission, *Bosnia and Herzegovina Country Strategy Paper 2002-2006*.
4. Center for European Policy Studies, *A System for Post-War South-East Europe*,
www.ceps.be/SEEKOS4B.htm
5. Michael Brenner, *Europe's New Security Vocation*, Institute for National Strategic Studies, National Defense University, McNair Paper, Washington, 2002.
6. Hans Georg Ehrhart, *What model for CFSP?*, Chaillot Papers no.55, October 2002.

EUROPEAN SECURITY AND DEFENCE IDENTITY (ESDI) AND EUROPEAN SECURITY AND DEFENCE POLICY (ESDP) CONTRADICTIONS AND ACCOMMODATION

Roxana Tudorancea

INTRODUCTION

After the end of the Cold War the security challenge in Europe has become one of integrating the East into the existing foreign and security structures of the West and at the same time of adapting them to this new international environment. This process has had two phases: the first phase was one of "exclusion", the second, and current phase is one of "inclusion".

"Pre-1989 defence meant that integration efforts were geographically limited to Western Europe and best served in practice by NATO, thanks to American leadership and capabilities. Post-1989, we are facing the prospect of a continent wide security and defence system that may or may not include the US. That is to say the security agenda in Europe is now one of creating an overarching architecture that would include all European states and all the many institutions on the continent dealing with international affairs (the EU, WEU, NATO, OSCE, and the Council of Europe)".¹

In June 1996, NATO's foreign ministers decided to adopt ESDI, "within the Alliance" and to develop the Combined Joint Task Force concept (CJTF) and the notion of "separable but not separate" forces. In this project, NATO was committed to reinforcing its European pillar through the development of an effective ESDI, which could respond to European requirements and at the same time contribute to Alliance security. The rationale for this decision was as follows: by

assuming greater responsibility for their own security, the European member countries will help to create a stronger and more balanced transatlantic relationship which will strengthen the Alliance as a whole.²

The emergence of a more clearly identifiable and strengthened European role within NATO has both political and military significance. The process is a continuing one which has been influenced at different stages over the past decade by decisions taken by the European Union, by the Western European Union, and those taken by the Alliance itself. These decisions have been interlinked and form part of the adaptation of European and Euro-Atlantic institutions to the changed security environment brought about by the end of the Cold War.

On 4 December 1998, Prime Minister Tony Blair and President Jacques Chirac issued, at St. Malo, the Declaration on European defence. They stated that the Union has to be in the position "to play its full role on the international stage". As a part of this general aim the two leaders called for the Union "to have the capacity for autonomous actions, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises".

The capacity for "autonomous action" does not mean the creation of a European army.³ For more explanations in this field, it is timely to mention an official point of view

stated inside a WEU Report; it mentions that since the fall of the Berlin Wall, "the challenge facing Europeans is no longer how to organise their collective defence, for which the Atlantic Alliance constitutes the essential reference, but to have the capability of dealing themselves with crises and factors of instability on their continent or on their borders". In this connection, the Kosovo crisis put added pressure on Europeans to play their full role in the security of the continent.⁴

At the Cologne European Council Summit of 3-4 June 1999 and the Helsinki Summit 10-11 December 1999, the European Union leadership decided to use the EU framework for joint management of crises arising in Europe or on its borders. As a significant fact, the Cologne Presidency Conclusions include the first official mention of the Common European Policy on Security and Defence (CESDP); its reference is made to strengthening the CFSP "by the development of an ESDP". "The latter is then presumably a sub-set of the former but their exact relationship is unclear."⁵

The North Atlantic Council's (NAC) Washington Summit Communiqué – 23-24 April 1999 – welcomed "the new impetus given to the strengthening of the European policy in security and defence", which was seen as contributing to the overall vitality of

the Alliance ... which is the foundation of the collective defence of its members". In order to guard against the potential for exclusionary practices owing to the asymmetrical membership of the EU and NATO, the Washington Communiqué attributed the "utmost importance to ensuring the fullest possible involvement of the non-EU European allies in EU-led crisis response operations, building on existing consultation arrangements within the WEU."⁶

The decisions taken in the Cologne and Helsinki European Councils set in train a process to provide the European Union with the necessary institutions and capabilities for crisis management. At Feira European Council – 19-20 June 2000 – the guiding principle underlying European endeavours since Cologne was vigorously reaffirmed: to ensure that the European Union has the capacity to act autonomously and take decisions in relation to crises management.

The Nice European Council meeting of 7-11 December 2000 confirmed that the Union has moved closer than ever towards its goal of a CESDP. Following the period between St. Malo and Nice there were opinions that "progress on a European Union security and defence policy has been achieved at a faster rate than at any time during the previous 50 years in the history of European integration."⁷

CHAPTER I. THE EVOLUTION OF ESDI AND ESDP UNTIL THE NICE EUROPEAN COUNCIL

Subchapter A. The special connection NATO-WEU-EU

The North Atlantic Treaty has been signed on 4 April 1949 as a result of the strong desire to link Europe and the US in response to the common Soviet threat; at the same time, NATO mollified European concerns about a German threat, the main reason for signing the Brussels Treaty between France, Great Britain and Benelux. During the Cold War period, NATO contributed to a greater sense of Western European unity and security.

The end of Cold War was seen by some analysts, as far as its consequences on NATO are concerned, being in the same

time the end of NATO itself. Taking into account that the core factors which contributed to NATO's creation were gone, they predicted "that absent the Soviet threat, NATO will cease to be an effective alliance"⁸.

The Alliance responded by attempting to adapt to the new security environment, stressing its political role and reorienting its approach to issues of military doctrine, sufficiency and readiness.⁹ The process of change in the Alliance began in 1990 and one year later, the adoption of NATO's new Strategic Concept in Rome (in November

1991), marked NATO's transition to the new security environment in Europe. The revived WEU complemented NATO's institutional development in this period.

The WEU, like NATO, has undergone a major transformation in the new Europe. During the Cold War period, the WEU's military functions – as stated in 1954 within the modified Brussels Treaty – were eclipsed by NATO; in October 1984 the foreign and defence ministers of the WEU met in an extraordinary session in Rome; on this occasion was stated the common desire of member states to increase co-operation in the field of security policy. The belief was that a "better utilisation of the WEU would not only contribute to the security of Western Europe but also to an improvement in the common defence of all the countries of the Atlantic Alliance."¹⁰

Three years later, in 1987, during the meetings in Luxembourg and Hague the potential role of the WEU in European integration was identified. In the Hague, the commitment "to build a European Union in accordance with the Single European Act", was recalled and that "the construction of an integrated Europe will remain incomplete as long as it does not include security and defence" was declared.¹¹

The WEU's commitment was very strong for NATO, bearing in mind that NATO has military responsibility for guaranteeing Europe's defence, not only on the basis of Article v of the Washington Treaty, but also on Article v of the modified Brussels Treaty (or Treaty of WEU).

The WEU's relationship with the European Community emerged as an important policy issue in the context of 1990/1991 IGC when a number of different national positions regarding security policy were presented.¹² The WEU organisation could be called upon by EU member states to act on their behalf; according to the Title v (Common Foreign and Security Policy), Article J.4.2 of Maastricht Treaty (or Treaty on European Union – 7 February 1992); the European Council was accorded powers to "request the Western European Union ... to elaborate and implement discussions and actions of the Union which have defence

implications." The WEU is described as "an integral part" of the European Union (EU).

Concomitantly, the nine members of the WEU in that time (all of whom were members of the UE), agreed an "Alliance Declaration on the role of the Western European Union and its Relations with the European Union and with the Atlantic Alliance". Thus, the WEU Nine agreed to develop "a genuine European security and defence identity and a greater European responsibility on defence matters." They noted that the WEU was integral to the development of European Union, but immediately linked this to the Union's contributions to enhancing the solidarity within the Atlantic Alliance. WEU states agreed with Article J.4 of the European Union Treaty, adding that such common defence was to be compatible with the Atlantic Alliance. Most importantly, the WEU Nine said that WEU was prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications.¹³

In a further Declaration, the WEU Nine invited the three European Union non-members of the WEU (Ireland, Greece and Denmark) either to join it or assume observer status. Norway, Turkey and Iceland, as European members of NATO but non-members of the European Union nor WEU members, were invited to become associate members of WEU. Each new European Union member state has the possibility to become WEU member in conformity with Maastricht Treaty; the new EU member has also the possibility to make its choice in order to become only an observer in WEU.

The outcome of the Maastricht Treaty was an effective compromise giving the WEU a pivotal role in the new European security architecture; the WEU saw itself as "the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance." In fact the WEU was an attempt to reconcile the contending perspectives of the major European powers.

Events such as the Petersberg Declaration (1992), NATO's Summits of Brussels (1994) and Berlin (1996), the

adoption of the Amsterdam Treaty (1997), described below, confirmed the dual nature of the WEU, and even more: the fact that the

EU-WEU-NATO relationship is one of "interlocking institutions".

Subchapter B. The configuration of ESDI – The reasons of its birth and the main goals

As we have mentioned before, the years 1990-1991 meant the start of the process of adapting NATO to the new security environment in Europe. In May 1990, NATO's Military Committee announced that it no longer considered the Warsaw Pact a threat to the Alliance, which looked to "seize the historic opportunities resulting from the profound changes in Europe to help build a new peaceful order in Europe". NATO is seen by its member states as one of the principal architects of change in the new Europe. The conclusion was that "although the prevention of war will always remain (NATO's) fundamental task, the changing European environment now requires ... a broader approach to security based as much on constructive peace building as on peace keeping."¹⁴

The London Declaration of the NATO heads of state and government in July 1990 confirmed that the Alliance "must and will adapt." The Declaration looked to NATO to continue to provide for common defence but recognised that "security and stability do not lie solely in the military dimension, and we intend to enhance the political component of our Alliance". Member states sought a new relationship with the Countries of Central and Eastern Europe, inviting them to establish regular diplomatic liaison with NATO.¹⁵

In June 1991, NATO began to define its Partnership with the Countries of Central and Eastern Europe. NATO declared that it did "not wish to isolate any country, nor to see a new division on the Continent", but to seek "an architecture for the new Europe that is firmly based on the principles and promises of the Helsinki Final Act and the Charter of Paris."¹⁶ The North Atlantic Council accepted that security in the new Europe had various dimensions – economic, political, ecological and defence – and found out that together with NATO, key institutions in this endeavour are EC, WEU, CSCE and the Council of Europe.

At the same time the NAC looked to the development of a European security identity to strengthen the European pillar within the Alliance. This process would "underline the preparedness of the Europeans to take a greater share of responsibility for their security and will help to reinforce transatlantic solidarity."¹⁷

NATO's Strategic Concept – November 1991 – stated that risks to Allied security were less likely to result from calculated aggression against the territory of the Allies than from "the adverse consequences of instabilities that may arise from the serious economic, social, and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe."¹⁸

The Alliance recognised that the prevention of war in the new Europe "depends more than in the past on the effectiveness of preventive diplomacy and the successful management of crises".

The Brussels NATO Summit – January 1994 – welcomed the Maastricht Treaty; a similar position with WEU's-one mentioned in the previous subchapter was adopted. The main idea was that the emergence of a *European security and defence identity* would "strengthen the European pillar of the Alliance while reinforcing the transatlantic link and will enable European Allies to take greater responsibility for their common security and defence."¹⁹

In addition, the NATO Declaration went further and proclaimed that the "Alliance and the European Union share common strategic" interests, and in the same time welcomed the co-operation and consultation with the WEU. On this occasion the decision to make "collective assets of the Alliance available on the basis of consultations in the North Atlantic Council, for WEU operations undertaken by the European Allies in pursuit of their Common Foreign and Security Policy". With American support, the Alliance

envisaged the development of "separable but not separate capabilities which could respond to European requirements and contribute to Alliance Security." As a part of the process the NATO Summit endorsed the concept of CJTFs as a means to facilitate contingency operations.²⁰

On the occasion of North Atlantic Council ministerial meeting in Berlin – June 1996 – the idea of establishing ESDI within NATO was accepted and the CJTFs concept introduced at Brussels was authorised. A strong impact on this meeting had events such as: the experience of the Bosnian crisis, the forceful US commitment to the Dayton process and the subsequent performance of IFOR; the work undertaken within the framework of Partnership for Peace was evidence of the Alliance's ability to deal with present day challenges and thus contribute to the political stability of Europe.

"The Berlin outcome was the major turning point in the post Cold War European security issue, for it settled (at least for the foreseeable future) the fundamental issues affecting transatlantic bargaining: the primacy of NATO, US leadership of NATO, the contribution of Europeans to the Alliance, and, as a result, the short- and medium-term prospects of self-contained *European security and defence identity*." ²¹

The Berlin Communiqué defined the CJTF concept as being "central to our approach for assembling forces for contingency operations", as well as for "operations led by the WEU"²². It would be a vital tool, leading to the "creation of military coherent and effective forces capable of operating under the political control and strategic direction of the WEU."

The whole adaptation process of NATO would be "consistent with the goal of building ESDI within NATO", enabling "all European Allies to play a larger role in NATO's military and command structures and, as appropriate, in contingency operations undertaken by the Alliance."²³

Accordingly, at their meeting in Washington in April 1999, Alliance Heads of State and Government set in train work on the further development of the ESDI "within Alliance". An essential part of the development of ESDI is the improvement of

European military capabilities. The Alliance's Defence Capabilities Initiative (DCI)²⁴, launched in Washington, is designed to ensure the effectiveness of future multinational operations across the full range of NATO missions and will play a crucial role in this process.

The principles which form the basis for future work on ESDI, set out at the Washington Summit as well as in the subsequent meetings, are as follows: the Alliance's acknowledges resolve of the EU to have the capacity for autonomous action so that it can take decisions and approve military actions where the Alliance as a whole is not engaged; as this process goes forward, NATO and the EU should ensure the development of effective mutual consultation, co-operation and transparency, building on the mechanisms existing between NATO and WEU; Alliance leaders applaud the determination of both EU members and other European Allies to take the necessary steps to strengthen their defence capabilities, especially for new missions, avoiding unnecessary duplication. NATO attached the utmost importance to ensuring the fullest possible involvement of non-EU European Allies in EU-led crisis response operations, building on existing consultation arrangements within WEU.²⁵

Work on these arrangements, which will respect the requirements of NATO operations and the coherence of its command structure, deals with questions such as: assured EU access to NATO planning capabilities able to contribute to military planning EU-led operations; the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations; identification of a range of European command options for EU-led operations and further developing the role of the Deputy Supreme Allied Commander Europe, in order to assume fully and effectively his European responsibilities; further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.²⁶ We can distinguish two important factors in ESDI NATO's formulation: on the one hand we have the political factor – the

development of ESDI is aimed at strengthening the European pillar of the Alliance while reinforcing the transatlantic link. It is designed to enable European Allies to assume greater responsibility for their common security and defence and to enable a more coherent contribution to be made by the European Allies to the security of the Alliance as a whole. On the other hand it is the military one – the development of ESDI calls for assets of the Alliance together with the forces of non-NATO countries, in agreed circumstances, to be placed under the

authority of the WEU for operations in which the Alliance itself may not be directly involved. One of the central requirements of ESDI is accordingly for arrangements which enable the necessary elements of the NATO command structure to be used to assist in the conduct of operations led by WEU; these elements have been described as "separable, but not separate", since they could be placed under the authority of the WEU while remaining integral parts of NATO's own military structure.

Subchapter C. The place of ESDP in the EU integration and its relation with ESDI

The Common Foreign and Security Policy (CFSP) was established and is governed by Title V of the EU Treaty. It replaced European Political Cooperation (EPC)²⁷ and it was to be one of the pillars of the EU – the second one.²⁸ Thus in the Article J.4 it was agreed that a CFSP "shall include all questions related to the security of the Union, including the eventual framing of a common defence policy which might in time lead to a common defence."²⁹

At Maastricht it was not possible to resolve the debates about a *European security identity* or CFSP. There is no resolution of the definitive role of EU, WEU and NATO; Maastricht left as an open question what the role of the EU was to be. "The real issue, perhaps, is not institutional, whether to have joint integrated commands or corps, the lead play by NATO, WEU or EU, but whether there is an emergent identification of common political and security interests that guarantees unity. Effective institutions, alliances and policies in CFSP area required potent military capability, a working consensus on the conditions under which the capabilities should be used, and a credible willingness to act when agreed conditions exist."³⁰ In fact this conclusion surprises what will happen in the future – the emergence of the ESDP and its evolution.

The unresolved business at Maastricht, notably in the field of CFSP, were the reasons for holding the 1996-1997 IGC. A constant topic of the IGC was the need to

make improvements in the CFSP in order to defend the interests of the member states. Although there were new proposals for CFSP and a number of changes, at Amsterdam, the procession from the CFSP to Common Defence Policy seems to remain a long-term aspiration. As a significant fact, Amsterdam recognised the WEU as "an integral part of the development of the Union"; WEU will support the EU "in framing the defence aspects of the common foreign security policy". The European Council should decide "the possibility of the integration of the WEU into the Union." As a result of the Amsterdam IGC, *the Petersberg tasks*, originally adopted by WEU in 1992, were added on the Treaty on European Union; they are listed in Article 17(2) as including "*humanitarian and rescue tasks peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking*".³¹

We have mentioned in Introduction the starting point represented by the Saint Malo Declaration in 1998 related ESDP. The joint Franco-British Declaration – December 1998 –, a direct result of a new policy adopted by the British government in summer 1998, stated: "The Union must have the capacity for autonomous action backed up by credible military forces [...] The Union must be given a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication [...] The European Union will need to have recourse to suitable military

means (European capabilities, pre-designated within NATO's European pillar, or national or multinational European means outside the NATO framework) ...³²

The next step in this field was the Cologne European Council – 3-4 June 1999. The third Annex attached to the Cologne Presidency Conclusions – “Declaration of the European Council and Presidency report on strengthening the European Common Policy on Security and Defence” – outlines an ambitious agenda. The Declaration of European Council states that “the Council should have the ability to take decisions on a full range of conflict prevention and crisis management tasks defined in the Treaty on European Union”.³³ Despite the fact that conflict prevention is not actually mentioned in Article 17(2) TEU there is certainly a purpose to suggest that it could be covered by the more general stipulations of Title v.³⁴

The European Council Declaration also calls for the Union to have at its disposal “the appropriate capabilities and instruments” for conflict prevention and crisis management tasks. Areas that would require particular attention are intelligence, strategic transport, command and control. An important issue discussed at Cologne was the EU's association with the WEU. The European Council tasked the General Affairs Council with responsibility for defining “the modalities for the inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks ... In that event, the WEU as an organisation would have completed its purpose”.³⁵

The second part of Annex III of the Cologne Presidency Conclusions – “Presidency Report on the strengthening of the common European policy on security and defence” – recommended that the focus should be on assuring the situation in which “the European Union has at its disposal the necessary capabilities (including military capabilities) and appropriate structures for effective EU decision making in crisis management within the scope of the Petersberg tasks.” The Report noted that this may necessitate regular or ad-hoc meetings of the General Affairs Council (including

Defence Ministers); a permanent body in Brussels – Political and Security Committee – consisting of representatives with political/military expertise; an EU Military Committee consisting of Military Representatives making recommendation to the Political and Security Committee; an EU Military Staff including a situation Centre.³⁶

In addition to the concerns emanating from the NAC Washington Summit, this annex noted that any ESDP should include: the possibility for the Member States, and even for non-allied members, to participate fully and on an equal footing in EU operations; satisfactory arrangements for European NATO members to ensure their fullest possible involvement in EU-led operations, building on existing consultation arrangements within the WEU; arrangements to ensure that all participants in an EU-led operation will have equal rights in respect of the conduct of the operation, without prejudice to the principle of the EU's decision making autonomy, notably the right of the Council to discuss and to decide matters of principle and policy; the need to ensure the development of effective mutual consultation, cooperation and transparency between NATO and the EU; the consideration of ways to ensure the possibility for WEU Associate partners to be involved.³⁷

The Kosovo crisis strengthened the conviction that European states need to increase their defence capabilities. A new Anglo-French summit took place on 25 November 1999; both governments called upon the European Council in Helsinki to take a decisive step forward for the development of the political and military instruments necessary for the use of autonomous military capabilities.³⁸

The Helsinki European Council re-emphasised its determination to develop an “autonomous” capacity and, when NATO “as a whole is not engaged”, “to launch and conduct EU-led military operations in response to international crises.” (Presidency Conclusions, positions 25-29). The fourth Annex to the Presidency Conclusions contains the Presidency Reports on strengthening the Common European Policy on Security and

Defence, and on non-military crisis management of the EU.³⁹

In order to summarise, the European Council agreed in Helsinki on the following: cooperating voluntarily in EU-led operations, member states must be able by 2003 to deploy within 60 days, and sustain for at least one year, military forces of up to 50,000-60,000 persons capable of the full range of Petersberg tasks; new political and military bodies and structures will be established within the Council to enable the Union to ensure the necessary political and strategic direction to such operations, while respecting the single institutional framework; modalities will be developed for full consultation, cooperation and transparency between the EU and NATO taking into account the needs of all Member States; appropriate arrangements will be defined that will allow, while respecting the Union's decision making autonomy, non-EU NATO members and other interested states to contribute to EU military crisis management; a non-military crisis management mechanism will be established to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States.⁴⁰

The most important development in 2000, before Nice, in the field of ESDP, was the Feira European Council – 19-20 June 2000.⁴¹ The European Council expressed its determination to increase and improve the Union's capacity to respond to crises, including actions in civilian areas. This increased effectiveness could be used both in response to the request of a lead agency like the UN or the OSCE, or where appropriate, in autonomous EU actions.

The Union should seek to enhance its capability in civilian aspects of crises management in all relevant areas, with the objective of improving its potential for saving human lives in crises situations, for maintaining basic public order, preventing further escalation, facilitating the return to a peaceful, stable and self-sustainable situation, for managing adverse effects on EU countries and for addressing relevant problems of coordination.⁴²

A particular attention could be paid to those areas where the international community so far has demonstrated weaknesses. The reinforcement of the Union's capabilities in civilian aspects of crises management should, above all, provide it with adequate means to face complex political crises by: acting to prevent the eruption or escalation of conflicts; consolidating peace and internal stability in period of transition; ensuring complementarity between the military and civilian aspects of crises management covering the full range of Petersberg tasks.⁴³

The position of NATO, and especially of US, which sustained the creation of ESDI within the Alliance evaluated after 1999 Washington Summit and received some nuances in relation with European developments. A strong position was presented by Deputy Secretary of State Strobe Talbott, two months before Nice European Council, in October 1999: "We would not want to see an ESDI that comes into being first within NATO but then grows out of NATO and finally grows away from NATO".⁴⁴ This is the only qualification of US in sustaining the ESDI – European project in the military sphere. He added also that US has a policy of support for ESDI: "It's in our interest for Europe to be able to deal effectively with challenges to European security before they reach the threshold of triggering US combat involvement. As ESDI goes from being a concept to a reality, our support will be guided by the answers to two questions: first, will it work? Will it be able to do what is supposed to do? Second, will it help keep the Alliance together and that means the whole Alliance, European and non-European, EU and non-EU?"⁴⁵

We can easily remark that started with this period, the contradiction in using the terms occurs; ESDI is used by the US and NATO when they refer to European developments relating ESDP, despite the fact that as we just have seen, the initial ESDI project evaluated from "within NATO" to an EU-integration problem; constantly, UE uses the ESDP term.

In this light, before the Nice European Council, the WEU Assembly takes this

position: "Recalling that ESDI is not the same project as ESDP and deploring that neither the annual report nor the Marseilles Declaration make any reference to the future of ESDI even though there is uncertainty as to whether the European Union is able and willing to take over WEU's role in this context".⁴⁶ The Assembly recommends that the EU Council "informs the Assembly as to what remains of the concept of ESDI and how and by whom this concept is to be implemented in future".

If we take a look on the main principles promoted by NATO and its "ESDI within Alliance" and by EU and its ESDP, quickly developed between 1998-2000, most of them mentioned in these last two subchapters, we can identify which were the points in question before Nice.

First of all, despite the progress achieved, there are still doubts as to whether all member countries are in agreement over when and where the EU may or may not act in an emergent crisis. No attempt has been made until Nice to compute the financial implications of Europe's ambitions in this sphere and discussion of other fundamental problems was at a very incipient stage in the same period. Such a problem is how the EU

and NATO are to cooperate in the future and the manner in which non-EU allied countries and candidates for EU accession can participate in the ESDP without the decision-making autonomy of the EU, being called into question.

The question of whether Treaty changes are necessary in order to implement the ESDP was a matter of controversy as is the problem of whether to open up the Title vii of the TEU – provisions on closer cooperation to areas such as CFSP and ESDP; or questions such as the parliamentary scrutiny of the ESDP.⁴⁷

An important number of questions is related to WEU; there is no intention on the part of the signatories to denounce the modified Brussels Treaty as well as the collective defence commitment provided for under Article v, mentioned an WEU Report, one month before Nice. "Furthermore, WEU and the EU must reach agreement over how they are to cooperate during the transitional period until the time when the EU's crisis management structures become fully operational."⁴⁸ The role of WEU's Council and Assembly and the fate of a number of WEU subsidiary bodies have also to be addressed.

CHAPTER II. THE NICE EUROPEAN COUNCIL AND THE EVOLUTION OF ESDI/ESDP AFTER NICE – THE DEBATE: AN ANSWER OR MANY MORE QUESTIONS?

Subchapter D. The decisions taken by the European Council at Nice and Laeken

The opinions concerning the Nice European Council – 7-8 December 2000 – are quite different in the evaluation of its impact on CESDP field. There are positions, as we have mentioned in Introduction⁴⁹, which presented this event as a real turning point. Other opinions considered that "defence was emphatically not the major achievement of the European Council in Nice."⁵⁰

The Presidency Conclusions of the Nice European Council are dealing with the CESDP.⁵¹ The new Treaty has simplified the ICG by basically doing away with the WEU (Article 17 TEU) and by giving the COPS the key role in crisis management (Article 25 TEU). The WEU will therefore no longer be

"an integral part of the development of the Union", nor will it assist the EU in "framing the defence aspects" of CFSP or provide access to "an operational capability" for Petersberg tasks; EU became directly responsible for framing the defence aspects of the CFSP and providing access to an operational capability – "which is not the same as having an operational capability".⁵²

At the same time, the continuation of the WEU still leaves Article V of the modified Brussels Treaty intact, which may also seem to make the defence issue in the EU context rather peripheral.

Regarding the Article 25 TEU, Member States were at odds over the opportunity to "legalise" ESDP and only the tenacity of a

few of them made it possible to at least insert the PSC in the Treaty.⁵³ The PSC replaces the Political Committee; it shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. Furthermore the Committee shall exercise, under the responsibility of the Council "political control and strategic direction of crisis management operations", it is described in Annex III of the Presidency Report.⁵⁴

This is of enormous importance, in institutional terms, since it provides the underpinnings for the political-military dialogue in the EU as well as for the support structures. The new Article 25 creates the legal basis for crisis management by also including the term itself in the TEU for the first time.

The Nice Treaty addresses the issue of CFSP coherence in a more direct fashion, namely in the new provisions on "enhanced cooperation under Title V of TEU" – due to be included in the new Article 27 – that did not exist in the Amsterdam Treaty. The main bodies are the Council and SG/HR for triggering, implementing and widening enhanced cooperation. The clause J explicitly limits enhanced cooperation in CFSP to the implementation of a joint action or a common position thus excluding the common strategies and rules out "matters having military or defence implications, thus excluding ESDP proper. There is here a potential device for incoherence in that ESDP is set apart from the rest of CFSP "as a no-go-area". On the one hand, it has made it impossible to apply any form of enhanced cooperation to the crucial domain of defence industry and procurement as well as to all matters having operational implications. On the other it makes impossible to apply enhanced cooperation to crisis management proper as its military component cannot be incorporated. By contrast, the Presidency Report on the ESDP and its Annexes represent the most serious effort made so far by the EU to outline a crisis management policy.⁵⁶

The Nice Presidency Report describes in detail both the general goal and the specific instruments for what it calls "an overall crisis management and conflict prevention capability in support of the objectives of the CFSP." The Report mentions that the EU is set to assume "the crisis management function of the WEU", as well as its own "responsibilities in the sphere of conflict prevention". It also stresses the need to "respond more effectively and more coherently to requests from leading organisations such as the UN, or the OSCE ... without any unnecessary duplication", to "ensure synergy between the civilian and military aspects of crisis management" and "in a crisis situation" to maintain effective permanent coordination between CFSP discussions and those conducted in other pillars. In its last part, the Report tries to envisage some ad-hoc procedures and institutional short-cuts "in the event of a crisis", namely, if and when the Council decides to give the CPS (COPS) and the SG/HR the necessary clout and direct access to the Council.⁵⁷

As for ESDP, the Nice Presidency Report envisaged a series of ad-hoc mechanisms to carry out EU-led military and police operations that took into account the peculiarities of the policy. The coherence and the effectiveness of European security policy had to be declined with the foreseeable actors involved. As a result, such operations could be undertaken without the participation of all EU members and with the participation of non-EU members: candidates for admission, other European NATO members or "third" countries (Ukraine, Russia). While preliminary consultations on a possible joint military action would take place in a format including all EU members the non EU members, but NATO members and the candidate countries, the key political decisions would be taken only by the EU, and the operational-ones by a so-called "Committee of Contributors" open to all countries engaging significant forces in a giving operation. In the event of use of NATO assets for EU-led operations "when NATO as such is not involved "European NATO members are set to have a special say."⁵⁷

The sum of the last developments in the ESDP field is presented in the Presidency Conclusions of Laeken European Council 14-15 December 2001. The new element is the fact that "...the Union is now capable of conducting some crisis - management operations."⁵⁸ An important place is given to the EU-NATO arrangements; these "will enhance the EU's capabilities to carry out crisis- management operations over the whole range of Petersberg tasks". The implementation of the Nice arrangements with the EU' partners "will augment its means of conducting crisis-management operations."

More details contains the second Annex to the Presidency Conclusions: "Declaration on the operational capability of the Common European Security and Defence Policy". It is estimated that "The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. The assets and capabilities available are seen as "a determining factor", the decisions to make use of them "will be taken in the light of the circumstances of each particular situation."⁵⁹

The Capabilities Improvement Conferences held in Brussels on 19 November 2001 have enabled "progress to be made towards the achievement of the capabilities objectives. The Member States have made voluntary contributions on the basis of national decision. *The development of military capabilities does not imply the creation of a European army.*"

The EU has established crisis-management structures and procedures which "enable it to analyse and plan, to take decisions and, when NATO as such is not involved, to launch and carry out military crisis management operations..." For an effective crisis management by the Union there is necessary a close coordination between all the resources and instruments both civilian and military available to the Union.

An important role in strengthening of military capabilities plays the European Action Plan, while in their development the role is played by the adopting of planned mechanism in order" to avoid all unnecessary duplication and, for the Member States concerned, to take into account NATO's defence planning process and the planning and review process of the Partnership for Peace."⁶⁰

The agreements with NATO are seen as "essential for the ESDP' and it is considered that they "will substantially increase the Union's available capabilities". In this light the EU intends to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the EU. The implementation of the arrangements with EU partners, their additional contribution to the civilian and military capabilities and their participation in a crisis management operation are also taking into account.

Subchapter E. Opinions and positions related to ESDI/ESDP:

What has been achieved as accommodation? What has still remained contradiction?

One month after Nice, NATO Secretary General Lord Robertson recognised the progress made by Europeans in defence - security field: "More progress has been made in the past 2 years than in the previous 20".⁶¹ He evaluated the present situation as follows: "Today we find ourselves at a crossroads-because a major evolution is taking place in Euro-Atlantic security. A new player is moving onto the field, alongside,

and with NATO. As a result, we are in the process of rebalancing some major elements of the transatlantic security relationship with burdens being shared more equally and new roles and responsibilities for Europe."

Lord Robertson himself recognises that the theory "NATO or nothing 'is not at all valid nowadays. Kosovo showed the fact that Europe must play a greater role in preserving Euro-Atlantic security: "We now

need a stronger contribution from European nations to NATO operations, if we are to avoid transatlantic resentment about burden sharing."

US Secretary of State, Colin Powell, on 6 February 2001, expresses his opinion concerning the creation of the European rapid reaction force planned and its impact on NATO: "... there's no reason to see this as destabilizing NATO in any way. In fact, I think it is our common belief that it will strengthen NATO". He has mentioned some conditions in order to achieve this; first of all, the avoidance of planning capabilities duplication, then it should have the capacity of both NATO and EU members; "working together ... we can strengthen NATO and not weaken NATO".⁶²

The British Foreign Minister, Robin Cook, shared a similar opinion and he stressed: "... the agreement that we've reached at Nice on European security clearly sets out, first of all, a European operation will only occur where NATO as a whole has decided not to act. Secondly, it will be limited to peacekeeping and humanitarian intervention. The text clearly says that territorial defence is a matter for NATO for those countries that are members of NATO. Thirdly, all the NATO members in Europe who are not in the European Union would have the right to participate in such an operation. And fourthly, we want any European led-operation to draw on the operational planning capacity of NATO in order to make sure we're fully anchored in NATO. Now, if we both work on those objectives we can produce an increased capacity which will strengthen NATO and make for fairer burden-sharing".⁶³

These opinions seem to offer an image of a full accommodation. But not all the issues related to ESDI/ESDP, and especially the last decisions taken by the EU and the reaction of US/NATO, are clear and there

CONCLUSIONS

There is a very difficult job to try finding conclusions for an issue, which is still in debate. We can try to present only some

still are many open questions, even contradictions.

In this light, the position taken by the US-NATO Permanent Representative, Alexander Vershbow on 23 March 2001, is more detailed. He considers ESDI, ESDP ("as it is called in the EU") as "a key challenge" for NATO. The American position of Bush administration is that the transatlantic link is vital and must be preserved because it is the best guarantee of security for all. US support for NATO's ESDI and the EU's ESDP is "conditioned on ESDI or ESDP being done right".⁶⁵ In his opinion an ESDP "done right" means first of all "the EU's creation of a military crisis management capability for situation where NATO chooses not to engage. Done right, ESDP could expand our pool of forces and rectify some Europe's capabilities gaps." He also stresses the need for increased European defence capability (and that means Europeans must spend more on defence); coordination of NATO and EU defence planning to avoid wasteful, unnecessary duplication, strengthening NATO-EU cooperation and consultation, guaranteed EU access to NATO operational planning ("We need to show that EU can rely on NATO. But the EU also has to show that NATO – all 19 Allies – can rely on it."), the sharing of NATO assets and capabilities and the regular involvement of non-EU Allies.

There still is, of course, the possibility of an ESDP "done poorly" and "this new venture could divide the transatlantic Alliance, diminish European capacity to manage crisis, and possibly weaken the US commitment to European security."⁶⁵ In addition he mentioned that ESDP cannot be viewed primarily as a political exercise in European institutions building. Rather it should be seen as an opportunity to harness, NATO and EU comparative advantages to solve security problems. Otherwise, ESDP will fail in its essential purpose.

personal opinions, to stress what this work-paper wanted to show.

First of all, there is the problem of vocabulary: ESDI, ESDP, CESDP, ESDI/ESDP.

We have seen how these concepts appeared, as two different things, but taking into account their principles and purposes and the developments in international (and especially European) security, they became almost only one concept.

There are still many contradictions; we can start with the problem of speeches, above mentioned – as we had the opportunity to see in this work paper, NATO/US opinions are still talking about ESDI, since inside European documents there is only the ESDP/CESDP term. An important contradiction is “the issue of participation”; NATO sustains a full involvement of non-EU NATO members (in this group Turkey has a special position); at the same time the situation of non-EU, non-NATO members but countries which have been involved in the security architecture of Europe by WEU and PfP (especially SEE countries) is not solved any more. As Lord Robertson has mentioned in his speech, “if

ESDI is to work, it needs the support of all European countries, not just some – and the NATO members most of all.” Of course, there are special opinions even within EU, or NATO members concerning this issue.

Other open question is that of European capabilities, the financial problem and its impact on the European budgets. “If we do not resolve the challenge of capabilities, we are simply talking about paper armies and empty structures.” (Robertson)

On the other side, the progress made by EU and its determination for a full involvement in security and defence problems are generally recognised. As far as the common points sustained by both NATO and EU (the accommodation) are concerned, we can mention: no duplication between the EU and NATO in defence planning (the work for adapting them just started) and their full coherence, as well as the cooperation and consultation between these two organisations on the basis of transparency, autonomy of decision and equal footing.

¹ Dimitris N. Chrysochoou, Michael J. Tsinisizelis, Stelios Stavridis & Kostas Ifantis, *Theory and Reform in the European Union*, Manchester University Press, Manchester and New York, 1999, p. 111.

² “NATO Handbook”, NATO Publications, (updated: 03-May-2001), at <http://www.nato.int/docu/handbook/2001/hbo4.htm>

³ Simon Duke, “Parallel Equations: Does CFSP+CDP=ESDP?” in Edward Best, Mark Gray, Alexander Stubb (editors), “Rethinking the European Union IGC 2000 and beyond”, European Institute of Public Administration, Maastricht, 2000, p. 161.

⁴ WEU Report “Building the means and capabilities for crisis management under the CESDP – Reply to the annual report of the Council” (Rapporteur Rapson), Document C/1712 I 14 November 2000, p. 4.

⁵ S. Duke, “Parallel Equations...”, p. 163. He also considers that ESDP implies a level of optimism since, in reality, there is not yet a common European policy on security – St. Malo is just a move in this direction – and certainly not one on defence.

⁶ North Atlantic Council, “Washington Summit Communiqué”, NATO Press Release NAC-S (99) 65 at <http://www.nato.int/home.htm>

⁷ Stelios Stavridis, “European Security and Defence after Nice”, in *The European Union Review*, Vol. 6, No. 3, 2001, p. 97.

⁸ D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, p. 124, *apud* John J. Mearsheimer, “Back to the Future: Instability in Europe after the Cold War”, in *International Security*, 15:1, Summer 1990, p. 52.

⁹ *Ibidem*.

¹⁰ *Ibid.*, pp. 129-130, *apud* WEU, “The Reactivation of WEU Statements and Communiqués, 1984 to 1987”, WEU Press and Information Service, 1988.

¹¹ *Ibid.*, p. 130, *apud* Fergus Carr and Kostas Ifantis, *NATO in the New European Order*, London: Macmillan / St. Martin's Press, 1996, p. 70.

