

DANISH FOREIGN POLICY YEARBOOK 2004

Edited by Per Carlsen and Hans Mouritzen

DANISH INSTITUTE FOR INTERNATIONAL STUDIES 2004

©Copenhagen 2004

Danish Institute for Internationale Studies, DIIS

Strandgade 56, DK-1401 Copenhagen, Denmark

Ph: +45 32 69 87 87

Fax: +45 32 69 87 00

E-mail: diis@diis.dk

Web: www.diis.dk

Cover Design: Carsten Schiøler

Printed in Denmark by Gullanders Bogtryk A/S, Tarm

Editors: Per Carlsen and Hans Mouritzen

Assistant Editor: Line Selmer Friborg

Production Supervisor: Anni Kristensen

ISBN: 87-7605-017-3

Price: DKK 100.00 (VAT included)

DIIS publications can be obtained from the booksellers.

Wholesale for booksellers:

Nordisk Bog Center A/S

Bækvej 10-12, DK-4690 Haslev, Denmark

Ph: +45 56 36 40 40

Fax: +45 56 36 40 39

Contents

Preface • v

Chapter I: Articles • I

The International Situation and Danish Foreign Policy 2003 • 5

Friis Arne Petersen

The Atlantic Alliance at a New Crossroads:

What Does It Mean for Denmark and Northern Europe? • 25

Ronald D. Asmus

Denmark and the War against Iraq: Losing Sight of Internationalism? • 49

Tonny Brems Knudsen

Denmark and the Intergovernmental Conference: a Two-Level Game • 91

Finn Laursen

Refugees in 'Regions of Origin': Towards a Common EU Policy? • 121

Finn Stepputat

Chapter 2: Selected Documents • 145

Chapter 3: Danish Foreign Policy in Figures • 233

Chapter 4: Opinion Polls • 241

Chapter 5: Selected Bibliography • 253

Preface

Danish Foreign Policy Yearbook 2004 is the eighth volume of the yearbook in its present form. It is the second year that it is being published by DIIS, the Danish Institute for International Studies.

As previously, the present volume focuses on Danish foreign policy and Denmark's position within an international and a transnational context, at the regional as well as the global level. Apart from the official outline of Denmark's 2003 foreign policy by the permanent secretary of the Ministry of Foreign Affairs, we have included four scholarly articles, whose authors represent only themselves and their academic expertise. The scholarly articles are summarised at the outset of chapter 1.

Then follows a small selection of official documents that we consider to be pioneering or characteristic of Danish foreign policy during the year. This is supplemented by essential statistics on Danish foreign policy and by some of the most relevant polls on the attitudes of the Danish population on key foreign policy questions. A bibliography then offers a limited selection of scholarly books, articles, and chapters published in 2003 in English, German or French dealing with the yearbook's topic.

The editors of *Danish Foreign Policy Yearbook* are Director Per Carlsen and Senior Research Fellow, dr.scient.pol. Hans Mouritzen. Stud.scient.pol. Line Selmer Friborg has served as an assistant editor for this volume. Language consultant has been dr. Noel Parker, University of Copenhagen.

The editors
Copenhagen, May 2004

CHAPTER I

Articles

ABSTRACTS

The Atlantic Alliance at a New Crossroads: What Does It Mean for Denmark and Northern Europe?

Ronald D. Asmus

This chapter looks at the divide that emerged across the Atlantic and within Europe over the issue of war in Iraq. It analyzes the debate over why that split occurred. It lays out the debate within the US and in the Alliance over the strategic challenges facing the US and Europe and the call for the West to develop a new strategy toward the Greater Middle East. In this context, it looks at what kind of agenda could bring both sides of the Atlantic back together and assesses the implications of this current debate for Denmark as well as Northern Europe more generally.

Denmark and the War against Iraq: Losing Sight of Internationalism?

Tonny Brems Knudsen

In March 2003, Denmark decided to join the US and a few other states in the war against Iraq with the declared goal of disarming that country and thereby enforcing the resolutions of the UN Security Council. Based on an analysis of the relevant UN Security Council resolutions, the discussions in the Security Council, and the evidence presented to the Council by the UN weapons inspectors before the war, the article examines the shifting justifications for the use of force put forward by Denmark and the other members of the coalition. It is argued that the war was contrary to the rules of international law and at odds with the machinery for the collective maintenance of international peace and security laid down in the UN Charter. The Danish participation in the war thus constitutes a clear and profound break with the Danish foreign policy tradition, including not least

the doctrine of active internationalism which has been at the heart of the Danish international profile since the end of the Cold War. As a traditional supporter of the UN and international law and as a keen candidate for membership of the UN Security Council, Denmark has strong incentives for bringing new substance into the traditional claim of being an internationalist small power.

Denmark and the Intergovernmental Conference: a Two-Level Game

Finn Laursen

This article will describe and analyse Danish contributions to the European Convention (2002-03) and the subsequent Intergovernmental Conference (IGC 2003-04). How did a relatively EU-sceptical country respond to yet another treaty reform, arguably taking the EU towards 'more Union'? We will study the preferences of the Danish Government and contributions by Danish members of the European Convention, especially the representatives of the Danish Parliament. Furthermore, the Danish strategy during the IGC up to the failed summit in Brussels in December 2003 will be studied. The Danish Government was fairly supportive of the Convention's draft proposal for a Constitutional Treaty, as finalised in July 2003, albeit changing position on the composition of the Commission at the start of the IGC because of domestic demands for maintaining one Commissioner per Member State. From December 1992, the main problem faced by the Danish Government during the IGC was safeguarding of the Danish exemptions, or "opt-outs", so that decisions about the Constitutional Treaty and the exemptions could be kept separate.

Refugees in 'Regions of Origin': Towards a Common EU Policy?

Finn Stepputat

This article analyses the recent proposals for common EU policies for asylum-processing, assistance and protection of refugees in their 'regions of origin' (*nærområder*). These proposals are part of the external dimension of EU Justice and Home Affairs that is being integrated with more traditional issues of foreign policy and development co-operation with third countries. Looking at the proposals in a historical perspective, the article argues that

many of the initiatives regarding refugees in poorer host countries are not new, but coincide with refugees being increasingly regarded as security threats by host governments, resulting in policies of encampment and containment. As refugees' 'mobile livelihood strategies' seem to be one of the most important sources for their self-sufficiency and the development in host societies, EU attempts to promote local integration and development are likely to meet resistance from host governments, who will demand substantial 'burden-sharing' from the EU. Otherwise, the result will be further encampment. Apart from these contradictions, the proposals suffer from a number of unresolved legal problems.

The International Situation and Danish Foreign Policy 2003

Friis Arne Petersen¹

In my contribution to the *Yearbook* 2002, I noted that the Danish Government had initiated a process to adapt the foreign policy to a changing reality in international affairs. Denmark has traditionally conducted an engaged and active foreign policy, but obviously, in a rapidly changing world, we need to be ready and able to adjust objectives and priorities. We must be forward-looking, if we have an ambition of exerting influence on the world around us, and of contributing to the shaping of how the international community works.