- ¹² *Ibid.* Thus France and Germany envisaged the WEU as an integral part of the EU and identified for common defence a joint military force; Britain and Italy supported a WEU which acts as both the defence component of the EU and the European pillar of NATO.
- ¹³ William Nicoll, Trevor C. Salmon, "Understanding the New European Community", Prentice Hall, Harvester Wheatsheaf, London, New York ..., 1994, p. 209.
- ¹⁴ D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, p. 125, *apud* North Atlantic Council "Ministerial Meeting at Turnberry, 1990", NATO Review, 38: 3, 1990.
- ¹⁵ *Ibidem*, *apud* NATO, "The London Declaration on a Transformed North Atlantic Alliance", Brussels: NATO Information Service, 1990.
- ¹⁶ *Ibid.*, p. 126, *apud* North Atlantic Council, "Partnership with the Countries of Central and Eastern Europe", NATO Press Communiqué, M-1(91)44, 1991.
- ¹⁷ *Ibid.*, *apud* North Atlantic Council, "Ministerial Meeting, Danmark", Nato Review, 39:3, 1991.
- ¹⁸ *Ibid.*, p. 126, *apud* NATO "The Alliance New Strategic Concept", NATO Review, 39:1, 1991.
- ¹⁹ North Atlantic Council, "Declaration of Heads of State and Government", Brussels, 10-11 January 1994, NATO Press Communiqué M-1(94)3, 1994, at http://www.nato.int/docu/comm/comm_94.htm
- ²⁰ *Ibidem*.
- ²¹ D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, pp. 133-134.
- ²² North Atlantic Council, "Berlin Communiqué", Berlin 3 June 1996, NATO Press Communiqué, M-NAC-1(96)63, at <http://www.nato.int/docu/pr/1996> (the 6-th position).
- ²³ *Ibidem*.
- ²⁴ S. Duke, "Parallel Equations ...", p. 166. The Anglo-Italian Summit of 20 July 1999 lanced the European Defence Capabilities Initiative (EDCI), as a complement to NATO's DCI.
- ²⁵ NATO Handbook, NATO Publications, Updated: 27 August 2001 at <http://www.nato.int/docu/handbook/2001/hb04.htm>
- ²⁶ *Ibidem*.
- ²⁷ Louis Carton, "L'Union européenne. Traités de Paris-Rome-Maastricht", Paris, Dalloz, 1996, pp. 625-626. The initial EPC system, which had begun in 1969, was to operate separately from the Community system and was outside any treaty framework.
- ²⁸ See Martin Holland (editor), "Common Foreign and Security Policy. The Record and Reforms", London and Washington, Pinter, 1997. A serious problem is mentioned here: the lack of coordination between TEU pillars; for ex. CFSP decisions made under one pillar (TEU requires funding from another EC), p. 9.
- ²⁹ *Ibidem*, pp. 628-631.
- ³⁰ W. Nicoll, T.C. Salmon, *op. cit.*, p. 212.
- ³¹ Treaty of Amsterdam... at <http://ue.eu.int/newsroom/load>
- ³² WEU Report "Building the means and capabilities ..."
- ³³ Cologne European Council, 3-4 June 1999, at <http://ue.eu.int/newsroom/load>
- ³⁴ S. Duke, "Parallel Equations ...", p. 163.
- ³⁵ Cologne European Council ... at <http://ue.eu.int/newsroom/load>
- ³⁶ *Ibidem*.
- ³⁷ *Ibid.*
- ³⁸ S. Duke, "Parallel Equations ...", p. 166.
- ³⁹ Helsinki European Council, 10-11 December 1999, at <http://ue.eu.int/newsroom/load>
- ⁴⁰ *Ibidem*.
- ⁴¹ Feira European Council, 19-20 June 2000, at <http://ue.eu.int/newsroom/load>; see the positions 6-12 of the Presidency Conclusions and the Annex I – Presidency Report on strengthening CESDP.
- ⁴² WEU Report, "The implementation of the Common European Security and Defence Policy and WEU's future role – Reply to the annual report of the Council", Document C/1720 I 15 November 2000 I.
- ⁴³ *Ibidem*.
- ⁴⁴ US Department of State, Washington File 08 October 1999, US Deputy Secretary of State, Strobe Talbott, "Remarks at the conference on the future of NATO", The Royal Institute on International Affairs, London, U.K., October, 7, 1999.
- ⁴⁵ *Ibidem*.
- ⁴⁶ WEU Report "The implementation of the CESDP and the WEU's future role ...".
- ⁴⁷ *Ibidem*.
- ⁴⁸ *Ibid.* For more details related to this problem see the third and the fourth sections of the Report – "WEU in transitional period" and "The future tasks of WEU".
- ⁴⁹ S. Stavridis, *op. cit.*, p. 98.

- ⁵⁰ S. Duke, "CESDP: Nice's Overtrumped Success?", in *European Foreign Affairs Review* 6: 155-175, 2001, p. 159.
- ⁵¹ Nice European Council, 7-8 December 2000, "Presidency Conclusions" (positions 11-12), at <http://europa.eu.int/council/off/conclu/dec2000>
- ⁵² S. Duke, "CESDP: Nice's Overtrumped Success?" ... p. 159.
- ⁵³ Antonino Missiroli, "European Security Policy: The Challenge of Coherence" in *European Foreign Affairs Review* 6:177-196, 2001, p. 192.
- ⁵⁴ Nice European Council ... at <http://europa.eu.int/council/off/conclu/dec2000>
- ⁵⁵ A. Missiroli, *op. cit.*, p. 192.
- ⁵⁶ Nice European Council, Presidency Conclusions ...
- ⁵⁷ A. Missiroli, *op. cit.*, pp. 193-194.
- ⁵⁸ European Council of Laeken, Presidency Conclusions, Press Releases by the Belgian EU Presidency, position 6.
- ⁵⁹ *Ibidem*. Annexes to the Presidency Conclusions, Annex II, para. A.
- ⁶⁰ *Ibid.* para. C.
- ⁶¹ Washington File, NATO Headquarters, Brussels, NATO Secretary General Lord Robertson, "ESDI and Transatlantic Defence Cooperation", Speech at the Conference on "The Globalisation of Defence Industry: Policy Implications for NATO and ESDI", London, Chatham House, January 29, 2001(3030).
- ⁶² Washington File, US Department of State, Office of Spokesman, February 6, 2001, Joint Press availability with British Foreign Minister Robin Cook and Secretary of State Colin L. Powell, Benjamin Franklin Room, Washington, D.C.
- ⁶³ *Ibidem*.
- ⁶⁴ Washington File, Office of International Programs, Institute of International Relations, Netherlands, Clingendael, March 23 2001, US - NATO Permanent Representative, Alexander Vershbow, "The transatlantic relationship at the crossroads? Meeting NATO's five challenges", at <http://usinfo.state.gov>
- ⁶⁵ D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *Theory and Reform in the European Union*, Manchester University Press, Manchester and New York, 1999, p. 111.

THE UNFINISHED BEGINNING OF CFSP

George Anglitoiu

I must say, from the beginning, that this study has, first of all, a methodological meaning, in order to define an "Ariadne's thread" in this genuine political and diplomatic puzzle for the first two "post-Cold War" years in the reshaping of the European foreign and security dimension. The *unfinished beginning* like the "elusive"¹ concept, used for the first time by the professor Simon Duke, shows very well the "difficulty" of this process of which the result, called **CFSP**, must be seen as the "common denominator" of the interests' interaction between member states, Community institutions and NATO non-European allies, in a new geo-strategic climate.

In the decision-making bodies of the Western Europe, the psychological environment at the end of the '80s was full of optimism. On the one side, the internal – "common" market had become a reality, with the monetary and economical union, which had been for so long a far away objective, in the position to be negotiated; secondly, the communism collapse had brought democratic governments in the Central and Eastern Europe.

The Western Europe institutional formula was perceived as a pattern embedded in a story of success; the *Twelve* will soon become the main source of help and inspiration that would permit to the ex-communist countries to step forward the hard path of transition to democracy, law supremacy, and free trade economy². This general optimism was not exempt from hard questions: Will they handle the reunification of Germany and also the new political

situation in Eastern Europe? Which are the amendments to the institutional framework of the European Community (EC) in order to become a super power (a European one)? Which are the new powers for accounting the new regional or global responsibilities?

The president of the European Commission, Mr. Jacques Delors, had already underlined in an October 1989 speech in Bruges, at the College of Europe, that the imperative of the European Community involvement would have to be especially the "deepening" in importance in the international affairs³. And Mr. Delors was not the only high-ranking official to consider that the European Political Cooperation (EPC) in spite of its positive twenty years record was not capable to confront the challenges of the '90s⁴. The defections between EPC and European Community were very well known; *exempli gratia* the European foreign ministers gathered in an EPC Summit in New York will decide to impose commercial embargo to Haiti, and only few weeks later to reject it, in a General Affairs Council, in Brussels, by deciding that this measure was against the GATT and Lomé Agreements⁵.

Over the years, the logical internal evolution of the EPC was set out by a lot of pressure and foreign events that deterred the conjunction of the Community and EPC interests. At the moment when based on the Delors Report, EC was at the beginning of the negotiations on the economic and monetary union (EMU – meaning a common monetary policy and a single currency) not few will be to say that it would be an equal

must the reassertion of Europe's political structure. The national currency, its foreign policy and security were always the essential goals of state sovereignty. Now, that one of these pillars could be made in common, what is about the rest of it? The German federal government was not the only one to say that the EMU should find its correspondent in the political dimension⁶.

In this context, the Belgian government was publicizing on March 21, 1990 a memorandum in which required the reform of EC institutions⁷. The document had a lot of propositions that were to be discussed at the Inter-governmental Conference (IGC) in order to debate the problems of the EMU, or in a similar conference. Because of the new "look" of the Central and Eastern Europe, it was underlined that in "international relations, a common foreign policy is more than necessary" and also, that "EC should participate as a political entity". The General Affairs Council, as the engine of the decision-making process, was called to elaborate a common framework for EC, EPC and member states governments' actions.

At the end of the memorandum they expressed the wish that in the nearer future "should be possible to discuss, without restriction, questions concerning security in the broadest sense".

I have not mentioned by chance this document, because the ideas of this memorandum have to be found in the Treaty of Maastricht two years later.

Having a great support by the Dutch, Italian and Spanish government and also a favourable comment from the French president François Mitterrand, the Belgian memorandum appeared in a very good moment for the European Council convoked by the Irish presidency, on April 28, 1990 in Dublin, in order to discuss the German reunification issue and the relations between the states of EC and the rest of the continent.

A few days before the meeting of the European Council, the German chancellor Helmut Kohl and the French president Mitterrand addressed, on April 18, a joint letter to the Irish presidency in which they underlined the imperative of the political

reconstruction acceleration in the Europe of the *Twelve*.

The letter's main proposals can be summarized thus:

- The foreign and security common policy defining and implementation;
- The convoking of an IGC on this issue, at the same time with a conference about the EMU;
- The entry into force of a political, as well as economic and monetary, union starting with January 1, 1993⁸.

*The Presidency Conclusions*⁹, at the ending of the Dublin European Council, focused on the two documents (the Belgian memorandum and the Mitterrand – Kohl joint letter), as essential points for the future discussions. Nevertheless, Great Britain's traditional euro-scepticism will cause the moderation of the European Council, which will ask the foreign ministers to get a "great consideration" to the next amendments regarding the treaty. The prudence of this first phase does not exclude the long-term ambitions, and the *Conclusions* reaffirmed the willing and determination of the European Council to make the political union to work, reaffirming also the support for a "dynamic evolution" of EC.

After two months, the (ordinary) Dublin European Council (June 25-26, 1990) will decide an Inter-governmental conference on the political issue, on December 14, 1990, at the same time with the one about the EMU. The General Affairs Council was responsible for the coordination of the activities of the two conferences.

In the following period, it will be obvious that the major preoccupation of the ones that negotiated the political union was not public opinion agreement. The fearing was about the substance, the contents of the new concepts – *foreign policy and common security, European citizenship or subsidiary* –, mentioned in *The Conclusions* of the Dublin European Council¹⁰, but undeveloped by any participants.¹¹

The second half of 1990 will be dedicated to the clarifications of these concepts, the half-yearly presidency been given to Italy. The next months until the

starting point of the Inter-governmental conference on December 14, 1990 will be characterized by the important contributions for the next Title V of the Treaty of Maastricht. These contributions will come from the member states (Greece, Spain, the Netherlands), EC's bodies¹², and also from the Italian presidency.

In this respect, it should be remembered the contribution of the Italian foreign minister, Mr. Gianni de Michelis, the one who promoted the idea to include all the aspects about the security issue in CFSP, and the transfer of WEU's competence to the future European Union.

All this state of mind conducted to the *Communiqué* adopted by the Rome European Council, in December 14-15, 1990, and through which the lines were drawn to the IGC:

- *Primo* – it should show the general consensus; also the European Commission and the member states have agreed the objectives mentioned in the Kohl – Mitterrand joint letter; the European Parliament underlined that a foreign policy in order to cover the peace and security problem had to be an essential goal of the projected political union¹³.
- *Secundo* – it was clear that the new common policy would have a certain area of application; the *opinion* of the European Commission signalized the fact that the main issue was a common policy not a unique one; so, they introduced the concept of *vital common interests*¹⁴, which were interpreted by some analysts as a transposition of the subsidiarity principle to the foreign affairs field¹⁵.
- *Tertio* – the progress should be gradual, in accordance with the political cooperation rules. So, the *Presidency Conclusions*¹⁶, the synthesis-document of the Rome European Council, speaks about “a continuous evolutionary process”.
- Not at least, they showed the necessity of a deeper coherence to solve foreign and security problems; accordingly, they accepted the idea of a single decisional centre, a common secretariat, a single

COREPER with a bigger role, initiative rights for the European Commission to consult and inform the European Parliament, the split responsibilities between the daily Presidency of EC and the European Commission, concerning foreign representation.

In this preliminary negotiation phase, two foreign events will come indirectly to help the Italian presidency: first, the invasion of Kuwait by the Iraqi dictator Saddam Hussein, in August, 1990, which led to discussions about the military role of the Europe, as a community, in order to manage similar crisis that could appear in the neighbourhood; than, the internal crises of the Tory Party – the leading party in Great Britain – after the replacement of Mrs. Margaret Thatcher with John Major, a Prime Minister less “euro-sceptic”¹⁷.

At the end of the Italian presidency, a less discussed problem remained to be approached: Which should the essential difference, the major progress in order to mark the change from EPC to CFSP be?

On December 6, 1990, a few days before the starting of the Rome European Council, the chancellor Kohl and the president Mitterrand sent a new letter to the (Italian) presidency of EC, a document with a series of principles that should lead the negotiations in order to create CFSP. The document was made in general terms, having a lot of unset aspects, so, in conclusion to the ideas enounced until now, the main issues of the negotiations in 1991 would be, as follows:

- *Security* – Which is the meaning of the common security policy? Does this concept include the defence dimension? If the answer is yes, then in accordance with the conclusions of the European Commission of October 1990 should it provide mutual security guaranties, *exempli gratia* as in the article V of the WEU Treaty¹⁸?
- *Common vital interests* – How will these interests be identified?¹⁹ Should a Community body (European Council, for example) give an official definition of the common vital interests phrase, counting any possible situation? How will this

glissando from the national level of the foreign policy and security to EC level be produced?

- *The institutional structure* – How integrated should the frame of the future political union be? Is the fusion between EPC and the European Community' actions, or the maintenance of the inter-governmental structures needed for assuring the coherence of the decisional process? Can a common foreign and security policy be efficiently managed only through consensus or is it wanted that some decisions should be taken through qualified majority voting (QMV)? If yes, what are these situations?
- *The graduality* – How to be reached? *Quantitatively*, through a gradual path of the solved problems by CFSP (based on a list, as the Asolo one)? *Qualitatively*, through the arrangements starting to a lower level of the common foreign action to the higher one? *Temporarily*, according to a settled calendar?

I have underlined at the beginning of this study the importance of the divergent interests interaction of the member states, and the negotiation duration under the IGC²⁰ auspices. Therefore, both in the security and defence issues (also in the interaction of WEU in EU and the reshaping of the US dialog with the European allies), and the problem about Union's structure (including the role of the Council, the Commission and the Parliament, and the QMV procedure also) will cause dissensions.

In the security matter, the "dual French-German engine" will define its position in a common document transmitted on February 9, 1991, and known as *the Dumas – Genscher*²¹ *Initiative*. This was about the development of an EC security system taking into consideration the inclusion of WEU into the unification procedures and its subordination to the European Council decisions. A main preoccupation was at the same time the reconsideration of the US susceptibility, by reaffirming the essential importance of NATO. This document will get the Belgium, Italy and Spain support who wanted to introduce some amendments about the defence and security problem into the community institutions' competence –

and not only at the European Council's level. Conversely, another important actor, Great Britain (*the US natural ally in Europe*)²², endorsed by the Netherlands and Portugal, will affirm that such a project is useless, and may jeopardize the NATO existence – the organization for collective defence which successfully assured, for almost 50 years, the protection of Western Europe against the communist threat; Sir Douglas Hurd, the secretary of the Foreign Office, answered very clear to his homologues Roland Dumas and Hans-Dietrich Genscher, on February 19, 1991: "*The defence of Europe without the United States does not make any sense ... I do not believe that there is the case for including defence within the common foreign and security policy.*"²³

Regarding the debate about the structure of the new EU, this comprised the same unsolved chapters of the Fouchet plan (1961), which divided the European political elite in two factions – the federalists and on the other side the supporters of a Europe deepened into an inter-governmental structure. The separation line can be drawn between the big states (supporters of the inter-governmental structure) and the smaller ones (very keen on *deepening* role of EC institutions, perceived as a better protection against the dominating tendencies of the powerful states); at the moment of discussion about the role of the European Court of Justice in CFSP, the member states (with the exception of the Netherlands) will reject any powers be given to the Court. What is the explanation? *Raison d'état*, according to the modern diplomacy inventors.

An important moment for the Maastricht Treaty will be when the Luxemburg presidency presented its *non-paper* document²⁴ on April 12, 1991. It is important to highlight the following key-aspects:

- A clear separation between the "European Economic Communities" (art. B.1) and the foreign policy and justice affairs (art. B.2); at the same time, the document of the Luxemburg presidency comprised all the aspects within one treaty, as components of a single Union²⁵.

- The distribution of roles for the Community bodies in foreign and security affairs: European Council, General Affairs Council, European Commission, European Parliament, COREPER, Political Committee, General Secretariat.
- Different procedures on cooperation (art. G, H, I) and for *joint actions* which will be gradually implemented in member states that have *vital common interests* (art. J and H); the majority voting, in this respect, was left at the Council's will (the type of majority been open to interpretation).
- The perspective of WEU involvement in the defence decision-making process; they took into consideration the possibility to reach these goals by 1996, the year of the next IGC, in order to create a common defence policy.

A new document (as a draft treaty)²⁶ will be released by the Luxemburg presidency on June 18, 1991, a few days before the European Council meeting. The major conceptual differences in the Community's foreign policy field were as follows:

- The pre-eminence of the Community in the structure of the future Union was clearly settled (art. A); the Community is the fundament for the Union, the other (common)²⁷ politics, including CFSP, having to play a complementary role.
- *General regulations* (art. C) of the draft treaty settled a single institutional framework for the Union.
- The art. B prescribed as a major objective of the future EU the definition of a foreign and common security policy, which in the long term should lead to a defence policy, issue that had not been approached in the April document.
- About the CFSP implementation, art. J.2 was (optionally) introducing the QMV. Once they voted a joint action, this would become compulsory for the member states²⁸ (art. K).
- A new inter-governmental conference was scheduled for 1996, in order to review some aspects about the security (art. L.5) and foreign policy (art. N) issues.

At the beginning, the Luxemburg draft treaty will get not a very good welcome in some member states. The Great Britain and Denmark, for instance, rejected the intended federal type of the future Union; the Belgium and the Netherlands criticized the structure based on pillars.

In another perspective, there were a lot of political figures that asked the same question – if a defence common policy could be effective without firm, mutual engagements – without a collective defence organization. Regarding this, the president of the European Commission, Mr. Jacques Delors, said: “(...) *this common defence policy only makes sense if it expresses a double solidarity: unity in the analysis and action in the area of foreign policy and mutual engagement to assist a member state whose integrity is threatened.*”²⁹

Even so, the merits of the Luxemburg presidency were not in vain, a fact confirmed by the *Conclusions*³⁰ of the Luxemburg European Council which considered its contribution as “the base for future negotiations”. This issue had to be anyway finalized at the Maastricht European Council, in December 1991.

I was mentioning the discontent of the Dutch diplomacy regarding the substance of the Luxemburg draft treaty. Having the presidency of the EC in the 1991 second half, the Netherlands will seek – because of its foreign minister Hans van den Broek – to offer “a more orthodox and unitary draft treaty (without pillars!)”³¹. Consequently, the Dutch foreign ministry will elaborate in August 1991 a new draft treaty made public on September 23.

The “Treaty for a European Union”³² represented first of all the renouncement of the “pillars” structure. The common foreign and security policy became the chapter I of the part IV of the draft treaty, which referred – according to the *Opinion* of the European Commission of March 1991 – also to the commercial policy and the development aid. The regress beside the Luxemburg draft was obvious: the defence policy concept (the Dutch diplomacy did not show any interest in this matter) was ignored; meanwhile, the issues concerning QMV (in foreign policy decision), joint actions (mandatory), or

revision clauses – all these in the document of the Luxemburg diplomacy – were abandoned. The fundamental pulling over was the fact that the foreseen procedures for the common foreign policy (art B.1) were the same as the political cooperation³³, except the cases in which member states would decide unanimously to act differently (art. B.2).

The negative reaction from the capitals of the member states will come soon. France and Great Britain will totally disapprove the Dutch presidency document; meanwhile Belgium, Germany and Italy will express deep reluctance. When on September 30, 1991, ten of the *Twelve* joints in The Hague will show clear preference for the Luxemburg draft treaty, the subject will be closed and the Dutch diplomacy standing will be seriously damaged³⁴.

This strange episode will end up with the Luxemburg draft treaty remaining as the only "competitive" one. Before the Maastricht European Council, there were still many aspects to clarify – for example the sensitive issue of security –, so; in this period many documents will appear: a reviewed but irrelevant revision of the Luxemburg draft treaty made by the Dutch diplomacy (on October 4), an Italian-British document on defence and another French-German-Spanish document (on October 11)³⁵. Belgium, also, will elaborate on the decision-making process.

Regarding the new foreign policy and the common security dimension, the final debates will focus on the four essential documents:

- Security – The Italian-British document proposed to create a new European Defence Identity, which in the long term should conduct to a common defence policy. In return, the French-German-Spanish *Communiqué* referred to the whole spectrum of security and defence, through common defence on the long run³⁶. The distinction between common defence policy and common defence was not only semantic; the NATO role had to be redefined and an answer had to be given to the question if the future Union would be a military alliance, too.

- WEU – Should this collective defence organization remain equidistant to NATO and to the future EU, or should it be a part of the political European integration?
- QMV – The French-German-Spanish *Communiqué* was in favour of QMV in the field of common foreign and security policy; Belgium, Italy and Greece shared this option, but Great Britain and Denmark didn't; Portugal would have wanted every state to have a single vote in the Council, if this matter of qualified majority had become a part of the treaty³⁷; the Netherlands admitted the version of qualified majority only based on the Community's procedures, in which the Council voted only the proposals of the European Commission.
- "Passageways" – Since the "pillar" structure was inescapable, many states sustained that through the future Treaty some inter-governmental problems might pass to Community procedures.

The EU Treaty (TEU)³⁸, known also as the *Treaty of Maastricht*, will partially solve these issues, the first application months of the Vth title³⁹ showing the precarious arsenal given to the second pillar of the EU:

- The confirmation that the CFSP pillar includes the definition of a *common defence policy*, which should lead to a *common defence* (art. J.4.1).
- The affirmation of the idea that WEU is an integral part of the UE development (art. J.4.2).
- The qualified majority voting limitation only to the cases previously decided by the EU Council (art. J.3).
- The insertion, at the insistence of the Belgian side, of the passageways from the inter-governmental cooperation to common procedures (Art. B, par. 5).

The new concepts of *common defence* and *qualified majority voting* represented concessions made by the British diplomacy, the strongest opponent to these proposals; the concessions were carefully calculated, because the common defence was left in "the custody of the future", and the QMV – limited to circumstances that put uncertainty over its applicability.

Away from the total break with EPC⁴⁰ tradition, the Treaty of Maastricht reveals "a contradiction between the ambitions of the EU member states to play an international role and the hesitation to step over the inter-governmental level in order to fulfil these objectives"⁴¹. Although TEU contained a whole rhetoric on the "loyalty spirit and mutual solidarity" that will inspire the EU, plus the promise to promote a policy in order to cover the whole spectrum of foreign business and security problems, it did not affect the EPC specific – to act only through consensus.

In 1993, the year of entry into force of the Treaty of Maastricht, the professor Christopher Hill predicted for the CFSP an exacerbation of "the gap between capabilities and expectations"⁴². A revolutionary step in the European foreign policy – the CFSP suffered from "institutional weakness"⁴³ from the beginning, in a direct comparison to the EMU: "while the EMU had a clear propose, the criteria for accomplishing it, a calendar of changes, sanctions for the states-members who may not accomplish the obligations and a central institution with a firm mandate for its actions, for the CFSP all this were missing"⁴⁴.

¹ For the structure and the substance of the study, the author has extensively used the works of Simon Duke (see *The Elusive Quest for European Security. From EPC to CFSP*, Macmillan Press, London, 2000), Ken Endo (see *The Presidency of the European Commission under Jacques Santer*, Macmillan Press, London, 1999) and Philippe de Schoutheete de Tervarent (see "The Creation of the Common Foreign and Security Policy", in Elfriede Regelsberger, Philippe de Schoutheete de Tervarent, Wolfgang Wessels (eds.), *Foreign Policy of the European Union. From EPC to CFSP and Beyond*, Lynne Rienner Publishers, Boulder, London, 1997)

² The G 7 Summit from Paris (1988) gave the European Communities – especially to the executives, the European Commission- to coordinate the help of the western states to the eastern ones.

³ See Jacques Delors, *Le Nouveau Concert Européen*, Éditions Odile Jacob, Paris, 1992, pp. 335-336.

⁴ To remember the bitter irony of Sir Leon Brittan, "Europe talked while Bosnia burned", in Sir Leon Brittan, *Europe: The Europe We Need*, Hamish Hamilton, London, 1994, p. 168.

⁵ See Philippe de Schoutheete de Tervarent, *op. cit.*, p. 42.

⁶ *Ibidem*, p. 43.

⁷ See *Agency Europe: Europe Documents*, no. 1608, 29 March 1990.

⁸ The Kohl-Mitterrand joint letter was published in *Agency Europe: Europe Documents*, no. 5238, 20 April 1990

⁹ *Presidency Conclusions*, Dublin European Council, 28 April 1990.

¹⁰ *Presidency Conclusions*, Dublin European Council, 25 and 26 June 1990.

¹¹ See Philippe de Schoutheete, *op. cit.*, p. 45.

¹² See the Opinion of the European Commission of October 22, 1990, the European Parliament Resolutions of July 11 / November 22, 1990, the *Declaration* of the European Community Inter-parliamentary Conference of November 30, 1990.

¹³ In October 1990, a conference of the Parliament representatives of the EC – the forum that joined for the first time – will have a similar position.

¹⁴ The moral author of this phrase is Jacques Delors, who affirmed in January 1990: "We identify essential joint interests and open the way, not to an identical foreign policy, but to actions in pursuit of those essential interests" - Jacques Delors, *op. cit.*, p. 209.

¹⁵ See Philippe de Schoutheete, *op. cit.*, p. 47.

¹⁶ *Presidency Conclusions*, Rome European Council, 14 and 15 December 1990.

¹⁷ The demission of Mrs. Thatcher happened on November 22, 1990.

¹⁸ The Treaty of Brussels (1948), modified through the Paris Protocols in 1954; see the text of the treaty in Willem van Eekelen, *Debating European Security, 1948-1998*, Sdu Publishers, The Hague, Center for European Policy Studies, Brussels, 1998, pp. 335-339.

¹⁹ At the informal Foreign Ministers Summit in Asolo (October 6-7, 1990) a work document will be elaborated, the *Asolo List*, that will have a long, but less important, career in preparing the Maastricht Treaty.

²⁰ The IGC works were officially opened on December 14, 1990.

²¹ "Joint Initiative on Establishing a Common European Foreign and Security Policy" (February 4, 1991).

²² For a detailed analysis of the British euroscepticism see David Gowland & Arthur Turner, *Reluctant Europeans. Britain and European Integration 1945-1998*, Longman, London, 2000.

- ²³ Sir Douglas Hurd, *Churchill Memorial Lecture*, Luxembourg, 19 February 1991.
- ²⁴ *Agency Europe: Europe Documents*, no. 1706, 16 April 1991.
- ²⁵ In this period, many analysts and even negotiators of the EC states were thinking to much more treaties and unions; see Philippe de Schoutheete's comments, *op. cit.*, pp. 50-54.
- ²⁶ *Agency Europe: Europe Documents*, no. 1722 / 1723, 5 July 1991.
- ²⁷ The other "pillars".
- ²⁸ This can be solved only if confronted with "big difficulties".
- ²⁹ Jacques Delors, *op. cit.*, p. 303.
- ³⁰ *Presidency Conclusions*, Luxembourg European Council, 28 and 29 June 1991.
- ³¹ *Apud* Philippe de Schoutheete, *op. cit.*, p. 57.
- ³² *Agency Europe: Europe Documents* no. 1733 / 1734, 3 October 1991.
- ³³ EPC's, for example, based on the "informal consensus" rules that bring the "club atmosphere" – see Michael Smith, "What's Wrong with the CFSP? The Politics of Institutional Reform", p. 4, in P.-H. Laurent and M. Maresceau (eds.), *The State of the European Union, Volume 4*, Lynne Rienner Publishers, Boulder, CO, 1998.
- ³⁴ The diplomatic groups will talk about the "black Monday day" and the press about the "Hague suicide".
- ³⁵ *Agency Europe: Europe Documents* no. 1737, 17 October 1991.
- ³⁶ As the CFSP is a French-German initiative (see the Kohl-Mitterrand joint letter), the first military corps (October 11, 1991) will be a French-German one, too.
- ³⁷ Since the '50s the member states of the European Community had the number of votes according to their size and weight.
- ³⁸ Signed in Maastricht, on February 7, 1992, The Treaty on European Union will come into force on November 1, 1993.
- ³⁹ *Title V: Provisions on a Common Foreign and Security Policy*.
- ⁴⁰ See *supra*, note 32.
- ⁴¹ Hill and Wallace, "Introduction: Actors and Actions", p. 4, in Christopher Hill (ed.), *The Actors in Europe's Foreign Policy*, Routledge, London, 1996.
- ⁴² *The capabilities-expectations gap* – see Hill, "Closing the capabilities-expectations gap", pp. 19-24, in John Peterson & Helene Sjursen (eds.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, Routledge, London, 1998 – an 1997 update of his 1993 famous study.
- ⁴³ See the study of John Peterson, "Introduction: the European Union as a global player", in John Peterson & Helene Sjursen (eds.), *op. cit.*
- ⁴⁴ *Apud* Michael Smith, *Achieving the Common Foreign and Security Policy: Collusion and Confusion in EU Institutions*, p. 2, paper presented at the Tenth International Conference of Europeanists, Chicago, 14-16 March 1996.

ROMANIA'S ACCESSION TO NATO AFTER THE PRAQUE SUMMIT

Teodor Meleşcanu

NATO's Summit in Prague which took place between the 21st and the 22nd of November adopted the decision to invite seven new countries to join the Alliance. Latvia, Estonia, Lithuania, Slovakia, Slovenia, Bulgaria and Romania will start negotiations with a view to adhere to the North Atlantic Treaty Organisation.

1. But NATO's Summit in Prague was more than that. It was a real "Summit of transformation". After the terrorist attack of the 11th of September, intensive debates have been taken place on both sides of the Atlantic. Some, mainly Americans, consider

that United States do not need allies any more and others, mainly Europeans, promote the idea that the United States are heading towards unilateral action. All these debates could not affect the generally accepted idea that there is no alternative to a joint action United States-Europe when security matters are at stake.

These were the conditions representing the general background for the Prague Summit. The debates and decisions adopted are practically representing radical changes in three main directions:

• *Extension of NATO*

The invitations addressed to the seven new countries to join NATO, and their real chances to become in one or two years full members of this Organisation, will represent a "robust extension", transforming NATO from a "western European structure", into a structure covering the whole Europe, from the Baltic Sea to the Black Sea, and from

the Atlantic to the external limits of the Community of Independent States.

It is a very important transformation, which is bringing NATO in direct contact with two zones of instability: the former Soviet Union and the Middle East. This new situation will undoubtedly influence the future activity of NATO.

• *Changes in NATO's structure*

The decision to create a rapid intervention force of approximately 20,000 military men will bring also changes in the internal structures of NATO, including the concentration of command structures and offering the technological means for commanding this force.

Even if an increase in the military expenditures is difficult to envisage, the creation of supplementary resources by reducing outdated military units, cooperating in the armament production and procurement, as well as joint operation of forces by two or more States could also be envisaged.

• *Changes in NATO's priorities*

The Prague Summit also represents an important re-evaluation of the priorities of the Alliance. Compared with the classical approach of the security – fighting against a conventional or nuclear attack on one or more members of the Alliance, the new priorities are now different.

- On the top priority there is now *the war against terrorism*. Fighting against this real danger for the security of all the Member States of NATO and for the international peace and democracy in general is, under the conditions prevailing after September 11th attacks on United States, the top priority of NATO.
- Preventing the proliferation of mass destruction weapons – nuclear, chemical and bacteriological – is another priority from among those underlined by this recent Summit taking place in Prague. Even if the Iraqi subject was not officially on the agenda of the Summit, it is obvious that the existing doubts, serious doubts, about the dangers of programs of this kind is a theme of preoccupation for all the NATO members.

2. For Romania, the invitation to adhere to NATO has a high political significance, higher than for other States invited. The reason is that for all the candidate countries to NATO, except Romania and Bulgaria, the horizon of their integration into the European Union is 2004, practically at the same moment with their accession to NATO. For Romania, joining the European Union is a longer prospective. The year 2007 was mentioned by the Romanian authorities, without having any assurance that it will be respected. That's why, for Romania, this invitation represents the only official inclusion in a key structure of the Western Democracies. At the same time, this invitation for Romania is a clear support for the continuation of the democratic process and of the economic reform in our country.

Under this circumstances which are the main consequences and priorities for Romania in the next period to come:

The first priority, a legal one, is to concentrate, in the next 3 to 4 months, on negotiating and signing the accession documents between Romania and NATO. After their signature, a clear priority will be to concentrate on the ratification of these legal documents by the Parliaments of all 19 NATO Member States, permitting thus a full accession of Romania by the year 2004.

It is important to understand that, legally, this procedure will be much wider than we can imagine at a first sight. It will also include the modification of the Romanian Constitution, article 117, para. 5 which states: "On the Romanian territory, foreign troops cannot enter or transit unless a special law provides the necessary conditions to be respected." It is also important to note that after the full adherence to NATO, from the legal point of view there are other legal implications among which the signing of a number of other agreements, like:

- The Agreement between the Member States of the North Atlantic Treaty concerning the status of their military forces (London, 1952);
- The Protocol concerning the status of the International General Staff, elaborated on the basis of the North Atlantic Treaty, also named The Paris Protocol (Paris, 1952);
- The Agreement concerning the status of the North Atlantic Treaty, national representatives and the International Secretariat (Ottawa, 1951);
- The Agreement concerning the status of permanent missions and of the representatives of third States to NATO (Brussels, 1994);
- The Agreement between NATO Member States on the intelligence security (Brussels, 1997);
- The Agreement for the reciprocal protection of inventions secrets concerning the military field for which patents are requested (Paris, 1960);
- The Agreement between NATO States on communication of technical intelligence related to defense (Brussels, 1970);
- The ATOMAL agreements relevant for the Allies with nuclear capabilities.

All these Agreements which Romania already started to sign (e.g. the SOFA Agreement, or the Agreement on permanent Missions), to which other procedures and practices will be added, represent a real **NATO acquis** which has to be not only incorporated in the internal law but also applied by all competent institutions.

The second priority is to offer the necessary resources for continuing the reform of the Romanian Army. The recommendation of NATO for candidate countries is to allot 2% of their GDP for military expenditures. From the public data it appears that Romania is the biggest contributor of the candidate countries.

Country	% of GDP	Millions	Armed Forces (thousands)
Estonia	1.70	94	4,500
Lithuania	1.80	215	12,200
Latvia	1.16	87	6,500
Slovakia	1.98	394	33,000
Slovenia	1.50	283	7,600
Bulgaria	2.80	373	77,300
Romania	2.50	989	103,000

This is a proof that the Romanian Parliament took seriously into consideration its responsibilities and also a sign that it will act accordingly in the years to come. For a period of 10 years we can appreciate that the total amount of funds available for the military needs in Romania will arrive at app. 15 billions US dollars.

But money alone will not solve the problem of reforming the Romanian Army. It has to pass through the process of reductions in personnel, especially officers who are overstaffing the army, the passage to a professional army and a better training and equipment, which will ensure the interoperability with armies from other NATO Member States. From this point of view, the attention should be concentrated, in the first phase, on the so-called CCIC complex, respectively, command, control, intelligence and communication techniques. In a second stage, the effort should be concentrated on standardizing the military equipment following NATO requirements.

A very important line of thinking, taking into account the limited resources of all candidate countries, is to start examining the possibility of joining forces, either through joint units as it the case of the Romanian-Hungarian regiment, or through common investments in expensive military materials, like fighter jets or sophisticated radars. A

very simple example is the idea of surveillance of the aerial space of the Black Sea, where Romania and Bulgaria could easily join resources in creating a common system instead of doubling their efforts and expenses.

A third priority for Romania is to re-launch the efforts for increasing the efficiency of the national policy and the national system devoted to fight against the international terrorism and the danger of proliferation of mass destruction weapons.

Romania is among the States which founded, in 1996, the so-called Wassenaar Agreement through which the participants accepted clear engagements not to transfer sensitive technologies which could be used for producing mass destruction weapons or means for their delivery without proper consultations between themselves. At the same time, a National Agency for approving any transfers of military equipment was created and is currently functioning under the aegis of the Ministry for Foreign Affairs of Romania. The proper policies and the necessary means should be devoted to these activities.

Concerning terrorism, Romania has already joined the other democratic countries in their fight against this real danger of the globalised world. What is

needed after Romania's joining NATO is a clear understanding that the situation of our country has radically changed. After the Second World War, Romania was not confronted with important terrorist actions. Moreover there are indications that the communist regime had contacts with such activities and persons involved in them. The "Carlos Case" and other situations (see the actions against journalists from Radio Free Europe) seem to demonstrate that such relations did exist and Romania was perceived as a "friendly country" for terrorists and terrorist activities. Joining NATO places Romania in a different camp; the camp of those fighting terrorism. Consequences are clear and our authorities have to face it in a very responsible manner. From the legal point of view, Romania has adopted an Urgency Ordinance of the Government, No. 141 of 25th of October 2001. This legal document, even if hastily adopted and incomplete (it lacks provisions concerning the financing of terrorist activities) is a very clear indication of the political will to create the legal means for an enhanced action, at the national level. It has to be developed and completed by the ratification of all United Nations conventions in the field and by an active participation, together with the other democratic States in the debates for the future elaboration of an international legal framework devoted to this issue.

A fourth priority for Romania is to continue to be an active participant in the Partnership for Peace Program and to devote serious diplomatic efforts for a Policy to the East, first of all for a policy devoted to

the development of good relations with Russia.

From the moment when the PfP idea was launched by the United States, in 1993, Romania strongly supported this program, which permitted candidate countries to prepare for joining NATO. Romania was the first country which signed, in 1994, the PfP Agreement and had a very diligent participation in the activities taking place under its aegis. Joining NATO should not mean that this program is not important for Romania anymore. On the contrary, as a "border country" of NATO to the East, Romania should continue to play an active role in the PfP.

A clear policy to the East, a policy for Moldova, Ukraine and Russia has to become a top priority for the Romanian diplomacy. There are a number of steps to be taken, among which the conclusion of basic treaties with Moldova and Russia and the updating of the legal framework for the economic and cultural relations as well as for the development of political relations.

Last but not least, **the priority of priorities for Romania** in the period to come is the acceleration of the restructuring of Romanian economy in order to arrive as soon as possible at a functioning market economy. The biggest problems for our country in the prospective of joining NATO is poverty and corruption. Without decisive policies aimed at reducing and eliminating these two cancers of our society, the objective of becoming full members to NATO will remain a political goal without a real substance.

NATO ACTIVATED ARTICLE 5 of NORTH ATLANTIC TREATY. ROMANIA – AN ACTIVE FACTOR of ANTITERRORIST COALITION

Dumitru Mazilu

The first year of the new century and millennium was marked by events with a tremendous impact on the *International Law and International Relations*¹. For a couple of hours – in the morning of September 11, 2001 – America was *in a state of shock*², following the impact of unprecedented terrorist attacks³. This state of shock could be felt all over the world⁴. A new type of conflict – totally differing from the classical conflicts⁵ – had been: a. designed; b. organized to the smallest detail⁶ and c. carried out on the territory of the most powerful state in the world under *unimaginably dramatic*⁷ circumstances. President George W. Bush defines the

terrorist attacks in New York and Washington as a *national tragedy*⁸, and the president of the Russian Federation, Vladimir Putin, called terrorism *the plague of the century*⁹. The dramatic events of September 11, 2001 brought to world consideration one of the most terrifying phenomena: terrorism, with one face seen and one unseen, with terrible and unique destructive effects in the everyday life of the people. Such events force the world leaders, the international organizations and the men of science to give due attention to such phenomena, and, above all, *to decode their real causes*, so that fighting them could be efficient¹⁰.

§ 1. Terrifying effects

The terrifying effects of the terrorist attacks in New York and Washington, and especially their impact on the millions of

Americans, on Europe and on the rest of the world are difficult, if not impossible, to assess¹¹.

1.1. September 11, 2001 – the day America and the world shook

1.1.1. That sunny September day – the day after feasting Labor Day – terrorism brought black clouds in the American sky. Planes hijacked by terrorists, filled with American passengers, were suicidally driven towards the American symbols, World Trade Center and the Pentagon¹².

1.1.2. On September 11, 2001 New York and Washington were frontally hit. Thousands of people were killed during the terrorist attacks. The activity in both

metropolises stopped. During salvation works and when searching for the victims – immediately after the impact of the kamikaze planes – many of the savers were killed on duty, as an effect of the Twin Towers collapsing¹³.

1.1.3. People were terrified, insecurity set in all over, flights were suspended¹⁴.

Thousands of passengers cancelled their flights, having recourse to other means of transport considered safer¹⁵.

1.2. An attack against democracy and civilization

1.2.1. Tony Blair, Prime Minister of Great Britain; Gerhard Schroeder, Germany's Chancellor; Jacques Chirac, President of France; Vladimir Putin, President of Russian Federation – declared that the terrorist attacks in New York and Washington were not headed against America, but against *democracy and civilization*¹⁶.

1.2.2. Friedrich Schiller¹⁷ – one of the greatest German thinkers, and Percy Bysshe

Shelley¹⁸ – a reputed British analyst, claimed attention, more than one hundred years ago, that nothing can justify murder, the destruction of human creation, violence and aggression.

1.2.3. On September 11, 2001, there, in New York and Washington, took place the most violent terrorist attack in history, called by Colin Powell – American State Secretary – an act of war *directed against the values of democracy*¹⁹.

1.3. Psychological terrorism

1.3.1. The psychological impact of the events of September 11, 2001 on the American people is particularly powerful. People are worried, expecting new terrorist attacks, as serious as those on September 11, or even worse²⁰.

1.3.2. The general prosecutor of the USA declared that terrorism is a clear and topical threat and that *information available*

*in FBI indicates the fact that there is a risk of future attacks*²¹.

1.3.3. Certain data exist that the terrorists experimented non-conventional mass destruction weapons²². The phobia of bio-terrorism contaminated the world. All over the USA gas masques and antibiotics have been massively bought. A book on biological weapons was sold in millions of copies.

§ 2. An unprecedented coalition

On September 20, 2001, in his statement in front of the Congress, President

George W. Bush called to a great international coalition against terrorism²³.

2.1. You're with us or you're with the terrorists!

2.1.1. In this speech, President Bush addressed a firm message to the nations of the world, asking them to join the antiterrorist coalition²⁴.

2.1.2. *Each country must now decide: You're with us or you're with the terrorists!*²⁵ *From now on – declared the American president – any country that will continue to*

*shelter or to support the terrorists, will be considered, by the United States, a hostile regime*²⁶.

2.1.3. The member states of the European Union, the Russian Federation, China and many other countries joined the *great international coalition against terrorism*²⁷.

2.2. Nato activated Article 5 of North Atlantic Treaty

2.2.1. For the first time – since the beginnings of the North Atlantic Treaty Organization, the Council of the Alliance decided to activate Article 5 of the treaty, which stipulates that, in case of external attack of a member state, all member states

will consider themselves attacked and will reply to such attack²⁸.

2.2.2. George Robertson, Secretary General of NATO, expressed the active solidarity of the Alliance with the USA, in the campaign against terrorism²⁹.

2.3. Romania – an active factor of the antiterrorist coalition

2.3.1. As early as the first moments, Romania acted like a member *de facto* of the North Atlantic Alliance. The Chief of the State summoned the country's Supreme Council of Defense to a crisis meeting, the very night of September 11, 2001³⁰.

2.3.2. President Iliescu firmly denounced the terrorist acts, declaring – on September 11 – *that the human tragedy*

*which sets America in mourning is the tragedy of all mankind and once more proves that extremist actions never serve anybody's cause*³¹.

2.3.3. At the proposal of the Chief of the State, Romania's Parliament approved free access of NATO to Romania's air, water and land space, for the purpose of the anti-terrorist campaign.

§ 3. An approach defining terrorism

For a long time back a definition has been attempted, which should delineate the

phenomenon and concentrate all forces for the purpose of fighting it.

3.1. Two contradictory viewpoints

3.1.1. Repeated attempts for defining terrorism by the United Nations Organizations and of other international organizations were unsuccessful, as a consequence of the fact that there are two points of view, hard to reconcile, regarding such phenomenon.

3.1.2. The representatives of number of States are against defining as terrorist act the desperation of people who sacrifice their lives for freedom, for national independence and social liberties, saying that the line between such a and terrorism-proper is hard to draw³². They think that in the name of anti-terrorism

*the fight for national liberty is counteracted*³³ and the establishment of new independent States based on sovereignty thereof.

3.1.3. In 1972, the UNO General Secretary claimed – in a study imparted to the organization – that naming an act *international terrorism requests that the interests of more than one State should be thereby affected*. The UNO's General Assembly – through Resolution 3034/XXVII; and others – denounced terrorism and called to *international co-operation, with a view to fight such phenomenon*.

3.2. The need for a comprehensive definition

3.2.1. On September 14, 2001, the European Union stated that a *definition of terrorism is imperative considering the expansion of the dangers of terrorism entails so that a proper juridical framework for international counterattack of terrorism*³⁴ should be elaborated.

3.2.2. The session of UNO's General Assembly set debate on proper definition of such phenomenon on its agenda. But on

October 11, 2001, the UN General Secretary, Kofi Annan, brought to public knowledge the fact that *prior difficulty is continuing and that is difficult to reach a common view*.

3.2.3. At present, the opinion is always more widely accepted that legitimacy of a cause does not justify, per se, recourse to forms of violence, especially against the innocent.

§ 4. Complex causes of continuing tension in international relations

Recent international debate calls the attention to the fact that the causes of terrorism **should be urgently, properly and seriously analyzed, as so far only the effects thereof have been overemphasized.**

More and more insistent are those who claim that the real causes are not considered, not revealed and *the necessary political will for their eradication is null.*

4.1. Poverty – in an unprecedented expansion

4.1.1. During the latest 10-15 years, poverty expanded rapidly over all the areas of the developing countries. Today a few countries benefit from the fruits of wealth, while over 50% of the planet's population struggles to survive under subsistence threshold³⁵.

4.1.2. The opinion is always more widely heard that rich countries have

perfected means and methods through which they exploit mercilessly both nature resources and labor of the developing countries.

4.1.3. Today we hear always more frequently claimed a real economic terrorism. Many people take their lives, exasperated that they lack food for their children.

4.2. Foreign troops on the territory of sovereign States

4.2.1. If after World War II several countries fought against USSR maintaining troops on their territories, nowadays always more insistently the appeal is heard to withdrawal of foreign troops settled on the territory of sovereign states.

4.2.2. The presence of foreign troops is negatively perceived, such troops being considered, by the vernacular peoples, occupation troops.

4.3. Disrespect for the peoples' nature and dignity

4.3.1. In a democratic system, each people – large, middle-sized or small – must have the respect of all the others.

4.3.2. Subordination of peoples by violent means, by force and by threat of

force, comes against the imperative principles and norms of international law.

4.3.3. Immediately after World War II, peoples denounced *Soviet hegemony in virtue of the fact that the nations must be respected*.

§ 5. Fighting terrorism through all possible means. War – the last recourse

There is, today, a large international consensus regarding the necessity of firm and consistent combat of terrorism so that

the guilty parties should be as soon as possible brought to justice and held accountable.

5.1. Proper means against unconventional confrontation

5.1.1. The terrorist had recourse to unconventional means. They may appear when you least expect and they may stage attacks beyond imagination, like in Moscow, in October 2002.

5.1.2. That is why such confrontation must be made properly: through, firstly, recourse to Intelligence and Counter-Intelligence service; by cutting financing of terrorism; by destruction of their headquarters and logistics; and so on.

5.2. Infinite Justice

5.2.1. The American authorities' call for justice has to be done in natural³⁶. The terrorists must be brought to justice and rigorously sentenced, based on legal norms³⁷.

5.2.2. To find out the terrorists and bring them to justice, all legal means available to the bodies due should be used³⁸.

5.2.3. International co-operation is imperative to such effect. All specific bodies should concur to find out and punish the guilty parties³⁹.

5.3. Homo res sacra homini

5.3.1. Infinite Justice has got nothing to do with killing the innocent⁴⁰, for – as Lucius Annaeus Seneca said – man is sacred to man (*Homo res sacra homini*)⁴¹.

5.3.2. In the effort of fighting terrorism, always more voices are heard claiming that war should be the last choice⁴², for in the name of defending human rights of some people we will – by no means – accept the assassination of even one unique innocent⁴³.

5.3.3. The large coalition against terrorism has all the necessary means available, to discover and punish those guilty for committing terrorism. All the States engaged in such fight – Romania included – have taken upon themselves to do away with terrorism, to find out the terrorists and to bring them to justice, so that an end should be put to this tragic phenomenon that humanity is confronted with at the beginning of the century and of the millennium⁴⁴.

¹ The imperative principles and norms of international law have been violated; international relations have been questioned, under the impact of events hard to imagine and assess.

² *Boston Herald*, September 12, 2001.

³ *Washington Post*, September 12, 2001.

⁴ *The Independent*, London, September 12, 2001.

⁵ With the enemy known; with military forces easy to assess; with fighting means more or less powerful.

⁶ Proving the capacity of the forces implied and of important resources, material and human, available.

⁷ The reason why all political analysts have defined those events as an American tragedy.

⁸ George W. Bush, *Statement on 11 September, 2001*, Washington D.C.

⁹ Vladimir Putin, *Statement on 11 September, 2001*, Moscow.

¹⁰ Dumitru Mazilu, "Combaterea terorismului", in *Palatul de justiție*, New series, No. 10, 2001.

¹¹ *Washington Post*, September 11, 2001; *Boston Herald*, September 11, 2002.

¹² That synchronous action – in New York and Washington – took American Intelligence by surprise.

¹³ *New York World Trade Center Twin Towers were destroyed just days after special safety procedures were interrupted, after they had been applied for two weeks, following numerous threat phone calls* (Daria Coard, *Newsday*, September 12, 2001).

¹⁴ *Boston Herald*, September 13, 2001.

¹⁵ Dumitru Mazilu, "Căderea dramatică a industriei aeriene" in "Impactul terorismului asupra comerțului internațional. Cunoașterea și eradicarea cauzelor, condiție sine qua non a eliminării efectelor fenomenului", *Revista de drept comercial* No.10/2001, p.129 and following.

¹⁶ Statements made on September 11 and 12, 2001.

¹⁷ Friedrich Schiller was born in 1759 and passed away in 1805. He taught moral history at University of Jena. He authored reference works like *Ideal and Life*; *Grecian Gods*; *Of Grace and Dignity*; and so on.

¹⁸ Percy Bysshe Shelley was born in 1792 and passed away in 1822. Among his works: *Ode to Liberty*; *The Masque of Anarchy*; *The Revolt of Islam*; *Prometheus Unbound*.

¹⁹ Colin Powell, *Statement on September 11, 2001*: "The people of America – declared State Secretary of the US – clearly understand that this is war. It's how they see things and you can't see them otherwise, whether it is more or less correct legally". *Reuters*, September 12, 2001.

²⁰ Hohn Ashcroft called to attention that *there may still be terrorist cells on the territory of the USA, that is the risk of new terrorist attacks* (*Statement on September 20, 2001*).

²¹ *Ibidem*.

²² We are not prepared to face the most terrible of the scripts – an attack with a virus of smallpox, which will lead to world epidemics. Our stocks of anti-smallpox vaccine have not been refilled. (Philip Russel, Professor at Johns Hopkins University, *Statement on September 20, 2001*).

²³ George Walter Bush, *Statement before the US Congress*, Washington, September 20, 2001.

²⁴ *Ibidem*.

²⁵ *Ibidem*.

- ²⁶ "Our answer – said president Bush – will imply more than a spontaneous reply and isolated coups. The Americans must not accept one unique battle but a long unprecedented campaign. This campaign will comprise spectacular coups, which will be shown on television, but also secret operations which will remain hidden until they succeed". (*Ibidem*)
- ²⁷ Gathered in an extraordinary meeting, the chiefs of state and government of the Member States of the European Union expressed their firm will to cooperate with the United States of America, for bringing to justice and punishing the authors, those responsible for, and those accomplices with the barbarous acts, on September 11, 2001. (Final statement of the reunion of state and government chiefs, Bruxelles, 2001, September)
- ²⁸ George Robertson, *Statement on September 12, 2001*.
- ²⁹ *Ibidem*.
- ³⁰ I firmly disapprove terrorism as a method for achieving political, economic or social objectives (Ion Iliescu, "Declarația în legătură cu atacurile teroriste din Statele Unite", in *Adevărul*, September 12, 2001).
- ³¹ *Ibidem*. See also Declarația premierului Adrian Năstase, Romania condemns the terrorist attack on the USA, *Adevărul*, September 12, 2001.
- ³² Bashar al-Asad, president of Syria, thinks that the term terrorist should be defined so that no possible confusion could be made with the case of fighting terrorism for freedom.
- ³³ A viewpoint supported by many countries under development.
- ³⁴ Statement of the chefs of state and government, as adopted in Bruxelles on September 21, 2001.
- ³⁵ 225 of the richest persons of the world own together over one trillion dollars which equals the yearly income of half the population of the globe; the property of the richest three is larger than yearly economic produce of the poorest 48 countries of the world (Lester Brown, Christopher Flavin, "O nouă economie pentru un secol nou", in *Starea lumii 1999*, Editura Tehnică, București, p. 39)
- ³⁶ Infinite Justice was insistently requested after tragedy of September 11, 2001.
- ³⁷ Based on hard evidence of clear guilt.
- ³⁸ Police, prosecutors office, courts of law.
- ³⁹ Cooperation is one of the fundamental principles in International Law, whose application in this field is necessarily compulsory.
- ⁴⁰ Which in a war cannot be avoided.
- ⁴¹ Lucius Annaeus Seneca was born in 4 B.C. and passed away in 65 A.D. Philosopher and Roman statesman. Author of *Medeea*, *Phaedra*, *Letters to Lucilius*.
- ⁴² See the opinion of one of the most respected war correspondents, John Pilger, in *The Mirror*, October, 2001. See also the excellent analysis made by Cătălin Popa, "Starea de război", in *Curentul* of October 9, 2001.
- ⁴³ Dumitru Mazilu, "Considerațiuni introductive – promovarea principiilor și normelor dreptului internațional în relațiile internaționale", in *Dreptul Internațional Public*, p. 5 and following.
- ⁴⁴ Whose annihilation implies knowing and combating the causes (*Palatul de justiție*, no. 10/2001).

THE NEW ECONOMY

SOME NEW THREATS TO SECURITY

Valeriu Tudor

Introduction

One can consider that the New Economy or Knowledge Economy or e-Economy, based on the Information Technology and Communications (ITC), may be defined as one that operates under different economic rules. In reality, such a New Economy does not exist. All new companies follow the same basic rule that share prices must reflect profitability. Like old successful companies, the new ones in the internet, media or biotechnology sectors can succeed only if they benefit from superior entrepreneurship. In fact, the really new successful companies in the Information Technology (IT) are no different economically from equally successful old economy companies.¹

Mobile communication and the internet have undoubtedly had a tremendous impact on productivity and mobility for Western and some other economies as a whole. Their arrival has been an event of significant macroeconomic importance, though not comparable to technological breakthroughs

such as electrification, the expansion of the railway or mass production all over the world.

As it is underlined in the Okinawa Charter on Global Information, IT is becoming one of the most potent forces in shaping this new century. As a vital engine of growth for the world economy, IT can serve the mutually supportive goals of creative sustainable economic growth, enhancing the public welfare, and fostering social cohesion, and work to fully realize its potential to strengthen democracy, increase transparency and accountability in governance, promote human rights, enhance cultural diversity, and to strengthen international peace and stability.²

The Information Technology proves to be a real high vector of globalization, with all advantages and disadvantages for all the countries of the world, since the international relations, including economy and trade, are still far from being based on principles and norms generally accepted.

The paradigm of the new economy is already challenged

There are views that rather than talk about the "knowledge economy" or the "new economy" it is more accurate to describe a "network economy" driven by ITC. According to these views, if the XIXth century was the era of the factory, the XXth was dominated by the office; the new century has a new driver of economic and social organization: it is called the network. This has given birth to a new phenomenon, the free worker, who is

overturning conventional notions of the employer/employee power relationship and radicalizing the way workers are recruited, paid and kept happy as much as possible. The power of networks, the personalization of contracts, employee mobility and value of knowledge are already observable. The free workers are the fragments of the future here in the present.³

New human resource management

The e-economy has prompted employers to disperse with tradition and adopt a more people-based style of management. The arrival of the new economy based on e-commerce and information technology has made the traditional forms of work organization look even more obsolete to an educated and skilled labor force. As a consequence, a growing number of companies in the US, the UK and other countries of Western Europe have introduced new human resource management techniques underpinned by less hierarchical structures of decision-making emphasizing, team approach, job rotation, performance related pay, devolution of decision-making and employee financial participation. This experience suggests a new possible synthesis between business efficiency and social justice in the modern new economy enterprise. Such a growing evidence also suggests improvements in productivity, profitability and, above all, stock market valuation depend to a greater extent than in the past on how their own employees facing new Information Technology and e-commerce.⁴

Many of the ambitious young people who sought instant wealth by joining dotcom start-ups in the US are having a rude awakening. There are clear signs of a rise in the rate of their defection over the past months to more traditional brick-and-mortar companies. It does not mean the dotcom aspirants hanker for return to the "old" economy. They still want information technology jobs, but would prefer them to

last longer. In other words, they want to have their share and benefit plenty from it.

What is becoming clear painfully is that there are simply not enough knowledge workers in the world to meet business demand. The shortage of available workers is already provoking an explosion in recruitment in e-commerce, with many employers anxious to rise pay levels well above current inflation rate to attract staff. But attempts to encourage the internationalization are not confined to senior management and information technology talent. It seems that in the UK a strong case for relaxing immigration rules can even be made on culinary grounds, because there is a shortage of Indian chefs. The benefits of the drain brain from other countries is a flourishing phenomenon with those who made early option for the new economy and internet companies.

The need to bridge the widening education gap between the information "have" and "have not" is one motivating factor for educators fighting the digital divide. Technology has the potential to bring valuable educational tools and resources to developing countries and inner cities, but building personnel can be costly.

The digital divide is much more than building the basic physical infrastructure needed to go online; financial access to the internet is just as important. The access to information is sometimes barred for some people by the excessive westernizing of the content on-line or by the use of the English language.⁶

The knowledge economy

As one of the main streams of the new economy is the knowledge economy, the developing countries are increasingly left behind as developed countries focus on high-tech products and services. The knowledge economy offers exponential returns on investment in education and will thus widen the gap between rich and poor nations. The latter, still struggling to promote literacy, are unable to invest also in higher, technology-oriented education programs. They are far

from gaining a foothold in the knowledge economy. Nevertheless, they should not forget that no country can afford to refrain from technology-oriented educational investment, however urgent its basic educational needs. One example is the remarkable boom in India's software industry, with its highly trained computer specialists. This kind of education success story, like in South Korea and some other developing countries or countries with the economy in

transition, lies in their ability to make hard choices in allocating limited resources to different parts of education sector.

Targeted investment in high-tech fields and specialized institutions of learning must be balanced with investment in basic education for all. Many countries cannot hope to do everything at once, but they must be helped to put in place all the essential steps between basic and higher education, between literacy and high-tech research. If the connecting links between basic

education for all and the high-powered knowledge economy is lost, there is a big risk of opening chasm between poor and rich countries. According to Kochiro Matsuura, "this is a lesson that no country can afford to ignore".⁷ Above all, one has to understand that it would be to no one's advantage to allow the knowledge economy to break the world up into small islands of wealth surrounded by a sea of want. This cannot but be another factor of security or ... insecurity in a world of renewed challenges.

The New Economy versus the old one

In terms of efficiency, nothing is final. Indeed, when it comes to online commerce, the symbiosis between the new economy and the old one has deepened noticeably since the last two-four years. In fact, a spate of alliances and joint ventures between established manufacturers and companies specializing in electronic commerce has blurred the line between the two. As a result, traditional companies in a range of industries now look much better prepared for the promised business-to-business e-commerce revolution. Internet companies that have sprung to prominence on the promise of business-to-business innovations are starting to value their own relationships

in the old economy far more highly.⁸ Despite this, and even after recent gyrations in the stock market, investors still seem prefer new economy companies to more traditional ones. On their own, however, some prominent cases may not be enough to convince the stock market that the true heirs of the business-to-business revolution will be traditional manufacturers.

The corporate restructuring, repositioning and reorganization underway are reshaping the computing, communications and context landscape, being likely to emerge a new class of global heavyweights which will create, manage, control and distribute digital content in the internet era.

The internet and the mobile telecommunications

In this internet age, where speed is everything, many of the old economy rules seem to no longer play. Where time-to-markets becomes crucial, or human resources are in short supply, many companies are attempting to jump-start product development programs, plug product portfolio gaps or leapfrog competition by acquiring technology.

Another obvious factor reshaping the computer and telecoms industries is the dramatic growth of the internet since the mid 1990s. Now, the internet connects about 200 million people. This figure is expected to grow to 1 billion in a few years.⁹

The world is stepping in an age where a click of the mouse will seek out the cheapest product that suits the consumer's

needs, all goods will become commodities and many familiar brand names will become meaningless.

The world population is about 6 billion people. They own an estimated 350 million computers, 450 million mobiles phones, 600 million cars and as many as 1 billion television sets. Sooner or later, all these devices and more will want to be on the internet.

The problem is there is no room, because the web is running out of addresses; all possible permutations of numbers will be soon exhausted. Internet protocol version 6 (IPv6), the upgrade to the present version 4, would allow for theoretically almost infinite number of addresses. Yet it has not been adopted.

As American companies were first to realize the commercial value of the internet, they were allocated a disproportionate numbers of addresses. The companies of other countries have fewer and they will require more. By 2003, the 600 million users on the internet will mean to go to IPv6. By 2005, probably, IPv6 will take over from IPv4 as the dominant protocol.¹⁰

The ability to offer speech as well as text and graphics on a web page is at the core of the emerging mobile e-commerce (m-commerce) and voice enabled e-commerce (v-commerce) markets. Instead of accessing the internet via a PC or interactive television, m-commerce uses mobile phones, palm computers, personal digital assistants and other portable devices. A prototype mobile device designed for m-commerce has been developed. The Nak (abbreviation of Nakulu, the Hawaiian word for *echo*) uses speech technology for sending and receiving e-mails, which are read by the user, making simple inquiries thus be used by many people. So internet access through smaller devices will allow the voice to replace the keyboard.¹¹

The astonishing growth of mobile telecommunications has helped create another tier of phone companies. According to some estimates, the number of people accessing the internet with mobile smart-phones and other handled devices will

exceed those accessing the net using PCs within a few years.

Meanwhile, new technologies will enable much richer services, including video, to be delivered via wireless communications.

Whereas internet streamed media started on personal computers, it is already available through different devices, for instance the portable music players, then downloading direct to a mobile telephone. Third generation mobile telephone networks will provide enough bandwidth for audio and video streaming.¹²

The internet has turned out to be one of the most powerful forces shaping business for decades. But it also proved to be a fertile ground for speculation. Entirely new markets have been promised, with completely new ways of doing business and new ways of doing money.

Many new companies on the New Market of the ITC already face serious cash-flow problems at a time when their share prices are falling and their access to fresh capital is therefore restricted. The difficulties of that kind of companies remind "the idea of a structural break from the past is a lie, a marketing concept". That is why the amount of ambition of today's generation of managers cannot enable them to escape the rule that "when companies do not love enough money, they go bust".¹³

The ITC in the United States and the European Union

In the US, the ITC sectors, the core of the new economy, account for above 7 percent of the Gross Domestic Product. In the European Union, they make up only 4 percent of GDP, though this proportion is expected to approach US levels in the next four-five years. Investment in ITC is a little higher, at 7 percent of GDP, compared with 8 per cent in the US.

In the second half of the 1990s, the US ITC accounts for approximately three quarters of 1 percentage point increase in annual productivity growth. But in the European Union productivity growth has been lower, and the jury is still out on whether the continent can emulate US performance over the next few years.¹⁴

European Union leaders agreed, in March 2000, at the Lisbon Summit, a sweeping agenda of economic and social reforms. A major target was the creation of a vibrant European internet economy, closing the gap with the US in terms of employment and competitiveness. In their Lisbon declaration, they said the EU should "become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion".¹⁵

To back up this "new strategy goal", European Union leaders made two dozen commitments to adapt their economies to the internet age, which include a legal

framework for e-commerce in 2000, full liberalization of telecoms by 2002, internet access for all schools by 2001, and W1 e-Europe Action Plan specifying targets for interconnected low-cost, high-speed internet and telecommunication networks in all EU countries.

The Nice Summit adopted new measures aimed at the implementation of

Security issues in the cyberspace

In the G8 Communiqué Okinawa 2000 (Okinawa, 23 July 2000), there is a special reference to the theme: "We must take a concerted approach to high-tech crime, such as cyber-crime, which could seriously threaten security and confidence in the global information society. Our approach is set out in the Okinawa Charter on Global Information Society".

Indeed, the Okinawa Charter on Global Information Society underlines, *inter alia*, that international efforts to develop a global information society must be accompanied by coordinated action to foster a crime-free and secure cyberspace. We must ensure that effective measures, as set out in the OECD Guidelines for Security of Information Systems, are put in place to fight cyber-crime. G8 co-operation within the framework of the Lyon Group on Transnational Organized Crime will be enhanced. We will further promote dialogue with industry, building on the success of the recent G8 Paris Conference "A Government/ Industry Dialogue on Safety and Confidence in Cyberspace". Urgent security issues such as hacking and viruses also require effective policy responses. We will continue to engage industry and other stakeholders to protect critical information infrastructures".¹⁶

This was a renewed warning, because the competent authorities in many countries have tried even before to counter increasingly sophisticated offenders in cyberspace. In the US case, according to Louis Freeh, director of the Federal Bureau of Investigation, the laws were not keeping up with the growing pace and sophistication of cyber-crime. Nonetheless, just as computer crime has evolved and mutated over the years, so too must our laws and

these commitments. For achieving them, probably Europe should abandon its "fortress" mentality and follow America's lead in encouraging more inflows of labor, which, on their turn, are stimulating the brain drain from other countries, namely the developing ones and those with economies in transition.

procedures evolve to meet the changing nature of these crimes", he said at a Senate Committee in March 2000. In his view, "in the cyber equivalent of an arms race, exploits evolve as hackers design variations to evade or overcome detection software and filters".¹⁷ And that was quite long before September 11, 2001 terrorist attacks in New York and Washington ...

Mr. Louis Freeh urged the Congress to support legislation known as The Cyberspace Electronic Security Act, proposed some months before by Justice Department to strengthen investigative techniques available to law enforcers and increase resources for cyber investigation. At the same time, he urged a review of current sentencing provisions for computing crime.

This hearing followed a global reaction against fraudulent internet schemes coordinated by the US Federal Trade Commission, and publication of a Computer Security Institute report showing the dramatic increase in the cost of computer crime in the US.

There was not a coincidence that before the hearing cyber-attacks were recorded on large sites, including Yahoo!, eBay and CNN, as a confirmation of increasing in frequency and sophistication of this kind of attacks.

Now, the information made available on the internet has become more than a concern because of privacy. Two or three years ago, companies weren't paying too much attention to this issue. Last years, the spread of "cyber-leaks" has emerged as one of the most serious new threats to corporate privacy, and a unique way for outsiders and insiders to break down the walls of corporate secrecy.

In 2000, some large mergers or merger discussions were leaked on internet messages boards run by Yahoo!, the internet company. In each case, the chatter turned out to be true.

Once investors can buy and sell shares on weekends, when most cyber-leaks occur, stock volatility may rise even more than it has now, sparked by true, but more often false, speculation.

That is why many technology groups are developing software and cyber-sleuthing techniques aimed at tracking down messages, sometimes within seconds of aposting, and developing strategies for their corporate clients.¹⁸

Any concept of security in the information age should define the infrastructures which are so vital that their incapacity or destruction would have a

profound negative impact on the defense and economic security. Among these vital infrastructures there are transportation, oil and gas production and storage, water supply, emergency services, government services, banking and finance, electrical power and telecommunications, food reserves, military objective and many other things.

The US history of the recent years provides a number of events that have served to heighten fear of exposure be they satellite failure which, for instance, caused half of the United States to lose its beeper service and halted companies ability to process credit card purchases, or a power outage in San Francisco, California, which left the city of San Francisco without primary power for six hours.¹⁹

Some risks and actions of terrorism in cyberspace

But in a digital world there are the risks and actions of the cyber-terrorism, which can be more dangerous than every missile, even a ballistic one. In fact the networks do permit launching terrorist attacks from any point on the globe, which can be directed towards any objective depending or being coordinated by the information influx.

The new forms of terrorism may also put in danger human lives, but in a more silent manner, acting as arms of mass disturbance, not of mass destruction. Nevertheless, without pulverizing the concrete structures or providing blood rivers, they can provoke serious disturbances and losses of every kind, both human and material.

In the case of the US, considered as a "system of systems", the networks were, at least some years ago, very vulnerable for terrorists good users of computers. They can disturb the communications and information systems and further financial and banking systems, energy systems and many other systems, including those of State Administration and National and Security systems.

It is already known that some terrorist groups and members of organized crime are using soft to codify their messages and so

they cannot be easily supervised. According to William Crowell, former director of National Security Agency. If all the PCs in the world were used to decode one single message, it would be necessary a duration of 12 millions times more than the age of the universe.²⁰

Not long ago, the press network on-line ABCNEWS disclosed that many informations concerning the locations. Plans and facilities at the disposal of presidential and military commander centers – real sensitive points of the American defense – were accessible to any internet user all over the world. It makes very easy to plan a terrorist attack against the US. These sites were, at least before 11 September 2001, very numerous, being built up and published on web by NGOs, experts and even the US Government.²¹

The terrorist attacks in the US put in a new light the vulnerabilities of the whole system based on IT. The globalization of the communications had a huge contribution to increasing the risks and vulnerabilities of the networks, and more precisely of the internet and computers. In fact, the virtual space is now becoming a battlefield, which can be easily used by hackers and most probable by terrorists. Among most possible use of

computers by virtual and real terrorists and other unfriendly users of IT, one can quote:

- Diffusion of hate messages.
- Yielding (gathering) information concerning a nuclear bomb building up or other data that can be used against the Governments.
- Access to research results in biotechnology, medicine and chemistry, seeking biological, chemical and nuclear weapons.
- Spreading of viruses meant to destabilize the Governments and private networks.
- Access to national military and security classified information.
- False alarm launching.
- Danger of breaking down the electricity and water supply.

- Spreading of false rumors and news able to deregulate the Administration, the Police, the Health Services, the Stock Exchanges and the Media.
- Diffusion of news and false rumors, that can provoke fear, insecurity and so on.

In the US, FBI in close co-operation with industry, namely System Administration, Networking and Security (SANS) Institute, proposed a list of some 20 most dangerous security breakthroughs in the internet. Now, FBI and SANS Institute are working under the authority of the newly created Bureau for Homeland Security headed by former Governor of Pennsylvania, Thomas J. Ridge, who is reporting directly to US President.

About terrorist involvement in the stock markets via the networks

In this connection, experts assess that world markets probe unusual trading in the days before terrorists crashed hijacked United Airlines and American Airlines jets into the Center's Twin Towers and the Pentagon on September 11. Securities regulators in the US, Germany, Japan and Hong Kong say they are investigating whether terrorists raised money through insider trading on knowledge of attacks that led to the collapse of New York's Trade Center and closed the US stock markets for four days. Investigations may thus lead to those guilty of the terror attacks against the US and show connections with Osama bin Laden.

According to data quoted by Bloomberg, trading in so-called put options, which profit when stock prices slump, involving airline carriers UAL Corp. and AMR Corp., surged in the pre-attack days. "We have heard those reports about terrorist involvement in our markets", US Securities and Exchange Commission Chairman Harvey Pitt stated. "Our division has been looking into a variety of market actions that could be linked to these terrible acts, including the subjects of the rumors", he added. Stock of Morgan Stanley Dean Witter and Co., which occupied 22 floors of the 1 World Trade Center building, and Merrill

Lynch and Co., with headquarter near the Towers, also experienced pre-attack option trading of 12 times to more than 25 times the usual volume in put options.

The US Federal Reserve on Monday October 1st, 2001 cut 0.55 per cent off reference rates, for the ninth time this year. Consequently, FED rates went down to 2.5 per cent, their lowest level for the past forty years. More interest cuts for the near future are heralded by the American Central Bank.

It is not very sure about the way this new decision will be received by the consumers, who are the target and the key to any economic revival. This interest rates cut can boost both the volume of population expenses and the level of corporate investments, but it is not clear if the cut is enough to offset the impact of the terror attacks. "The terrorist attacks widened the degree of uncertainty in an economy that was already weakened. Business and consumption expenses will be boosted by a new cut in interest rates", the FED said, explaining its last decision.

One can think that "the perspective of military attacks, the diminished profitability and the almost inexistent economic growth are casting a shadow on the FED intervention. There is no trust in the economy right now, and, until this feeling is

reinstated, the markets will keep fighting for survival", estimated Erik Gustafson, fund manager at Stein Roe & Farnham.

It is very positive that, despite the fact that, immediately after the announcement made by FED, the US market dropped, but made a spectacular comeback afterwards, posting strong gains until closing time. The Dow Jones Industrial Average index soared at 8,950.59, S & P 500 (*Standard and Poor's*) index closed at 1,051.33, up 1.23 percent, while the composite index Nasdaq went up 0.8 per cent, up to 1,492.33 points.

The volume of traded shares was quite high, without reaching nevertheless the levels registered in the wake of the terrorist attacks. Significant increases were posted by shares of airlines and defense companies, considering the possibility of US retaliation, which finally was the case. But, on the other hand, shares of the technology companies were affected by revised estimation regarding Q3 financial results announced by Compaq Computer Corp., the world's second-largest computer maker.²²

Actions combating fraudulent cyberspace users

The behavior towards those who are trying to benefit of the cyber infrastructure of the world, in a terrorist way, was expressed by the US president G.W. Bush, who said: "We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all murderous ideologies of twentieth century. By sacrificing human life to serve their radical visions – by abandoning every value except the will of power – they follow in the path of fascism, and Nazism, and totalitarianism. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies". And he continued: "We know there are struggles ahead, and danger to face. But this country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world".²³

In this respect, the NATO Charter reflects best the attitude of the world: an attack on one is an attack on all. In response to the September 11 attacks against the United States, the NATO Allies, determined to play their part in combating terrorism, have agreed to a package of measures, including, inter alia, enhanced intelligence sharing and co-operation; assistance to Allies and other states which are, or may be, subject to increased terrorist increased as a result of their support for the campaign against terrorism; measures to provide increased security for the facilities of the

United States and other Allies on their territory.

As far as OSCE is concerned, in December 2001, in Bucharest, at the Ninth Meeting of the OSCE Ministerial Council, its participating States have adopted "Decision No. 1 – Combating terrorism". According to this decision, the OSCE participating States pledge to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed. The decision proclaims the OSCE determination, as a regional arrangement under Chapter VII of the Charter of the United Nations, to contribute to the fulfillment of international obligations as enshrined, inter alia, in United Nations Security Council Resolution 1373 (2001), and will act in conformity with the principles of the Charter of the United Nations. Moreover, the OSCE participating States pledge to become parties to all 12 United Nations Conventions and Protocols related to terrorism by December 31, 2002. They also call for a speedy finalization of negotiations for a comprehensive United Nations Convention on International Terrorism.

The Ministerial Council adopted "The Bucharest Plan of Action for Combating Terrorism", which contains more concrete measures in this field. As an example, the OSCE Representative on Freedom of the Media will support, on request, the drafting

of legislation on the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and free flow of information. Another example, in the framework of the UN Convention on the Suppression of Financing of Terrorism and UNSCR Resolution 1373 (2001), the OSCE participating States will take action to prevent and suppress the financing of terrorism, criminalize the willful provision or collection of funds for terrorist purposes, and freeze terrorist assets, also bearing in mind UNSCR Resolution 1267 (1999). In this respect, they will, in accordance with domestic legislation and obligations under international law, provide early response to requests for information by another participating State and international relevant organizations.

The Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism (13-14 December 2001), which was co-organized by the UN Office for Drug Control and Crime Prevention (UN ODCCP) and OSCE, adopted a Declaration and a Programme of Action. In the Declaration, the States participants "Emphasize that terrorism is a global problem and that there must be no safe haven for perpetrators of such crimes and their accomplices. It is a complex challenge due to links with transnational organized crime, illicit drugs, trafficking in human being, money laundering, arms trafficking, computer and other high technology crimes as well as other threats, including the proliferation of weapons of mass destruction". The Programme of Action identified, *inter alia*, the following measures:

– "To adopt national anti-money laundering legislation and create corresponding structures, e.g. Financial Intelligence Units, which can be employed to prevent and suppress the financing of terrorism, as well as other relevant crimes. ..."

– "To work toward rapid ratification and implementation of relevant international instruments, including the 1999 UN International Convention for the Suppression

of the Financing of Terrorism, and consider implementing the standards of financial accountability and transparency embodied in the Financial Action Task Force (FA TF) 40 Recommendations on Money Laundering and eight Special Recommendations on Terrorist Financing; to take immediate steps in accordance with UN Security Council Resolution 1373 (2001) to block the assets of individuals and entities linked to terrorist financing".

The Standing Committee of the OSCE Parliamentary Assembly, at its meeting in Sintra, Portugal, on October 9, 2001, had tackled the same problems and adopted a Declaration entitled "Security through Solidarity", containing a number of recommendations aimed at fighting terrorism, namely:

– The OSCE participating States are called to agree upon a definition of terrorism and to elaborate on global strategies of a political, economic, social and cultural nature of fighting this phenomenon.

– The establishment of an international network of sub-regional centres for gathering information on terrorist activities and combating them.

– The adoption of appropriate legislation for surveying the lines of financing terrorist activities and, also, for combating commercial activities, which, even if carried in a legal framework, ultimately support terrorist activities.

– The adoption of the necessary legal measures to enhance the sharing of information and co-operation among the intelligence, security and police services of the OSCE participating States and consider the establishment of rapid reaction forces.

This permanent Panel also welcomed the initiative taken by the Romanian Chairmanship in Office of the OSCE, in 2001, to develop an OSCE wide plan of action for the fight against terrorism.

The United Nations is the framework for the global fight against terrorism. United Nations Security Council Resolutions above-mentioned – 1267 (1999), 1269 (1999), 1368 (2001), 1373 (2001), 1376 (2001) – along with the 12 relevant Conventions and Protocols on anti-terrorism issues, provide the basis for this framework and include a

number of specific elements of combating terrorism. For instance, the Resolution 1373 requires very clearly that every United Nations Member State has a responsibility to crack down on terrorist financing. That means that all Member States must pass the necessary laws to allow the confiscation of terrorists assets. Those laws have to be applied to all financial institutions of every nation. Other international and regional organizations can provide comparative advantages in combating terrorism by addressing various social, economic, political and other factors through all their instruments and structures.