In June 2003 therefore, the Danish Government presented *A Changing World – The Government's Vision for New Priorities in Denmark's Foreign Policy*. This strategy defines the primary goal of Danish foreign policy as the promotion of Denmark's security and prosperity based on a set of fundamental values. The central ones are the individual, the community, freedom, democracy and security. The strategy emphasises that Denmark should exert maximum influence on the world around us, based on these fundamental values. Such an influence obviously requires focus, involvement, action, consistency and perseverance now and in the years to come.

June 2003 also marked the presentation of *A World of Difference: The Government's Vision for New Priorities in Danish Development Assistance 2004-2008*. As is the case for the strategy *A Changing World*, the plan for development assistance takes its starting point in the basic precondition that the world has been changing dramatically in recent years. New possibilities have emerged, but so have new challenges. The new plan is therefore an element in the continued efforts to ensure that Danish development assistance remains focused and efficient.

¹ Friis Arne Petersen is the Permanent Secretary in the Royal Danish Ministry of Foreign Affairs.

Poverty is still one of the fundamental threats against stability and development, and the developing countries are particularly vulnerable to the consequences of terrorism. With *A World of Difference*, the Danish Government has put focus on how development assistance can be used as an instrument in the fight against terrorism. I will go more into detail on this issue later in the article.

Looking back on 2003, two issues were at the very centre of Danish foreign policy. I am referring to the situation in Iraq and the efforts of the European Convention and later the Intergovernmental Conference in preparing a constitutional treaty for the enlarged European Union. But other issues were in the headlines as well: the situation in the Middle East, the fight against terrorism and the relations between the USA and Europe. Below I intend to provide an outline of these and related issues and the implications for Danish foreign policy. I shall also comment on the status of one of the very high priorities for Denmark, i.e. the campaign to be elected as a non-permanent member of the United Nations Security Council for the term 2005-2006.

Finally, I will make some observations on the challenges in the coming year for Danish foreign policy and for the Danish Foreign Service.

THE NEW EUROPE – AN EFFICIENT UNION POST ENLARGEMENT

Ensuring an Efficient Union with 25 Members: the Convention and the IGC

The historic decision at the European Council in December 2002 to admit 10 new Member States presented the EU with a new challenge: to ensure efficiency in a Union with 25 members. It is of pivotal importance to ensure that the EU does not lose its dynamic in the future.

The process towards creating a more efficient and democratic framework for European co-operation started back in February 2002 when the European Convention convened for the first time. The basis of its work was the Laeken Declaration adopted by the European Council in December 2001. In the summer of 2003 the European Convention finished its work. After 15 months of deliberations the President of the Convention, Mr. Valéry Giscard d'Estaing, delivered a draft Constitutional Treaty to the heads of state and government in the EU. If expectations were moderate

from the outset, the result produced in the end was impressively balanced and comprehensive. And at the same time the draft Constitutional Treaty was a compromise package. It therefore relatively easy became the basis for the Intergovernmental Conference that began at an extraordinary meeting in the European Council on 4 October 2003.

It was the ambition of the Italian Presidency to conclude the negotiations in December 2003. In spite of the broad support for the Convention's draft, and a skilful effort by the Italian Presidency up till the European Council in Brussels in December, it was not possible to reach an agreement. In the end the central actors lacked the necessary political will to tackle the most contentious issue of the definition of a qualified majority in the Council.

The breakdown of the negotiations in the Intergovernmental Conference was somewhat surprising and sad, but not a disaster. It is important to remember that the Convention as well as the Intergovernmental Conference had made remarkable progress. The work done so far certainly appears not to have been in vain. The Convention managed to establish broad agreement on a number of important issues such as simplification, fundamental rights, transparency and the strengthening of the Common Foreign and Security Policy and the field of Justice and Home Affairs.

The deliberations in the Intergovernmental Conference were mainly focused on institutional issues such as the future of the rotating Council Presidency, the EU Minister of Foreign Affairs, the size and composition of the Commission, the European Council and its President and – last but not least – the definition of qualified majority in the Council.

Two issues proved to be particularly difficult to agree upon:

With regard to voting procedures the Convention suggested introducing a new definition of qualified majority in the Council, the so-called 'double majority'. The Nice decision on voting weights in the Council will be upheld until 1 November 2009. After this date a qualified majority will consist of a majority of the Member States representing at least two-thirds of the populations. From a Danish perspective the 'double majority' strengthens the EU's ability to take decisions by reducing the possibility of a small minority blocking necessary decisions. Furthermore, it has the virtue of simplicity compared with the present system of voting weights and at the same time to be genuine democratic in its nature.

The Convention suggested introducing a smaller Commission after 1 November 2009. The deliberations in the Intergovernmental Conference in

2003 have shown that most countries, including Denmark, wish to uphold the principle of one commissioner with full voting rights per Member State.

Especially these two issues will be on the top of the agenda of the Intergovernmental Conference in 2004. The issue of 'double majority' appears to be the most difficult issue to agree upon. However, when tackling these issues it is important to remember that the Intergovernmental Conference actually managed to find common ground between 25 countries on a number of issues, such as the future of the rotating Presidency and the job-description for the EU Minister of Foreign Affairs. The idea of introducing a team Presidency consisting of three countries for 12 months strikes the right balance between efficiency and the national aspect of EU policy.

It is now up to the Irish Presidency to continue the negotiations. Denmark shares the wish of most Member States to reach an agreement on the Constitutional Treaty before the end of 2004. The final result should be as close as possible to the Convention's draft Constitutional Treaty with the improvements that were agreed upon during the Intergovernmental Conference in 2003.

The EU as a Global Actor – New Responsibilities and Enhanced Ambitions

In 2003, developments in Iraq were at the centre of attention. On this issue, we saw significant disagreement in the international community and within the European Union. But the EU did not just take note of these differences among the Member States. Now a widespread expectation has emerged that Europe should be better at handling such situations in a concerted manner – and such an expectation is new.

The political structures of the CFSP have become apparent, and today we have a clearer idea of where the Union's external policies are heading. These developments are proving that the Union is getting itself in place to play a distinct and significant global role with regard to common foreign and security policy, just as it has done for years within development assistance and trade policy.

One outcome of the ambition of Europe acting together, was the elaboration of the European Security Strategy. For the first time the Union has drawn up a collective understanding of the threats facing Europe, and how they should be countered. The Security Strategy emphasises the global responsibility of the Union and underscores the importance of prevention in its work. Now, Europe must develop better ways of countering threats by

ensuring full coherence between the Union's different external instruments, from aid to trade, and from diplomacy to crisis management, including ultimately the use of military means.

The next step is to formulate concrete action plans for the implementation of the strategy. One of these action plans will focus on the Unions relations to the Middle East region, adopting a comprehensive approach covering a variety of foreign policy tools. I will return to this issue in more detail in the chapter on the Middle East below.

The Western Balkans are another priority area of the CFSP. In 2003, the EU embarked on its first crisis management operations – the well-intended words of previous years became reality. In January 2003, the first independent EU crisis management operation was launched in Bosnia with the EU police mission. Soon after, the EU launched its first two military operations in FYROM ('Concordia') and in DR Congo ('Artemis'). As the year came to an end, the police mission in FYROM ('Proxima') commenced. Due to the Danish defence opt-out, Denmark cannot participate in operations involving military capabilities. Thus, when the NATO mission in FYROM was taken over by the EU, the Danish soldiers had to be withdrawn from FYROM.