According to the Secretary General, Kofi A. Annan, the United Nations Organization is uniquely positioned to advance this effort. It provides the forum necessary for building a universal coalition and can ensure global legitimacy for the long-term response to terrorism. United Nations conventions already provide a legal framework for many of the steps that must be taken to eradicate terrorism, including the extradition and prosecution of offenders and suppression of money laundering. These conventions must be implemented in full. As the Secretary General Kofi A. Annan has put it, "terrorism threatens every society. As the world takes action against it, we have all been reminded of the need to address the conditions that permit the growth of such hatred and depravity. We must confront violence, bigotry and hatred even more resolutely. The United Nations' work must continue as we address the ills of conflict, ignorance, poverty and disease. Doing so will not remove every source of hatred or prevent every act of violence. There are those who will kill even if every injustice is ended. But if the world can show that it will carry on, that it will persevere in creating a stronger, more just, more benevolent and more genuine international community across all lines of religion and race, then terrorism will have failed".²⁴

Improving the international law

The increased military and economic reliance on information systems introduces

The democratic world can defeat a network of terrorist cells and bases, even more groups and such networks, but it should be quite clear that terrorism as such will be defeated only when its profound causes and roots are eradicated. It is a much more difficult war, which will be won only when all countries combine their strengths to eradicate those causes and roots. They have to be addressed by an expanding global coalition of the whole world in the framework of the United Nations. Otherwise, there is the risk that the wide attention previously given by many Governments and international organizations to human rights and other social issues would somewhat fade into the background with the enormous challenges stemming from common fight against terrorists acts. One should not forget that these challenges are also stimulating the increased role of the State in some areas of private economy linked to monitoring and control in security matters.

That is not the purpose of this paper to address the causes and roots of the terrorism, which are quite many and very profound. Long centuries of foreign domination and oppression, and some less bright sides of current accelerated globalization can provide some food for thoughts.²⁵ But one of them is linked to despair and poverty. In this respect, the G7 Statement in Okinawa, 21st July 2000, has underlined that: "The International Development Goal of cutting in half by 2015 the proportion of the world's population living in extreme poverty is an ambitious one. It demands a strategy of 11 economic growth accompanied by the right social sector policies, which can contribute to; a virtuous circle of poverty reduction and economic development. Debt relief for Heavily Indebted Poor Countries (HIPC) is only one part of such a strategy, but it is a crucial part".²⁶

new vulnerabilities not adequately protected by traditional kinetic force arms. As a matter

of fact, the international law does not provide appropriate response mechanisms for the States in case of computer network attack.

In international law, an important domain is missing, that of the information warfare, as part of the terrorist or aggressive acts. Obviously, the 12 relevant UN Conventions and Protocols cover a large area of anti-terrorism, but not all of them, and not specifically actions against information warfare. In this respect, the responsibility of the States to share intelligence and coordinate the efforts of law enforcement is a very high one.

Indeed, for the time being, there is no international law protecting network. Some bilateral agreements or specific guidelines have emerged as precursors to unified international law.

A US military man advanced the idea of a functional outline for an international convention, the International Regime for Information Security (IRIS).²⁷

In the new landscape, such an idea deserves a particular attention with a view to be embodied in the existing norms and procedures or in a new international convention on information security under the UN aegis.

It is hoped that all these aspects will be considered in the forthcoming negotiations at the UN on a comprehensive convention against terrorism. An action in this field is a very urgent one and should be an item of high concern and priority of the United Nations and Specialized Agencies.

The General Assembly UN Session, in 2001, which started later, in November, instead of September, because of the terrorist attacks in New York and Washington, has given a serious impetus to the negotiations on a binding convention. It seems that the time for action in this area of challenges has now arrived. In such a way, the new economy will be better protected and will provide fewer threats to security.²⁸

¹ Wolfgang Munchau, "Some hard truths about the New Economy", in *Financial Times*, Monday, December 4, 2000.

² G8, *Okinawa Charter 01/ Global Information Society*, July 2000.

³ Will Hutton and John Knell, "Free spirits usher in network economy", in *Financial Times*, Friday, July 28, 2000.

⁴ *The American Workplace: Skills, Compensation and Employee Involvement*, edited by C. Ichniowski et al., Cambridge University Press, 2000.

⁵ Robert Taylor, "Skills without frontiers", in *Financial Times*, Friday, April 28, 2000.

⁶ Jason Forsythe, "The Great Equalizers: Internet and Education", in *International Herald Tribune*, Wednesday, November 29, 2000.

⁷ Koichiro Matsuura, "Hard lessons for world's educators", in *Financial Times*, Thursday, April 27, 2000.

⁸ Richard Waters, "Wringing new potential out of the old economy", in *Financial Times*, Wednesday, April 19, 2000.

⁹ Paul Taylor, "Reshaping the global landscape of IT", in *Financial Times*, Wednesday, February 2, 2000.

¹⁰ Fiona Harvey, "A race to feed the web's voracious appetite", in *Financial Times*, Thursday, December 7, 2000.

¹¹ George Cole, "Net spreads by word of mouth", in *Financial Times*, Wednesday, April 12, 2000.

¹² Rod Newing, "Why the internet will become the next mass medium", in *Financial Times*, Wednesday, March 15, 2000.

¹³ Wolfgang Munchau, *op. cit.*

¹⁴ Wolfgang Munchau, *ibidem*; European Commission. *The Economy*, 2000.

¹⁵ Peter Norman, "EU leaders agree sweeping reforms to create jobs", in *Financial Times*, March 25/March 26, 2000.

¹⁶ G8 Okinawa Charter, *op. cit.*

¹⁷ Gwen Robinson, "FBI chief urges laws to curb cyber-crime", in *Financial Times*, Wednesday, March 29, 2000.

¹⁸ John Labate, "'Cyber-leaks' threat to corporate secrets", in *Financial Times*, Tuesday, January 25, 2000.

¹⁹ Karl J. Shawhan, Major, USAF, *Vital Interests, Virtual Threats*, Air University Press, p. 25.

²⁰ Răzvan Scăeșteanu, "Ciberterorismul, mai periculos decât rachetele balistice", in *România Liberă*, 27 octombrie 2000.

²¹ *Adevărul*, 17 octombrie 2001.

²² Bogdan Neagu, "Federal Reserve cuts rates to revive economy", in *Ziarul Financiar*, 4 octombrie, 2001.

²³ George W. Bush, *Address to Joint Session of Congress, September 2001*; US Department of State, *The National Security Strategy of the United States of America, The White House, September 2002*.

²⁴ OSCE, The Ninth Meeting of the Ministerial Council (Bucharest, December 3-4, 2001), *Decision No.1 – Combating Terrorism, The Bucharest Plan of Action for Combating Terrorism*; The Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, Plan of Action; Kofi A. Annan, "Fighting Terrorism on a Global Front", in *New York Times*, Friday, 21 September, 2001.

²⁵ Valeriu Tudor, "War in the Balkans: Lessons and Challenges Ahead", in *Romanian Journal of International Affairs*, Bucharest, Volume VI, 1-2/2000; "Globalization and its Regional and Subregional Pillars", in *Romanian Journal of International Affairs*, Bucharest, Volume IV, Special Issue Two 1998; *Mondializarea și Interesul Național*, comunicare la Conferința Națională de Cibernetică, ediția a IX-a, București, 7-8 noiembrie 2000 (*Globalization versus National Interest*, paper presented at the National Conference on Cybernetics, IXth Edition, Bucharest, November 7-8, 2000); "The Concept of Democratic Security – Hopes and Realities", in *Romanian Journal of International Affairs*, Bucharest, Volume II, Supplement, 1996.

²⁶ G 7 Statement, Okinawa, July 2000.

²⁷ Karl J. Shawhan, *op. cit.*

²⁸ Valeriu Tudor, "The New Economy: New Challenges To Security", in *Romanian Journal of International Affairs*, Bucharest, Volume VIII, 1-2/2002.

THE POLITICAL ECONOMY OF SECURITY: THE EU AND THE USA AT THE CROSSROADS

Valentin Stan

Introduction

The projection of new strategies towards a comprehensive action-map that might weld together different actors and various endeavours aimed at closing the gap between goals and means in fighting terror is the most significant issue in the old transatlantic relationship today. The economic methods of assessment have always proved to be a very reliable means for introspection into the large array of political concerns in the broad field of international security studies. As two reputed authors keenly remarked, "by using economic methods while accounting for political and institutional factors, we put forward a political economy view point, where a primary purpose is to examine policy concerns"¹.

Certainly, we can develop an all-embracing approach in order to highlight the interplay between the ever growing divergence opposing US to EU on the sensitive topic of how to tackle the uneasy world at hand, as plunged into turmoil by September 11th, and a resilient necessity of keeping both sides of the Atlantic welded together into a spearhead of democracy and hope for the benefit of people all over the planet. But this would only be a bridge too far for this paper. This is the reason why concentrating on the most debated issue in the front against terror that the US and the EU are already embarked upon is a better option. This issue is reflected by the term

capabilities and definitely points out to "patterns of burden sharing"² in the common endeavour of providing security to a shattered world whose enemy is no longer an easy target and has new and deadly means to sow death and destruction where no power on earth dared during the Cold War.

Many people within the institutionalist school of international relations are firmly of the opinion that "the expansion of trade, finance and investment between the USA and the EU has brought their citizens, companies and government officials into closer contact with each other"³, which might ensure a strong common view on international security. After all, NATO as a collective defence organisation is precisely the offspring of these very close approaches on a shared vision of how to defend the foundations of civilisation in the Western world. "However, many institutionalists also believe that heightened interdependence does not happen automatically – it has to be managed by political leaders who understand the value of international cooperation"⁴. Unfortunately, the value of international co-operation has been always understood quite differently as soon as the common enemy is less common than expected and seems⁵ to pose a bigger threat to some but not to all members of *the common good*, be it an alliance such as NATO or any other international organisation.

The goal of all goals: Capabilities

Eleven EU members are also NATO members. Still, in spite of having accepted the development of a European security dimension within NATO under the aegis of EU countries, according to decisions by the North Atlantic Council in Washington and by the European Councils in Cologne and Helsinki in 1999, the US and the EU clashed several times on very sensitive issues such as the European access to NATO assets and planning in the case of EU-led operations and the degree of autonomy the EU would be entitled to against this background. The whole issue of the European Security and Defence Policy (ESDP) is under scrutiny here and how it was born and developing out of the European Security and Defence Identity (ESDI)⁶. This was due to the way the Europeans redirected the issue of ESDP from its initial NATO framework (ESDI)⁷ towards a much more salient "European Integration" (ESDP) approach than the original "Security for All" approach. This is trouble enough for the US and the EU to sort out without having to

assess their positions on international security issues after September 11th.

Faced with the horrors of the gloomiest day in American history, the Administration decided on a daring project aimed at protecting its citizens and safeguarding the USA security interests all over the world which meant unrelenting war on terrorism and those entities supporting it. This decision triggered the huge state mechanism providing resources for war on an unprecedented scale in the post-Cold War era. The path led a \$355,100 million defence spending bill for fiscal year 2003, giving the US military its largest increase in two decades. The American philosophy on waging war against terrorism is built up in one single word: capabilities. Even before September 11th, if we look at the following table showing defence expenditures of NATO countries during 1980-2001, it will be easy to assess the huge gap between US and its eleven EU allies within NATO⁸.

Country Pays	Currency unit/ Unité monétaire (million)	1980	1985	1990	1995	1997	1998	1999	200	2001e
Belgium	Belgian francs	115754	144183	156205	131156	131796	133007	136252	139711	138564
Czech Republic	Czech koruny	//	//	//	//	//	//	41057	44314	45277
Denmark	Danish kroner	9117	13344	16399	17468	18521	19071	19428	19339	20456
France	French francs	110514	186715	231911	238432	241103	236226	239488	240762	245537
Germany	Deutsche mark	96975	58650	68376	58986	57602	58327	59854	59758	59858
Greece	Drachmas	48518	321981	612344	1171377	1510684	1724621	1853189	2017583	2128597
Hungary	Forint	//	//	//	//	//	//	187672	226926	266426
Italy	1000 Italian lire	7613	17767	28007	31561	38701	40763	43062	47100	46009
Luxemburg	Luxembourg francs	1534	2265	3233	4194	4797	5197	5330	5613	8667
Netherlands	Neth. guilders	10476	12901	13513	12864	13345	13561	14534	14284	15582
Norway	Norwegian kroner	8242	15446	21251	22224	23010	25087	25809	25722	26853
Poland	Zlotys	//	//	//	//	//	//	12599	13418	14287
Portugal	Escudos	43440	111375	267299	403478	418772	420664	452843	479663	504480
Spain	Pesetas	350423	674883	922808	1078751	1123046	1124054	1180075	1264299	1302877
Turkey	1000 Turkish liras	203	1235	13866	302864	1183327	2289430	4167636	6248274	9030392
United Kingdom	Pounds sterling	11593	18301	22287	21493	21612	22477	22548	23632	23772
NATO-Europe	US dollars	111981	92218	1861189	184352	172732	175183	179668	164349	158957
Canada	Canadian dollars	5788	10332	13473	12457	10831	11716	12360	12314	12174
United States	US dollars	138191	258165	306170	278866	276324	274278	280969	301698	305886
North America	US dollars	143141	265731	317717	287933	282176	282176	289288	309990	313725
NATO-Total	US dollars	255122	357948	503906	472284	456879	457359	468957	474339	472682

The problem of capabilities is not a new one in the relationship between the US and its European allies. It was only enhanced by the September 11th events. Asked about the American project called the Defence Capabilities Initiative (DCI) launched as far back as 1999 at the NATO summit in Washington, D.C., in order to spur the US allies in NATO on the path of updating their military capabilities and narrowing the gap between America and Europe in terms of military performance, according to the Alliance rules of engagement, the NATO's Secretary General, Lord Robertson gave an astounding reply: "And just let me address the first point about the American driven agenda. This is not an American-driven agenda, nor was the defence capabilities initiative a failure, **it was not a complete success** (*our emphasis*) but it was not a failure. A lot of capabilities were delivered by the defence capabilities initiative, but some of the bigger ticket items have not yet been delivered or are only going to be delivered so far down the line that they are almost out of sight, and that is why all of the Ministers recognise the responsibility they have to the safety of their

populations and the responsibility they have now deliver those capabilities that they are well aware must be obtained"⁹.

It was indeed the first time in history when the NATO Secretary General admitted that the Alliance did not get a complete success in such a significant endeavour as the one agreed upon by all members and regarding nothing less than keeping NATO alive in terms of operational capabilities. And this conclusion on the inability of America's European allies to live up to their own commitment in terms of military capabilities came up just after America had engaged in the most demanding war of its history, the war against terrorism which made USA "increase its defence budget by some \$48 billion [\$48,000 million] for 2003 – an increase larger than any single European country's entire defence budget"¹⁰. The move "will only make this capabilities gap worse. To the extent that the war on terrorism leads the United States to undertake military operations in other distant theaters, and to the extent that the Europeans are unwilling or unable to come along, NATO's centrality will be further diminished"¹¹.

Some old still fast changing ... contradictions

Another significant development refers to the consequences of Europe's lack of will in undertaking the necessary changes within NATO that might enable NATO's European members to narrow the capabilities gap. Compelled by the crude reality of Europe's not doing enough in order to narrow the capabilities gap, Lord Robertson set another extraordinary precedent when he admitted backed by all allies including the US that the 58 areas identified within DCI¹² are to be reduced to four: "First, they (*the Allies-our note*) agreed that to carry out the full range of missions, including defence against terrorism, NATO should focus on *four critical military capabilities* (*our emphasis*): secure, modern communications and information systems; the ability to move forces quickly to where they are needed, and to stay there as long as necessary; the means to work together seamlessly, and to win in combat;

and last but certainly not least, defenses against chemical, biological, radiological and nuclear attacks"¹³.

According to inside assessments "The shopping list will be reduced to between seven and 12 items, ranging from logistics to smart weapons"¹⁴. All good and well. But reducing the shopping list from 58 to 4 items **means specialization within NATO**. Some NATO countries will do the things they can do (according to specific commitments) but not all the things required at all levels. Lord George Robertson admits it by saying: "We decided that the new initiative on capabilities should be based on form, **nation-specific commitments** (*our emphasis*). The NATO countries also agreed to pursue further multinational cooperation in defence, to create synergies, and maximize their defence dollars or Euros. Endorsing the principles of nation-specific commitments, **role specialization**

(our emphasis) and common acquisition and funding of key assets – these represent radical breaks with the past¹⁵.

But “role specialization” definitely means “division of labour”. What was Lord Robertson’s opinion on the “role specialization” and “division of labour” just one year before he extended his approval of scaling down the DCT’s shopping list? Lord Robertson: “And when I say ‘NATO’s forces’, I mean the forces of all the Allies. **We must avoid any division of labour within NATO** (our emphasis), whereby the high-tech Allies provide the logistics, the smart bombs and the intelligence, and the lower-tech Allies provide the soldiers – what a NATO official once called “a two-class NATO, with a precision class and a bleeding class”. This would be politically unsustainable. **We must ensure that the burdens, the costs and the risks are shared equally** (our emphasis)¹⁶. There can be no more obvious contradiction between the two stands extended by the NATO’s highest civilian official. But what comes even more striking is the way the US Administration has switched over from one position to another on the controversial issue of capabilities.

Ambassador Richard N. Haass, Director of Policy Planning Staff at the US Department of State was very resolutely pointing out on 10 June 2002: “it is important to keep in mind that **too much division of**

labour can be a dangerous thing (our emphasis). If the United States and Europe are not making similar contributions and sacrifices, this can lead over time to even greater divergences of view and values¹⁷. But with only four days before, US Defence Secretary Donald Rumsfeld endorsed the very **division of labour** ambassador Haass was afraid of. “(...) I would say it is – I don’t know quite how to put this – there have been a number of ministers (these remarks were extended on the margin of a North Atlantic Council in Brussels-our note) today who have, I think quite properly, pointed up the importance of recognizing that not every country in the alliance is the same size or has the same security needs or is likely to want to have exactly the same kind of military. And therefore, **it makes a lot of sense to do as some ministers are already doing and have indicated that they plan to do, and that is to look at a specific area, and develop a high degree of competence in that either as an individual nation or with one, two, three or four nations, or in the case of AWACS with the entire alliance** (our emphasis). It is that kind of rational approach to expensive businesses like defence with the serious threats that need to be dealt that **reflect to me a very forward looking, rational, sensible way to approach the problem** (our emphasis)¹⁸.

EU and NATO or the art of being together and apart at the same time

Obviously enough, the positions extended by the two prominent US officials on how the Europeans are to deal with the sensitive issue of capabilities within NATO badly match to say the least. They are perfectly highlighting the inability of those EU members that are also NATO allies to deliver on commitments made within the Alliance in order to close the capabilities gap between America and Europe. This situation exerts a powerful pressure on the American authorities since America cannot push the matter too far in an international context in which the US needs more the EU approval of US initiatives on the anti-terror front

(including a military reaction to Iraq’s blatant breaches of international law) than the EU members states capabilities in a new updated NATO. The series of contradictions continues in the way NATO high officials envisage the New Capabilities Commitment to be approved at the summit in Prague, this November, and how this concept would be related to the European Capabilities Action Plan (ECAP), devised by the EU in order to provide the Union with military means upholding the EU-led operations under the ESDP.

The NATO Secretary General, Lord Robertson, was very adamant about the

complementarity of the two developments, the new DCI to be adopted this month in Prague by NATO and the EU's ECAP. He made a significant correlation between the two and both the NATO's Response Force in the making¹⁹ and the EU's Rapid Reaction Force²⁰: "The bottom-line is that NATO's Response Force and the EU's Rapid Reaction Force should be – and will be – as **complementary as the ECAP and our Prague Capabilities Commitment** (*our emphasis*)"²¹. The problem is very much related to the way the ECAP and the Prague Capabilities Commitment are really complementary. If we give enough credit to

Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), the other voice in the equation, the two Capabilities concepts (NATO's and EU's) are not that close: "The consequences of the new NATO DCI initiative must be fully taken into account. We all have only one set of budgets. **ECAP and the new DCI are not per se mutually reinforcing** (*our emphasis*). We must therefore assure the credibility of the European effort on capabilities, in view of the Prague summit, as a guarantee of the mutual reinforcement of two initiatives. They are close but not similar (*our emphasis*)"²².

A touch from beyond Petersberg

But if Solana's "close but not similar" might match in time Robertson's "as **complementary as the ECAP and our Prague Capabilities Commitment**", though these formulae sound rather strange for the moment, there are several statements among EU leaders that cast a thick shadow on the EU-NATO (NATO is to be seen as the US-led organisation) relationship. And those statements are at the heart of what the two organisations stand for. Regarding the Petersberg tasks that the EU is going to assume under its European Security and Defence Policy (ESDP), they are seen as not duplicating NATO and not competing with the Alliance, which solely retains the self-defence prerogatives. Mr. Javier Solana, the EU's CFSP envoy, has reiterated several times that "the EU is not in the business of collective defence. Nor is it in the business of creating a European army"²³. Moreover, Mr. Solana made crystal clear that the EU would stick to its original blueprint as enshrined in the EU treaties: "**I have no intention to examine the possibilities of going beyond the Petersberg Tasks** (*our emphasis*). The mandate I have is to implement the decisions by Helsinki (*the European Council in Helsinki, 1999, which set the course for projecting a European force for EU-led operations short of collective defence missions-our note*). The only things we are about to do together with the Chiefs-of-Staff

is to see if there is a need to change some structural elements coming from the Capability Conference after September 11th **but not for going beyond the Petersberg missions which are the only ones we are entitled to under the Treaty** (*the Consolidated Version of the Treaty on European Union-our note*)"²⁴.

Certainly, there could not be more obvious denying of Solana's assertions than the following statement by President Chirac of France: "The Europe of Defence launched at Saint-Malo needs a new impetus. Three are the immediate objectives to be fulfilled: to implement the agreements between NATO and EU; to mount a ground operation to replace the UN forces in Bosnia and the NATO forces in Macedonia; **establish new missions for Europe beyond those of Petersberg which limit the European ambitions** (*our emphasis*)"²⁵. If we can argue with reasonable pros and cons on the way Solana's "close but not similar" might match in time with Robertson's "as complementary as the ECAP and our Prague Capabilities Commitment", there is no match ever between Solana's "I have no intention to examine the possibilities of going beyond the Petersberg Tasks" and Chirac's "new missions for Europe beyond those of Petersberg". There is no wonder Washington worries about the way the Europeans are able/not able to come to terms with their own disagreements before

disagreeing with their American counterparts in the common endeavour of establishing a new transatlantic security framework. And, of course, the transatlantic disagreements are of no less significance.

The operational planning, for instance, as a point of dispute, in the case of the EU-led operations, is already too old to raise any new excitement on both sides of the Atlantic. The former US Defence Secretary William Cohen underlined as far back as 2000 that: "What we've indicated is that we want NATO assets to be available in peacetime, during crises, during a time when the EU may want to operate on its own. But we have to have complete transparency, and **there should be a single planning operation** (*our emphasis*), and not duplicative and redundant, because that will only weaken NATO itself. So, I think that we, the overwhelming majority, want to achieve that"²⁶. The French answer to this elaboration by the French Foreign Ministry's spokesperson was as clear as Cohen's remarks only a few days after: "Consequently, this European defence is naturally to be co-ordinated with the

Alliance, but as regards its elaboration and setting up, it has to be independent of SHAPE: co-ordinated, but independent (*our emphasis*). And this is the best way to **strengthen the whole** of the Atlantic Alliance. **So, there is no need to worry. But Europe is determined to bring its share to its own security**"²⁷.

This entire struggle on both security concepts and their implementations is ongoing in a heavily changed international environment after September 11th. If the fight against terrorism is to succeed, the USA and the institutionalised Europe can no longer linger behind missed opportunities and unfulfilled designs of co-operation. Striving for a new type of togetherness in stepping up the process of creating a united front to stop terror cannot be based on scarce resources, underfed political ambitions and limited capabilities. International terrorism would only grow stronger and all-pervasive if not stopped by the very nature of civilisation: awareness by all that the common good cannot be achieved except by common endeavour.

¹ Todd Sandler & Keith Hartley, *The Political Economy of NATO: Past, Present, and into the 21st Century* (Cambridge: Cambridge University Press, 1999), p. 12.

² *Ibidem*.

³ see Terrence R. Guay, *The United States and the European Union. The Political Economy of a Relationship* (London: Fitzroy Dearborn Publishers, 1999), p. 100.

⁴ *Ibidem*.

⁵ Which is always a false perception.

⁶ As far back as 1999, Strobe Talbott, US Deputy Secretary of State, made very clear the US position at a conference on the future of NATO, at the Royal Institute of International Affairs, London, U.K., 7 October 1999: "We would not want to see an ESDI that comes into being first within NATO but then grows out of NATO and finally grows away from NATO, since that would lead to an ESDI that initially duplicates NATO but that could eventually compete with NATO. That's a long-term concern, obviously, but NATO, after all, is about the long term, and so is this conference (*our emphasis*)". And he continued: "Our ministers committed themselves to precisely these principles first in Berlin in '96, then again in Washington this past April. However, two other meetings seem, to our ears at least, to have emitted a somewhat different set of signals. The Anglo-French Summit at St. Malo last December raised concerns among non-EU Allies that they might not be sufficiently involved in planning and decision-making structures. Then came the EU leaders' declaration at Cologne in June, which could be read to imply that Europe's default position would be to act outside the Alliance whenever possible, rather than through the Alliance". More recently, Colin Powell extended the same concerns over how ESDI/ESDP developed: "We agreed that we need to ensure that ASDP complements NATO, that there is no duplication of planning or operational capabilities, and that all NATO members are assured the fullest possible participation in EU defence and security deliberations affecting their interests" – see U.S. DEPARTMENT OF STATE, Office of the Spokesman, March 6, 2001, JOINT PRESS AVAILABILITY WITH HER EXCELENCY ANNA LINDH, MINISTER OF FOREIGN AFFAIRS OF

SWEDEN AND SECRETARY OF STATE COLIN L. POWELL, March 6, 2001, Benjamin Franklin Room, Washington, D.C.

⁷ For a very interesting approach to the equation ESDI-ESDP, see Robert Hunter, *The European Security and Defence Policy: NATO's Companion – or Competitor?*, RAND, Document No: MR-1463-NDRI/RE, Year 2002, Chapter One. Background.

⁸ Cf. NATO Press Release (2001)156 – December 2001, Updated: 18-Dec-2001, NATO Financial and Economic Data, Relating to NATO Defence, Defence Expenditures of NATO Countries (1980-2001).

⁹ NATO Speech: Transcript of Press Conference given by NATO Secretary General, Lord George Robertson – NATO HQ, Brussels, 6 June 2002.

¹⁰ Philip H. Gordon, "A CHANGING NATO AFTER SEPTEMBER 11", 28 March 2002, Byliner: Brookings Institution Expert on the Changing Nature of NATO (this byliner by Philip Gordon was published in the electronic journal, U.S. Foreign Agenda, on March 27).

¹¹ *Ibidem*.

¹² See *ibidem*.

¹³ "TACKLING TERROR: NATO'S NEW MISSION", Speech by NATO Secretary General, Lord George Robertson, At the American Enterprise Institute's New Atlantic Initiative, Washington, D.C., 20 June 2002.

¹⁴ Judy Dempsey, "NATO considers role in fight against terrorism", in *Financial Times*, FT com site, Jun 06, 2002.

¹⁵ "TACKLING TERROR: NATO'S NEW MISSION", Speech by NATO Secretary General, Lord Robertson, At the American Enterprise Institute's New Atlantic Initiative, Washington, D.C., 20 June 2002.

¹⁶ Speech by Secretary General of NATO, Lord Robertson, NATO, Parliamentary Assembly: 2001 Vilnius Spring Session, The 2001 Vilnius Spring Session, Contemporary Art Centre, Vilnius, 31 May 2001.

¹⁷ Ambassador Richard N. Haass, Director, Policy Planning Staff, US Department of State, *Remarks to the Centre for European Reform*, London, U.K., 10 June 2002.

¹⁸ US Defence Secretary Donald Rumsfeld, Press Conference at NATO Headquarters, Brussels, Belgium, Thursday, 06 June 2002.

¹⁹ The NATO's Response Force is to address the threats posed by international terrorism and it will be assumed by the NATO allies at the North Atlantic Council in Prague, this November.

²⁰ This is the reflection of the decision by the European Councils in Cologne and Helsinki in 1999, endorsed by the Treaty of Nice in 2000, according to the Consolidated Version of the Treaty on European Union (TEU), towards creating a European force by 2003 (under the so-called Headline Goal) which might enable EU-led operations to fulfil Petersberg tasks (the Petersberg tasks, so named for a WEU council of ministers' meeting at Petersberg, near Bonn, in June 1992, include as defined by TEU: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. The Petersberg Tasks officially have nothing to do with collective defence which lies with NATO).

²¹ Speech by the Secretary General at the EU Committee on Foreign Affairs, Human Rights, Defence Policy and Common Security, Brussels, 8 October 2002.

²² Javier Solana, EU High Representative for the Common Foreign and Security Policy, *ECAP and the Improvement of European Military Capabilities*, Summary of the interventions by Javier Solana at the two informal meetings of EU Defence Ministers, Rethymon (Greece), 4 and 5 October 2002.

²³ SPEECH BY DR. JAVIER SOLANA, HIGH REPRESENTATIVE FOR THE EU COMMON FOREIGN AND SECURITY POLICY, ORGANISED BY THE LIBERAL INTERNATIONAL (NETHERLANDS CHAPTER), The Foreign Policy of the EU, THE HAGUE, 7 NOVEMBER 2000.

²⁴ *Idem*, NATO-EU Joint Press Conference – Brussels – 6 December 2001, Justus Lipsius Building, Brussels, Transcript of Press Conference, given by the Belgian Foreign Minister, Louis Michel, NATO Secretary General, Lord Robertson, Javier Solana and Commissioner Chris Patten.

²⁵ DISCOURS DE MONSIEUR JACQUES CHIRAC PRESIDENT DE LA REPUBLIQUE LORS DE LA RECEPTION DES AMBASSADEURS, PALAIS DE L'ELYSEE, JEUDI 29 AOUT 2002.

²⁶ NEWS BRIEFING OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS), WASHINGTON, D.C. 20301, DOD News Briefing, SECRETARY OF DEFENSE WILLIAM S. COHEN, Monday, December 4, 2000 (Media availability en route to Brussels, Belgium).

²⁷ Cf. Ministère des Affaires Étrangères, 13/12/2000, POINT DE PRESSE DU 13 DECEMBRE 2000.

LEGAL DIMENSION OF THE FIGHT AGAINST TERRORISM

Cristian Jura

Terrorism, defined as the indiscriminate use of force to achieve political aims, was one of the major problems of the last century and continues to be a top issue nowadays.

However, terrorism is not an invention of the twentieth century. It has deep roots in the ancient times but then the acts of terrifying violence or the crimes against statesmen were not perceived as terrorist crimes and legislation against these acts did not exist. For example, if we judge Caesar's assassination in accordance with our contemporary rules we will find Brutus and his accomplices guilty of a terrorist act.

It was only the last century when people became interested in creating a legal base for the fight against terrorism. The first step of this process was to define the phenomenon.

A common academic definition of the concept was easier to find although even at this level disputes existed concerning the nature of certain acts of violence. *"Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of*

*terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought"*¹.

To give a juridical definition was much harder, and it was almost impossible to reach a consensus between states. Some says that reaching consensus on the definition of "terrorism" is even more arduous than defining, say, "obscenity". Indeed, by one calculation, over 100 definitions of terrorism had been proposed before 1983.

The issue of terrorism has been tackled for the first time at international level in the process of unification of the criminal law at the beginning of the twentieth century.

The Conference for the unification of the criminal law in Warsaw (1927) tried to define the phenomenon, but did not succeed in this attempt. The final resolution of the Conference suggested the punishment of certain acts as piracy, money falsification, slave trade and international use of means capable to produce a collective danger.

The second Conference on this topic held in Brussels, in 1930, agreed on a definition of terrorism: *Deliberate use of means capable to create a collective danger represents a terrorist act. These acts consist in crimes against the life, the freedom and corporal integrity of the people or are perpetrated against private or public property pursuing political or social gains*².

One year later, a new definition emerged from the Paris Conference: *A person that uses bombs, mines or other explosives, sets fire or uses fire arms or any other means against people or properties aiming to terrorize the civil population or anybody that stops or is trying to stop a*

*public service or a public utility will be punished*³. However, none of these definitions has been adopted.

During the thirties, due to the rise of the right wing extremism and nationalism a new wave of violence hit Europe. Alexander, the King of Yugoslavia, and Louis Bartou, French Minister of Foreign Affairs, were killed in Marsilia on 9 October 1934. Other countries confronted political violence, too. In Romania, for example, The Iron Guard, a right wing extreme party, killed on 29 December 1933 Romania's Prime Minister I.G. Duca. A few years later, other two statesmen were victims of this extremist party – Prime Minister Armand Călinescu (1939), and historian Nicolae Iorga (1940).

Following Marsilia assassinate, the French Government has sent to the Council of The League of Nation a memorandum that included the general principles, which could be the fundament for an international agreement against political terrorism.

Every member states of the League have sent their answers to the French memorandum to the League of Nations Secretariat welcoming the French Government initiative. On a Great Britain proposal the Council of the League decided to establish a Committee having the task to elaborate a project for an international convention for the punishment of terrorist actions. The Committee had eleven members representing Belgium, Chile, France, Great Britain, Hungary, Italy, Poland, Romania, Spain, Swiss and USSR. The Committee had as a work-base the French memorandum as well as a draft submitted by the Romanian jurist Vespasian V. Pella.

The last Committee meeting took place in April 1937. The results of this meeting have been sent to every government of the member states and had to be submitted to a Conference that the Council was going to convene in Geneva.

The Conference held its meeting between 1 and 16 November 1937 and adopted two conventions: a Convention for the Prevention and Punishment of Terrorism and a Convention for the Creation of an International Criminal Court. The first convention defined the acts of terrorism and reaffirmed the principle of international law

by virtue of which it is the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State and to prevent the acts in which such activities take shape. The acts of terrorism as this Convention stipulates were **criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public**⁴. Further, the Convention identified as components of a terrorist crime the willful acts causing death or grievous bodily harm or loss of liberty to Heads of States and their families' members, or to persons charged with public function. The list also included willful destruction of, or damage to, public property, any act intended to endanger the lives of members of the public and the manufacture, obtaining, possession or supplying of arms, ammunition or explosives⁵. The Convention has been signed by 24 countries, but it was only ratified by India.

After the World War II, the leadership of the fight against terrorism at international level was assumed by the United Nation Organization. The terrorist violence was denounced in the framework of the Universal Declaration of Human Rights (10 December 1948) which proclaimed that everyone has the right to life, liberty and security of person and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment⁶. United Nations work on preventing and combating terrorism had as concrete results the signing of twelve conventions concerning this issue:

1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.
2. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.
3. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

4. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.
5. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963. (*Deposited with the Secretary-General of the International Civil Aviation Organization*)
6. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970. (*Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America*)
7. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971. (*Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America*)
8. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980. (*Deposited with the Director-General of the International Atomic Energy Agency*)
9. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988. (*Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization*)
10. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988. (*Deposited with the Secretary-General of the International Maritime Organization*)
11. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988. (*Deposited with the Secretary-General of the International Maritime Organization*)
12. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.
 Defining terrorism was a great challenge for the United Nations, too. The member states struggled for almost 30 years to give a universal definition for terrorist acts, but their attempt was impeded by political differences. This would explain the great number of Conventions adopted in order to combat specific actions considered terrorist acts. However, a common declaration made on 9 December 1994⁷, when Resolution 49/60 was adopted, stated that *criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them*.
 In the mean time, many states included anti-terrorism provisions in their national legislations. Belgium was the first state that included measures against terrorism in his domestic law in 1856. Some states even defined terrorist crimes.
 In the United States, terrorism is defined variously as *"the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives"* (Federal Bureau of Investigations), *"the calculated use of violence or the threat of violence to inculcate fear, intended to coerce or intimidate governments or societies as to the pursuit of goals that are generally political, religious or ideological"* (Department of Defence) and *"premeditated, politically-motivated violence perpetrated against non-combatant targets by sub-national or clandestine agents, usually intended to influence an audience"* (State Department)⁸.
 In the United States Code, *"international terrorism"* is defined in more detail to include: activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any

State [which] appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by mass destruction, assassination, or kidnapping [and which] occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries⁹.

Similarly, "domestic terrorism" was recently defined to include: activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State [and] appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of government by mass destruction, [etc.] [and which] occur primarily within the territorial jurisdiction of the United States.

There are also more specific definitions related to collective offences such as "federal terrorism crimes" and "acts of terrorism transcending national boundaries"¹⁰.

In the United Kingdom "terrorism" was defined as the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear and as "[t]he use of serious violence against persons or property, or threat to use such violence, to intimidate or coerce a government, the public or any section of the public, in order to promote political, social or ideological objectives"¹¹.

In the Terrorism Act 2000 (UK), "terrorism" is defined as: the use or threat of [serious violence, property damage, threats to life, risk to health or safety or disruption of electronic systems] where [it] is designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause¹².

The Chinese offers the broadest approach of the concept. President Jiang Zemin said that terrorism should be cracked down upon, whenever and wherever it occurs, whoever organizes it, whoever is targeted and whatever forms it takes. This is

not quite a definition, but is a very inclusive delimitation of the terrorist phenomenon. While the Americans fight against "terrorism", the Chinese fight "all forms of terrorism". It is in the Chinese leadership interest to broaden the definition and criteria regarding the global scourge because it offers them a good opportunity to crack down the antigovernment and secessionist groups in China, including Falun Gong, under the pretext of fighting terrorism.

Nevertheless, most legal and working definitions, whether of international or domestic terrorism, are constructed of four or five fundamental elements:

1. *The victims*: The victims of terrorism are usually specified as civilians or non-combatants, in order to differentiate terrorism from attacks on military targets, which are outright acts of war. Note that "non-combatants" would presumably include military personnel who are not in active service due to being wounded, off-duty, etc. "Civilians" would normally cover attacks on government employees, such as persons in the federal building in Oklahoma City. (The occasional and unfortunate insertion of the term "innocent" in the description of civilians makes the matter unduly subjective. "Innocent" is probably included to convey that the victims of terrorism are usually random or symbolic targets.)
2. *The targets*: The persons who are the victims of terrorism are merely its direct targets. Most acts of terrorism have secondary or ultimate targets, usually the leaders of one or more governments. The victims are used by the terrorists to convey a coercive message to the targets. (See "The intent")
3. *The intent*: The intent of terrorism is either to intimidate or coerce a civilian population (presumably a larger group than that selected as specific victims), that is, to spread fear widely for its own sake; or to coercively influence or manipulate the conduct or policy of one or more governments (the ultimate targets) through the intimidation of civilians or non-combatants.
4. *The means*: Terrorism involves violence or the threat of violence (often described

as "dangerous acts") against persons or property. Some definitions enumerate specific acts such as assassination, hostage taking, bombing, sabotage, cyber-terrorism, bio-terrorism, and hijacking or other violent acts against civil aircraft or other means of public transport.

5. The motivation: While motivation is not usually a formal element of a crime, some definitions of terrorism specify that its acts are "politically motivated". The term "politically" is used in these contexts as an umbrella for a range of justifications, including ideological, religious, and nationalistic ones. This seems to be a more subjective method of describing the intent of terrorism as attempting to influence governmental policy and in that sense is superfluous. Moreover, the use of the term "political" risks invoking the "political offense exception" in extradition treaties.

Following the September 11, 2001 terrorist attacks on the United States, legislation against terrorism has been reinforced both at national and international level.

The British Parliament enacted the Anti-Terrorism, Crime and Security Act 2001¹³. The Act amends provisions in the Terrorism Act 2000 relating to seizure of cash, terrorist property and police powers discussed above. It also contains measures complementing those provisions dealing with freezing orders (Part 2), duties to disclose and indemnities for disclosure (Part 3), immigration and asylum (Part 4), religious hate speech and crimes (Part 5), weapons of mass destruction (Part 6), security of pathogens and toxins (Part 7), security of nuclear infrastructure (Part 8), aviation security (Part 9), law enforcement powers (Part 10), retention of data by postal and telecommunications service providers (Part 11), and miscellaneous issues such as offences for anthrax-type scares or hoaxes.

The United States have also reinforced their legislation on terrorism: The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act

of 2001 focuses on "proscribed organisations", associated offences and law enforcement powers. However, it also deals with the detention of aliens who are suspected of having some involvement in terrorist activity.

The Act makes it an offence to import or export bulk cash into the United States and provides for seizure of the cash and any related property¹⁴. It extends offences related to operation of an "unlicensed money transmitting business" to include businesses that knowingly involve or support proceeds from criminal activity¹⁵.