The operation 'Concordia' was the first time, where the EU in practice made use of the so-called Berlin-plus arrangement. This arrangement allows the EU to carry out operations with the use of NATO capabilities, including planning facilities at SHAPE.

The work on the future constitutional treaty in the Convention and later in the Intergovernmental conference show broad consensus on a 'double-hatted' EU Foreign Minister, tasked with co-ordinating all aspects of the Union's external policies. This will contribute to a stronger and more effective common foreign and security policy of Europe and improve the conditions for a more comprehensive approach and a more efficient dialogue with our global partners, such as Russia, India, Japan, China and USA.

The Lisbon Agenda: New Dynamic of the Enlargement

In 2003 the EU made progress with the Lisbon Agenda, the framework for sustainable knowledge-based growth. The Greek and Italian Presidencies ensured a number of results that will benefit businesses and consumers. The Growth Initiative on infrastructure, telecommunication and research/development, the Second Railway Package, the Erasmus-Mundus

programme and the presentation of an action plan on investment in research are a few examples.

But progress was not fast enough. The EU still lags behind in competitiveness. The EU has clearly set the targets and agreed on most of the framework for action. But now it is time for Member States to deliver with regard to the Lisbon goals. This point has repeatedly been underlined by the Commission and it is supported by Denmark. We need to close the delivery gap at the national level. And we must accelerate the sometimes tough, but necessary structural reforms – in all Member States – if we still want to match the US as the world's leading knowledge-based economy by 2010.

At the spring summit in March 2003, a main Danish priority was to connect the enlarged Europe. This was emphasised by the summit, which also stressed the need to integrate the new Member States fully in the Lisbon Agenda and to take full advantage of the benefits of enlargement.

In the coming years EU needs to push the Lisbon Agenda much faster forward, especially with regard to investing more in knowledge. Europe is simply not competitive enough when it comes to generating new knowledge, nor exploiting it.

New Commercial Opportunities – EU Enlargement and Danish Exports

From the early stages of the enlargement process it was clear that membership of the EU could be an engine for the economic development in the new member countries. A study from 2002² demonstrated a potential for a 6 times increase in Danish exports to the new EU countries before 2015, but with large variations from country to country. Later updates of the study have confirmed the potential. The major potential for Denmark is within agriculture, food industry, environmental and energy business, construction and housing industry, IT and telecom, and consumer goods.

We have used the historically good relations with the accession countries to improve our co-operation, political and commercial ties. A number of Danish pre-accession programmes have aimed at improving regulatory and business infrastructure in the new EU member countries. These programmes have been followed up with initiatives establishing business relations between the new member countries and Denmark.

² Danish Trade Council, May 2002.

As a consequence, the Danish representations in the new EU member countries have been strengthened to assist Danish businesses benefiting from the extended possibilities for trade. At the same time the Danish Ministry of Foreign Affairs have through the enlargement process informed business organisations and companies about the demand for Danish services and products and the possibilities for trade and sourcing.

THE MIDDLE EAST – DEVELOPMENTS IN A REGION AND THE GLOBAL IMPLICATIONS

Iraq at the Centre of International Politics

Iraq dominated the headlines in 2003. After several inconclusive rounds of debates at the UN Security Council, a military intervention under American leadership was undertaken. Several countries participated in the campaign, which by April led to the downfall of the Saddam Hussein regime.

The Danish Government supported the military intervention. After thorough and lengthy debate in the Danish Parliament, Denmark offered two military vessels and a small medical unit to the international coalition. The decision to participate actively was based on the fact that Saddam Hussein – whom the world community had afforded a final opportunity to co-operate – would still not co-operate immediately, unconditionally and actively with the UN weapons inspectors. The legal basis for the military intervention was provided for in the UN Security Council resolutions 678 (1990), 687 (1991) and 1441 (2002). Also, Denmark offered significant contributions to the subsequent multinational security force authorised by the UN Security Council. By the end of 2003 500 Danish soldiers remained posted to the British-led sector in the south of Iraq.

Since April 2003 Denmark has played an active role in the reconstruction of Iraq and was among the first countries to send civil liaison officers to the US-led Administration of the Iraq Coalition Provisional Authority (CPA) in Baghdad. Denmark offered to undertake the role as regional co-ordinator for CPA in the Basra-region in South Iraq, one of the four administrative units of Iraq. Danish liaison officers were also centrally placed at the CPA office in Baghdad and Basra.

On 9 April 2003, the Danish Parliament approved an appropriation regarding humanitarian and reconstruction assistance to Iraq in 2003-2004 for a total of 350 million DKK. 180 million DKK will be provided for

humanitarian assistance, and 170 million DKK for reconstruction. The reconstruction efforts are focused on areas such as democratisation, good governance, health and civil infrastructure including basic services as water and sanitation. Most of the Danish projects are located in the southern provinces close to Basra.

One prominent Danish project aims at training Iraqi police officers with the purpose of educating the officers to discharge their duties in a democratic society and to introduce modern means of investigation. In 2003, 180 police officers have participated in the programme and results are already visible. The newly trained officers have taken charge of the local law and order situation.

The overall impact of the reconstruction efforts varies in different regions of Iraq. The northern Kurdish dominated area and the southern region with a Shia majority have experienced a positive development since the end of the military campaign. In the central part of Iraq – the Sunni triangle – the reconstruction has faced hurdles. The coalition forces are still experiencing opposition and violent incidents. Nevertheless, it is hoped that the capture of Saddam Hussein in December 2003 will facilitate the reconstruction efforts in the central part of Iraq.

Saddam Hussein will be brought to justice and tried by the Iraqi people and in Iraq. The international community should ensure that he and other leading members of his regime are tried in accordance with international rule of law standards. In this regard it is also positive that the Iraqis have taken the first step to initiate a general judicial settlement with the former regime. The Iraqi Governing Council passed a law to this end on December 10, 2003, and it is expected that this important task will gain more progress when the transfer of authority has taken place.

In July 2003 the Iraqi Governing Council was appointed. It consists of 25 members representing the different religious and ethnic groups of Iraq. The Shia Muslims have 13 members, the Kurds five, the Sunni Arabs five, the Christian and the Turkoman each have one. An interim Cabinet was appointed on September 1 by the Governing Council with a total of 25 ministers. The Cabinet has the same religious and ethnic composition as the Governing Council. Each ministry has senior CPA advisors attached.

The single most important issue is to ensure a swift transfer of authority to the Iraqis. An agreement of 15 November between CPA and the Iraqi Governing Council has outlined five key elements and a timeline for the future process. By the end of February 2004 a Fundamental Law on basic

rights and on the federal arrangement should be completed. A provisional national assembly should be in place by 31 May 2004. By 30 June 2004 the assembly will appoint a new Government, which will assume full sovereign powers for governing Iraq. At the same time the CPA will dissolve. The agreement also envisages the adoption of a constitution. Elections for a constitutional convention will be held no later than 15 March 2005. The constitution will be subject to a referendum. Direct elections for a new Iraqi Government will be held no later than end December 2005.