It also makes it an offence to harbour or conceal persons who have committed or intend to commit a specified terrorist offence¹⁶. It includes various terrorist offences within the provisions dealing with organised crime¹⁷.

It empowers the Secretary of Treasury to take a range of special measures where he finds that reasonable grounds exist for concluding that a jurisdiction or a financial institution, account or transaction is of "primary money laundering concern"¹⁸.

It expands surveillance procedures relating to terrorism¹⁹. It permits wire, oral and electronic communication intercept warrants where interception "may provide or has provided evidence of" various terrorist offences such as the production, use, etc. of chemical weapons (18 U.S.C. 229), or weapons of mass destruction (18 U.S.C. 2332a), murder, serious assault or related inchoate offences (18 U.S.C. 2332), terrorist acts that transcend national boundaries (18 U.S.C. 2332b), financial transactions with state sponsors (18 U.S.C. 2332d), and providing material support or resources to terrorists (18 U.S.C. 2339A) or terrorist organisations (18 U.S.C. 2339B).

The Act expands the scope for foreign intelligence services to target domestic citizens and permits foreign intelligence agencies to undertake domestic surveillance where the gathering of such information is only "a significant purpose" of the activity²⁰.

The Act provides for the mandatory detention of any alien whom the Attorney General has reasonable grounds to believe is an "inadmissible alien" or "is engaged in any other activity that endangers the national

security of the United States"²¹. An "inadmissible alien" was defined to include persons who have incited or engaged in terrorist activity and members or representatives of a foreign terrorist organisation²². The Act extends the definition to cover persons who use a position of prominence to endorse or espouse terrorism, or belong to a group that endorses terrorism, in a way that "undermines United States efforts to reduce or eliminate terrorist activities". It broadens the definition of 'engaging in terrorist activity' to include incitement, preparation, information gathering, planning and soliciting funds or members for terrorist activities or organisations²³.

The United Nations General Assembly passed a number of resolutions in response to the September 11 attacks on the United States. Resolution 56/1 urgently called for international cooperation "to prevent and eradicate acts of terrorism". This followed calls over the last three decades for states to enact legislation dealing with terrorism. In the first decade those calls described terrorism in the context of attacks on independence, self-determination and "other forms of alien domination" under "colonial and racist regimes"²⁴. In the second decade the focus widened to include the criminality of terrorist acts²⁵, state sponsorship of or acquiescence in terrorist activities within their territory²⁶, and the nexus between terrorism and organised or transnational crime²⁷. In the third decade, interest grew in the impacts and human rights implications of terrorism²⁸.

The Security Council has also passed various resolutions. Resolution 1214 demanded that the Taliban "stop providing sanctuary and training for international terrorists and their organizations"²⁹. Similarly, Resolution 1267 demanded that the Taliban 'turn over Osama bin Laden without further delay' and required states to "freeze funds and other financial resources including funds derived or generated from property owned or controlled directly or indirectly by the Taliban"³⁰. Resolution 1333 reiterated the demands in Resolution 1267 and further required states to "prevent the direct or indirect supply, sale or transfer" to

Afghanistan of "arms and related matériel" or "technical advice, assistance or training".

Resolution 1368 called on states to "redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions"³¹. Resolution 1373 called for all states to "prevent and suppress the financing of terrorism", to "criminalize the willful provision or collection of funds for such acts" and to "[f]reeze without delay funds and other financial assets or economic resources of persons [or associated entities] who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts"³².

Regional international organizations have likewise endeavoured to address manifestations of terrorism in their respective jurisdictions through the negotiation of multilateral conventions and other measures. These organizations have included the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, the African Union, and the Organization of American States. In the inter-American system in particular, notable anti-terrorist initiatives efforts have included the promulgation of the 1977 Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, 1[24] the on going work of the Inter-American Committee against Terrorism, 2[25] and the recently adopted Inter-American Convention Against Terrorism.

Recent attempts to achieve international agreement on a comprehensive definition of terrorism include the negotiations for the Statute for the International Criminal Court, during which proposals were made to include terrorism within the jurisdiction *ratione materiae* of the Court. These efforts proved unsuccessful, with the result that any further proposals to include this or other crimes as amendments to the subject matter jurisdiction cannot be made for a period of seven years following the coming into force of the treaty.

To conclude, despite the agreement on the fact that terrorism must be eliminated, and the broad "coalition of willing" created after September 11, efforts to develop a comprehensive definition of terrorism proved politically difficult. It still remains a difficult task to make a clear distinction between

terrorism and other forms of political violence. Moreover, some people fear that a concerted action against terrorism backed by very restrictive rules may have as effect a drastic limitation of human rights and liberties.

¹ United Nations Office on Drugs and Crime, www.undcp.org/odccp/terrorism_definitions.html

² Adrian Năstase, Bogdan Aurescu, Cristian Jura, *Drept internațional public. Sinteze pentru examen*, ed. III, AllBeck, București, 2002, p. 342.

³ *Ibidem*, p. 342.

⁴ League of Nations, *Convention for the Prevention and Punishment of Terrorism*, Article I, Ministry of Foreign Affairs Archive, Fond Geneva, vol. 290, briefcase: League of Nations, 1935-1938, No official: C.546.M.383.1937.V.

⁵ *Ibidem*, Article II.

⁶ *Universal Declaration of Human Rights*, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, <http://www.un.org/Overview/rights.html>

⁷ United Nations, General Assembly, *Declaration on Measures to Eliminate International Terrorism*, A/RES/49/60, 9 December 1994.

⁸ David Whittaker (ed.), *The Terrorism Reader*, Routledge, 2001, p. 3.

⁹ United States Code, 18 U.S.C. 2331(1), <http://www4.law.cornell.edu/uscode/18/2331.html>

¹⁰ 18 U.S.C. 2331(5), inserted by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT 18 U.S.C. 2331(1).ACT) Act of 2001, Pub. L. 107-56, section 802.

¹¹ Lord Lloyd of Berwick, *Inquiry into Legislation Against Terrorism*, Cm 3420, October 1996.

¹² Terrorism Act 2000 (UK), subsection 1(1), <http://www.legislation.hmso.gov.uk/acts/acts2000/00011--b.htm#1>

¹³ *Anti-Terrorism, Crime and Security Act 2001*, <http://www.legislation.hmso.gov.uk/acts/acts2001/20010024.htm>

¹⁴ Pub. L. 107-56, section 376 amending 18 U.S.C. 2339A, [http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:\[TOM:/bss/d107query.html\]](http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:[TOM:/bss/d107query.html])

¹⁵ *Ibidem*, section 373, amending 18 U.S.C. 1960. Originally the offence focused on whether or not the business was licensed.

¹⁶ *Ibidem*, section 803, inserting 18 U.S.C. 2339.

¹⁷ *Ibidem*, section 813, amending 18 U.S.C. 1961(1).

¹⁸ *Ibidem*, section 311, inserting 31 U.S.C. 5318A.

¹⁹ *Ibidem*, section 201, amending 18 U.S.C. 2516(1).

²⁰ *Ibidem*, section 218, amending 18 U.S.C. 1804 and 1823. Prior to the amendments, surveillance could only be undertaken where the gathering of foreign intelligence information was 'the purpose' of the investigation. Thus, surveillance may be undertaken where this is only 'a significant purpose' of an investigation, for example where an investigation targeting terrorism seeks to identify state sponsorship of the terrorist activity.

²¹ *Ibidem*, section 412.

²² 8 U.S.C. 1182.

²³ Pub. L., section 411, amending 8 U.S.C. 1182(a)(3).

²⁴ United Nations. General Assembly, Resolution 3034(XXVII), 18/12/72, A/RES/3034(XXVII), paragraph 3; Resolution 34/145, 17/12/79, A/RES/34/145, paragraph 4, <http://www.un.org/documents/ga/res>.

²⁵ Resolution 34/145; Resolution 38/130, 19/12/83, paragraph 6; Resolution 40/61, 09/12/85, A/RES/40/61, paragraphs 1, 7 and 8; Resolution 42/159, 07/12/87, A/RES/42/159, paragraphs 1, 5 and 7, *loc. cit.*

²⁶ Resolution 34/145, paragraph 7; Resolution 38/130, paragraph 4, *loc. cit.*

²⁷ United Nations. General Assembly, Resolution 44/29, ~~04 12 89~~ A/RES/44/29, paragraph 9; Resolution 46/51, 09/12/91, A/RES/46/51, paragraph 9, *loc. cit.*

²⁸ Resolution 48122, 20/12/93; Resolution 49/185, ~~23 12 94~~ A/RES/49/185; Resolution 5086, 22/12/95, A/RES/50/186; Resolution 52/133, 12/12/97, A/RES ~~52/133~~ (Afghanistan voted in favour and Australia abstained); Resolution 54/164, 17/12/99, A/RES/54/164.

²⁹ United Nations. Security Council, Resolution 1214 (1998), S/RES/1214 (1998), <http://www.un.org/Docs/scres/1999>

³⁰ Resolution 1267(1999), S/RES/1267 (1999), *loc. cit.*

³¹ Resolution 1363 (2001), S/RES/1363 (2001), *loc. cit.*

³² Resolution 1373 (2001), S/RES/1373 (2001), *loc. cit.*

FORCES AND TRENDS INFLUENCING TODAY'S WORLD CHANGES

Teodor Frunzeti

Today's world finds itself in an ongoing globalization process developed in a fast tempo. The growing reaction speed to the national and international stimuli is the result of the more and more tight connections between the regional and global economic systems as well as that of the replacement of the nuclear era (characteristic to the advanced stage of the industrial society) with the informational era (characteristic to the post-industrial society). Such a trend

generates essential changes concerning the understanding of the national and international security status by the political leaders, the population and the media from different countries in the world.

Security is a status. For maintaining it within proper parameters, the states use the power tools, which are handy, and when crisis situations occur these tools are represented by the warfare or the military conflict.

1. DEFINITION OF FORCES AND TRENDS WITHIN THE SECURITY ENVIRONMENT

Due to the ongoing and quick changes within the international strategic environment, it is necessary to identify the factors that produce these changes and to find out which is their direction and evolution, in other words, we have to know the forces taking action in the strategic environment and to identify their evolutionary trends.

The forces that take action within the international environment are factors which influence the shaping and exerting of power, so as to mould security environment, as well as the ability, of the states to attain the objectives that come from their national interests. The states respond to the risks and challenges or on a case by case basis to the threats that appear in the strategic environment, amplifying or reducing the action of some of the instruments of national power these states possess.

The trends appeared in the strategic environment represent the directions that the action of the forces give to the security within a certain period of time. They prefigure the

evolution in time, of the processes developing within the security strategic environment. Based on the analysis of the force evolution trends within the security environment, prognosis and strategic scenarios are elaborated. All these are useful to the political, political-military and military leadership of the states in order to ground the security and military strategies. Based on the same analysis, the international agencies, other non-state actors elaborate (build) their own policies and strategies, in the long, medium and short term.

These forces and trends taking action in the global society have a growing influence on the security and welfare of the nations. The growing interdependency between actors that take action in the international arena – states and non-states for example – may be considered as one of the most important trends appeared nowadays¹.

2. THE CHARACTER OF THE PRESENT SECURITY ENVIRONMENT

The changes occurred on the international arena, and the establishing of the dialogue as main element in solving critical and conflict situations outline the fact that because of the efforts of the international community and the involvement of the security agencies in crisis management, the risk of a threat with a military major confrontation will continue to diminish in a significant way. This represents a direct influence on the process of implementing the projects and programs that have been initiated by the international community to develop democracy, enhance the confidence and cooperation among states so as to build a new kind of stability and security.

The European security environment, complex and dynamic, is developed among the assertion of the European Defence Identity – promoted by EU, the aspirations and expectations of the countries which, are not yet NATO members, and the more and more obvious tendencies of some regional powers to re-build their spheres of influence.

The evolution of the latest events in central and south-eastern Europe has been marked by economic and social difficulties, characteristic to the transition period. Together with the political instability and lack of a firm reaction in de-tensioning the destabilizing situations they determined conflict situations developed sometimes into open conflicts having major implications on an entire area or region. Based, most of the time, on the general dissatisfaction generated by lack of economic performance and appropriate social protection measures, religious intolerance, ultra-nationalist

manifestations, secessionist attitudes, conflicts, as well as international terrorism, organized crime and corruption complete and diversify the range of threats and risks addressed to global and regional security and stability.

Situated at the crossroads of geographic areas having different social-political, economical, cultural, religious and historical characteristics, Romania represents a territory of convergence and interferences for the interests of the regional leaders. Romania maintains and develops cooperation and good neighborly relationships with the neighboring countries so in the present circumstances and in the near future there is no military threat from their part. Due to the fact that Poland, Tchech Republic and mostly Hungary are new NATO members, Romania has become a direct neighbor to the North Atlantic Alliance, which constitutes in itself a partial security guarantee. It is predictable that in the present international and regional circumstances, the Russian Federation as well as NATO would avoid a direct neighboring in the East of Europe, preferring to maintain between them a so-called "buffer-zone". In such case, not having a common border with the Russian Federation, Romania has real chances to be accepted as a NATO member.

At present, there are no threats and risks of a direct military aggression against Romania².

The only risk of such nature would be represented by the ex-Yougoslav area, which continues to be the main focal point for open conflicts in Romania's proximity.

3. FORCES AND TRENDS ACTING IN THE SECURITY ENVIRONMENT

The dynamics of the processes which take place on the international arena, which configure the international security, is due to the multitude and diversity of the forces taking action within these processes. The strategic security environment is significantly changed and continues to change. We live dynamic times, when changes occur very

fast. There are two key factors representing the coordinating essential vectors of the change: globalization and technological development.

Globalization of the market economies and the permanent need of prosperity, more than ever, set relations among nations. The interests and benefits of this phenomenon

concern the economic development, the increase of personal freedom, democratization, improvement of education, human rights, possibility of improving the quality of life and welfare. Besides the above-mentioned advantages, globalization also implies certain risks.

Among these we could mention the common vulnerability concerning the interruption of access to resources and markets. Such a break off can have a negative impact on the world economy or it could produce regional instability.

Despite the improvement of protection measures, a larger access to computer systems may give the opportunity to a potential enemy / hostile force to disrupt the flow of vital information.

In such case, we can easily imagine, for example, the chaos produced as a result of an attack against the computer network used by banks.

Globalization may also give certain hopes, which, unfulfilled produce tensions among those who get what they wished for and those who don't. This way, such situations may be "exploited" by demagogues, nationalists, religious and ethnic extremists or criminals who will try to take advantage of this situation in order to obtain power and welfare.

The fast progress within the process of technological development determines changes in the security environment.

The technological progress in the communication, computer and transportation systems, for example, have dramatic effects on governments, on people's every day lives and, of course, on operations which must be taken into account by military bodies.

The role, performances and the effect of the CNN TV channel are well known, because of the technology, although the development of high-tech is far from stopping here.

Let's just think about cell phones. A great number of people, for example, use cell phones in an airport. But we also know that rebels all over the world (from FYROM to Sierra Leone and Afganistan) coordinate their military activities through cell phones. Communication technology change people's way of life, the way we fight a war.

Internet and WEB technologies have a significant impact on command and control systems at strategic operational and even tactical level.

The concept of "security through cooperation" has become more and more used and known at European and international level starting with the end of the Cold War.

It describes a more peaceful but idealistic approach to security by amplifying the cooperation and harmony among nations.

The concept is based on the international security institutions to which new dimensions are added. The conceptual model includes, this way, four concentric security circles, which are inter-related: individual security, collective security, collective defense and promotion of stability.

Among these four circles, **collective security** – a political and legal obligation of the member states to defend the integrity of the individual states from the group of the signatory states and **collective defense** – commitment of all states to defend each other against an external aggression – are well known and understood. The new elements of this security model through cooperation represent common commitments for **individual security and promotion of stability**. In spite of the fact that some international security organizations have been established on the basis of the collective security or collective defense, only the North Atlantic Alliance can claim its working in the framework of the four circles of the security through cooperation model. Let's give some examples: depending on the new defense and security interests, the European Union directs itself towards its transformation, de facto, in a security through cooperation organization.

Together with NATO, EU tries actively to bring prosperity and stability in its surrounding area. At the same time, as well as NATO, it cooperates tightly with countries that are not yet EU members and helps them in their strife for their access to the organization.

EU and NATO as well, work together for the enlargement process taking into account the security and defense issues,

which produces a widening of the security through cooperation area and makes it more profound.

In the long term, the OSCE countries are brought into a security organization with a Euro-Atlantic and Eurasian extension that

3.1. Nation states

Nation states still constitute one of the most powerful forces that take action on the international arena, force, which is more and more marked by the globalization process. The future of the states is envisaged, nowadays, in different ways by the multitude of political science schools.

According to an optimistic scenario, supported by the advocated of the neo-liberal theory, national sovereignty will be more and more restrained as soon as the globalization of markets and civilizations overpasses today's geopolitical borders and erodes quite a lot the national identity, creating "global citizens" who assimilate the general interests of the entire humanity.

The other scenario based on the realistic theory, forecasts that states will exacerbate competition among them, just because of the globalization, trying to take control over the new tendencies. This competition, so some political analysts assert, will reconfigure, the global distribution of power, conducting to the growing of the welfare and stability of some states and to an increased pauperization and instability in countries that are already poor, widening this way the gap between rich and poor countries.

In both cases, the role and the functions of the states are threatened by other actors on the international arena (multinational corporations, NGO's but also organized crime, drug cartels etc.), which makes that the **present tendency** of the activity of most European countries is the political economic and security integration. This way EU has been created and extended, no doubt, the most stable regional organization, to whom member states (more and more numerous) assign more and more extended tasks and competencies.

A. Nationalism, Nationality, and Ethnicity. Although the state unquestionably

could establish harmony and stability in the Northern half of the Planet, even worldwide.

The direction of the action of forces is very diverse having as a result the contradictory character of their tendencies.

remains the most visible actor in world affairs, **nationalism** and nationality are potent cultural factors defining the core loyalties and identities of many people that influence how states act. Many people pledge their primary allegiance not to state and government that rules them, but rather to the politically active minority group with which they most associate themselves. One broad category of such national groups is **ethnopolitical groups** whose members share a common nationality, language, cultural tradition, and kinship ties. They view themselves as members of their nationality first and of their state only secondarily – a definition that follows the interpretation of E. K. Francis who maintains that "cultural affinities manifest in shared linguistic, religious, racial, or other markers ... enable one community to distinguish itself from others"³. As Okwudiba Nnoli elaborates on the meaning of ethnonationalism, **ethnicity** is "a phenomenon associated with contact between cultural-linguistic communal groups ... characterized by cultural prejudice and social discrimination. Underlying these characteristics are the feelings of pride in the in-group, and the exclusiveness of its members. It is a phenomenon linked ... to forms of affiliation and identification built around ties of real or putative kinship"⁴.

Acknowledgment of the importance of ethnic nationalism (people's loyalty to and identification with a particular ethnic nationality groups) in world affairs reduces the relevance of the unitary state. Many states are divided, multiethnic societies made up of a variety of politically active groups that seek, if not outright independence, a greater level of regional autonomy and a greater voice in the social and foreign policies of the state. In the mid-1990s "of the world's 190 countries, 120 had politically significant minorities". Of 305

active minority groups that were at risk from persecution worldwide, 37 were ethnonational groups, 70 indigenous nations, and 44 national minorities. Relations between **ethnic groups** are also vitally important, as contact is customarily widespread between groups who define their identity by their common ancestry. These divisions and the lack of unity within states make thinking of international relations as exclusively interactions between unified state dubious.

B. The Fourth World. The globe is populated by an estimated six thousand separate indigenous nations, each of which has "a unique language and culture and strong, often spiritual, ties to an ancestral homeland. In most cases indigenous people were at one time politically sovereign and economically self-sufficient". Today there are an estimated 300 million indigenous people, more than 5 percent of the world's population (some have placed the number as high as 600 million).

Indigenous peoples often feel persecuted because they are not permitted full political participation and representation in the states where they reside, and in some cases they feel that their livelihoods, lands, cultures, and lives are threatened. This segment of global society is conventionally referred to as the Fourth World to heighten awareness of "native" or "tribal" **indigenous peoples** within many countries, the poverty and deprivation that confronts them, the state's occupation of the land from which they originate, and the methods to combat discrimination these movements are pursuing⁵. Aroused nationalists are now fighting back across the globe in rebellion against the injustice, misery, and prejudice they perceive the state to have perpetrated against them. The pervasiveness of ethnic nations alongside states is so commonplace that many feel the voice of the people behind the indigenous national movements they lead must be given its due.

Fourth World liberation movements are active in many countries throughout the globe. "For most indigenous peoples, the central issue in this clash of civilization is land". Most seek a state or, more often, a regional government, of their own. In part,

this quest is inspired by and is a reaction to the evidence that between 1900 and 1987 about 130 million indigenous people were slaughtered by state-sponsored **genocide** in their own countries. As Appendix shows, friction escalating to war between indigenous nations and the state occurs in many countries. In other areas, conflicts below the threshold of overt armed violence are heated and activism appears to be growing.

C. National Disintegration and Global Instability. In many cases, Fourth World political activism has resulted in the devolution of state sovereignty and fragmentation of the territorial integrity of existing states. In those countries where indigenous minority groups have gained a grant of internal self-government, the achievement of a measure of quasi-autonomy and a homeland relatively secure from persecution has fostered the protection of human rights and, ironically, has strengthened the state because formerly separatist peoples have been provided joint institutions of governance. However, in less stable countries balkanization, disunion, and even anarchy have resulted.

Although **interethnic competition** is a phenomenon that dates back to Biblical times, it is plague of the post-World War II era. Some of the most explosive flashpoints in the world are the products of disputes between groups in multiethnic and culturally heterogeneous countries, such as Afghanistan, Belgium, Canada, Nigeria, Russia, Somalia, Spain, Sri Lanka, and the United Kingdom, to name a few. Ethnopolitical cleavages have produced a surge of serious conflicts since 1945. According to The Minorities at Risk Project, over three hundred ethnopolitical minority groups facing discrimination have been involved in serious, often violent, struggles between 1945 and 1997, and trend has steadily accelerated since the 1960s. Consider 1994, a year in which "all but five of the 23 wars fought [were] based on communal rivalries and ethnic challenges to states. About three-quarters of the world's refugees, estimated at nearly 27 million people, [were] in flight from or [were] displaced by these ethnic conflicts. Eight of the United Nations' 13 peacekeeping

operations [were] aimed at separating the protagonists in ethnopolitical conflicts".

The inherent **ethnocentrism** underlying ethnonationalism – the belief that one's nationality is special and superior and that others are secondary and inferior – breeds ethnic conflict. Nationalists find it easy to condone marginalizing and oppressing "outside" nationalities, and ethnocentric peoples are prone to reject conciliation and compromise with other nationalities. This barrier to co-operation and its conflict-generating consequences was highly evident between 1993 and 1995 in the crumbling peace talks and escalating warfare in the Balkans, as negotiations among the Serbs, Croats, and Bosnians produced no concessions until NATO used force to propel the combatants to the bargaining table. In December 1997 it appeared that this barrier to the resumption of fighting would collapse after the external peacekeeping forces from NATO began to withdraw, but the probability of a blood bath declined when the United States, France, and their interventionary troops pledged to continue to police the explosive situation⁶.

If ethnonationalist values spread and intensify, it is possible that violence will spread also. If so, the forces of disunion and disintegration could overwhelm the power of the state, which has previously bound diverse nationalities into a common purpose. To the extent that conflict within and between ethnically disunited and divided states becomes a major axis on which twenty-first-century world politics revolves, the power and independence of the state can be expected to decline exponentially in a

new era of global anarchy or lawlessness. The perils should not be underestimated.

A large proportion of the world's nearly 6 billion people is estimated to be members of **religious movements** – politically active organizations based on strong religious convictions. At the most abstract level, a religion is a system of thought shared by a group that provides its members an object of devotion and a code of behavior by which they can ethically judge their actions. This definition points to commonalities across the great diversity of organized religions in the world, but it fails to capture that diversity. The world's principal religions vary greatly in the theological doctrines or beliefs they embrace. They also differ widely in the size of their followings, in the geographical locations where they are most prevalent, and in the extent to which they engage in political efforts to direct international affairs.

The proponents of most religious movements believe that their religion should be universal – that is, accepted by everyone throughout the world. To confirm their faith in their religious movement's natural superiority, many organized religions actively proselytize to convert nonbelievers to their faith, engaging in evangelical crusades to win followers of other religions over to their beliefs. Conversion is usually achieved by persuasion, through missionary activities. But at times conversion has been achieved by the sword, tarnishing the reputations of some international religious movements⁷.

The leaders of **extreme militant religious movements** are convinced that those who do not share their convictions must be punished, and that compromise is unacceptable.

Conclusions:

1. Militant religious political movements tend to view existing government authority as corrupt and illegitimate because it is secular and not sufficiently rigorous in upholding religious authority or religiously sanctioned social and moral values.

2. They attack the inability of government to address the domestic ills of the society in which the movement exists. In many cases the religious movement substitutes itself for the government at the

local level and is involved in education, health, and other social welfare programs.

3. They subscribe to a particular set of behavior and opinions that they believe political authority must reflect, promote, and protect in all governmental and social activities. This generally means that government and all of its domestic and foreign activities must be in the hands of believers or subject to their close oversight.

4. They are universalists; unlike ethnic movements, they tend to see their views as part of the inheritance of everyone who is a believer. This tends to give them a transstate motivation, a factor that then translates their views on legitimacy of political authority into a larger context for action.

5. They are exclusionists; they relegate all conflicting opinions on appropriate political and social order to the margins, if they do not exclude them altogether. This means second-class citizenship for any nonbeliever in any society where such a view predominates.

6. Finally, they are militant, willing to use coercion to achieve the only true end.

Although militant religious are not the only nonstate actors whose ideologies and activities may contribute to violence, many experts believe that they tend to stimulate five types of international activities, the first is **irredentism** – the attempt by a dominant religion or ethnic group to reclaim territory in an adjacent region once possessed but later lost from a foreign state that now controls it.

3.2. International organizations

There are two types of international organizations: intergovernmental organizations (their members are the states) and non-governmental organizations (their members are private persons, groups of persons or private institutions). In 1997, 260 international organizations and 5472 NGO's have already been established.

When analyzing the tendencies that characterize the international organizations, we have to take into account the fact that different types of international organizations are not easy to be identified and evaluated.

Theoretically, the permanent character of their activities defines the inter-governmental organizations, by the fact they reunite quite regularly, have similar decision making procedures and also have a permanent work structure (secretariat or headquarters type) and have permanent headquarters.

Force is often rationalized for this purpose. The second is **secession** or **separative revolts** – the attempt by a religious (or ethnic) minority to break away from an internationally recognized state. Here, again, force is sometimes used, often with arms and aid supplied by third parties that support the secessionist goals. When these separative revolts succeed, states disintegrate into two or more political units. The third type of international activity that militant religious tend to incite is **migration** – the departure of religious minorities from their countries of origin to escape persecution. Whether they act more by force or by choice, the result – a fourth consequence of militant religion – is the same: the emigrants create **diasporas** or communities that live abroad in host countries but maintain economic, political, and emotional ties with their homelands. Finally, a fifth effect of militant religions is **international terrorism** in the form of support for radical coreligionists abroad.

The extraordinary increase in number of transnational organizations and the great number of their members generated a complex network that superposes and interconnects.

In 1996, approximately 200 states and territories had more than 135,000 different delegates, who were representing them in all international organizations, inter-governmental as well as non-governmental ones⁸.

Nowadays, the trend is that of intensifying and diversifying the activity of the international organizations, accomplishing at the same time a partnership between the IGO's and NGO's, creating this way the possibility for both types of organizations of working together, of gathering sometimes in groups of interests or even pressure groups in order to follow common or similar policies and programs.

3.3. Multinational corporations

Multinational corporations are business organizations, which have activities in subsidiary companies and use direct investment in other countries. In the mid 90's, more than 38,500 multinational corporations all over the world were having other 250,000 affiliated organizations with a 5,200 billion US dollars business figure, representing 20% of the world's economic activity. These companies were having 73 million personnel / 20% of the employees of the development countries. Transnational banks, whose capital and profits are generated by the transactions, which take place in the international environment, have eased the extension of transnational corporations.

The political role of the multinational corporations is difficult to be defined nowadays, being different from a country to another.

Maybe the most realistic conclusion is in fact that the multinational corporations are not only a threat addressed to states but also a stimulus for the increase of their economic power, because the state is the only one

who can defend the interests of multinational corporations during the international negotiations and can ensure the free access on the market.

The corporations demand the state's input when they need protection or when they want to develop themselves.

At the beginning of the 3rd millenium, great multinational corporations detain not only the technological means but also strategic vision in order to overpass the old time, space, national borders, language, ideology and customs limitations.

By promoting the technology extended all over the world, by developing goods that can be produced and sold worldwide, by spreading bank credit all over the world, by connecting communication channels at a global level, multinational corporations consider these things in economic terms even when they refer to political, private more than public issues and they are to become the world's empires of the 21st century. The trend of this force is then towards globalization, nowadays such a disputed phenomenon.

3.4. Ethnic and religious extremism

Generally speaking, extremism is defined as the attitude of some groups of people or organizations, which, on the basis of certain theories, ideas and extreme opinions, try to impose themselves through violent or radical measures.

Ethnic extremism is based on ethnocentrism, meaning the belief that the nationality of a certain person provides him / her superiority over other people that are not of the same nationality. No doubt that ethnocentrism is the source of the ethnic conflict. Some people and especially groups of people, who have such beliefs, do not accept re-conciliation and compromise with other nationalities. This barrier against cooperation and its consequences that generate conflicts has been quite obvious in the case of the conflicts in the ex-Yugoslav area, involving in these conflicts Serbs, Croats, Muslims from Bosnia between 1992

and 1995 and since 1998 Albanians from Kosovo, Serbs and Macedonians. If the values, specific to ethnocentrism are spread and intensified, it is possible and predictable that violence expands. As a consequence, the power of states to maintain together several nationalities in order to build common goals and interests can be overcome by the destructive force.

Religious movements can also become a source of tension in the international environment, especially when they become radical being deeply involved in political actions on large scale and fanatically dedicated to their own cause. The leaders of the militant extremist religious movements are convinced that those who do not share the same ideas must be punished and of course compromise is unacceptable.

Usually these movements have a transnational character and tend to be

universal being at the same time exclusive: they deny all ideas that are not similar with their own social and political order.

Although, ethnic and religious extremism is not the only non-state actor whose ideology and activities contribute to violence, many experts consider that it has the tendency of stimulating five types of international activities.

The 1st type is **irredentism** – the attempt of an ethnic group or of a religion to claim territories in a complementary region, owned sometime in the past and lost later, territories which are now owned by another state.

The 2nd type is **secession** or separatist rebellion, which consists of the attempt of a religious or ethnic minority in

separating by force, from a state acknowledged at international level.

The 3rd type is **migration**, meaning departure of certain ethnic or religious groups from their native country in order to flee persecution.

The creation of a **diaspora**, a community that lives abroad, but who maintain contacts with the native country is the 4th type of international activity.

The 5th effect is the **international terrorism**.

The trend promoted by ethnic and religious extremism is the destabilizing of the international situation at a zonal and even regional level and de-structuring of states where they act, simultaneously with the attempt of establishing (in some cases) their own state entities.

3.5. Nationalism

A. Nationalism – love of and loyalty to a nation – is widely believed to be the cauldron from which wars often spring. "The tendency of the vast majority of people to center their supreme loyalties on the nation-state", political scientist Jack S. Levy explains, is a powerful catalyst to war. When people "acquire an intense commitment to the power and prosperity of the state [and] this commitment is strengthened by national myths emphasizing the moral, physical, and political strength of the state and by individuals' feelings of powerlessness and their consequent tendency to seek their identity and fulfillment through the state, ... nationalism contributes to war"⁹.

The connection between nationalism and war suffers from a long history, but it has been especially pronounced in the twentieth century. The English essayist Aldous Huxley once termed nationalism "the religion of the twentieth century". Today, nationalism is particularly virulent and intense, and arguably, with racism, "the most powerful movements in our world today, cutting across many social systems".

Most armed conflicts today are fed by nationalist sentiments that promote "war fever... accompanied by overt hostility and contempt toward a caricatured image of the

enemy", out of which sadistic violence and genocide have historically emanated. This entrenched leads some to argue that "Nationalism has often generated aggression abroad [and] has given us some three dozen costly wars in the Middle East since 1945". And the danger could escalate. Nationalism's threat to world order led former Soviet President Mikhail Gorbachev to warn in May 1992 that "the demons of nationalism are coming alive again, and they are putting the stability of the international system to the test. Even the United States itself is not immune from the dangerous nationalism".

B. Internal Rebellion and Secessionist Revolts. Among the sources of civil war, internal violence is a reaction to frustration and relative deprivation – people's perception that they are unfairly deprived of the wealth and status that they deserve in comparison with advantaged others. When people's expectations of what they deserve rise more rapidly than their material rewards, the probability of conflict grows. That, of course, applies to most of the countries in the Global South today, where the distribution of wealth and opportunities is highly unequal. Note in this context that the seeds of civil strife are often sown by national independence movements. "More

than two thirds of all the armed combat in the world between 1945 and 1995 were manifestations of the state-creation enterprise".

C. Nationalism and "Neonationalism". Nationalism today is widely regarded as an especially potent cause of war within states as noted earlier. However, the conditions prevailing today lead many to believe that nationalism will incite "wars of states against nations, wars of succession, and major armed uprisings to oust governments" at unprecedented levels.

If nationalism is a powerful influence on internal wars, what is termed **neonationalism** adds a new element to this traditional cause.

Ethnonational Conflict. Since World War II, civil wars provoked by ancient ethnic and racial hatreds have been commonplace in multiethnic states. Between 1945 and 1981, 258 cases of **ethnic warfare** were

observed, 40 percent of which involved high levels of violence. More recently, this armed conflict has reached epidemic proportions. Ted Robert Gurr estimated that 26,759,000 refugees were fleeing the fifty major ethnonational conflicts that were occurring in 1993-1994, each of which was responsible for an average of eighty thousand deaths. Most of the victims were innocent children. Between 1983 and 1993, some 10 million children died in civil strife, and the rate of killing of innocent civilian noncombatants continues to climb. Brutal assaults on civilians, including children, are escalating, and it is estimated that "today more than 90 percent of all casualties are non-combatants". Of the 40 million refugees worldwide, just over half are **displaced people** – refugees within their own countries – and "women and children are more likely to be made refugees than men".

3.6. International terrorism

Terrorist groups represent a separate type of non-state actor whose activities increase the international tension and undermine the authority and power of states. Terrorism is generally defined as a criminal activity aiming at accomplishing certain political goals, by using violence, most of the times in opposition with the political leadership of the state.

Today, terrorism is a strategy of many movements representing political religious and ethnic minorities that try to obtain the advantages that the majority already has and also try to avenge on those states and on the majority population which is considered as being an aggressor. Terrorist groups try to obtain political freedom, privileges and

material advantages they consider unobtainable because they are persecuted.

The main goal of the nowadays terrorist groups consists of obtaining the independence by secession, and the establishing their own state (for ex. IRA in Northern Ireland, ETA in Spain, UCK in Kosovo, PKK in Turkey and Iraq), but also there are very powerful religious and ethnic militant terrorist organizations, some of them, like Al Qaeda, having transnational activity.

The current trend of terrorist group activities consists of making these activities radical, simultaneously with creating certain legal political organizations that can support their political claims, and fund them.

3.7. International organized crime

In a globalized world, having "spiritual" borders or at least very penetrable ones, organized crime can easily use high-tech in computers and communications, to interconnect and extend their operations in order to increase profits. Drug cartels (the best known are the Colombian ones, in Cali and

Medelin, and those operating in the "Golden triangle" in Indochina), networks dealing with nuclear materials that come from the territory of the ex-Soviet Union and the organizations dealing with money laundry represent challenges addressed to the stability of the states where they take action.

The current trend of the activity of organized crime networks is that of extending their transnational activity, simultaneously with the use of high-tech, especially computers, and of luring important political personalities from the countries where they have illegal activities¹⁰.

When analyzing the forces which take action in the international environment we can see that their current tendencies are contradictory some of them contribute to the enhancement of the international security and stability, such as the states, international

organizations and multinational corporations, while others, such as ethnic and religious extremism, organized crime take action in the direction of de-structuring the state system and, generally, in that of changing the current internal and international order.

The practical ways in which the first category of actors will find the most appropriate means to counteract (by political but also coercive means) the activities of the second category provides the extent of the regional security and stability of tomorrow's world.

CONCLUSIONS:

– The international environment is characterized by fluidity and change, from bipolarity to multipolarity

– Besides nation-states, other actors become more and more active and powerful on the international arena

– Mostly of the today trends are a result of globalization and some of them act divergently. As a result, adverse and

opposite trends acting in the same time, could produce conflicts and war, on both, inter and intra state

– The only way to increase regional and global stability and security is to promote cooperation based on sharing values and responsibilities, in order to counter challenges, risks and threats to the national, regional and global security.

¹ Cf. Charles W. Kegley Jr., Eugene R. Wittkopf, *World Politics: Trend and Transformation*, St. Martin's/WORTH, New York, 1999, p. 30.

² Cf. *Strategia de securitate națională a României*, 19 decembrie 2001.

³ Emerich K. Francis, *Interethnic Relations*, Elsevier, New York, 1976, p. 108.

⁴ Okwudiba Nnoli, "Ethnicity", in *The Oxford Companion to Politics of the World*, Oxford University Press, Oxford, 1993, p. 280.

⁵ Franke Wilmer, *The Indigenous Voice in World Politics*, Sage Newbury Park, California, 1993, p. 33.

⁶ Lars-Erik Cederman, *Emergent Actors in World Politics: How States and Nations Develop and Dissolve*, Princeton University Press, Princeton, New Jersey, 1997, p. 98.

⁷ Cf. Susanne Hoeber Rudolf and James Piscator (eds.), *Transnational Religion and Fading States*, Westview, Boulder, Colorado, 1997, p. 58.

⁸ Cf. Teodor Frunzeti, *Organizațiile internaționale în era globalizării*, Editura Academiei Forțelor Terestre, Sibiu, 2000, p. 53.

⁹ Jack S. Levy, *Power, Politics, and Perception: Essays on the Causes of War*, University of South Carolina Press, Columbia, 1999, p. 199.

¹⁰ Phil Williams (ed.), *Transnational Organized Crime*, no. 3/2000, Frank Cass, London, p. 18.

LA POSITION DU PARTI SOCIALISTE FRANÇAIS FACE À LA CONSTRUCTION EUROPÉENNE – LA QUESTION DE L'EMPLOI*

Iulia Tătaru

C'est au lendemain de la seconde guerre mondiale que l'idée de la construction de l'Europe, en tant que projet politique, économique et institutionnel naît. Il était un projet très ambitieux dès le début, suscitant dans le contexte respectif des positionnements de la part des états et de leurs dirigeants, aussi bien que des partis politiques et de la société civile, régulièrement consultée sur les grandes décisions du processus de construction européenne. Dans notre analyse, de tous les acteurs mentionnés, nous allons privilégier l'étude des opinions et des réactions d'une formation partisane, à savoir le Parti Socialiste Français face à la construction européenne.

L'idée de notre analyse sera de voir comment le PSF a réagi face à l'un des principaux défis qui ont marqué l'évolution de la construction européenne dans toute cette période. Il s'agit plus concrètement du problème de l'emploi. Notre but sera de suivre quelles ont été les évolutions en matière de l'emploi au niveau communautaire pendant toute cette période et comment le Parti Socialiste Français a su

se positionner face à toutes ces évolutions. Par « positionnement » nous comprendrons saisir le comportement d'un acteur politique face à une problématique bien déterminée. Dans le cas d'espèce il consistera à voir comment le Parti Socialiste Français a réagi face aux évolutions communautaires en matière de politique de l'emploi et quelles ont été les visions et les propositions des socialistes français eux-mêmes relatives à la poursuite de la construction européenne dans ce domaine spécifique de l'emploi.