The rebuilding of Iraq is going to be an immense reconstruction task and necessitates an active involvement of the private sector. Danish companies have the expertise and the knowledge to participate in this important task. From the very beginning Denmark has been in the front line supporting the reconstruction of Iraq. Already in May 2003 the Danish Ministry of Foreign Affairs deployed a full-time representative to Iraq in order to increase economic co-operation and to identify commercial potentials for Danish companies. This was the starting point for a commercial effort by Denmark in full collaboration with among others the Confederation of Danish Industries and the Danish Agricultural Council.

Due to this co-ordinated effort, Danish companies have been successful in getting reconstruction orders in the range of 2-3 billion DKK. Before the first Gulf War, Iraq was the second most important market in the Middle East for Danish companies and in the coming years the Danish exports to Iraq will probably reach 2-3 billion DKK annually. Hence the future Iraqi market with 25 million consumers is also interesting for Danish companies.

The economic co-operation and commercial Danish involvement is just one element in Denmark's active Iraq policy. Other elements are our military and political involvement as well as the humanitarian assistance. The combination of these instruments has ensured Denmark an active role in Iraq.

Danish Wider Middle East Initiative

– Strengthened Dialogue with Countries in the Region

In June 2003, the Danish Government launched the Wider Middle East Initiative as part of the new strategy *A Changing World*. The main objective of the initiative is to establish the basis for a strengthened dialogue with the countries of the wider Middle East – from Morocco in the west to Iran in the east. The policy has three components: Developing an overall EU strategy for the region of the Middle East, building a bilateral partnership

programme with countries in the wider Middle East, and supporting the efforts to develop a regional security charter for the region.

With support from the other Nordic and the Baltic countries, Denmark has promoted the drafting of a report by the European Commission and High Representative Javier Solana on how to strengthen relations between the Arab World and the European Union. The initiative was launched at the European Council in Thessaloniki in June 2003 containing a new closer economic and political co-operation with countries in the Arab World. The report "Strengthening Relations with the Arab World" was endorsed by the European Council in December 2003 with the view to developing an overall strategy for the Middle East region as part of the implementation of the European Security Strategy. It is important to engage other countries, including those in the Middle East region in the further deliberations to develop such an overall strategy. The strategy is expected to be presented at the European Council in June 2004. The strategy should build on existing EU instruments. The EU could assist the region in achieving progress and prosperity. This will be based on an incremental approach by developing bilateral relations taking differences among countries into account. The assistance should be implemented as bilateral partnerships based on local ownership in the region. The EU should also consider widening the geographical scope by increasing co-operation with countries in the Gulf region.

With a view to supporting the modernisation process initiated in a number of countries in the region, Denmark has decided to develop a bilateral programme, which in accordance with the recommendations of UNDP's Arab Human Development Reports will help in promoting good governance and contribute to expanding human capabilities and freedom of choice as well as addressing the empowerment of women in society. The Danish Government will work with governments and with existing civil society structures in the region, to assist the countries in overcoming the great challenges facing them. Presently the Danish Government is working on establishing a Danish-Egyptian Dialogue Institute in Cairo, which we envisage as a focal point for a strengthened dialogue between Egypt and Denmark, just as it could develop a regional dimension. The Danish Government is also working on a concrete proposal to assist in organising an Ombudsman Conference in Jordan. The organisers expect the conference to come up with a firm proposal on how to establish an Ombudsman institution in Jordan.

The many conflicts in the Middle East region makes it worthwhile to consider establishing a regional security forum for the Middle East. With inspiration from the so-called Helsinki Process in Europe, an academic group with participants from most of the countries in the region, as well as some from outside the region, have held a number of private seminars. The project is being promoted by Canada and Denmark. The most recent seminar took place in Copenhagen 3-4 October 2003, where a proposal for a regional security charter for the Middle East region was discussed. The idea is to create a more permanent dialogue within the region on a number of economic, social and security related issues. The general principles of the charter are based on among others the principles of the UN charter (i.a. peaceful co-existence, sovereignty, non-intervention, respect for human rights). Once the drafting has been completed informal consultations are foreseen in the region.

THE NEW SECURITY AGENDA: THE FIGHT AGAINST TERRORISM

2003 did not give us any indication that the threat from terrorism is decreasing. In Europe and the USA a strong, co-ordinated effort from police and intelligence successfully prevented several planned attacks. But the terrorists were not put to rest. Rather they sought out weaker and more vulnerable goals. The terrorist acts in 2003 in Indonesia, Morocco and Turkey underlined that international terrorism is in constant development. The fight against terrorism therefore remains high on the Danish foreign policy agenda – as part of our multilateral as well as our bilateral initiatives.

Fighting terrorism calls for perseverance and resolve but also farsightedness. The international efforts must aim at countering the threats against our citizens here and now, as well as undertaking more long-term measures focusing on the root causes. Multilaterally, the effort to fight terrorism was further broadened, developed and strengthened in 2003.

In the EU the adoption of the European Security Strategy will help translate the comprehensive EU anti-terrorism measures into a common strategy. On the basis of the Plan of Action and the Road Map on anti-terrorism the EU will aim to secure more operational and efficient implementation.

Also NATO plays an important role in the international combating of terrorism. On the operational side the NATO maritime fleet has since October 2001 carried out Operation Active Endeavour – a comprehensive patrol of the Mediterranean Sea specifically aimed at protecting this important commercial route from terrorism. In February 2003 the scope of the operation was expanded to include the escort of commercial vessels through the Strait of Gibraltar with the possibility to board and search vessels suspected of being part of terrorist activity. Denmark participated in 2003 in the operation with two patrol vessels.

In addition, in August 2003 NATO took over command and co-ordination of the International Security Assistance Forces, ISAF, in Afghanistan. ISAF forces patrol the Afghan capital Kabul and surroundings securing stability in the area. Denmark has contributed to ISAF with e.g. mine engineers, communication specialists and surgeons. It is essential for ISAF to facilitate workable conditions for the new Afghan authorities to rebuild the country. Alongside the ISAF operation, a number of other forces concentrate on tracking the remainders of the former Taliban regime and al-Qaeda forces in Afghanistan.

The Danish priority on non-proliferation of Weapons of Mass Destruction (WMD) has a clear link to the international fight against terrorism. The threat from possible WMD in the hands of terrorists is particularly terrifying. Non-proliferation, disarmament and arms control can therefore make an important contribution in the global fight against terrorism by reducing the risk of non-state actors gaining access to WMD. The EU has in 2003 adopted a strategy against the growing threat from proliferation of WMD underlining the need to act with resolve, using all instruments and policies at its disposal. Proliferation of WMD is also identified as a key threat in the European Security Strategy.

Denmark strongly supports efforts of enhanced controlling of proliferation e.g. by the UN International Atomic Energy Association, IAEA. In 2003 the Danish Government has also decided to participate in the 'Proliferation Security Initiative' – a US-led international co-operation to prevent proliferation of WMD and related materials to and from states as well as non-state actors.

How to Get to the Roots of Terrorism?

Development Assistance as an Active Foreign Policy Tool.

As mentioned in the introduction to the article, the Danish Government has with its new development policy plan *A World of Difference* put focus on how development assistance can be used as a tool to fight terrorism. The policy plan reflects the reasoning that if terrorism is to be defeated in the long run, it is necessary with a long-term strategy on how to tackle the root causes of extreme fundamentalism and terrorism. In this respect development assistance is an active foreign policy instrument.