Globalement, la structure de notre travail de recherche sera divisée en deux grandes parties qui correspondent à deux étapes différentes dans la vie du Parti Socialiste Français : une première qui s'étale sur la période entre 1993-1997, pendant laquelle le Parti se trouve en opposition sur la scène politique nationale, et une deuxième qui couvre la durée de temps contenue entre 1997-1999, quand le parti se trouve au pouvoir. Spécifions que le PS reste le principal parti de gouvernement jusqu'au printemps 2002, mais en ce qui nous concerne nous avons choisi de limiter la portée de notre recherche en 1999.

LE PARTI SOCIALISTE FRANÇAIS À L'OPPOSITION

Notre propos dans le cadre de cette partie sera de voir comment le PSF a su réagir face aux initiatives européennes et

nationales visant le problème de l'emploi. A cette fin notre démarche analytique sera divisée en quatre étapes :

* Cet article constitue une première partie du travail de dissertation présenté à l'Institut d'Études Européennes de Bruxelles, le 7 octobre 2002, afin d'obtenir un diplôme de DES en droit communautaire et politiques publiques européennes.

– la première consistera à présenter l'évolution du parti pendant la période 1993-1997.

– dans la deuxième étape nous nous pencherons sur les programmes des gouvernements Balladur et Juppé, au pouvoir pendant cette période en France, privilégiant, bien entendu, l'analyse de leurs stratégies économiques pour diminuer l'ampleur du phénomène du chômage.

– dans une troisième étape, nous nous focaliserons sur les stratégies politiques envisagées par le PSF au même sujet de l'emploi.

– dans une dernière étape nous présenterons d'autres initiatives européennes que le parti a entreprises en dehors du cadre national strict, comme des réunions avec ses homologues européens au cadre du PSE.

La situation au sein du Parti Socialiste en 1993

L'année 1993 est celle des élections législatives en France. La campagne électorale se déroule sans aucune surprise, « tant la défaite du parti socialiste paraît certaine »¹. Comme on le verra par la suite, personne n'a pu quand même imaginer l'ampleur de la défaite enregistrée par le Parti Socialiste Français lors de ces élections législatives.

La situation dans laquelle le parti se trouvait n'était pas une simple difficulté conjoncturelle, mais une profonde crise interne qui a mené inévitablement à l'échec électoral.

En fait, le commencement de cette crise remonte au Congrès de Rennes, déroulé du 15 au 18 mai 1990. Ce congrès a marqué la fin d'une étape dans l'évolution du parti, plus précisément « la fin du mitterrandisme comme courant politique homogène »². Pour la formation partisane française, qui était d'ailleurs au plus bas de son influence dans cette période, plusieurs problèmes se posaient en même temps: celui de son programme, celui de sa stratégie, celui de son candidat à la future élection présidentielle, celui de ses rapports avec François Mitterrand, brièvement celui de sa cohésion interne. Et il y avait encore un autre élément à ne pas négliger, et qui d'ailleurs rendait la crise politique du parti encore plus grave. Il s'agissait de la guerre impitoyable que se livraient les différents courants, toujours en train de s'affronter sans parvenir à s'entendre. L'affrontement³ avait commencé dès la seconde élection de Fr. Mitterrand quand une interrogation est apparue de plus en plus préoccupante. Il était question, en fait, de savoir qui devait

être le successeur du président de la République. Les trois hommes qui s'estimaient le plus les potentiels candidats étaient Lionel Jospin, Laurent Fabius et Michel Rocard. En plus, François Mitterrand soutenait Fabius que la majorité des socialistes rejetait.

Au congrès de Rennes tous ces problèmes font surface menant ainsi la crise politique du parti à son paroxysme.

Le congrès a marqué également l'éclatement des différents courants partisans au sein du parti donnant naissance à une « véritable cacophonie de courants et sous-courants de ralliements ou défections, sans compter ceux qui refusaient de choisir »⁴.

Face à cette perspective, la confiance dans le parti diminue. D'après Jaques Attali⁵, même le président de la République était convaincu que les socialistes perdraient les élections de 1993.

Pourtant, plusieurs tentatives de refaire l'unité du parti se font remarquées. On a retenu essentiellement deux programmes: l'un proposé par Laurent Fabius et l'autre par Michel Rocard. Le premier, devenu depuis février 1992 premier secrétaire du parti, voulait réorganiser le parti selon trois mots d'ordre « rénover, rassembler et réformer »⁶.

Quant à Michel Rocard, il propose en janvier 1993 un « big bang politique pour la refondation de la gauche »⁷. Dans ce sens, il invite à une « rupture pour accomplir la renaissance ». Rocard rappelle le congrès de Tours⁸ indiquant que tout comme en 1920 il s'imposait une refondation de la gauche. Le big-bang devrait marquer le

décès du PS de l'époque et la nécessité d'en créer un autre, conformément à son projet qui prévoyait une refondation du mouvement socialiste ouvert aux

écologistes et aux communistes réformateurs. Constatons que ce que M. Rocard proposait était véritablement une recomposition de la gauche et du centre.

Les élections législatives de mars 1993 et la défaite du Parti Socialiste Français

C'est dans cette période de pleine crise politique au sein du PS que les élections législatives de 21 et 28 mars 1993 se déroulent. Comme on l'a déjà souligné auparavant, l'ampleur de la défaite socialiste fut beaucoup plus grande que prévu. Le PS n'a obtenu que 17,62% des suffrages exprimés. D'après Jean-Pierre Bedei, avec ce score-ci, le PS se situait « dans les plus basses eaux de son histoire »⁹. La coalition électorale de la droite « l'Union pour la France » constituée par le RPR et l'UDF est sortie gagnante.

Dans la nouvelle majorité parlementaire qui regroupait 577 députés, repartis entre 207 UDF, 242 RPR et 37 divers droite, le PS n'obtient que 64. Donc, la droite comptait 480 députés, soit plus de 80% de l'effectif de l'Assemblée Nationale. Comme le remarquait *L'Année politique*¹⁰, « l'Assemblée nationale était la plus à droite

qu'ait connue la France depuis plus d'un siècle, plus que la Chambre bleu horizon élue en 1919 après la guerre et même que l'Assemblée sortie des urnes en juin 1968 ».

Les élections législatives ne font que confirmer la perte que le parti avait déjà enregistrée en 1992 lors des scrutins régionaux et cantonaux qui avaient vu le PS reculer dans ses bastions de vieille tradition SFIO comme Pas-de-Calais, la Haute-Garonne.

Finalement toutes ces élections et leurs résultats traduisent sur-le-champ de la compétition électorale la baisse de confiance que la crise interne du PSF a entraînée.

Dans ces conditions, le 29 mars, le gouvernement socialiste de P. Bérégovoy se voit obligé de démissionner. Pour le parti socialiste s'annonce une autre période de crise politique¹¹.

Le gouvernement de droite d'Edouard Balladur et son programme politique

Le président de la République annonçait, le 30 mars 1993, la nomination d'Edouard Balladur comme Premier ministre.

Le nouveau chef de cabinet prononce, le 8 avril 1993, sa déclaration de politique générale devant l'Assemblée Nationale. Les propos gouvernementaux du Premier ministre visent un but clair, à savoir « bâtir le nouvel exemple français » qui, pour le Premier ministre signifiait « le fruit d'un effort de redressement, d'un élan nouveau pour apporter à notre société les réformes qui lui assureront à la fois le progrès, l'équilibre et la justice »¹².

Nous constatons que le chef de l'exécutif annonce sa détermination pour mener une politique de réforme axée sur quatre axes principaux: affermir l'état républicain, assainir l'économie pour développer l'emploi, garantir les solidarités essentielles dans la société et mieux assurer la place de la France en Europe et

dans le monde. On remarque aisément que le programme politique du gouvernement comporte un volet social constant dans des projets en matière d'emploi et de lutte contre le chômage. Évidemment, c'est n'est pas par hasard que la stratégie gouvernementale se penche spécialement sur la question de l'emploi.

Nous avons pensé que pour mieux comprendre cette priorité du gouvernement Balladur, il serait peut-être utile de jeter un coup d'œil à la situation économique et sociale de la France pour la période de 1993-1994. Selon les statistiques, la situation économique du pays n'était pas du tout favorable.

Comme le notait Becker¹³, « 1993 aurait été l'une des années les plus noires que la France ait connues depuis longtemps. La récession qui a frappé son économie a profondément appauvri la collectivité nationale [...] les entreprises ont

supprimé 260 000 emplois salariés. Le malaise français est né de la gravité de la récession, la pire depuis la fin de la seconde guerre mondiale, qui a vu le PIB reculer de presque un point en 1993, faisant perdre au pays quelque 70 milliards de francs de richesse ».

Le gouvernement avait prévu fin 1992 une croissance économique de 2,6% pour 1993 ; or, un an plus tard, bien loin d'augmenter, la production nationale avait reculé de 0,8%. Le coût social de cette récession, la plus forte depuis 1945, selon les analystes économiques, était considérable : « la perte de 26 000 emplois [...] et un volume de 312 000 chômeurs supplémentaires accompagnés d'un effondrement de l'investissement industriel et du niveau record des faillites d'entreprises »¹⁴. Le seuil de 3 millions de chômeurs était franchi en novembre 1992 et à la fin de l'année 1993 le nombre de chômeurs en données brutes était de 3 368 800¹⁵.

Par rapport à ses autres voisins européens, en France, le pourcentage de jeunes de moins de 25 ans y était de plus en plus élevé, de même que celui des chômeurs de longue durée.

Face à cette situation économique difficile, les forces politiques de droite et de gauche du pays envisagent, comme on le verra ultérieurement, des projets totalement différents pour la dépasser. À terme cette situation ne pouvait être redressée que par le redémarrage de la croissance et la réduction du chômage.

Nous considérons qu'une présentation comparative de la politique de l'emploi menée par le gouvernement au pouvoir et du programme politique visant la même problématique pensé par le PS en opposition, nous aidera à mieux mettre en lumière leurs choix stratégiques différents, car si tous les deux mènent le même combat – la lutte contre le chômage – leurs visions pour ressouder pratiquement ce problème sont très différentes.

Donc, nous poursuivons, dans un premier temps, avec la présentation de la stratégie de politique économique envisagée par le gouvernement de droite au pouvoir. Cette partie nous paraît très importante afin

que nous puissions saisir par après la vision du PS relative à la situation de l'emploi au niveau national et européen, vision qui sera à la fois une réplique et une critique envers la politique menée par le gouvernement de droite en exercice.

Le 10 mai 1993, le gouvernement de droite adoptait « un plan de redressement économique et social »¹⁶. Le projet proposé visait de retrouver la croissance (créatrice de l'emploi) mais en réduisant les déficits publics. Balladur était le partisan de la stabilité du franc qui pour lui était gage de la croissance durable. Il pensait qu'en aggravant les déficits, en affaiblissant le franc, on provoquerait la hausse des taux d'intérêt et en définitive on mettrait en cause la croissance et l'emploi. Donc, créer des emplois signifiait pour Ed. Balladur lutter contre les déficits.

Le choix de cette politique est très lié au contexte économique européen, et notamment à la situation de l'Allemagne, où pour faire face aux dépenses considérables de la reconstruction des nouveaux landes de l'Est le gouvernement avait recours à l'emprunt afin de ne pas alourdir les dépenses budgétaires et, pour éviter l'inflation, la Bundesbank maintenait les taux d'intérêt élevés. Ainsi le Deutsche Mark s'appréciait-il sur les marchés des changes tandis que les autres monnaies, comme le franc français, avaient des difficultés de maintenir le rapport de parité.

Dans ces circonstances la position du gouvernement Balladur a été de conserver la parité du franc avec le Mark et à cet effet on a maintenu les taux élevés, alors que dans la majorité parlementaire des critiques s'élevaient contre la politique du « franc fort » qui avait pour effet d'encourager la spéculation, menant inévitablement à une dévaluation. En plus, on risquait d'échapper aux rigueurs de l'article 103, paragraphe 2 du traité de Maastricht disant que « les États membres mènent des politiques budgétaires favorisant une croissance non inflationniste et un niveau élevé d'emplois ».

Arrivés à ce point de notre démarche analytique, nous avons considéré comme étant utile de se demander dans quelle mesure le gouvernement au pouvoir a réussi

par le biais de la politique présentée à améliorer la situation économique du pays et à infléchir favorablement sur le taux du chômage ?

Autrement dit, quels ont été les effets sur la croissance et l'emploi de la politique de rigueur budgétaire menée par le gouvernement Balladur ?

Cet aspect de l'analyse sera mis en lumière par la suite.

René Remond observait¹⁷ que « l'année 1994 fut une des rares années depuis 1980 à dispenser quelques signes de reprise et à laisser espérer une sortie prochaine de la crise ». En effet, la production s'était redressée au début de l'année, le PIB augmentant de 2,4% sur toute l'année. Mais malgré cette nette évolution, l'amélioration de l'emploi n'a pas suivi la reprise économique. Le chômage représentait encore 12% de la population en âge de travailler¹⁸. Selon les analyses économiques il y avait une stabilisation par rapport à la virulente augmentation de 1993 mais il était évident que la reprise économique avait été incapable de provoquer une véritable baisse du chômage. Pour se faire une idée de la situation au niveau européen¹⁹, le taux de chômage au niveau communautaire s'établit à 10,7% en octobre 1994, avec 6,2% en Allemagne et 12,6% en France. C'est certes que les effets de la reprise ont apporté une amélioration de l'économie française, mais la croissance n'était pas encore arrivée à un niveau suffisant pour agir de façon dynamique sur le marché de l'emploi. Pour obtenir une forte diminution de l'effectif du chômage les économistes estimaient qu'il fallait avoir une croissance économique supérieure à 4%. Ils ajoutent qu'une telle croissance devait être

durable. Or, depuis la fin des « Trente Glorieuses » l'économie française n'a bénéficié qu'une seule fois d'une telle situation, c'était en 1988 et en 1989 avec les hausses du PIB de 4,5% et 4,3%²⁰. La croissance avait alors effectivement permis d'infléchir la courbe du chômage.

Mais est-ce que la France disposait-elle des moyens d'une telle croissance, à l'époque ? Jean-Claude Trichet, le gouverneur de la Banque de France en doute²¹. Selon lui, la France possède une économie productive de grande qualité mais qui n'est pas créatrice d'emplois. En plus, il considère que le niveau des déficits publics enregistré par l'économie française constitue aussi un handicap pour la poursuite de la croissance.

Maintenant, après avoir vu quel choix de politique économique le Gouvernement Balladur a entendu opérer et quels ont été les résultats de cette politique du point de vue de l'emploi, nous comprendrons mieux les critiques proférées par les socialistes à l'égard de la politique du gouvernement. Pour les socialistes, l'immobilisme de cette politique d'orthodoxie monétaire semblait conduire à l'impossibilité d'avoir une croissance suffisamment élevée pour créer des emplois. C'est en principe pour cette raison qu'ils ont considéré sans réserve que la politique du gouvernement au pouvoir a été un échec, et que le besoin d'une autre stratégie de gouvernance leur apparaissait plus que nécessaire.

Afin d'accomplir l'exigence méthodologique de présentation comparative des programmes politiques, que nous avons annoncée, nous entendons continuer notre démarche analytique par la présentation de la vision relative à l'emploi proposée par le PSF.

La vision relative à la question de l'emploi proposée par le PSF

Annonçons dès le début que cette partie comprendra une analyse de la situation au sein du parti à la veille de son congrès de Bourget, ainsi que le programme politique que le parti a présenté à la même occasion. Nous nous arrêterons brièvement sur le Livre Blanc de la Commission « Croissance, compétitivité, emploi » afin de mieux se positionner, ultérieurement par

rapport à la vision du PS concernant l'emploi.

Le projet envisagé par le Parti Socialiste sera présenté à l'occasion du Congrès de Bourget, de 22-24 octobre 1993.

Ce congrès a été le premier que le parti ait tenu depuis Rennes. Il a été organisé six mois après la perte des élections par la gauche et le retour au

pouvoir de la droite. Comme on l'a déjà vu, le scrutin de mars 1993 a durement sanctionné la gauche, qui a réalisé son plus faible résultat pour des élections législatives depuis le congrès d'Épinay en 1971²².

Le contexte difficile dans lequel le parti se trouvait imposait de relever deux principaux défis: premièrement, le parti, qui était désuni, devait se rassembler, s'unir, se stabiliser. Deuxièmement, le parti devait montrer qu'il est à nouveau capable de s'opposer à la politique de la droite, considérée trop conservatrice et dénuée du sens de l'intérêt général. Cela signifiait pour le PS qu'il devrait prouver qu'il était à nouveau capable de proposer aux français un projet politique. Donc, le rassemblement du parti, la capacité d'opposition et la force de proposition d'un programme politique soutenable, toutes ces trois conditions devaient être réunies pour que, comme le souhaite M. Rocard, « nous montrions que nous pouvons être rapidement un Parti d'alternance »²³. Il semble bien que les socialistes se sont rendu compte que le rassemblement n'était pas seulement opportun pour eux, mais il était vital de s'unir pour mieux faire face à la droite. Il fallait mettre fin aux divisions au sein du parti et lancer un débat de fond sur l'avenir et l'élaboration des nouveaux projets, orientations politiques.

En effet, le congrès marquera des transformations, le PS entend proposer et produire une nouvelle offre politique à gauche dans le plan national et veut faire entendre également un nouveau message européen.

L'idée sur laquelle ils se penchent est celle de s'opposer tant à la politique nationale de la droite qu'à celle menée au niveau européen en matière d'emploi.

Imaginer l'emploi pour résoudre le problème du chômage apparaissait comme leur préoccupation principale. Ils partent du double constat que la crise économique de l'époque touchait tant au niveau européen que national. Mais, à leur avis²⁴, la crise était d'abord une crise européenne puisque sur les 36 millions de chômeurs sur la planète, 20 millions on comptait en Europe. À l'exception de la Grande-Bretagne, l'UE est

engagée dans une des plus graves récessions depuis la fin de la seconde guerre mondiale. La faiblesse de la croissance économique²⁵ et l'absence de perspective d'une reprise assez ferme provoquent en 1993-1994 un chômage sans précédent qui devenait un problème fondamental pour les états membres. C'est pour cette raison que le parti socialiste français voulait « opposer à une crise européenne une réponse européenne ».²⁶ Cela ne voulait pas dire pour autant que le niveau national devait être escamoté, mais ils pensaient plutôt à une stratégie duale, agissant sur deux champs: national et européen. Le résultat de cette coordination des niveaux devrait mener à des résultats tangibles dans la lutte contre le chômage.

Les socialistes partagent la conviction qu'une relance de l'économie nationale et européenne devrait être envisagée.

Nous allons procéder par la suite à une mise en exergue de la manière dans laquelle le PS conçoit cette relance.

Pour eux il fallait trouver une nouvelle stratégie de croissance. La politique de l'emploi qu'ils proposent implique que l'économie renoue avec la croissance. Les socialistes entendent de définir leur attitude par rapport à l'épineux problème de la croissance.

À cette fin, ils se proposent d'élaborer une nouvelle stratégie pour la croissance, qui réviserait son contenu aussi que ses objectifs. L'idée qu'ils proposent est simple et repose sur une stratégie concertée au niveau national et européen pour faire augmenter la croissance: Cette stratégie concertée à deux niveaux suppose que des actions spécifiques devront être réalisées à chacun d'entre eux parce que, pour les socialistes, agir conjointement sur les deux plans par un programme intégré signifiait mieux combattre le chômage.

Dans un premier temps nous allons nous focaliser pour un instant au niveau national pour voir en quoi leur stratégie consistait.

Ils considèrent que deux principales initiatives seront destinées à créer un plus

d'emplois : la réduction de la durée du travail et la création des emplois dans le secteur des services.

En ce qui concerne la réduction du temps du travail²⁷, les socialistes proposent le passage progressif aux 35 heures de travail par semaine. À leur avis, ce passage devrait répondre à une double exigence : être négocié par les partenaires sociaux dans chaque entreprise pour convenir de son rythme et de ses modalités et être régulé et aidé par l'état dans le sens qu'il serait à lui d'inciter les entreprises à s'engager dans ce processus en allégeant leur charges sociales. Quant aux salariés, il ne s'agira pas d'une diminution de leurs salaires, ils conserveront leur rémunération mensuelle, gagnant autant tout en travaillant moins. La réduction du temps du travail sera financée par les gains de productivité²⁸, n'affectant pas de la sorte le déficit public, puisqu'on n'utilisera pas les sources budgétaires pour financer les nouveaux emplois créés. Ces derniers disposeront seulement des ressources nées des gains de productivité. Le fait que dans leur vision la réduction du temps du travail ne doit pas être accompagnée par une baisse des salaires est essentiel pour comprendre leur logique. Un niveau raisonnable des salaires ne peut qu'aider à la reprise de la consommation qui sera à son tour très bénéfique aux entreprises. On constate la circularité de leur théorie et dans quelle mesure chaque partie de cette stratégie est importante pour que l'ensemble fonctionne bien. Cette croissance doit assurer à la fois le financement de la consommation par le pouvoir d'achat des salariés et le financement des investissements par le profit des entreprises.

Cette proposition deviendra une des actions de politique interne du gouvernement Jospin. Dans le deuxième chapitre, au moment où nous examinerons son programme de gouvernement nous allons nous livrer à une analyse plus détaillée de cette mesure relative à la réduction de la durée du travail.

La création d'emplois dans le secteur des services²⁹ est la deuxième initiative que les socialistes lancent pour stimuler la politique dans ce domaine. Cette proposition

consiste à dire que la puissance publique, en occurrence l'état, est la seule qui peut favoriser la création d'emplois dans les services pour les travailleurs non-qualifiés. L'explication mettait en exergue que le fait que le coût relatif au travail non-qualifié avait tendance à augmenter et en même temps le chômage frappait le plus les travailleurs non-qualifiés. Face à cette situation, la stratégie pour créer des emplois pour cette catégorie spécifique de travailleurs devrait consister dans une exonération des charges au titre des entreprises qui en feront des embauches. Puis, il fallait également créer des emplois de proximité surtout dans les banlieues pour rendre des services d'encadrement des jeunes puisque, comme nous l'avons mentionné, en France le chômage des jeunes de moins de 25 ans était plus élevé par rapport à la moyenne européenne.

Ce que nous semble important à remarquer, après avoir vu le contenu des propositions en faveur de la croissance, est le rôle significatif que les socialistes entendent attribuer à l'état dans ce processus de relance économique au niveau national.

Dans un premier temps l'état est chargé de piloter le processus de réduction de la durée du travail selon la logique du « moteur en trois temps »³⁰, et dans un deuxième temps il a comme mission de créer des emplois pour des catégories de travailleurs spécifiques.

Cependant les socialistes considèrent que l'initiative nationale ne suffira pas à la reprise de la croissance et de l'investissement et, en conséquence, l'Europe leur apparaît comme un autre espace possible pour organiser la relance de l'économie et retrouver le chemin de la croissance. Ils pensent que « la croissance passe par l'Europe, elle est nécessaire, d'autant plus que nous vivons une crise de demande, une récession, une déflation »³¹.

Pour retrouver la croissance au niveau européen, les socialistes français partent de la conviction que seul un grand emprunt européen destiné à financer un vaste programme de travaux d'infrastructure à l'échelle continentale résoudra la question de la croissance et du chômage. À ce point

européen. Cette politique keynésienne serait mise en œuvre par le biais d'un emprunt public massif de la part de l'UE qui serait affecté à de grands investissements créateurs d'emplois (T.G.V., autoroutes, télécommunications) et à l'amélioration de la vie quotidienne (rénovation des banlieues et de leur environnement). Donc, l'élément central de cette politique keynésienne doit être le financement par un emprunt public, puisque les socialistes pensaient que pour accélérer la croissance cela serait la meilleure solution.

Mais s'ils suivent le raisonnement de Delors en ce qui concerne l'idée d'un investissement par un grand emprunt public, ils vont manifester leur désaccord face aux montants de financement proposés par la Commission ou par les Conseils européens. Ils sont d'accord avec le fait que l'initiative prise par le sommet de Bruxelles va dans le bon sens, mais l'ampleur de l'investissement prévu reste encore très insuffisante pour eux. Pour le PS, les 8 milliards d'écus proposés par le Conseil européen d'Edimbourg³⁵ ou les 20 milliards proposés par la Commission (120 milliards d'écus étalés sur 6 ans) étaient insuffisants. Eux, ils pensent qu'il faudrait sans doute le double.³⁶

Quelles doivent être les modalités de cette relance supposant un investissement public pour le Parti Socialiste ?

Les socialistes basent leur proposition sur un grand emprunt. En ce qui concerne son montant, les chiffres qu'ils proposent varient. Ainsi, dans la résolution finale du congrès de Bourget, on mentionne le montant de 80 milliards d'écus, et dans le discours de clôture du même congrès M. Rocard parlait de 50 de milliards d'écus par an. Quoi qu'il en soit, nous ne pouvons pas nous empêcher de remarquer que le montant que les socialistes proposent est beaucoup plus grand que celui fixé par le Livre Blanc.

Quelle est la logique de ce « new deal européen » ?

Pour le PS³⁷, la Communauté qui n'est pas endettée peut faire ce choix keynésien qui consiste à emprunter, à long terme, au moins 50 milliards d'écus. Pour eux, l'UE est

le seul emprunteur potentiel parce que l'Union est la seule collectivité non endettée et par ailleurs beaucoup moins dépendante de l'extérieur que chacun de ses membres. Par ailleurs les 50 milliards d'écus doivent être aussitôt réinvestis dans des dépenses présentant une double caractéristique: être des investissements d'avenir et être créatrices d'emplois. Cette entreprise permettra une meilleure coopération des politiques économiques des douze états membres, qui aura comme résultat de dégager un plus de croissance au niveau européen.

Pour eux, le financement d'un tel programme peut dans une large mesure être obtenu par l'emprunt sans détériorer à terme les comptes publics, comme le considéraient certains états membres sceptiques à accepter le Livre Blanc, parce que selon la stratégie des socialistes on n'affecte d'aucune manière le déficit public national puisqu'on ne fera pas recours aux budgets nationaux pour relancer la croissance. On appellera, par contre, au budget communautaire qui pourrait se permettre de relancer la croissance par un emprunt sur le marché international. En plus, comme ils l'expliquent eux-mêmes³⁸, « un investissement public augmenté de l'investissement privé qu'il entraîne génère des ressources fiscales de l'ordre de l'investissement réalisé ». Puis une fois l'investissement lancé par l'Union, il devrait s'orienter vers toute sorte d'infrastructures, pouvant privilégier à la fois le logement qui a un fort contenu en emploi (et notamment en emplois non-qualifiés), la réhabilitation des zones urbaines défavorisées et des grands réseaux de communication.

Pour conclure, nous pouvons dire que les socialistes aussi que le gouvernement de droite ciblaient leur stratégie sur le retour de la croissance pour créer des emplois, mais leurs moyens divergeaient totalement. Pour le Premier ministre Balladur, il voulait trouver la croissance, mais il estimait que la seule politique possible était une gestion financière rigoureuse. Il fallait lutter contre les déficits au niveau national et européen en attendant que la croissance produise les meilleures rentrées fiscales, qui à leur tour favoriseront la baisse des taux d'intérêt et

restaurent la confiance dans les monnaies nationales. Pour lui la stabilité monétaire était un des facteurs indispensables de la croissance. C'est dans cette optique qu'il faut comprendre que l'idée du chef de l'exécutif français était qu'il ne faudrait pas passer la défense de l'emploi avant celle de la monnaie unique et de la réduction des déficits publics. Cette politique économique de rigueur s'inscrivait dans la ligne des exigences instaurées par le traité de Maastricht en vue de passer à la monnaie unique.

Pour les socialistes, la politique du gouvernement Balladur en France et celle des autres exécutifs libéraux au niveau européen est une de régression sociale. Le seul moyen cohérent pour combattre cette politique est de proposer une autre vision, qui ne soit plus penchée exclusivement sur la rigueur, mais beaucoup plus ouverte vers la société et ses défis.

L'idée qu'ils proposent consiste dans une action concertée au niveau national et européen. Dans leur vision, agir sur les deux plans apporte un plus d'efficacité dans la lutte contre le chômage. Cette action conjointe suppose qu'il faut envisager deux puissances publiques, une pour chaque niveau pour réaliser les actions conçues pour chacun d'entre eux. Ainsi, au niveau national, la puissance publique sera l'état qui aura comme mission de coordonner le processus de réduction de la durée du travail, tandis qu'au niveau européen le rôle de puissance publique reviendra à l'Union même qui, par le biais d'un emprunt massif, coordonnera un investissement créateur d'emplois dans tous les États membres. Cet investissement au niveau de l'Union européenne n'affectera pas les déficits nationaux, puisqu'il sera fondé sur un emprunt que l'Union européenne réalisera en son nom. Ceci dit, cela n'affecterait ni au déficit communautaire, puisque l'UE était une entité non endettée, ni aux budgets nationaux, puisqu'on n'y faisait pas recours pour financer d'éventuels programmes sociaux de lutte contre le chômage. Fr. Mitterrand qui prend part au congrès de Bourget, plaide également pour une Europe sociale : « comment voulez-vous faire une

Europe des citoyens si vous ne faites pas l'Europe sociale ? »³⁹

Notons que le débat européen se fait sur un axe gauche-droite, et que toutes les propositions des socialistes relatives au changement de l'UE doivent conduire à une Europe de gauche, c'est-à-dire, plus sociale, plus citoyenne. Nous saisissons clairement que le clivage gauche-droite est de référence dans le positionnement des programmes politiques tant au niveau national qu'eupéen des forces politiques françaises de l'époque. Dans ce sens le premier secrétaire du PS délimite très clairement la position de son parti par rapport aux autres forces politiques nationales, notamment celles de droite. Il affirme clairement : « oui, nous voulons l'Europe, mais pas la même Europe, pas avec la même démarche, pas sur les mêmes objectives. Nous voyons en Europe le garant le plus sûr, à terme de notre protection sociale. Nous voyons en Europe l'instrument pertinent d'une politique keynésienne pour l'emploi ».⁴⁰

Nous remarquons, donc, qu'en France, le débat concernant les questions européennes se poursuit toujours sur la ligne du clivage gauche-droite. Ceux qui prônent la fin des idéologies seront au moins surpris de constater à quel point la division idéologique se fait sentie dans les ambitions, propositions et surtout réalisations au niveau européen.

À ce point de l'analyse il nous semble pertinent de se demander dans quelle mesure la vision proposée par les socialistes a trouvé d'écho au niveau communautaire.

Il faut avouer dès le début que leur proposition a été vue avec beaucoup de réserve parce qu'on avait peur qu'un investissement de la taille préconisée ne fit qu'alourdir encore le déficit communautaire et s'enfoncer d'avantage dans la crise. Apparemment M. Rocard s'attendait à une réaction pareille⁴¹.

Beaucoup de réserves ont existé aussi à l'égard du Livre Blanc qui, comme on l'a déjà remarqué, prévoyait des montants

beaucoup plus modérés pour les programmes d'investissement. Les douze états membres restent très divisés sur ce problème, ils consacrent à la lutte contre le chômage des sommes énormes, correspondant à 3% environ du PIB communautaire mais essentiellement sous la forme de dépenses passives d'assistance ou de traitement social.⁴²

Quant au sort du Livre Blanc, à l'occasion du sommet européen de Corfou de juin 1994 les Douze font le point sur la situation de l'emploi mais sans dégager une autre politique d'ensemble. Ils s'engagent à appliquer le programme de grands travaux recommandés par le Livre Blanc pour favoriser la croissance au niveau communautaire. Mais la mise en œuvre de ce plan sera très lente, même en dépit des pressions de J. Delors⁴³. Le conseil mentionné décide le 25 juin d'engager onze grands chantiers prioritaires dont les travaux devraient commencer avant deux ans et s'achever dans les années 2000 et 2005. Mais, faute des moyens suffisants, il

s'agissait d'un dispositif largement en retrait par rapport au projet initial de J. Delors. Quant au Conseil Européen d'Essen⁴⁴, qui suit à celui de Corfou, il approuve une liste de 14 projets d'infrastructures prioritaires dans le cadre du futur réseau transeuropéen de transports que les États membres ont décidé de mettre en place. En plus du financement déjà prévu pour les travaux en cours (1,9 millions d'écus), une ligne supplémentaire de crédit de 1,2 milliards d'écus sur 5 ans sera dégagée sur le budget communautaire. Mais la réalisation sera lente, seulement 3 projets étaient en voie d'achèvement en 1998. Comme le notait *L'Année politique*⁴⁵, « l'UE est prisonnière d'une contradiction entre son désir de stimuler la croissance et l'emploi par de grands travaux et sa volonté de ne pas alourdir les déficits budgétaires au moment où le Parlement de Strasbourg adoptait, le 15 décembre 1994, un budget communautaire en hausse seulement de 12% pour 1995 ».

Autres initiatives au niveau européen du Parti Socialiste Français dans la période 1993-1995

Dans cette partie de notre démarche analytique nous nous proposons de présenter d'autres initiatives du PSF déployées au niveau européen, comme le programme politique que le parti a soumis lors des élections pour le Parlement européen de juin 1994 et une réunion avec les autres partis socialistes du PSE vers la fin de l'année 1993. Nous tenons à préciser que la logique de cette partie dans l'ensemble de notre démarche analytique est de suivre également les prises de positions que le parti fait en dehors du cadre national pur. Quant au programme du PSF en vue des élections parlementaires européennes, il nous a paru relevant de voir comment le parti s'est-il positionné lors d'un tel événement.

En septembre 1993, les dirigeants du PSE se sont retrouvés à Arrabida⁴⁶, au Portugal, où ils ont discuté, parmi d'autres thèmes, sur l'avenir de l'Europe. Deux

grandes séries de questions ont dominé les travaux de cette réunion⁴⁷. La première a concerné le problème du chômage en Europe et comment s'attaquer à ce grand défi, tandis que la deuxième s'est focalisé sur la nécessité de poursuivre la construction européenne en approfondissant d'avantage son volet politique et social.

Sur le premier point les socialistes n'ont pas caché leur inquiétude vis-à-vis de la situation économique et sociale en CEE et notamment la montée du chômage. Dans son intervention M. Rocard a souligné que « canaliser les lois du marché et relancer la croissance ne suffisaient plus pour endiguer le chômage. Face aux excès du libéralisme et pour maintenir l'équilibre social il est indispensable de restaurer l'autorité des collectivités publiques tant au niveau national qu'eupéen »⁴⁸.

On voit bien que le premier secrétaire français présente à ses homologues européens la stratégie que son parti avait

arrêtée lors du Congrès de Bourget. Pour rappel, les dirigeants du PSF ont proposé à l'occasion de ce congrès une nouvelle stratégie que le parti désirait appliquer pour affronter la crise économique française et européenne de l'époque. La vision alors présentée reposait sur une coordination double entre le niveau national et celui européen. D'où la mention des deux collectivités publiques que M. Rocard fait dans la citation qu'on vient de mentionner. Au niveau national cette collectivité publique devrait se traduire par la présence de l'état qui était chargé de piloter le processus de réduction de la durée du travail, en incitant les entreprises de se lancer dans ce processus par des exonérations fiscales et en fixant un cadre légal à la négociation salariale et de la durée du temps du travail.

Quant au niveau communautaire, la collectivité publique devrait être l'Union elle-même pour établir le cadre régulateur nécessaire à la mise en place de son investissement créateur d'emplois. Ces deux collectivités publiques sont conçues dans une logique de réglementation des économies qui ne devraient plus se conduire exclusivement selon les lois du marché. Comme nous l'avons déjà souligné auparavant, pour les socialistes français le marché seul n'apparaît plus comme étant capable de résoudre le problème du chômage et de favoriser une insertion sociale à long terme.

Nous observons encore une fois que le PS entend de critiquer et de proposer le dépassement du libéralisme économique pratiqué au niveau communautaire. Il se prononce pour changer la logique de la déréglementation du marché au retour à une réglementation des puissances publiques.

En juin 1994, pour la quatrième fois depuis 1979, les citoyens européens sont appelés à élire au suffrage universel direct leurs représentants au Parlement européen. Cette période pendant laquelle se déroulent ces élections, se présente pour le PSF, comme on l'a déjà constaté, comme une grave crise économique, touchant à la fois la France et l'UE.

Face à cette crise économique et à ses conséquences inhérentes (la montée spectaculaire du chômage, qui entraîne à son tour la précarité, l'exclusion et la marginalisation sociale) les socialistes français prennent position à nouveau.

Le programme qu'ils proposent pour les élections au PE s'appelle « Changeons l'Europe », et on y explique d'une façon très pointue et détaillée leur vision pour l'avenir de l'UE. Ce qu'ils jugent nécessaire de faire dans ce contexte particulier c'est de « ne pas renoncer à l'Europe, mais changer l'Europe »⁴⁹. Ils réaffirment leur engagement pour l'Union européenne mais pour une Union autre que celle née essentiellement de la vision libérale. Dans le passé récent celle-ci avait réussi à s'imposer de nouveau lors du Conseil Européen de Maastricht où les seuls compromis possibles sont restés sur la monnaie unique et les critères de convergence qu'elle requerrait et moins d'évolutions ayant débouché sur des aspects plutôt politiques et sociaux.

Les socialistes s'attachent à la conviction qu'il faut prolonger et dépasser le Traité de Maastricht. Cet objectif signifiait pour eux « de dépasser les limites que l'idéologie libérale a jusque-là apportées à la construction européenne »⁵⁰.

D'ailleurs les socialistes avaient appelé à voter pour le Traité de Maastricht, mais une fois ratifié, ils se proposent de lui apporter des changements qu'ils considéraient comme opportuns pour la poursuite de la construction européenne. En ce qui les concernent, le Traité de Maastricht n'a constitué qu'un moment de l'aventure européenne mais qui devait être dépassé.

Alors, si le but est d'améliorer et même de changer la donnée existante dans l'UE, voyons en quoi consistait la vision socialiste sur l'UE : « faire passer le politique avant le marché, la volonté avant le laisser-faire, la solidarité avant l'indifférence sociale »⁵¹. Plus concrètement, les socialistes lancent deux principales propositions qui résument leur vision pour la nouvelle Europe qu'ils conçoivent de gauche.

Leurs principales propositions visent :
1) créer une volonté politique européenne

2) l'émergence d'une véritable puissance publique européenne axée sur l'emploi et la protection sociale

Il est évident, donc, que pour dépasser l'idéologie purement libérale il faut que la priorité soit désormais donnée à l'Europe politique et à l'Europe sociale. Et le moyen le plus efficace par le biais duquel on réalise l'Europe sociale est de répondre au défi de l'emploi.

Les dirigeants socialistes partent du constat que la Communauté Européenne s'est développée de façon essentiellement économique et libérale, le principe de base à la réalisation du marché commun et par après du marché unique étant « moins il y avait de règles, plus on supprimait les entraves au marché ». Dans ce contexte, le PS considère que l'accélération du chômage et de la crise économique européenne sont le résultat de la philosophie et de la politique ultra-libérales⁵² menées par les forces de droite en Europe.

Donc pour stopper cette déréglementation des marchés qui n'avantage guère le citoyen, il faut un retour à une réglementation publique basée sur la création des puissances régulatrices. Ici, dans leur programme pour les élections parlementaires européennes les dirigeants socialistes entendent réaffirmer le fait qu'ils conçoivent l'UE comme une puissance régulatrice.

Ils réitérent l'idée que pour assurer un niveau d'emplois suffisant au niveau européen il faut miser sur l'apport de croissance que l'Union pourrait apporter puisque dans leur vision elle demeure un facteur de création d'emplois et de revenus. À cet égard ils expriment leur souhait que l'initiative de croissance décidée en 1993 soit renforcée au niveau du financement. M. Rocard expliquait lors d'une interview⁵³ que le montant d'écus établi par l'initiative communautaire de croissance signifierait « l'enterrement de cette initiative ». Vraisemblablement, le montant de 20 milliards d'écus sur lequel le Conseil de Bruxelles s'est arrêté leur apparaît plus qu'insuffisant pour une véritable relance de la croissance au niveau européen. Les socialistes entendent réaffirmer que l'investissement que l'UE devrait faire pour

construire les infrastructures devrait se chiffrer « au moins » à 50 milliards d'écus par an, puisqu'ils considèrent que l'Europe a ces moyens et en conséquence ils veulent qu'elle « fasse son métier »⁵⁴.