Development co-operation has a potential to impede suffering, and to restore hope and human dignity. Development assistance can therefore help countering the sympathy and remove the recruiting ground of terrorism in poor countries, where there are indications of a noticeable radicalisation of society.

Concrete development efforts to counter the root causes of terrorism are linked to the support of democracy, rule of law, and human rights as well as inter-cultural dialogue and religious tolerance. It is through such positive measures that Denmark can best help people in poor countries to fight the threat of terrorism themselves. In the coming year, Denmark will present principles for the development effort against terrorism and put them into practice through concrete activities in selected countries in Africa, Asia and the Middle East.

In the EU, the group of personal advisors to the foreign ministers, which was established during the Danish EU presidency to examine the relation between extreme fundamentalism and terrorism, concluded their work in 2003. The final report pointed to a number of ways to prevent terrorism, in the long term, by means of supporting political, economic and social development. Denmark has subsequently worked to take forward several of the ideas, not least in the context of the Wider Middle East Initiative referred to earlier in the article.

EUROPE AND THE USA: A TROUBLED PARTNERSHIP?

In 2003, differences about how to proceed in the face of Iraqi non-compliance with UN Security Council resolutions gave rise to what was described as the worst transatlantic rift ever.

A closer look reveals that the split was complex. The dividing lines ran not only between US and Europe, but also through Europe and between other nations. But Iraq was a painful lesson of the costs when there is no unity across the Atlantic and within the EU on issues of vital global interests. The US and Europe have obvious common strategic interests in the fields of economy and security. A failure to appreciate the depth of our common interest or a misinterpretation of the true nature of our partnership could have severe consequences.

More than any other two continents, Europe and the US are knit together in a tight web of common interests and values. The United States and the European Union have by far the largest combined trade and investment relationship in the world. The total output of US foreign affiliates in Europe and of European affiliates in the US is greater than the total gross domestic output of most nations. Europe and the US are more integrated and interdependent today, than we have been ever before. Decisions related to our respective economies and how we regulate them have serious repercussions on the opposite side of the Atlantic. In such an intense partnership it is no wonder that frictions and tensions arise from time to time. But things must be judged in their right context: Only a minor part of the transatlantic trade is contested, while the overwhelming part is completely unproblematic.

The horrendous attacks of 11 September 2001 demonstrated the enormous common new challenges before us: Terrorism and weapons of mass destruction respect no borders, and effective international co-operation is indispensable to meet the security threats of today. To a strikingly large degree, the EU and the US share a common assessment of the nature of these new threats. We may differ on some aspects, including on some of the means to reach our goals. But the fact remains that we need close co-operation between us to do away with terrorism and its root causes. In the long run we cannot do it alone. Transatlantic co-operation is key to extending economic development, democracy and good governance to parts of the world that do not yet enjoy these universal rights.

TRADE POLICY – THE FATE OF THE DOHA ROUND

2003 was an eventful year in trade policy. The most important trade negotiations took place in the Doha Round. In September 2003 all 146

WTO Member States met in Cancun, Mexico, to take stock of progress and to send negotiations into their second phase. Leading up to Cancun there had been difficult preparatory negotiations. In response to other Member States' wishes, the EU and the US put forward a common paper on agriculture – a key area in the negotiations. The EU-US paper came just before Cancun and contained important concessions. In the paper the EU was ready to remove export subsidies on products of particular interest to developing countries.

Meanwhile, due to the unfolding of the negotiations in Cancun, the so-called Singapore Issues (investment, competition, trade facilitation and public procurement) came to be the dividing issues between WTO members. On the one side there were delegations that did not want negotiations on the Singapore issues. On the other side EU Member States including Denmark that preferred negotiations on the four issues. For example, an international agreement on competition could regulate the behaviour of multinational corporations, monopolies and cartels.

In order to make progress in Cancun the EU showed flexibility. But still delegations could not bridge differences in particular between a number of developing countries opposing the Singapore issues, and certain Asian countries in favour of opening negotiations. The Cancun meeting therefore ended without a result.

Cancun is a serious setback. But it is not the end of the Doha Round. Denmark and the EU firmly believe that there is no alternative to the multilateral track. The WTO has international legitimacy, and it provides the necessary guarantees for all actors in the global economy. Therefore, and as a consequence of the Cancun deadlock, Denmark and the EU have made a number of efforts to revive the Doha negotiations. After Cancun the EU has underlined its continued commitment to the Doha Round by showing flexibility on the Singapore issues in proposing that negotiations are brought forward on a voluntary basis, where those WTO countries that so wish, may participate.

Denmark has supported the flexible EU approach. As part of the same efforts, Denmark has launched a number of bilateral 'outreach' initiatives vis-à-vis the developing countries. The aim is to strengthen the bilateral dialogue on Doha Round issues with developing countries that are members of the WTO. Among these initiatives Denmark plans a minister conference and seminar on trade issues in Africa. This will be carried out in co-operation with the other Nordic countries.

A GREAT CHALLENGE IN DANISH FOREIGN POLICY: MEMBERSHIP OF THE UN SECURITY COUNCIL

Denmark is a candidate for a non-permanent seat on the Security Council in 2005-2006. The election to the Security Council will take place during the 59th General Assembly, i.e. in the autumn of 2004. To be elected Denmark needs the vote from two thirds of the members of the General Assembly present and voting.

In August 2003 the regional election group, of which Denmark is a member, the so called Western European and Other States Group (WEOG), endorsed Denmark and Greece as its candidates for the two non-permanent seats of the Security Council designated to WEOG in 2005-2006. The endorsement was a milestone for the Danish campaign, which ruled out a contested race within the regional group.

In each of its three previous terms of Security Council membership – in 1953-54, 1967-68 and 1985-86 – Denmark has actively promoted the principles of the United Nations and worked towards the fulfilment of the primary responsibility of the Security Council: upholding international peace and security.

Denmark's strong commitment to the UN's efforts to maintain peace and security is also demonstrated by active participation in the United Nations' efforts in this field. Denmark has contributed personnel to most of the United Nations peacekeeping missions over the last fifty years for assignments in Africa, the Middle East, Asia, and Europe. If Denmark, hopefully, becomes elected as a member of the Security Council, Denmark will bring to its work the perspective of a Nordic country committed to international co-operation and to the United Nations. We will maintain our foreign policy priorities and traditions by focusing on efficiently upholding the rule of international law, on conflict prevention and crisis management, on rapid reaction capability in crisis situations, on the humanitarian aspects of international interventions and on post-conflict management.

CHALLENGES IN THE COMING YEAR

So what will be the main challenges for Danish foreign policy in the years to come?

Clearly, a very central issue will be ensuring the adoption of the Constitutional Treaty for the European Union. From a Danish perspective the draft Constitutional Treaty provides the right framework for European co-operation in the future, and the adoption of the Constitutional Treaty is the best way of making sure that European co-operation can remain open, dynamic and effective in the future and of realising the priority of the Danish EU Presidency in 2002 of 'One Europe'.

The second important challenge will be to establish the financial perspectives for the EU for the period 2007-2013. In 2004 an expectedly long and difficult negotiation process will start. The starting point of the negotiations should be a discussion of the EU's strategic priorities. Or put in other words: on what should the EU spend its money? The basic Danish position will be to ensure that the EU's resources are focused on those tasks, where an EU effort can make a real difference and create added value.

Another important issue with regard to the European co-operation in 2004 and onwards, will be to integrate the new Member States in the Lisbon Agenda and to gain full benefit of enlargement. The economy in Europe is picking up, and on 1 May 2004 we will have 10 new members of the EU in a reform mode'. For more than 10 years they have reformed their economies and the reforms continue. The new Member States can provide valuable input and dynamic to the slower economies in Europe, e.g. on entrepreneurship and adaptability.

Enlarging the European zone of stability remains a strategic priority for Denmark. All enlargements of the European Union so far have been tremendously successful – for the existing member and the new members alike. Closer association and integration with the European Union – be it politically, in trade, or in dealing with cross-border problems – is the key driver for reform and development on the continent. Those European countries that so wish should be offered a perspective to associate and integrate closer with the Union – and eventually, when they fulfil the criteria, to become members.

Currently, apart from the 10 countries joining on 1 May 2004, the EU has three candidates that are preparing energetically for membership:

Bulgaria and Romania where the target date for membership is 1 January 2007 – and Turkey, where the European Council in December 2004 will decide, whether conditions are met for Turkey to start accession negotiations. Furthermore the EU will be working still more closely together with the Countries of the Western Balkans – with whom the EU has made Stabilisation and Association Agreements. Likewise, developing ever closer relations and effective co-operation with the countries included in the EU's Wider Europe/New Neighbourhood Initiative, for instance Ukraine, Belarus and Moldova and the three Caucasian republics are important strategic challenges for the coming decade.

Obviously, the also wider Middle East region will in 2004 continue to be at the centre of international politics. The military intervention in Iraq seems to have had implications for the dynamic in the region. We now see a number of important developments: In Libya the International Atomic Energy Agency has been allowed, for the first time, to carry out inspections of Libya's nuclear facilities. Iran has also started co-operating with IAEA. Countries in the region that have had no or limited contact, have now taken the first steps towards regional dialogue. Iran and Egypt are considering a resumption of diplomatic relations. Syria and Turkey, two countries that were close to war in 1998, have now increased their co-operation. However, the continued success of these regional developments will to a large extent be influenced by the future course of events in Iraq. Much is therefore at stake in Iraq.

Many things have been achieved in Iraq already, but the further reconstruction and stabilisation is a huge challenge that requires hard work and political will. In order to get there, it is of the utmost importance that all Iraqis join hands and work together as one nation. The Western countries should be ready to take their share of responsibility and back the reconstruction effort leaving aside their differences. Whether under the auspices of the UN or the EU, we have to work together for the improvement of the conditions for the Iraqi population. With a new sovereign Iraqi Government expected to be in place by 1 July 2004, we now have a unique chance to join in a common effort aimed at creating and developing modern social and democratic structures in Iraq.

The culmination of the Danish campaign to be elected as a nonpermanent member of the United Nations Security Council will take place in 2004. Central for the Danish campaign up to the election in the autumn of 2004 will be to continue to focus on getting as many indications of support

from other UN Member States as possible – building further on the many positive indications already received. There is still a lot of work and preparations that have to be done before Denmark, hopefully, will be able to take on the challenge of two years as member of the Security Council.

The ambition that Danish foreign policy should be ready to adapt to the conditions in a rapidly changing international system, is very much reflected in the way we are organising the Danish Foreign Ministry. A process of modernising the organisation is well under way. One important element in this process is the introduction of joint target and performance management.

Target and performance management will be key to ensuring that allocation and use of resources reflect a clear prioritisation of the tasks performed by the entire service, by the individual unit, and by the individual employee. This instrument will place more emphasis on strategic goals rather than on on-the-spot crisis management. The resources assigned must correspond to the tasks and must quickly and flexibly be adapted in accordance with altered priorities.

I am confident that with these elements, joint target and performance management will be a good instrument in enabling the Foreign Service to achieve even better and more efficient results and thereby contributing to fulfilling the ambition of an active Danish foreign policy that makes a difference.

REFERENCES

Danish Trade Council (2002), *The Challenge of EU Enlargement – Danish Export opportunities following the enlargement of the European Union*, Copenhagen: Danish Ministry of Foreign Affairs.

The Atlantic Alliance at a New Crossroads: What Does It Mean for Denmark and Northern Europe?

Ronald D. Asmus¹

The first years of the 21st century have not been good ones for the transatlantic community. The near collapse of the Alliance over Iraq and the emergence of deep divisions within Europe have produced a degree of fragmentation in the West not seen in decades. The US-European relationship, long considered a benchmark by which both American and European leaders measured their foreign policy acumen, was shaken to its foundations over a series of differences culminating in the US-led war in Iraq. To be sure, there have been rows across the Atlantic before: Suez, de Gaulle's withdrawal from NATO's integrated military command, the battle over Euro-missiles in the early 1980s and the deep acrimony over Bosnia a decade ago spring to mind. But this past rift across the Atlantic was unprecedented in scope, intensity and – at times – pettiness.

In many ways this collapse in transatlantic co-operation was somewhat surprising. After all, the 1990s had witnessed a remarkable renaissance of transatlantic co-operation. Following the initial loss of a sense of purpose following the collapse of communism and the Soviet Union as well as deep differences over how to handle Bosnia in the early and mid 1990s, America and Europe came back together to stem ethnic conflict and bloodshed in the Balkans – first in Bosnia in 1995 and again in Kosovo in 1999. NATO opened its doors to Central and Eastern Europe.² In parallel, the European Union also embraced the grand post-Cold War project of building a Europe whole and free stretching from the Baltic to the Black Sea. Both institutions

¹ Dr. Ronald D. Asmus is a Senior Transatlantic Fellow at the German Marshall Fund of the United States. From 1997-2000 he served as Deputy Assistant Secretary of State for European Affairs under Secretary of State Madeleine Albright.

² Asmus, 2002.

also reached out to try to create a new post-Cold War relationship with a post-communist Russia.

The result was a new strategic rationale for the Alliance that transcended the old focus on the Soviet threat. That rationale was based on the need to expand security and stability across Europe as a whole as well as to prepare to meet new challenges that would affect the common interests of allies but could emanate from beyond the immediate borders of the continent. When NATO heads-of-state gathered in the spring of 1999 for the Alliance's 50th anniversary, they pledged to create an Alliance that would be as good at meeting the threats of the next fifty years as NATO had been in dealing with the threats of the past half-century.

Indeed, had the proverbial man from Mars come down to planet earth at the turn of the century, he might easily have concluded that the US-European relationship, after a rough patch at the beginning of the 1990s, had righted itself, was back on course and in pretty good shape. Europe was becoming more democratic, peaceful and secure than at any time in recent history. For the first time in a century, leaders on both sides of the Atlantic go to work in the morning no longer having to worry about a major war on the continent – a testimony to the success in locking in a new post-Cold War peace over the last decade. The Alliance has shifted away from its old Cold War rationale and was no longer debating whether but how to transform itself to meet the threats of the future. Few American presidents in Europe in recent history were as popular or enjoyed as much respect as Bill Clinton.