A côté de l'action visant les projets de grands travaux, le programme « Changeons l'Europe » propose encore quatre initiatives⁵⁵, à savoir: la réduction de la durée du travail aussi au niveau européen, une harmonisation de la fiscalité conçue d'une manière à avantager les politiques de l'emploi, la création d'un plus d'emplois d'utilité sociale comme les services de proximité et une politique industrielle et de recherche volontaire fondée sur de grands programmes technologiques financés par le budget européen ou des agences spécialisées.

En ce qui concerne la réduction de la durée du travail au plan européen, nous constatons que les socialistes se prononcent pour que cette initiative qu'ils avaient conçue prioritairement au niveau national soit prolongée aussi au plan communautaire. Ils pensent, dans ce sens, que l'UE serait la seule capable de réaliser la coordination des politiques nationales de réduction de la durée du travail.

Pourtant, chaque pays peut s'engager séparément dans cette voie, mais une action collective menée par l'UE a, selon les socialistes français, l'immense avantage de réduire la contrainte de compétitivité, puisque plus de 60% des échanges entre les états membres se font au sein du marché commun.

La négociation en soi se réalisera selon les mêmes démarches qu'au niveau national⁵⁶, sauf que l'état national qui pilotait le processus se verra accompagné au niveau communautaire par l'Union européenne qui essaiera de faire une réduction de la durée du travail coordonnée au niveau de tous les États membres. Bref, seule l'Union Européenne en tant que puissance publique doit diriger une action de réduction de la durée du travail dans tous les états membres.

Quant à l'harmonisation de la fiscalité, elle devrait être pensée au service de l'emploi. Concrètement cela signifierait adopter des règles fiscales imposant une

taxation des revenus du capital en mettant en place un prélèvement sur les mouvements des capitaux.⁵⁷

Pour conclure, nous remarquons que les propos des socialistes relatifs à l'Union européenne sont ciblés autour d'une même idée, c'est-à-dire, voir l'Union européenne comme un acteur régulateur des activités européennes visant la lutte contre le chômage. À notre avis, leur vision favorise deux notions qui peuvent même s'avérer comme l'essence de leur pensée. Il s'agit de l'interventionnisme des puissances publiques et de la coordination régulée des actions des puissances publiques dans une logique

LA PÉRIODE 1995-1997

Méthodologiquement, dans cette partie nous suivrons le même cadre d'analyse comme pour la précédente. Selon cette logique nous allons présenter la situation au sein du parti, le nouveau gouvernement de

La situation au sein du parti socialiste

En 1995, le parti socialiste devrait se préparer en vue des élections présidentielles. Suite à l'échec électoral subi lors des élections pour le PE, Michel Rocard a été forcé de démissionner de sa fonction de premier secrétaire du PS et il a dû à la même occasion abandonner sa candidature à l'élection présidentielle⁵⁸. Henri Emmanuelli, ancien président de l'Assemblée Nationale sera élu premier secrétaire du parti lors du Congrès de Liévin en novembre 1994. Le parti se trouvait dans une situation assez délicate, puisque très peu de temps avant les élections présidentielles il n'avait pas de candidat. Notons aussi que l'hypothèse d'une éventuelle candidature de Jacques Delors a été finalement démentie⁵⁹. En plus, à l'intérieur du parti, il y avait de nouveau des courants divergents qui affectaient profondément son unité.

Dans ces conditions, le 4 janvier 1995, Lionel Jospin présente devant le bureau national du parti sa candidature aux élections présidentielles. L'ouverture officielle des dépôts de candidatures annonce aussi la volonté de Henri Emmanuelli de représenter le parti aux élections. Finalement les adhérents

duale. Nous avons essayé dans cette partie de l'analyse de mettre en lumière le programme politique du PSF dans la période des années 1993-1995, en tentant d'explicitier qui a été l'objectif principal de cette politique, quels acteurs il fallait utiliser pour la mise en place et quel était le rôle et le poids de ces acteurs. Spécifions encore que cette stratégie que le Parti Socialiste Français présente se veut une critique à la politique du gouvernement de droite de cette période et en compensation une nouvelle vision de gouvernement qu'ils entendent proposer.

droite d'Alain Juppé, formé à la suite des élections présidentielles, suivant le programme politique du Parti Socialiste Français et les initiatives qu'il a menées dans cette période au niveau européen.

du parti ont été appelés à décider le prochain candidat en votant. Jospin obtiendra 66% contre 34% Emmanuelli, devenant ainsi le candidat officiel du parti socialiste pour les présidentielles.⁶⁰

Après le premier tour des élections Jospin arrive en tête avec 23,3% des suffrages exprimés, devançant Jacques Chirac avec 2,5% de points⁶¹. Ce résultat faisait apparaître une remontée de la gauche par rapport aux élections législatives de 1993, même si à la suite de la deuxième tour c'était J. Chirac qui l'emportait avec 52,6% des suffrages exprimés contre 47,3% de Jospin.

Ed. Balladur présente le 10 mai 1995 sa démission et le président de la République nomme Alain Juppé comme Premier ministre. Lionel Jospin voulait profiter de son succès pour réorganiser le parti. À l'occasion de la convention nationale du parti du 14 octobre 1995 les adhérents se prononcent en proportion de 98% pour qu'il devienne le premier secrétaire. Il retrouve ce poste, qu'il avait d'ailleurs occupé de mai 1981 à février 1988. Il réorganise le secrétariat national du parti en essayant de garder l'équilibre entre les différents courants pour renforcer la cohésion

du parti. Il estime que le PS « est arrivé à la fin d'un cycle » qui coïncide avec le moment où Fr. Mitterrand met fin à sa carrière politique.⁶² Il exprimait le souhait que le PS établît un dialogue avec les autres forces de gauche pour représenter ensemble une opposition

réelle sur la scène politique du pays. Selon Becker⁶³, Jospin, « bon orateur et fin stratège », « se préoccupait davantage de rassembler les forces de gauche autour de lui en marquant avec discrétion ses distances avec le mitterrandisme ».

Le gouvernement d'Alain Juppé

Économiquement, la croissance qu'on a vue augmenter en fin d'année 1994, sur laquelle les pouvoirs publics ont largement misé pour réduire le chômage, s'est affaiblie très rapidement. L'arrivée d'Alain Juppé à la tête du gouvernement correspond donc à une dégradation du climat économique en France⁶⁴. Au niveau européen, la situation n'était pas beaucoup meilleure⁶⁵, parce que les économies étaient affectées par les politiques budgétaires restrictives visant à réduire les déficits et l'endettement public conformément aux critères de convergence de Maastricht.

Face à cette recrudescence du chômage, Jacques Chirac annonce son intention de mener une politique active pour le combattre : « notre bataille principale a un nom : la lutte contre le chômage »⁶⁶. À son tour, A. Juppé, lors de son discours devant l'Assemblée Nationale, le 23 mai, mettait également l'accent sur l'emploi et la « mobilisation générale contre le chômage »⁶⁷. Théoriquement devant le Premier ministre il n'existait qu'une seule alternative possible, soit continuer la politique suivie par Ed. Balladur, fondée sur la lutte exclusive contre les déficits par le biais de la rigueur financière, soit choisir une politique moins rigoureuse et plus attachée à la mise en œuvre d'une offensive sociale massive pour combattre l'emploi.⁶⁸ Juppé essaiera de ne pas choisir entre les deux possibilités, mais de les utiliser en même temps. Ainsi, il mène à la fois une politique de rigueur respectueuse des grands équilibres, indispensables à ses yeux pour que la France respecte les critères de convergence de Maastricht et une politique des mesures sociales coûteuses⁶⁹, qui prévoyait 14 milliards francs pour le volet emploi et 5 milliards pour le volet logement. Son idée était qu'il fallait conduire une politique fiscale rigoureuse pour financer son

programme social, afin de ne pas mettre à mal les grands équilibres. Ainsi, pour affecter de nouvelles ressources à la lutte contre le chômage, et pour réduire les déficits en même temps, A. Juppé opta pour l'accroissement des impôts, le taux de TVA passant dans cette période de 18,6% à 20,6% ce qui affectera inévitablement la consommation et la reprise économique.

Pourtant, la stratégie mise en place par le Premier ministre n'a pas porté les résultats espérés. Comme le constatait Becker : « La politique du gouvernement Juppé aurait besoin au moins du maintien de la croissance et de la baisse du chômage »⁷⁰, or comme on l'a déjà vu l'expansion qui avait augmenté fin 1994, ralentit au cours de 1995. Quant au chômage, il était en pleine courbe ascendante. Même la réduction des dépenses publiques, tellement visée, n'a pas été significative. C'était un véritable échec du programme du gouvernement.

Devant cette situation, le président de la République considère opportun d'intervenir. Après avoir reconnu qu'il avait « sous-estimé » pendant sa campagne⁷¹ l'ampleur des déficits, il annonce le 26 novembre 1995 que la réduction des déficits publics pour pouvoir entrer dans la monnaie européenne à la date prévue sera sa priorité pour les années à venir⁷². En d'autres termes, il s'agissait d'un grand tournant dans sa politique, puisqu'il voulait remplacer une politique à visée sociale, sur laquelle il avait beaucoup insisté pendant sa campagne électorale, par une politique de rigueur, considérant que la réduction des déficits devait permettre la baisse des taux d'intérêt et donc la reprise de la croissance qui à son tour favoriserait la reprise de la baisse du chômage.

Sans le dire, Chirac revenait à la politique rigoureuse prônée par Balladur. Le Monde parle « d'un changement de politique

et de négation des propos et de la promesse de la campagne électorale qui donnait priorité à l'emploi et à la réduction de la fracture sociale ». ⁷³

Lionel Jospin durcit sa critique au gouvernement disant que « ces choix politiques tournent le dos aux promesses qui ont été faites aux français et aux problèmes les plus graves qui existent dans le pays ». ⁷⁴

Malgré le tournant opéré dans la stratégie de politique économique du gouvernement, la situation du pays n'enregistrera pas une amélioration. Ainsi, *L'Année politique* concluait sa partie économique et sociale disant : « en définitive, c'est bien l'échec de la croissance qui est la cause des désillusions de l'année 1995 et du désenchantement des Français, d'autant plus que les perspectives à court terme restent très pessimistes, tandis que le chômage reprend sa progression ». ⁷⁵ Ce malaise social s'est traduit par une suite des grèves dans tout le pays à la fin de l'année. D'autant plus que la conjoncture économique pendant 1996 ne s'est pas améliorée. Selon les analystes, pour faire remonter la perte, il aurait fallu obtenir des résultats exceptionnels sur le plan économique et social or il n'a pas été le cas. La croissance ralentissait à nouveau, en 1996 elle ne fut que de 1,3% contre 2,2% en 1995 et 2,8% en 1994 ⁷⁶. La conséquence afférente était que le nombre des chômeurs déjà en augmentation en 1995, continua à s'accroître représentant 12,7% (3 092 500 millions) de la population active en 1996.

Le programme politique proposé par le Parti Socialiste Français

Devant la difficile situation économique du pays et en contradiction totale avec la politique du gouvernement, les socialistes entendent présenter leur propre stratégie pour dépasser la crise de la croissance et du chômage au niveau national et européen. Lionel Jospin considérait en début 1996 que le rôle du PS n'était pas d'amender la politique du gouvernement mais de proposer une autre politique d'alternance. Dans une conférence de presse de début 1996 il affirmait dans ce sens : « j'ai dit récemment que nous devons une revanche aux Français sur les problèmes

Malgré leur impopularité, J. Chirac et A. Juppé continuant quand même à poursuivre cette politique de rigueur. Mais, au sein de la droite des hiatus faisaient leur apparition, le courant des anti-maastrichtiens, comme Ph. Seguin qui réclamait une autre politique penchée vers l'emploi en priorité.

Nous observons que, même si les élections ont fait instaurer un nouveau gouvernement, finalement sa stratégie en matière de politique économique reste la même que celle de l'exécutif précédent, et en plus, au niveau des résultats enregistrés dans les domaines de la croissance et de l'emploi, on ne constate pas une amélioration de nature à résoudre ces grands défis pour le pays.

À ce point de notre démarche nous avons estimé comme étant utile de voir si au niveau du PSF, qui lui aussi avait opéré entre temps un changement au niveau de ses dirigeants, par la nomination du Lionel Jospin comme premier secrétaire, est intervenue une réorientation relative à son programme politique. À cette fin, nous allons procéder avec l'analyse de la vision politique du parti. Une dernière précision qui nous paraît nécessaire est que cette stratégie politique du parti doit être vue aussi comme une proposition que les socialistes font à la veille de la conférence intergouvernementale pour le Conseil européen d'Amsterdam et comme une offre politique que le parti commençait déjà à préparer en vue des élections législatives fixées pour 1998.

de l'emploi et des inégalités et c'est ce qui sera pour moi l'essentiel » ⁷⁷.

Les socialistes partageaient la conviction qu'il n'était pas impératif de lutter énergiquement contre les déficits publics et de réduire l'endettement public si par ces politiques on sacrifiait la protection sociale. Lionel Jospin déplore une « politique de droite banale et l'accentuation de la fracture sociale » ⁷⁸. Il déclare que le PS et lui sont prêts à gouverner en 1998 sur un programme capable d'amener les réponses pour résoudre la crise au niveau national et européen. Les socialistes réaffirment leur

engagement européen : « notre projet pour la France passe par l'Europe »⁷⁹. Toutefois ils se prononcent pour un nouveau modèle social français et européen.

Essayons de voir par la suite en quoi consistait ce nouveau modèle pour eux.

Spécifions tout d'abord que cette vision qu'ils proposent a été élaborée lors de la Convention Nationale du parti, « Mondialisation, Europe, France », occasion à laquelle le parti a entendu redéfinir, ou quelque fois simplement représenter ses positions européennes à la veille des échéances décisives de cette période dans la construction européenne comme: la conférence intergouvernementale d'Amsterdam ainsi que la décision de passer ou non à la monnaie unique, décision qui, on verra par la suite, serait très liée aux propositions socialistes visant la politique de l'emploi au niveau national et européen.

Leur message est simple, ils réaffirment leurs convictions européennes mais ils refusent d'accepter la donnée politique et économique imposée par les gouvernements de droite au niveau européen. C'est pour cela qu'ils disent nettement : « Oui à l'Europe et Non à l'Europe libérale ». Il sera peut-être intéressant de voir pourquoi ils sont farouchement opposés à cette Europe libérale et dans quelle mesure la critique menée au niveau national se retrouve également au niveau communautaire dans le discours des socialistes.

Pourquoi faut-il dire non à l'Europe libérale ? Parce que, selon eux, il faut changer les priorités politiques au niveau communautaire, à savoir, faire un rééquilibrage dans la gouvernance européenne qui ne soit plus penchée exclusivement vers la rigueur de gestion mais plus porteuse d'une politique économique et sociale tournée vers la croissance et l'emploi pour mieux répondre aux exigences sociales. Le premier secrétaire du parti déclarait dans *Libération* du 16 mai 1997 : « pour moi la rigueur de gestion est une condition nécessaire, mais pas suffisante. Pour moi, une politique économique, c'est bien autre chose qu'une simple gestion financière. Pour moi, l'emploi est essentiel. Notre projet est de donner du travail aux Français. Notre ambition, c'est de

retrouver le chemin du plein emploi »⁸⁰. Il rejette les principes libéraux purs, insistant sur des clichés comme la loi du marché et voyant dans le marché l'alpha et l'oméga de la vie en société. Pour les socialistes seul le marché ne peut pas régler toutes les questions qui se posent dans les économies et les sociétés contemporaines. La preuve pour eux a été la politique des gouvernements Balladur et Juppé qui a montré que le marché ne crée l'emploi que lentement et qu'une politique de rigueur financière n'apporte pas une croissance durable. Le niveau de l'emploi au niveau européen inquiète aussi les socialistes qui ne peuvent pas s'empêcher d'exprimer leur anxiété face au libéralisme triomphant qui ne faisait qu'augmenter le taux de chômage et des inégalités sociales.

Dans ce sens, Lionel Jospin faisait savoir à J. Santer « qu'il est le temps de rééquilibrer les objectifs et les priorités de l'UE, ses travaux ne se résument pas à la monnaie unique »⁸¹ comme semblait le penser les forces de droite. Pour cela les socialistes proposent une Europe « de l'après-Maastricht », une Europe changée.

Ils reprennent la même idée qu'on a retrouvée dans leur programme pour les élections au Parlement européen en 1994, c'est-à-dire, de dépasser le traité de Maastricht. Les socialistes réclament que « Maastricht, c'est fini »⁸². Maastricht n'a constitué qu'un moment dans la construction européenne qui doit se poursuivre en s'approfondissant. Pour cela il faut savoir identifier les faiblesses du traité et les compléter. Force est de constater que depuis l'approbation du traité son volet économique se déroule comme prévu, en matière d'Europe sociale et politique les progrès ont été très faibles. Ils expriment leur souhait pour imposer un nouveau traité européen qui inverse les priorités dans les critères de convergence : « les critères de convergence définis pour parvenir à la monnaie unique impliquent une politique de régression sociale qui bouleverse le paysage du continent. Nous n'en voulons pas. La remise en cause des critères de convergence est le préalable d'un redéploiement de la construction européenne fondée sur l'adhésion des

peuples »⁸³. Alors, il est impératif pour eux de montrer que l'Europe peut être autrement que libérale, à savoir plus sociale et plus citoyenne, autrement on risque de mettre en péril tout l'édifice communautaire.

Pour toutes ces raisons ils proposent à la veille de la conférence intergouvernementale d'Amsterdam et des élections législatives nationales une nouvelle stratégie pour l'emploi. Pour les socialistes, offrir une autre stratégie de l'emploi est redonner du sens à l'UE. Ils disent que comme il y a 50 ans ce sens s'imposait d'évidence, s'agissant de rendre la guerre impossible et impensable, aujourd'hui le chômage et la précarité sont les craintes majeures qui doivent se situer à la base du nouveau traité européen. Même si cette vision peut paraître exagérée, elle démontre, à notre avis, l'importance maximale avec laquelle les socialistes entendent combattre ce problème.

Avant de présenter leur stratégie de reprise économique, penchons-nous pour un moment pour voir quoi considéraient-ils comme étant la cause de la délicate situation économique européenne⁸⁴.

Pour eux, l'évolution du chômage résulte principalement de l'incapacité de mettre en œuvre des politiques concertées de croissance en Europe. Après chaque grande récession, on a eu en Europe une augmentation massive du chômage qui n'a pas pu être résorbée dans les phases de reprise ultérieures. Par contre, les États-Unis, considèrent les socialistes, sont revenus à un taux de chômage faible, suite aux récessions parce qu'ils ont pu maintenir une croissance très supérieure à leur croissance potentielle. Comment cela s'explique-t-il ? L'explication est que la croissance en question a été le résultat d'une relance budgétaire massive dans les années 1980 et d'une relance monétaire considérable en 1992-1993, mais chaque fois la relance a été due à une coordination entre les 52 états au niveau de leur politiques budgétaires et monétaires.

Donc, selon l'avis des socialistes, ce qui manquait aux états européens était

justement cette coordination. Leur problème fondamental était la contradiction entre les politiques de rigueur menées par certains et les politiques de relance menées par les autres. C'est pour cela qu'il faut réorganiser l'économie européenne pour éviter que cette contradiction amène de nouveau à des périodes de stagnation.

La meilleure preuve de cette non-concordance est que le Livre blanc de la Commission sur l'initiative concertée de croissance au niveau européen n'était pas encore mise en route, principalement à cause des principes différents existant à la base des politiques économiques des pays membres.

Comment retrouver la croissance durable pour assurer le niveau d'emploi au niveau national et européen ?

Nous allons procéder, par la suite, à une mise en exergue de la vision que le PSF conçoit à cet égard.

Le Parti Socialiste Français considère que pour cela il faut agir à la fois au niveau national qu'europpéen selon un principe de répartition des compétences bien déterminé. La politique de l'emploi devrait relever pour l'essentiel de mesures nationales et d'actions communautaires qui ne se limiteront pas à la question des travailleurs migrants.

Que faire alors au niveau européen pour retrouver la croissance ?

Les socialistes réaffirment leur conviction qu'il faut envisager la réalisation des grands programmes européens d'infrastructures et des réseaux indispensables. À cet égard, ils expriment leur déception face à l'avancement de la mise en œuvre de ces programmes : « entre l'ambition initiale et la faiblesse des réalisations actuelles il y a un vaste espace d'action »⁸⁵.

Que faire au niveau national pour avoir une politique de création de l'emploi ? Les socialistes conçoivent trois moyens principaux : la réduction de la durée de travail, la création de grands programmes pour l'emploi et l'éducation et la formation professionnelle.

Pour une mise en œuvre appropriée de la réduction du temps du travail, la stratégie du parti reprend les mêmes

propositions que celles présentées au Congrès de Bourget relatives à ce point.

Quant à la deuxième proposition, elle affirme la nécessité de concevoir de grands programmes pour l'emploi, dans les domaines de la reconstruction des banlieues et du logement social et du développement des services de proximité. L. Jospin annonçait dans son programme électoral⁸⁶ le souhait de créer 700 000 emplois pour les jeunes, dont 350 000 dans les services de proximité⁸⁷. Ces types de services seront, à son avis, une possibilité d'insertion professionnelle pour les jeunes.

Dernièrement, les socialistes entendent développer l'éducation et la formation professionnelle pour une meilleure insertion des chômeurs non-qualifiés et des jeunes. Ils préconisent à augmenter la demande de travail des non-qualifiés et à diminuer progressivement son offre. Ils veulent aussi inciter les entreprises par des exonérations de charges sociales qui leur seront accordées s'ils embauchent des jeunes.

En plus, suivant les propositions de L. Fabius⁸⁸, le président du groupe socialiste à l'Assemblée Nationale, il faut se fixer un objectif élevé de croissance, pour pouvoir répondre aux besoins d'emploi des personnes qui arrivent sur le marché du travail et résorber de la sorte le chômage accumulé. Cela signifiait, pour L. Fabius, qu'il fallait viser une croissance d'au moins 3,5% par an.

Ce contrat qu'ils proposent se veut une réponse contre la dérégulation libérale. Les socialistes proposent une nouvelle régulation initiée par une collaboration entre les pouvoirs publics nationaux et locaux et européens, pour qu'en articulant des décisions à tous ces niveaux réussissent à mener une politique cohérente dans la lutte contre le chômage.

Autres initiatives au niveau européen du PSF

À la veille du sommet de Cannes de juin 1995, les leaders du Parti des Socialistes européens se réunissent. La réunion a eu lieu à l'invitation d'Henri Emmanuelli, le premier secrétaire du PSF, puisque la présidence de l'Union revenait à ce moment à la France.

Quant à la monnaie unique, elle ne leur apparaît pas comme une fin en soi, mais un outil au service d'un véritable projet européen de création d'emplois: « la monnaie unique doit être positive pour nous, à condition d'être accompagnée par une politique économique et sociale tournée davantage vers la lutte pour l'emploi et vers la recherche d'une croissance forte »⁸⁹. C'est dans cette optique que les socialistes accordent leur attachement à la monnaie unique. D'ailleurs, comme on le verra dans le chapitre prochain, les socialistes toujours soucieux des aspects sociaux poseront des conditions bien délimitées à cet égard pour qu'ils acceptent le passage à la monnaie unique.

Nous observons, suite à cette analyse que, même si à la tête du parti un nouveau premier secrétaire arrive, et qu'au niveau du gouvernement une nouvelle équipe s'installe, le programme politique du parti reprend les mêmes principales lignes que celles envisagées jusqu'en 1995. À cet égard, nous devons faire deux remarques : la première est que le PSF a réussi à garder une ligne cohérente et homogène dans son programme politique et la deuxième est la détermination avec laquelle les socialistes entendent affirmer la priorité à accorder à l'emploi dans les objectifs de politique économique au niveau européen.

D'ailleurs, c'est au cours de cette Convention⁹⁰ qu'ils expriment leur désir que la politique de l'emploi devienne une politique européenne à part entière en regroupant dans un seul et même chapitre les dispositions éparpillées qui se trouveraient déjà dans le traité sur l'Union européenne. Il nous restera à constater dans le chapitre à venir si cette proposition qu'ils font trouvera de l'écho au niveau communautaire.

La préparation de la conférence intergouvernementale, la réforme des institutions et la question de l'emploi ont été les principaux thèmes du débat pour les socialistes européens.

Ce qu'il nous a semblé important à relever pour cette réunion c'est qu'elle a mis

en exergue une différence de visions assez sensible parmi les partis socialistes européens. Ainsi, pour le problème de l'emploi, H. Emmanuelli rappelle le fait que pour son parti cette question demeure prioritaire. Il réitère l'idée relative à la double concertation des niveaux (national et européen) en vue de mener à l'accomplissement le programme politique que son parti avait développé disant que « la croissance reste un facteur nécessaire mais non suffisant de création de l'emploi. Celle-ci doit s'accompagner d'une réduction du temps de travail sans baisse de salaire, car sinon, la diminution du pouvoir d'achat tuera les effets de la croissance »⁹¹.

Par contre, le leader travailliste, Tony Blair, partageait, par rapport au même sujet, une opinion contraire. Pour lui, la réduction du temps de travail n'est pas perçue comme une priorité, c'est grâce à des efforts de formation importants et à une amélioration des mécanismes du travail qu'il estime que le chômage pourrait être efficacement combattu.

Le premier secrétaire français mentionne à la même occasion, l'importance de mettre en œuvre les dispositions concernant la croissance du Livre blanc de la Commission.

On constate que le Livre Blanc suscitait encore des divergences entre les partenaires européens. Comme l'observait Bino Olivi⁹², il « figurait toujours sur la table de réunion, sans avoir donné lieu à des décisions importantes [...] ; la proposition d'action la plus saillante qui avait trait aux grands travaux transeuropéens d'infrastructures fut définitivement rejetée du fait que la France, l'Allemagne et la Grande-Bretagne refusèrent de contribuer aux ressources nécessaires ».

Pourtant, le Conseil européen de Turin, de mars 1996, qui a lancé la CIG destinée à

préparer le Conseil européen d'Amsterdam, évoque le problème de l'emploi mentionnant que devant les risques de la mondialisation des économies, pour l'Union et ses états membres, « la lutte contre le chômage constitue une tâche prioritaire »⁹³. On y exprime également le souhait de mieux coordonner les efforts des gouvernements et des partenaires sociaux dans la lutte contre le chômage.

Nous constatons, donc, que le Parti Socialiste Français présente avec détermination ses visions politiques devant des homologues européens, et il ne se laisse pas intimidé lorsque des différences des stratégies politiques font surface.

Nous avons essayé de présenter le long de ce chapitre la situation politique du Parti Socialiste Français et ses conceptions relatives à la poursuite de la politique tant au niveau national qu'europpéen. Gardons à l'esprit leurs grandes priorités en matière d'emploi comme : le programme de la réduction du travail sur le plan interne et européen, des réformes structurelles visant la lutte contre le chômage de longue durée et des jeunes, révision de la politique fiscale et des prélèvements obligatoires et l'encouragement des politiques de recherche et d'éducation dans le service de l'emploi, aussi que l'idée d'une intervention massive de l'UE par le biais d'un programme d'investissements au niveau des états membres pour relancer l'offre d'emploi. Dans la deuxième partie de notre démarche analytique nous essayerons de voir si une fois arrivés au pouvoir les socialistes français ont réussi à garder leurs propositions ou l'exercice du pouvoir avec ses rigueurs inhérentes leur a imposé des changements stratégiques.

¹ *L'Année politique, économique et sociale en France*, 1993, p. 39, éditions Événements et tendances, Paris 1994.

² *L'Année politique*, 1990, p. 27.

³ Voir à ce sujet Jean-Jacques Becker avec la collaboration de Pascal Ory, *Crises et alternances 1974-2000, Nouvelle Histoire de la France Contemporaine*, Paris. Ed. du Seuil, 2002, pp. 490-492.

⁴ Jean-Jacques Becker, *œuvre citée*, p. 490.

⁵ Voir Jean-Jacques Becker, *œuvre citée*, pp. 491-492.

⁶ Voir *L'Année politique*, 1992, p. 28.

⁷ Voir Jean-Jacques Becker, *œuvre citée*, p. 573 et *L'Année politique*, 1993, p. 41.

⁸ Ce congrès s'est passé en décembre 1920 et a marqué la scission entre partis de la IIe et IIIe Internationales et donna naissance au parti communiste d'une part et à la SFIO de l'autre part.

⁹ Jean-Pierre Bedei, « Remobiliser la gauche » dans *Vendredi, l'hebdomadaire des socialistes*, no. 181 du 15 mars 1993, p. 8. Selon l'auteur, il faut remonter aux élections législatives de mai 1968 pour voir le PS enregistrer un résultat inférieur, c'est-à-dire, 16,5%.

¹⁰ *L'Année politique*, 1993, p. 15.

¹¹ Le mauvais résultat enregistré lors des élections demandait inévitablement une mise en cause des instances du PS. Laurent Fabius était le premier à être tenu pour responsable, mais il ne pensait pas pour autant devoir abandonner son poste. Il refuse de démissionner arguant que la responsabilité de la défaite ne lui appartenait guère. Il estime que les divisions existantes au sein du PS, et manifestées à Rennes, ont transformé l'inéluctable défaite électorale en désastre. Mais « une sorte de coup d'état » (Jean-Jacques Becker, *œuvre citée*, p. 652) a eu lieu au niveau du comité directeur du PS).

Après que Laurent Fabius eut refusé de démissionner, les proches de Jospin et Rocard demandent alors la soumission au vote d'une motion de démission collective. Fabius répond, aux gens lui suggérant de démissionner plutôt qu'être battu, qu'il préfère « un meurtre signé à un suicide maquillé » (*L'Année politique*, 1993, p. 58). La motion passe avec succès, elle remporte 62 voix contre 49 à celle de M. Fabius. À la tête du parti une direction provisoire présidée par M. Rocard s'installe, en attendant le prochain congrès prévu pour l'automne.

¹² Voir *L'Année politique*, 1993, p. 59.

¹³ Jean-Jacques Becker, *œuvre citée*, p. 664.

¹⁴ *L'Année politique*, 1994, p. 564.

¹⁵ Jean-Jacques Becker, *œuvre citée*, p. 576.

¹⁶ Jean-Jacques Becker, *œuvre citée*, pp. 656-657.

¹⁷ Introduction *L'Année politique*, 1994.

¹⁸ Jean-Jacques Becker, *œuvre citée*, p. 668.

¹⁹ *L'Année politique*, 1994, p. 248.

²⁰ *Ibidem*, p. 569.

²¹ *Le Monde*, 17 décembre 1994.

²² Pierre Martin, « Une sévère défaite pour la gauche », dans *Vendredi, l'hebdomadaire des socialistes*, no. 181 du 25 mars 1993, p. 4. Le politologue Pierre Martin, analysant les résultats électoraux obtenus par les socialistes, observait que par rapport aux élections législatives de 1988, le parti avait souffert un véritable effondrement de 16 points.

²³ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 8.

²⁴ *Ibid.*, p. 9.

²⁵ Le PIB de la Communauté qui était de 3% en 1990 recula de 0,5%. Le chômage qui était de 8,4% de la population active en 1990 augmenta jusqu'à 11,3% en 1994.

²⁶ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 9.

²⁷ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 10.

« Convention nationale sur l'emploi », dans *Vendredi, l'hebdomadaire des socialistes*, 28 janvier 1994, pp. 6-8.

²⁸ Notons que le gouvernement Balladur avait également prévu la réduction du temps de travail, mais elle devrait entraîner une réduction des salaires et une baisse massive du pouvoir d'achat. Pour la droite, la négociation devrait avoir comme cadre l'entreprise seule, l'état n'intervenant guère. La logique des socialistes repose sur trois principes : la diversité – dans le sens que, pour la réduction envisagée, il faut développer des congés, des congés de formation, congés parentaux, congés sabbatiques, retraite progressive. Deuxième principe, l'état doit piloter ce processus. Le troisième principe et le dernier est la négociation pour aborder toutes les questions liées à la durée d'utilisation des équipements, organisation du travail, compensations.

²⁹ « Convention nationale sur l'emploi », dans *Vendredi, l'hebdomadaire des socialistes*, 28 janvier 1994, pp. 6-8.

³⁰ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 8 ; cette logique consistait à dire que c'était à l'état de :

– donner l'impulsion en fixant les objectifs du processus de réduction de la durée du temps de travail

- déterminer le calendrier et les étapes du processus ainsi que les modalités de la négociation
- mettre en place par la loi des incitations y compris fiscales pour les entreprises qui acceptent cette procédure
- ³¹ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 8.
- ³² Cette idée est développée dans la « Convention nationale sur l'emploi », dans *Vendredi, l'hebdomadaire des socialistes*, 28 janvier 1994, p. 6 et consiste à dire qu'il faut rechercher la baisse des taux d'intérêt à court terme jusqu'à atteindre des taux réels nuls. L'endettement est devenu trop cher pour que les entreprises puissent emprunter pour investir et embaucher. Pour la France, le seul fait de ramener les taux réels au niveau de ceux de ses autres partenaires européens pourrait permettre une baisse supplémentaire de 1,5 - 2%.
- ³³ Cette idée est présentée dans la Résolution finale du Congrès de Bourget.
- ³⁴ À ce sujet: Bino Olivi: *L'Europe difficile*, Ed. Gallimard, Paris, 2001, pp. 587-600, Pierre Gerbet, *La construction de l'Europe*, Ed. Imprimerie nationale, Paris, 1999, pp. 506-507, Gisline Toutain « L'Europe saura-t-elle se battre contre le chômage ? », dans *Vendredi, l'hebdomadaire des socialistes*, no. 211 du 10 décembre 1993, p. 9.
- ³⁵ Le conseil européen d'Edimbourg de 11-12 décembre 1992 a lancé la première initiative européenne pour refaire la croissance de l'économie européenne qui reposait sur un investissement de 8 milliards d'écus pour des projets d'infrastructures à l'échelle européenne.
- ³⁶ « Convention nationale sur l'emploi », dans *Vendredi, l'hebdomadaire des socialistes*, 28 janvier 1994, p. 18.
- ³⁷ Congrès de Bourget: « Une nouvelle donnée européenne », Discours de clôture de M. Rocard, dans *Vendredi, l'hebdomadaire des socialistes*, Supplément au no. 206 du 28 octobre 1993, p. 4.
- ³⁸ « Convention nationale sur l'emploi », dans *Vendredi, l'hebdomadaire des socialistes*, 28 janvier 1994, p. 18.
- ³⁹ *Le Monde*, 22 octobre 1993, p. 6.
- ⁴⁰ Jean-Pierre Bedei: « L'Europe – un combat droite-gauche », dans *Vendredi, l'hebdomadaire des socialistes* du 29 avril 1994, no. 226, pp. 12-14.
- ⁴¹ Dans le discours de clôture du congrès de Bourget il disait à propos de leur initiative de l'emprunt: « Voilà une idée, une idée qui est réaliste et qui en même temps ne manque pas de souffle. Alors, je le sais bien, il y a un obstacle: il n'est pas sûr que les gouvernements de droite qui dirigent la Communauté s'y rallient facilement. Et alors ! Ils ne sont pas éternels ! Pas plus que le gouvernement Balladur ! »
- ⁴² *L'Année politique*, 1994, p. 248.
- ⁴³ Le 16 mai 1995, le président de la Commission lance un rappel à l'ordre et invite les Douze à hâter l'exécution de leur programme de modernisation des infrastructures.
- ⁴⁴ Pierre Gerbet, *œuvre citée*, p. 507.
- ⁴⁵ *L'Année politique*, p. 249.
- ⁴⁶ Ce séminaire a été le premier de ce genre organisé par le PSE, depuis sa fondation à La Haye en novembre 1992.
- ⁴⁷ Voir *Vendredi, l'hebdomadaire des socialistes*, no. 198, 10 septembre 1993.
- ⁴⁸ *Ibid.*, p. 12.
- ⁴⁹ « Convention Nationale sur l'Europe », dans *Vendredi spécial « Européennes »*, 11 mars 1994, p. 5.
- ⁵⁰ Résolution finale du Congrès de Bourget « S'Opposer, Imaginer, Rassembler » dans *Vendredi, l'hebdomadaire des socialistes*, no. 212, 17 décembre 1993, p. 27.
- ⁵¹ « Convention Nationale sur l'Europe », dans *Vendredi spécial « Européennes »*, 11 mars 1994, p. 6.
- ⁵² Les socialistes comprennent par philosophie libérale une action économique limitée à une politique de concurrence, une politique industrielle et de recherche dérisoires par rapport aux autres pays avancés. Pour eux, développer une industrie compétente suppose renoncer au dogmatisme libéral actuel et adopter une politique d'aide publique accrue à la recherche et aux grands programmes d'intérêt général, comme informatique, électronique, biotechnologies, énergies nouvelles. En plus la politique sociale a été en permanence bloquée par le veto systématique de quelques gouvernements conservateurs.
- ⁵³ Dans le numéro 231 du *Vendredi, l'hebdomadaire des socialistes* du 3 juin 1994, il se réfère surtout au principe de l'initiative de croissance, lancé par le Conseil européen d'Edimbourg de 1992, qui prévoyait 8 milliards d'écus.
- ⁵⁴ Chrysie Lipani, « Le vide de la droite », dans *Vendredi, l'hebdomadaire des socialistes*, no. 231, 3 juin 1994, p. 12.
- ⁵⁵ Voir: *Vendredi, l'hebdomadaire des socialistes*, no. 232, 10 juin 1994, p. 9 ;
« Convention Nationale sur l'Europe », dans *Vendredi spécial « Européennes »*, 11 mars 1994, p. 6 ;
Jean-Pierre Bedei: « Les élections européennes, Michel Rocard sur la Brèche », dans *Vendredi, l'hebdomadaire des socialistes*, no. 228, 13 mai 1994, p. 11.

⁵⁶ Il faudra également utiliser des textes législatifs et des négociations branche par branche, explorant dans la perspective de la semaine à quatre jours diverses formes de réduction de la durée du travail (aménagement du temps de travail, réduction de la durée légale de travail, retraite progressive, congés sabbatiques de formation).

⁵⁷ L'idée qui est reprise aussi par Jean-Pierre Bedei : « Les élections européennes, Michel Rocard sur la Brèche », dans *Vendredi, l'hebdomadaire des socialistes*, no. 228, 13 mai 1994, pp. 10-11, mettait en exergue le fait que la fiscalité devrait peser sur le capital et pas seulement sur le travail. Les socialistes expliquent qu'afin de préserver les ressources publiques nécessaires à l'aide à la création d'emplois, il faudrait définir des niveaux minimaux pour les impôts reposant sur les activités de localisables, sinon il y aura une concurrence à la baisse entre les états membres de l'union. Donc, eux, ils défendent l'idée d'un impôt minimal sur les revenus des sociétés et surtout sur les revenus des capitaux mobiliers.

⁵⁸ Patrick Jarreau : « PS licencie M. Rocard », *Le Monde*, 21 juin 1994.

⁵⁹ Selon Jean-Jacques Becker, *œuvre citée*, p. 693, Jacques Delors avait semblé effectivement préparer l'annonce de sa candidature, en publiant au début du mois de novembre 1994 un ouvrage, *L'unité d'un homme*, qui ressemblait à un programme politique électoral.

⁶⁰ Daniel Corton : « Jospin candidat du PS », *Le Monde*, 5-6 février 1995.

⁶¹ *L'Année politique*, 1995, p. 57.

⁶² *Ibid.*, p. 85.

⁶³ Jean-Jacques Becker, *œuvre citée*, p. 718.

⁶⁴ Le gouvernement avait initialement prévu une croissance du PIB comprise entre 3 et 3,5%, mais elle sera beaucoup plus faible. Le chômage continuait d'augmenter, en septembre on l'évaluait à 12,2% de la population active. Selon *L'Année politique*, p. 517, la France conserve un taux de chômage très supérieur à la moyenne de l'OCDE (7,4%).

⁶⁵ À l'exception du Royaume-Uni, où la croissance se maintenait à un niveau convenable de 2,7% entraînant un lent recul du chômage. En Espagne, la croissance atteignait 3%, mais sans arriver à provoquer une amélioration de la situation de l'emploi.