Historians will undoubtedly debate long and hard where it all started to go wrong. Even though the Bush Administration got off on the wrong foot with Europe over issues such as the Kyoto Protocol and the International Criminal Court during its first year in office, the terrorist attacks of 11 September 2001 created a powerful wave of solidarity and pro-American support in Europe. NATO invoked Article 5 and offered to fight with the US in Afghanistan as part of a new anti-terror coalition. Tragedy had handed the Administration an opportunity to reinvigorate this relationship. But that opportunity was squandered. Instead of a renaissance of transatlantic co-operation, the decision to make Iraq the next target in the war on terrorism, and the manner in which the Administration chose to topple Saddam Hussein, led to the most spectacular political train wreck in the Alliance's history, leaving a deep divide across the Atlantic and within Europe itself.

Somewhere between Kabul and Baghdad both sides of the Atlantic lost each other. There is no doubt many a great book to be written about what went wrong across the Atlantic on Iraq and why. In the view of this author, removing Saddam Hussein's regime was a legitimate and necessary goal, one that in all likelihood could never have been accomplished from within and would have eventually required the use of force. His removal as well as Iraq's successful reconstruction can open the door to making the region and the world a much better place. That goal could and should have been pursued in a way that was consistent with international law and which did not raise the core questions of international legitimacy that have cast such a long shadow over American diplomacy and standing.

But in pursuing its Iraq policy, the Bush Administration demonstrated a degree of strategic and diplomatic incompetence that is almost breathtaking. To be sure, the strategic and diplomatic mistakes of many European allies on Iraq more than rival those of Washington. But rarely has the right goal been pursued so poorly in American diplomacy. The failure of the United States to find common cause with some of our oldest allies and the world's greatest democracies across the Atlantic is just one example of the administration's failings. Not only did it fail to obtain the support of key allies like France and Germany, but it lost the support of long-standing ally Turkey as well as Russia. Led by London, a number of old and new allies across Europe stood by Washington in its moment of need. Yet they often did so less because they agreed with the Bush Administration's approach than their enduring commitment to preserving the Alliance.

As the dust settles in Iraq and across the Atlantic, the US and Europe find themselves at a new crossroads and facing critical questions. Why did this rift take place? Was it due to diplomatic and strategic blundering and incompetence, or because the two sides of the Atlantic, like tectonic plates, are being driven apart by deeper forces? Is it repairable or are the differences revealed or created by this crisis so deep they can no longer be bridged? Alternatively, is there a new common purpose and agenda that could once again bring the US and its European allies together? If Washington and its European allies are to attempt to pick up the pieces of this Alliance, where should they start?

A decade ago, the transatlantic relationship was at a similar make or break point. Then, too, many commentators were proclaiming the inability of the US and Europe to work together and the Alliance's imminent demise. But the Atlantic Alliance resolved that crisis by coalescing around a

new sense of purpose and grand strategy. It realised it had to go out of area and meet the challenges of a new era or go out of business. It therefore decided to intervene in the Balkans, opened the doors of NATO and the EU to new members and reached out to Russia, the Alliance's former adversary. Overcoming the current crisis in the Alliance today will require equally bold steps. Once again, the US and Europe need to heed a wake-up call and come together around a new strategic purpose.

Finally, what does all of this mean for a country like Denmark and for Northern Europe more generally? What has been the impact of this crisis on the security of the Baltic Sea region? Are these trends and issues that Copenhagen can seek to influence? If so, then through what venues? If the US and Europe are to try to define a new strategic agenda, where do Danish views and interests fit in and how can Copenhagen best pursue them?

WHAT WENT WRONG?

Rebuilding the Alliance requires first understanding what went wrong and why. On this central issue there are two very different views that lead to very different policy conclusions. One might be called the 'structuralist' argument – i.e., the argument that the growing asymmetry in power and values between the US and Europe has, like tectonic plates, been driving both sides of the Atlantic further and further apart in terms of how they view the world. While the Bush Administration's policy toward Iraq may have brought such differences to a head, so the argument goes, the reasons for this clash run deeper. The breakdown in transatlantic relations that took place over Iraq, therefore, was increasingly likely if not inevitable. The role of individuals leaders or their personalities was secondary.

The most eloquent proponent of the 'power gap' thesis is Robert Kagan, whose article 'Power and Weakness', since expanded into a book entitled *Of Paradise and Power*, which has become a cause celebre in transatlantic circles. "On major strategic and international questions today", Kagan famously argues, "Americans are from Mars and Europeans are from Venus" and no longer occupy the same planet. The combination of the European integrationist experience as well as the growing gap in raw military power across

the Atlantic has resulted in Americans and Europeans viewing the world in such different terms that strategic co-operation is increasingly difficult.³

Europeans, Kagan argues, have become 'Kantian' thinkers who eschew power politics and the use of hard power to achieve their objectives. Americans, on the other hand, have retained a hard-edged Hobbesian view of the world in which military force remains a critical if not prized currency in confronting new threats in the form of terrorists, rogue states and weapons of mass destruction. The US should be happy that Europe has successfully transformed itself from the 20th century's biggest strategic headaches to one of the most peaceful and secure parts of the globe. Americans will continue to trade with the continent, take vacations there and deal with Europe on all sorts of issues. But we should stop thinking of Europe as a strategic partner of choice as we face the future.

Kagan's argument boils down to the following: Europe's healing of itself has removed the continent as a major source of threat and American strategic preoccupation – a tremendous historic accomplishment the US must welcome. And Europe's attempt to further build its unity is the way to keep Europe peaceful and secure. But it is naïve to believe that the United States and Europe will be close strategic partners in the future because America and Europe are drifting apart in a way that is unlikely to change. Historical experience, the asymmetry in power and the gap between a Hobbesian and Kantian view of the world create a growing strategic mismatch that will be increasingly difficult to bridge.⁴

Politically, Kagan's thesis has been seized upon by many in the Bush Administration as an intellectual justification for a go-it-alone and 'ad hoc' coalitions approach. After all, if Americans and Europeans are from different planets and hold fundamentally different views of the world, who in their right mind would want to pursue a foreign policy premised on a strategic partnership between them? And if the cause for these growing differences is rooted in the power gap, especially military power, then the chances of that gap diminishing at any time on the future are clearly low.

To be sure, both sides of the Atlantic should still *try* to work together and search for foreign policy common ground wherever possible. Nevertheless, we should not presume to be automatic or close strategic partners as in the past. Above, all, American policy should not be premised on relying on Europe's close strategic support since it is unlikely to be there, at

³ Kagan, 2002; 2003.

⁴ Kagan, 2002; 2003.

least not with Europe as a whole. American and Europe were unusually and almost artificially close during the Cold War. As the reason for that closeness has disappeared, so the argument goes, the two sides of the Atlantic will evolve into a more distant relationship.

This is not something to lose sleep over, proponents of this view would contend, but the natural adjustment of this relationship to a new era. The clear implication is that a major effort to rebuild the Alliance as such is unlikely to succeed – and may not even be worth trying. America and Europe will co-operate when and where possible. More often than not, American will end up working through coalitions of the willing since it will be too difficult to engage Europe as a whole as happened in Iraq. But the notion that American and Europe are natural global partners or that a partnership with Europe is the basis for American foreign policy in other regions or parts of the world is a view this school would dismiss as utopian.