⁶⁶ *L'Année politique*, p. 63.

⁶⁷ Jean-Jacques Becker, *œuvre citée*, p. 730.

⁶⁸ Au sein de la droite cette politique moins soucieuse des grands équilibres a été prônée par Philippe Seguin.

⁶⁹ Jean-Jacques Becker, *œuvre citée*, p. 740.

⁷⁰ *Ibid.*

⁷¹ Comme l'explique Pierre Gerbet, *œuvre citée*, p. 516, J. Chirac, en rivalité avec le Premier ministre Balladur, lui aussi candidat aux élections présidentielles, a fait sa campagne sur le thème de la fracture sociale et la nécessité d'envisager un programme de lutte contre le chômage. Il avait vivement critiqué la « pensée unique » des partisans du « franc fort » et préconisait le changement de politique.

⁷² *L'Année politique*, 1995, p. 126.

⁷³ *Le Monde*, 28 novembre 1995.

⁷⁴ *L'Année politique*, 1995, p. 130.

⁷⁵ *Ibid.*, p. 517.

⁷⁶ Voir Jean-Jacques Becker, *œuvre citée*, p. 752.

⁷⁷ Eric Hadin : « Perspectives pour l'année 1996 ». La conférence de presse de L. Jospin du 18 janvier 1996, dans *Vendredi, l'hebdomadaire des socialistes*, 26 janvier 1996, p. 3.

⁷⁸ *L'Année politique*, 1996, p. 100.

⁷⁹ Convention Nationale « Mondialisation, Europe, France », dans *Vendredi, l'hebdomadaire des socialistes*, no. 276, 8 mars 1996.

⁸⁰ Tribune apparue dans les pages « Débats » de *Libération*, le 16 mai 1997, <http://www.PSinfo.net>

⁸¹ Victor Rober : « Lionel Jospin à Strasbourg. Au nom de l'Europe », dans *Vendredi, l'hebdomadaire des socialistes*, 23 février 1996, p. 3.

⁸² Jean-Luc Mélenchon : « Pour un nouveau traité européen », dans *Vendredi, l'hebdomadaire des socialistes*, 16 février 1996, p. 7.

⁸³ *Ibid.*

⁸⁴ Voir à ce sujet : Convention Nationale « Mondialisation, Europe, France », dans *Vendredi, l'hebdomadaire des socialistes*, no. 276, 8 mars 1996.

⁸⁵ *Ibid.*, p. 19.

⁸⁶ Lionel Jospin : « Un pacte pour l'emploi », 17 mai 1997, <http://www.PSinfo.net>

⁸⁷ Les services de proximité se rassemblent en quelque sorte aux ceux publics, comme prise en charge des personnes âgées notamment dans le cadre du maintien à domicile, accompagnement et soutien scolaires, protection de l'environnement.

- ⁸⁸ Laurent Fabius: « Changer de politique, changer de majorité », Discours à l'Assemblée nationale, lors du vote de confiance du gouvernement Juppé, dans *Vendredi, l'hebdomadaire des socialistes*, 4 octobre, pp. 4-5.
- ⁸⁹ Intervention de L. Jospin lors de la Convention Nationale « Mondialisation, Europe, France », dans *Vendredi, l'hebdomadaire des socialistes*, no. 276, 8 mars 1996, p. 5.
- ⁹⁰ Convention Nationale « Mondialisation, Europe, France », dans *Vendredi, l'hebdomadaire des socialistes*, no. 276, 8 mars 1996, pp. 17-18.
- ⁹¹ Frédéric Depetris: « Les socialistes européens accordent leurs violons », dans *Vendredi, l'hebdomadaire des socialistes*, 30 juin 1995, pp. 6-8.
- ⁹² Bino Olivi, *œuvre citée*, pp. 651-655.
- ⁹³ *L'Année politique*, 1996, p. 243.

THE EUROPEAN AND EURO-ATLANTIC INTEGRATION OF ROMANIA AND THE BILATERAL NEGOTIATIONS WITH UKRAINE ON THE STATE BORDER AND THE MARITIME AREAS IN THE BLACK SEA *

Bogdan Aurescu, Elena Paris

In September 2002, the official visit of Mr. Ion Iliescu, President of Romania, took place in Kiev, for a couple of days. On that occasion, a Joint Declaration on developing a bilateral Partnership for Europe was signed with Mr. Leonid Kucima, President of Ukraine. This document, which has the character of a political statement, thus not being legally binding, sets forth in a paragraph that both parties will try to finalize the negotiation on the border treaty and on the delimitation of the maritime zones of the two States in the Black Sea by June 1, 2003. Despite this common statement, between September and November 2002, the international public opinion was able to

notice a certain press campaign undertaken by the Ukrainian newspapers, some of them being reproduced by the Western media, trying to assert that Romania has territorial claims against its neighbour, attitude that "enables" Romania to become a NATO member. After the official invitation for Romania to join the Alliance, at the Prague Summit, this press campaign stopped.

But from both theoretical and practical point of view the issue is still worthy to be analysed: is there any connection between the European or Euro-Atlantic integration of a certain State and some of its bilateral negotiations on border and maritime delimitation with another neighbour?

* *

The Treaty on Good Neighbourliness and Co-operation between Romania and Ukraine, concluded in 1997, in the eve of the forthcoming first NATO enlargement Madrid Summit, has postponed two major issues to be settled by separate documents for the future: the Treaty on the State Border Regime and the Agreement on Delimitation of the Continental Shelf and of the Exclusive Economic Zones of the Two States in the Black Sea.

The 1997 Basic Political Treaty and its additional Agreement concluded by exchange of letters by the ministers of foreign affairs of Romania and Ukraine have established the general framework and principles by which the parties should conduct themselves during the negotiation of the two future documents.

The Treaty on the State Border Regime was to be concluded in conformity with the principle of succession of States to frontiers, according to which the proclamation of the independence of Ukraine does not affect the existing State border between Romania and Ukraine, as it was defined and described in the Treaty of 1961 on the regime of the Romanian-Soviet border and in the corresponding demarcation documents, valid on 16 July 1990 (the date of the adoption of the Declaration on the State sovereignty of Ukraine). The principles of the Helsinki Final Act on the inviolability of frontiers were to be taken into account so that the process of establishing the frontiers on the new political map of Europe after the fall of the Berlin wall that marked the end of the Cold War should not threaten the stability of the zone.

* The opinions expressed in this material represent personal views of the authors.

Unlike the frontier aspects, the Soviet heritage of the issue of delimiting the maritime areas in the Black Sea between Romania and Ukraine consisted in a process of difficult negotiations, started in 1966 between Romania and the ex-USSR that could not reach an outcome by 1989. In 1982 the Montego Bay Convention on the Law of the Sea was adopted, establishing the 12 maritime miles limit as a maximum breadth of the territorial sea that States could claim. It has also established new rules on delimiting the exclusive economic zones. After the extension of the territorial seas of the two countries to the limit of 12 maritime miles, during the Romanian-Soviet negotiations an agreement could not have been reached on delimiting the maritime areas in the Black Sea. The most difficult aspect in the negotiations was the presence of the Serpent's Island, as Soviet territory since 1948, in the proximity of the Romanian coast and the relevance that should be given to this natural rocky formation in the delimitation process.

Thus, the Montego Bay Convention on the Law of the Sea established in its Part VIII, article 121 a new rule concerning the regime of the islands. This rule reflects the different opinions among States on the definition of islands and on the question to know whether or not all islands have right to continental shelf and exclusive economic zone. During the negotiations of the Montego Bay Convention, continental States, including Romania, who had a very active participation to the debates on this issue, advanced the view that not all islands are entitled to such maritime spaces. Consequently, article 121 established a compromise rule according to which rocks that cannot sustain human life and have no economic activities of their own have only territorial waters, but are not entitled to continental shelf and exclusive economic zone. Such an approach was repeatedly confirmed by the practice of States and by the international jurisprudence¹.

Against this background, the Romanian-Ukrainian negotiations for the conclusion of the Treaty on the State Border Regime and of the Agreement on the Delimitation of the Continental Shelf and the

Exclusive Economic Zones of the Two States in the Black Sea have started in 1998 and over 16 rounds of negotiations have been held since then.

The process was difficult, and the new political environment, less predictable than the one characterising the Cold War period, influenced the conduct of the parties during negotiations. The different approach of the two States towards the integration taking place in the European and Euro-Atlantic areas have put their footprint on the conduct of negotiations. Romania wanted to stress the common European values that both countries tended to achieve in their common way towards the united Europe. Ukraine manifested understandable national sensitivities that were reflected in the context of the complex negotiations on the State border and the maritime areas.

Ukrainian media have repeatedly accused Romania of having "territorial claims" against Ukraine and have revealed their fears that Romania's NATO membership would become a supplementary factor of pressure upon Ukraine, thus influencing the outcome of the negotiations.

The authors of this article are of the opinion that the allegations on Romania's territorial claims do not find justification in the Romanian conduct during the negotiations at stake. They would also note that, in the present geopolitical context, characterised by the imminence of Romania's *de iure* integration to NATO and, on a medium term, to the European Union, such allegations have not obtained the support from the members and the public opinion of the international community. Their answer received to their accusations was that the process of negotiations between Romania and Ukraine is to remain a bilateral issue and the two parties are to solve it by consultations.

At the same time, it should be noted that, in case the two parties would not reach a commonly acceptable solution by negotiations, they have consented in the Agreement additional to the Basic Political Treaty of 1997 to defer the issue of delimitation of the maritime areas in the Black Sea to the International Court of Justice for settlement. The appeal to the

International Court of Justice for such issues is a modern way of solving divergences between States that could not be settled through negotiations. It is also in line with the

practice of Western States that share the same values of democracy, respect for the independence of States and peaceful settlement of disputes between them.

I. The issue of "territorial claims" in the light of the Euro-Atlantic integration

The 1997 Basic Political Treaty stated the obligation of the two parties to conclude a separate Treaty on the Regime of the State Border, the general co-ordinates of which were established in the Agreement concluded by exchange of letters between the ministers of foreign affairs of the two countries, additional to the Basic Political Treaty: the principle of the succession of States to frontiers, according to which the proclamation of Ukraine's independence does not affect the frontier existent between Romania and Ukraine, as it was defined in the 1961 Treaty on the Regime of the Romanian-Soviet State frontier and in the corresponding demarcation documents, valid at 16 July 1990 (the date of adoption of the Declaration on the State sovereignty of Ukraine).

Once accepting this principle, Romania has constantly affirmed its position of drawing a frontier line in accordance with the principles set forth in the 1961 Romanian-Soviet Treaty on the State frontier, that is to say the principle of the main navigable channel or the middle of the river, principles widely recognised in international law and used in the practice of States and by the international jurisprudence.

The result of the application of such principles in drawing the frontier line would be the correction of the old Romanian-Soviet border taking into account the various natural modifications occurred in the course of the frontier during the past decades. Indeed, various morphologic evolutions can be observed on the river border between Romania and Ukraine, especially in the Danubian sector.

The endeavour of the Romanian side to reflect such modifications in the text of the new Treaty on the State Border Regime was received with strong opposition by the Ukrainian authorities that accused Romania of having territorial claims towards Ukraine

and of attempting to affect the territorial integrity of this State. Having been recognised the beneficiary of an inheritance of a time governed by values very different and often opposed to the ones that form today the foundation of the Romanian-Ukrainian relations, Ukraine has contended itself during negotiations to require the confirmation of the old Romanian-Soviet frontier, deliberately ignoring the fact that the same border was established also in conformity with the principle of the main navigable channel.

The Romanian authorities, faithful to the principle of good neighbourliness, have tried to give a moderate response to such allegations, stressing that by concluding the 1997 Basic Political Treaty, they have understood to renounce their rights on territories occupied by the Soviet Union and have confirmed the Romanian-Ukrainian border. In fact, broadly speaking, the boundary between Romania and Ukraine was agreed.

An objective observer of the situation would note that the mere fact that Romania insists on the application of the regime of the border inscribed in all the Romanian-Soviet legal instruments invoked by Ukraine, cannot be characterised as a territorial claim. Ukraine's allegations are therefore unfounded and ignoring the fact that the process of Romanian-Ukrainian negotiations should lead to the establishment of a stable and sustainable border, that would become the external border of the European Union and of the NATO area. What better way could ensure such a result than the establishment of a border and of a border regime in conformity with generally recognised principles of international law?

The Study on NATO enlargement², issued in 1995, states that the aim of an improved security architecture is to provide increased stability and security for everybody

in the Euro-Atlantic area. The NATO enlargement would ensure the broad concept of security created at the end of the Cold War, embracing political and economic, as well as defence components, also by promoting good neighbourly relations.

That means that a bilateral relationship of two neighbouring states cannot and should not be reduced or conditioned by the result of a negotiation process regarding a border and its legal regime. It is something more that makes a good-neighbourly relation: a common approach to European values, development of political and human contacts at all levels, deepening of economic and commercial relations; all of these depends on the political willingness of both parties. This was the approach of the Romanian side towards its Eastern neighbour.

The Romanian authorities have always expressed their view that the process of negotiations on the conclusion of the Treaty on the State Border Regime and of the Agreement on Delimitation of the Continental Shelf and Exclusive Economic Zones of the Two States in the Black Sea should not hinder the development of the bilateral relations between the two countries and their co-operation in all fields, that would lead to the strengthening of the security and stability of the whole area.

Such an approach, always expressed, including at the highest level, by the Romanian authorities, is consistent with the concept of good neighbourliness promoted by NATO, as a conduct required from all states that want to become members of the Alliance.

The Study on NATO enlargement requires new members to commit themselves, among others, "to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered".

Our opinion is that Romanian authorities consider that the very process of bilateral negotiations was the right way to respond to this recommendation of the Study.

It should be noticed that there are nations particularly inclined to emotional over commitment³, especially in the context of territorial issues having direct implications on

the concept of sovereignty. This is particularly true in case of newly established States, such as in the Central-Eastern European region marked by several dissolution processes at the end of the Cold War.

Thus, while recognising the importance that Ukraine attaches to the integrity of its Soviet succession in the field of frontiers, due consideration should be paid to Romania's opinion that this goal should not be pursued in the detriment of other country's legitimate interests.

In the Charter on a Distinctive Partnership between the North Atlantic Treaty Organisation and Ukraine⁴, the latter has committed itself to recognise that "no State should pursue its security at the expenses of that of another State".

In this respect, the role of the principle of international law of conducting negotiations in good faith would mean that the negotiations, as one of the means of peaceful settlement of disputes embodied in the Charter of the United Nations⁵, should be construed as an opportunity to reconcile such divergent interests and to find a convergent solution. Solving such issues through the means provided by the Charter of the United Nations and respecting the OSCE principles represent a normal exercise of conduct within the frame of the commonly shared European values.

On the other hand, the pursuit of its national interests by a country cannot be characterised by another country as inamicable gestures towards it. In order to overcome such diplomatic inertia, Romania acted with determination in full conformity with the principle of seeking agreed resolution of differences, instead of urging the other party to accept unconditionally its claim in a certain matter.

Generally speaking, countries prove their ability to contribute to the stability and security of the geo-political area to which they belong precisely by the manner they are capable of solving bilaterally their divergences, which would entail a certain degree of flexibility from the States involved.

Romania and Ukraine should prove their political maturity and their capacity to deal with their own difficulties and thus to

contribute to the security and stability within the Euro-Atlantic area.

We think that Romanian authorities have understood that NATO membership means cultivating a certain type of conduct such as preserve the characteristics of a defensive organisation whose members must promote the shared values of democracy, freedom and peaceful settlement of disputes. Romanian authorities want to continue their line of conduct consisting in promoting understanding and good neighbourly relations, convinced that such approach is the most suitable to bring the best results in the co-operation with other States, including Ukraine.

A similar idea was expressed by Lord George Robertson, the NATO Secretary General in response to the Ukrainian allegations that Romania has territorial claims towards it and hence it does not fulfil the criteria of becoming a NATO member State. This proves the convergent perspective of the Romanian and NATO authorities on this issue.

NATO's Secretary General has stated that the fact that a candidate country has divergences with its neighbours is not in itself a reason for disqualifying that country from the integration process. Such

divergences must be settled bilaterally, the North Atlantic Treaty Organisation not having as a purpose its involvement in the solution of the problems of its members⁶.

The lesson to be drawn from the statement, which is particularly important for newly established States, is that there is a need to cultivate a habit of consensus seeking.

From this perspective, Romania's conduct has consistently been directed towards the creation of good relations with its neighbours. In the Romanian-Ukrainian bilateral relations, Romania has always respected the OSCE principles of the inviolability of frontiers and of the impossibility of revising borders otherwise than by peaceful means. This conduct is illustrated by the provisions of the 1997 Basic Political Treaty, where, despite the moral wounds of the past, Romania has considered that security and stability of the region should be its prevailing goals. The Romanian-Ukrainian Basic Political Treaty of 1997 thus reaffirms the commitment of the two parties to the principles of the inviolability of the frontiers, of the respect for human rights and to the promotion of a new conduct, in conformity with the democratic values assumed by the parties.

II. The issue of "territorial claims" in the light of the European integration

A similar approach is used within the other great integrative process characterizing the continent. One of the main priority areas identified for the candidate States to the European Union relates to their ability to take on the obligations of meeting the Copenhagen criteria which state that membership requires the ability to take on the obligations of membership, including the adherence to the aims of political union.

At its meeting in Helsinki (December 1999), the European Council stated that the candidate countries must share the values and objectives of the European Union as set forth by the Treaties. In this respect, the European Council stressed the principle of peaceful settlement of disputes in accordance with the United Nations Charter and urged candidate States to make every

effort to resolve any outstanding border dispute and other related issues. **Failing this, they should within a reasonable time bring the dispute to the International Court of Justice⁷.**

Romania, as a candidate country, has committed itself to act for strengthening the security and stability in the whole Europe and to intensify the cooperation among States to this purpose Romania has implicitly recognized the importance of the role of the International Court of Justice to maintaining the peace and stability in the world, as the principal judicial organ of the United Nations.

Among Ukraine's stated foreign policy goals is to become a candidate country to the European Union. The special attention that Ukraine enjoys from the European Union is reflected in the European Council

Common Strategy of 11 December 1999 on Ukraine⁸, adopted on the occasion of the same Helsinki meeting. In this document, the European Council recognized the importance of the geopolitical situation of Ukraine, situated along the North-South and East-West axes, that gives it a unique position in Europe and a regional importance.

At the same time, the European Council stated that it is in the interest of this

country to develop the relations with all its neighbours and to maintain such relations strong and stable. The recourse to the International Court of Justice for the delimitation of the continental shelf and of the exclusive economic zones of the two States in the Black Sea would be in line with the position expressed by the European Union in this respect.

III. The Recourse to the International Court of Justice for solving differences between States

In the context of their bilateral relations, the two parties envisaged this possibility when including in the Agreement by exchange of letters additional to the Basic Political Treaty of 1997 a provision stating that, in case a solution could not be agreed upon by negotiations, each of the parties could seize the International Court of Justice for the delimitation of the continental shelf and of the Exclusive Economic Zones of the two States in the Black Sea.

This document establishes two situations where the ICJ could be seized unilaterally by each of the parties (art. 4, letter h). In case the negotiations shall not determine the conclusion of the Agreement on the Delimitation in a reasonable period of time, each Party could unilaterally seize the ICJ, provided that the Treaty on the regime of the State border has entered into force. However, there is also a possibility of unilaterally seizing the ICJ in case the Treaty on the Regime of State Border is not in force, if it is proven by the applicant that the delay of entering into force of the Treaty is a result of the other party's fault.

Four years have lapsed since the beginning of the negotiations on the Agreement, and the positions of the two parties remain essentially different.

The Agreement additional to the Basic Political Treaty of 1997 sets the principles of delimitation that are to be used by the parties in establishing the line of delimitation of their maritime areas in the Black Sea: the presence of the Serpent's Island, the principle of the median and equidistant line,

the principle of equity and the method of proportionality, as they are applied in the practice of states and in the decisions of the international courts regarding the delimitation of the continental shelf and of the exclusive economic zones, the special circumstances of the zone subject to delimitation.

Although the necessity of establishing the delimitation according to these principles is not contested by any of the parties, the main difference between the parties consists in the method of delimitation to be used in application of these principles.

Romania has proposed a method of drawing the line of delimitation in conformity with the practice of States and by the most recent jurisprudence of the International Court of Justice and other courts. It applies the principles of the median and equidistant line between the continental shores of the two countries, and takes into account the presence of the Serpent's Island with its territorial waters belonging to Ukraine. This line can be adjusted in order to satisfy the Ukraine's interests, provided that the result would constitute an equitable solution for both countries.

The Ukrainian side has proposed a delimitation method that finds no correspondent in the practice of States and international jurisprudence. The line proposed is splitting the maritime area between the Romanian shore and the Serpent's Island, creating an unequitable result, since the Serpent's Island is situated some 46 kilometres from the Romanian coast. By this method, the Serpent's Island,

a natural formation of about 17 hectares in surface, would acquire maritime areas comparable to the whole Romanian shore. It should be also noted that Ukraine's claim of maritime areas in the Black Sea is more than twice as the maximum Soviet claim expressed during the negotiations held before 1989.

Additional allegations of territorial claims have been formulated by Ukrainian officials and media, stating that Romania contests the sovereignty of Ukraine over the Serpent's Island. The artificial nature of such allegations is obvious, since in 1997 Romania has accepted that the Serpent's Island belongs to Ukraine.

The delimitation of the maritime spaces in the Black Sea is a problem of great importance and economic relevance, since the natural resources of the sea bed in this area could be very profitably exploited by the oil companies that received licenses from the two States. Such companies have incurred important costs for the exploration of the area, costs that cannot be covered because of the impossibility of exploiting in the area, until the delimitation process between the two countries is not accomplished.

These aspects illustrate the importance of settling the delimitation issue as soon as possible, either by negotiations or by applying the principles of international law, any delay having effects on the prosperity and stability of the whole Black Sea area.

Of course, bilateral negotiations must remain the main formula of solving the divergences on the delimitation of the maritime areas. Romania will continue to make efforts to find a negotiated solution to the problem.

However, it must be noted that the issues involved are mainly technical and legal in nature and consist in finding a method of drawing the delimitation line. From this perspective, in case negotiations could not lead to an equitable result, judicial settlement by recourse to the ICJ is facilitated given the legal and technical nature of the disagreement.

The International Court of Justice, as the principal judicial organ of the United

Nations has an outstanding experience in drawing delimitation lines in cases where States were unable to reach a solution by negotiations. Most of its boundary cases are of this type, involving mainly technical problems.

Over the past decade, the impartiality and the professional outstanding record of its judges have greatly contributed to its prestige as a method of peaceful settlement of disputes between States.

Its jurisprudence in the field of maritime delimitation has consistently developed in recent years. The main directions of its practice of delimitation are towards the application of the principle of equidistance, adjusted following the relevant and special circumstances of the area, so that the result should be equitable. These orientations correspond to the highest extent to the position promoted by Romania during negotiations with Ukraine.

Such aspects could constitute arguments favouring the recourse to the International Court of Justice for settling the maritime delimitation issue between Romania and Ukraine.

Of course, given the preponderant legal nature of the dispute, during negotiations, as the most recommendable way of solving this issue, the parties could apply the relevant legal rules, but they have also a more flexible way of reaching a solution, within the standards of international, which is the compromise.

A solution agreed by the parties is completely satisfactory to the international community, whatever its concrete result. It follows that during bilateral negotiations international law is considered and examined, but its use is not authoritative as long as a mutually acceptable solution is obtained⁹.

On the contrary, submitting the case to the ICJ would mean that only legal considerations are relevant to the decision-making process, since the function of the court is to "decide in accordance with international law such disputes as are submitted to it"¹⁰. The Court must decide cases in accordance with international law and not with political influence¹¹.

Thus, parties to a dispute that seek an important concession from the other side could find negotiations more suitable to their purposes, since a solution by the Court obtained in strict appliance of the norm could be less favourable than the one obtained by compromise. For such considerations, they should act reasonably and in good faith so as to make the negotiation process possible.

Nonetheless, political elements are invariably present in disputes submitted for decision, and the Court has developed an approach to such situations.

In maritime delimitation issues the Court has been constantly preoccupied in drawing lines of delimitation that would lead to an equitable result, and to this purpose by establishing objective criteria to be taken into consideration.

This capacity of the ICJ to find the just solution in a case has contributed to the impressive increase in the cases submitted to it in recent years. One of the reasons that added to its popularity among the members of the international community after the end of the Cold War is the high professional quality of its members.

As far as maritime delimitation issues are concerned, the ICJ is the only court that has such an extensive jurisprudence. Considerable part of this jurisprudence has been developed while judging cases submitted to it by various Western States for settlement of their maritime divergences, such as the USA and Canada¹², F. R. Germany and Denmark, F. R. Germany and the Netherlands¹³, Denmark and Norway¹⁴.

*

*

*

¹ See, for example, Case on the delimitation of the maritime spaces between Tunisia and Libya, ICJ Reports 1981, the sentence of the Arbitral Tribunal between France and Great Britain concerning Sorlingues Islands; on the practice of States, see the Agreement between Saudi Arabia and Bahrein on the Limit of the Continental Shelf (22 February 1958), Agreement between Malaysia and Indonesia on the Delimitation of the Continental Shelf between the Two Countries in the South China Sea (27 October 1969), Agreement between Denmark and Canada on the Delimitation of the Continental shelf between Greenland and Canada (17 December 1973), Agreement between Italy and Greece on the delimitation of the Continental Shelf in the Ionic Sea (24 May 1977) etc.

² <http://www.nato.int/docu/basicxt/enl-9502.htm>

³ William Hopkinson, *Overcoming Diplomatic Inertia and Constraint in the Resolution of Major Conflict, in Peaceful Resolution of Major International Disputes*, Edited by Julie Dahlitz, United Nations, New York and Geneva, 1999, p. 80.

⁴ Charter on a Distinctive Partnership Between the North Atlantic Treaty Organization and Ukraine, Madrid, 9 July 1997.

⁵ Charter of the United Nations, Art. 33 (1).

⁶ Robertson, *între Ucraina și România*, Ziarul *Gardianul*, 26 noiembrie / 2002, p. 4

⁷ Presidency Conclusions, Helsinki European Council, 10 and 11 December 1999, para. 4.

⁸ European Council Common Strategy of 11 December 1999 on Ukraine (1999/ 877/ CFSP).

⁹ Malcolm N. Shaw, *Peaceful Resolution of 'Political Disputes': the Desirable Parameters of ICJ Jurisdiction*, in *Peaceful Resolution of Major International Disputes*, Edited by Julie Dahlitz, United Nations, New York and Geneva, 1999, p. 53.

¹⁰ Art. 38 (1) of the Statute of the International Court of Justice.

¹¹ Art. 36, Statute of the International Court of Justice; See also Judge Weeramantry, dissenting opinion, Lockerbie case, ICJ Reports, 1992, p. 3, 56.

¹² Delimitation of the maritime Boundary in the Gulf of Maine case, Canada vs. USA, 1986, ICJ Reports, p. 246.

¹³ North Sea continental Shelf case, F. R. Germany vs. Denmark, F. R. Germany vs. the Netherlands, ICJ Reports 1969.

¹⁴ Maritime Delimitation in the Area between Greenland and Jan Mayen, Denmark vs. Norway, ICJ Reports 1993.

BOOK REVIEW

Ioan Chiper: *Romania and Nazi Germany. Romanian-German Relations between Political Necessities and Economic Interests (January 1933 – March 1938)*. Bucharest, Elion, 2000, 279 p.

The book by Professor Chiper should become an essential work for the scholars of inter-war Romanian or German foreign policy, in particular, and for those specialized in the field of history of international relations between the two world wars, in general.

It represents in fact an updated version of a doctorate thesis written more than two decades ago, a thesis which was itself the result of almost fifteen years of research in Romanian and foreign archives; it forms part of the tendency to give a more thorough treatment to Romania's bilateral relations with significant powers of those years.

Based overwhelmingly on archival sources, it represents a very successful and well-informed attempt to picture not only Romania's reactions to a worsening international context and attempts to counteract the growing German threat, but also Romania's place in the overall German strategy for Eastern Europe and the means the Reich chose to implement the latter.

In the aftermath of the First World War Romanian policy towards different states was determined mainly by their attitudes regarding Romania's new territorial status. Despite early German attempts to lay the foundation of a new relationship with Romania at the end of the war, the conflict which found the two countries in different camps and the Peace Conference that followed left a deep scar on the consequent evolution of bilateral relations. In late 1918 and early 1919 Germany was willing to sacrifice her relationship with Hungary and Austria by supporting the fulfilment of Romania's territorial aspirations in order to preserve the economic advantages gained during the occupation and to build the latter into a bridgehead for Germany's Oriental policy. All these attempts were doomed right from the start.

Despite the reestablishment of diplomatic relations in February 1921, the German-Romanian relationship was a predominantly economic one. The economic clauses and reparations clauses of the Versailles Treaty were a constant source of tensions throughout these years and the depression certainly did not help with the improvement of economic relations, which seemed to return to normalcy only in 1928. At the same time the crisis in international trade forced both states to look for new markets, but a return to the prewar relationship proved impossible due to Germany's tensed relationship with France, Poland or Czechoslovakia.

German foreign policy avoided continuously an overt contestation of Romania's new borders. Simultaneously, Germany was not interested in publicly accepting the latter's territorial acquisitions as she feared complications with Hungary and the Soviet Union. Thus, Germany did not have much to offer or did not want to offer much as was the case of the repeated Romanian requests for a German mediation of the Soviet-Romanian dispute over Bessarabia. It was believed in Berlin that an improvement in Romania's international standing could only benefit France and her allies.

Despite this, at the dawn of the Nazi era German South-East European policy was aimed at keeping Berlin's hands free of all engagements. The desire to maintain complete freedom of maneuver in the Balkans would be a primary feature for the Nazi foreign policy, too, although there would be an important difference of emphasis. Central and South-East Europe would have the "privilege" of actually being the target of a highly active German

foreign policy starting with the very first months after the Nazi seizure of power. Its objective: the dismantlement of the Small Entente – as von Neurath confessed in February 1933.

Romania acquired rapidly a double significance for Berlin: as a very important source of raw materials and as a target – if not the *Schwerpunkt* – of the German diplomatic assault against the French system in Eastern Europe. Romania was also the first country to experience the use by the German Government of trade as a political weapon, but the German policy was by no means using only economic pressure. Suggestions regarding the lack of practical German support for the Hungarian revisionism, emphasizing the potential for development of the commercial relations between Germany on one side and Romania and Yugoslavia, on the other, were all part of an arsenal used by the Germans to disrupt the Small Entente and to isolate Czechoslovakia.

On the Romanian side attempts were made to separate German and Hungarian revisionisms, but this kind of efforts were completely ineffective since building a Romanian-German relationship would have also meant building a new Romanian foreign policy.

During the first year and a half of Nazi rule the punitive and rewarding aspects of German economic diplomacy towards Romania alternated, but from this point of view Romania was no longer in the forefront of Berlin's preoccupations, at least not for the moment since Germany at the beginning of 1934 had already concluded a commercial treaty with one of the Small Entente powers – Yugoslavia.

The same period witnessed a further development in German actions: supporting extreme right groups or personalities in Romania predisposed towards a greater degree of cooperation with the Third Reich. Nonetheless, it must be said that this kind of involvement in Romanian politics was on a much smaller scale and certainly with fewer consequences than previously believed.

Despite all these, in mid-1934 Romania consolidated its position vis-à-vis Germany compared to the same period a year before. But bilateral economic relations were at their lowest and the shifting international background imposed a somewhat different approach, especially in Bucharest. Titulescu, though perhaps not the best man for this job, tried to use improvements in Soviet-Romanian relations as a means of putting pressure on the Germans, tried to mediate a rapprochement between France and Germany or to emphasize the common opposition in Bucharest and Berlin towards a restoration of the Habsburgs. All these proved in the end futile because the only sound basis on which a new German-Romanian relationship could be built was for Germany to give up its support for Hungarian revisionism. In fact – the author rightly concludes – even after the fall of the alleged anti-German Titulescu in the summer of 1936, there was no such basis except for Germany giving up the very core principles of its foreign policy.

From mid-1934 till the fall of Titulescu two years later, although a rebound in German-Romanian trade was clearly visible (a commercial treaty was signed in the spring of 1935), political relations remained increasingly tensed as there was talk of a Romanian-Soviet non-aggression pact which would have meant a step further for the involvement of the Soviet Union in the security of Central and Eastern Europe. The importance of Romania increased since after the German-Polish Treaty it remained the only corridor through which Soviet power could be projected in Central Europe.

Feeling its Yugoslav and Polish flanks weakening, Romania reacted as it had done every time it saw the situation in Eastern Europe deteriorating: promoting a greater degree of cohesion inside the Small Entente and trying to consolidate the bonds which connected the latter to the West. Attempting both at the same time was to prove a double-edged sword as the Rhineland crisis was to demonstrate. The very vocal support which Titulescu offered to

Book Review

France as a spokesman of the Small Entente was very well received in Paris, but it could consequently bring into the open the first serious signs of lack of cohesion inside the Small Entente.

In the meantime the Reich through its various institutions meant to implement the Nazi foreign policy expanded further more its efforts to encourage the creation of a powerful and unified extreme right pro-German political force in Romania and to short-circuit Titulescu's internal position.

Instead, economic relations were bound to improve as the German exchange crisis did not allow Berlin to purchase a series of raw materials from overseas sources for want of hard currency. Instead, Germany preferred to pay prices well over the world levels and buy these products from Eastern Europe, hoping for political gains as well. In the aftermath of the commercial treaty concluded in March 1935 bilateral trade rose steadily, although sometimes tensions mounted to a de facto commercial war at the end of the same year. The gradual improvement in German-Romanian trade found the official circles in Bucharest rather divided about the issue. There is one general tendency, though: the preponderance of the German market must be avoided and exports must be directed to other countries as well.

The fall of Titulescu could not and did not bring a fundamental change in Romanian foreign policy – neither did the Germans expect one, but the year that followed was for Bucharest one of dilemma, of necessary readjustment, of retrenchment, and maybe more important, of transition from a relatively active foreign policy to a reactive one.

Unfortunately, the readjustment had to be made against a constantly changing background. The main question to be answered was if Romania should assume new responsibilities. But it was certainly not the only one: how to find the middle road between preserving the old alliances and improving relations with the new Rome-Berlin Axis? If Romania was to assume new responsibilities, how could their denouncements as anti-German plots be avoided? In what way Romania could respond to the challenges the Anglo-French appeasement posed and what was the worth of a treaty between the Small Entente and France under the circumstances? Was it wise to simply dismiss repeated German offers to guarantee Romania's borders, especially if one kept in mind Germany's growing power?

No wonder that it was very difficult to find the right answer when at the end of 1936 and in 1937 the Axis pressures for the dismantlement of the Small Entente increased dramatically. Simultaneously, Germany extended its contacts with the Iron Guard, gained a decisive degree of control over the German minority in Romania, and in general increased its involvement in Romanian politics with an eye on the elections of December 1937. But even the period after the elections of December 1937 which apparently gave the upper hand to the authoritarian forces did not exclude for Romania the possibility of joining an anti-German combination destined to bar the German eastward drive. As a German official remarked a few days after the Anschluss and as a result of a discussion with King Carol II, "the growth of Germany's sphere of influence did not weakened, but increased" the reluctance of the King in promoting a more pro-German foreign policy.

To sum up, this book is a very useful one as it conveys much fascinating information and a very subtle interpretation. It is also a highly important contribution from one of the great Romanian diplomatic historians of the day in a more general trend to reconsider Romania's external relations in the turmoil of the 1930's.

Alin Matei

Division General (r) Ph.D. Gheorghe Arădăvoaicei, Brigade General Iulian Crăiniceanu, Colonel Ph.D. Dan Niță: Threats, Vulnerabilities, and Risks to the Dignitaries, Bucharest, 2002, 167 p.

At the international level, the world suffers at this millennium beginning a situation without precedent. It is deeply marked by the irrational actions of some forces, which promote terrorism as a dividing way of international community and as a weakening of the world security.

The worldwide feature of the fight against terrorism became an unwanted component of the globalization, already being an imperative of fight and attitude for all democracies, also in the Romanian case.

The enlargement of the unconventional risks' spectrum, the diversity of the crises and conflicts generate a set of challenges, which needs a reaction based on mobility, diversity, coherence and complementarity on the international and national scale.

The *Threats, Vulnerabilities, and Risks to the Dignitaries* follows specialists' concerns in this field, in order to apprehend all aspects of this complex phenomenon and especially to find efficient ways to control and eliminate such a threat to the individual and human collectivity security.

Advised readers or those who want to know better the terrorism phenomenon might find out in this work about the classical and non-classical threats, the vulnerability's elements of the individual and human collectivity, and also about the risk factor of the contemporary world.

Taking into consideration these facts, the authors offer solutions about the analysis ways and methods of this phenomenon and some possibilities to find solutions to eliminate the risk factor, including at the decisional level. It is important to see that the authors tried to offer practical solutions, beyond theoretical approaches, in order to improve the institutional activities regarding the VIP and the organizations of security and protection.

It might be said that from the experts' point of view, the book represents a practical guide through whom the protection activity can be improved in a security environment characterized by instability and the presence of all type of threats.

The authors' effort is important especially because they see through the actual security of the environment that in the past five years we take part to an exponential growth of the aggression acts. In the authors' point of view, this situation determines important changes in criminality and human traffic prevent and control strategy, which can be applied by all the law forces around the world.

The terrorist acts against the political or military personalities and the existence of a terrorism the targets of which are human individuals or collectivities as well as the using of some sophisticated methods implied the responsible factors to study both the phenomenon and the measures to combat the terrorism.

Because of this, the structures specialized in VIP, public figures and protection of all citizens who can become targets of these violent attacks take regards and allocate important human and material resources. It must be improved the efficiency of investigation and operative instruments and actionable protocols to identify, evaluate and manage the potential violent attacks oriented to a known target, before it takes place.

The threat of using violence toward VIPs, official persons and organizations that can become targets of terrorism is a significant risk. Sometimes a threat can materialize both from the terrorist, if he is decided to accomplish his intention, and from the reduced capacity of the institution that fights terrorist.

This leads to the necessity and the utility of the threat' analysis programs. The authors consider that although the threat analyses represent a decisional act extremely important in

the settlement of the protection plans or security strategies concerning some objectives or institutions which can become targets of terrorism, the specialized institutions in this field haven't had a clear set of procedures and action norms to fight terrorism. On the other side, it is considered that not even the analysis studies made until now can offer a theoretical base, a clear set of principles and norms to shape an expert frame for the practical activity to eliminate threats and vulnerabilities.

In order to fill this conceptual gap, the authors suggested the thoroughness of three important principles, capable to focus any specific step in the analysis of vulnerabilities, threats and potential crisis management in this field.

Regarding the terrorism combat and VIP protection, the authors consider that two reaction levels are accepted: the political and diplomatical level, and the specialized institution level (strategical and tactical level).

For the first level, considering the past years threats addressed to the official and public persons became current facts, it is insisting on preventive actions which represent a very important component of the control strategy of the situation, crucial in avoiding the destructive effects of the terrorist attacks.

Regarding the second level, the operative research on the elaboration and preparation of the protection actions is very important. This activity represents a set of investigation and operative techniques used to identify, to evaluate and project the management of the risk situations, in a violent environment.

It is important to notice that the theoretical research and the practical analysis which the authors do are based on the studying of an important quantity of data from the counter-terrorism field. In order to example, 57 terrorist attacks, crimes and other kind of violent acts which took place in the last 40 years were studied. This real database used by the authors is referring mainly to the attempts with targets as state dignitaries or other public personalities relevant for the structures responsible for the security of the strategic objectives and VIP protection.

Conclusively, it might be said that this work written by Division General (r) Ph.D. GHEORGHE ARĂDĂVOAICEI, Brigade General IULIAN CRĂINICEANU, Colonel Ph.D. DAN NIȚĂ represents an important contribution to the apprehension of the contemporary terrorism aspect and especially a practical guide for those who fight this XXIst century phenomenon.

Adriana Ispas