The opposite view of the causes for the transatlantic train wreck over Iraq might I refer to as the 'Barbara Tuchman' explanation. In her classic study *The Guns of August*, Tuchman argued that World War I was an accident, the unintended result of a series of bad decisions and mistakes by key actors which created a dynamic that made an avoidable war increasingly inevitable.⁵ Proponents of this view argue that while the power gap across the Atlantic is real, similar differences have not prevented successful co-operation in the past. They argue that the current transatlantic crisis is hardly the result of a tectonic drift between the US and Europe but largely the product of the diplomatic ineptness of George Bush, Jacques Chirac and Gerhard Schröder.

It is absurd, so this argument goes, to argue that the US and Europe are drifting so far apart they can no longer co-operate effectively. One must look beyond intellectual fads and keep in perspective what we have in common and where we differ. Politically, no two parts of the globe have more in common than the US and Europe. Economically, we are more integrated and intertwined than ever before. If Harry Truman were to come down from the heavens and hear that transatlantic debates now focus on issues such as GMOs or the death penalty, he would consider this a luxury that he and his counterparts could never afford. The fact that we feel the need to seek a common view on such issues paradoxically shows just how close we have become over the last half a century. The current crisis is not the result of deep underlying trends but bad policy decisions on both sides

⁵ Tuchmann, 1962.

of the Atlantic. Different leaders pursuing different policies could have avoided the debacle. The Atlantic Alliance is not in trouble today because of trade disputes, lifestyle choices or the power gap. We are at loggerheads because we do not yet have a common view on how to address the key threats and problems of the 21st century.

In case the reader has not yet figured it out, this author is squarely in the second camp. In my opinion, Kagan's power gap explanation is flawed for at least three reasons. For anyone familiar with the rough and tumble of EU politics, it is hard to square that reality with even a cursory reading of Kant. As Kagan himself admits, we are all better off because Europeans today have found a way to settle their differences via communiqués and with knife and fork at heads-of-state dinners as opposed to on the battlefield. The transformation of Europe from one of the world's great strategic problems into one of the most peaceful and integrated parts of the globe is an historic success that decades of US and European leaders rejoice in. Moreover, the fact that American strategists are now contemplating whether it is possible to launch a similar transformational process for the Greater Middle East drawing in part on that experience is all the more reason not to belittle it.

But Kagan's real argument is that the integrationist success on the continent has blinded Europeans to the necessity of *Realpolitik* and the use of force in dealing with others parts of the world where the laws of Hobbes still prevail – and thus made Europe increasingly incompatible as a strategic partner for Washington. Yet there is nothing in principle that prevents Europe from pursuing a 'Kantian' integrationist approach internally and a geopolitical hardheaded or 'Hobbesian' approach externally. Historically it was precisely this combination that lay at the heart of the transatlantic bargain for dealing with Moscow throughout the Cold War. Many forceful proponents of Kantian European integration were perfectly willing and able of being quite Hobbesian in dealing with Moscow. The same can be true today in dealing with other parts of the world.

Finally, it is also foolhardy to argue that powerful states are a priori incapable of co-operating with weaker ones. If that were the case, the US would never be able to work together with anyone. The US-European power gap was also great in the 1950s – a heyday of transatlantic co-operation. Does anyone believe that US-European differences today would evaporate if suddenly US power were to collapse or Europe were to somehow become dramatically stronger? In an oft-quoted passage, Kagan uses the story of two men in the woods with a bear, one armed with a knife

and the other with a gun, to illustrate how Americans and Europeans see threats differently.⁶ What he overlooks is that the man with the knife may not only be happy but actually eager for the man with the gun to come along – provided they agree that the bear is a threat that needs to be disposed of.

At the end of the day, Kagan has got cause and effect confused. The crux of the matter issue is not who has a gun vs. a knife but purpose and whether both sides share a common strategic purpose. If they do, differences in power are secondary and bridgeable. If they do not, such differences may not be. Power asymmetries across the Atlantic existed not only during the Cold War but in the 1990s as well. But they were subordinated to a common strategic purpose brought the US and Europe. Europeans in the past actually welcomed the fact that America was stronger since that strength was considered an asset that could be harnessed to achieve a common goal. Today Europeans are worried about American strength because they are unsure of the purposes to which we will use it.

The great American foreign policy presidents of the 20th century understood the need to define America's purpose in a way so that our allies, both big and small, could eagerly embrace our agenda – and welcome the deployment of American power to achieve it. And initially after 11 September 2001 it appeared as if President Bush might turn to this tradition and build a new transatlantic coalition to fight the war on terror. After all, President Bush had the example of his father's success in building such a coalition in the 1991 Gulf War as a splendid role model.

In reality the Administration never really tried to carry on a meaningful or systematic strategic dialogue with Europe on these issues. Nowhere was this more evident than in the case of Iraq. In part this was because it was too divided and dysfunctional within its own ranks to pursue the kind of diplomacy that had bridged transatlantic differences in the past. Instead, it relied on the mistaken belief that it could simply assert American power and others would fall into line. Forced to protect his right wing flank at home, Secretary of State Colin Powell was unable to conduct the kind of diplomacy that would have muted and perhaps even bridged those differences. Even those allies in Europe who supported the Bush Administration complain in private about how little real dialogue and consultations took place and how ineffective the Administration's diplomatic performance was.

⁶ Kagan, 2002: 8.

But Europe must share in the blame for the transatlantic train wreck over Iraq. One didn't have to be Clausewitz to see that the United States was moving in a new strategic direction. For several years now, Washington has been saying that in a world where peace on the continent was increasingly assured, the central question for the Alliance was whether we could define a common agenda on new challenges emanating from beyond the continent. Europe resisted that dialogue. In spite of 11 September, it has remained in partial denial about the scope of new threats of terrorism and weapons of mass destructions. France and Germany made the decision to risk the transatlantic relationship and try to thwart what they considered the misguided policies of the Bush Administration – but without any real chance of success or alternative that seemed credible at the time. Rather than dealing with Saddam, Europe was too absorbed with dealing with George Bush.

There undoubtedly is a gap today across the Atlantic. But it is the gap in terms in purpose, policy and priorities that is more important than the gap in power. Closing this first gap is essential if the Alliance is to be able to manage the second. The United States sees the question of war and peace in Europe as largely resolved – and is increasingly focused on new threats emanating from beyond Europe. The terrorist attacks of 11 September have focused American eyes on the dangerous nexus of terrorism, rogue states and the potential use of weapons of mass destruction. In contrast, Europe remains primarily preoccupied with building the European Union and its own immediate neighbourhood. Having experienced low-level terrorism for decades, many Europeans still see 11 September as an extension of a known threat rather than a potentially existential threat requiring a fundamentally different response.

Can this gap be bridged? Can the transatlantic clash over Iraq, like the rift over Bosnia a decade ago, become a wake-up call or catalyst that motivates leaders on both sides to again seek common ground to meet the new strategic challenges of our time? Can the US and Europe once again find the leadership and diplomatic acumen necessary to bury their differences and to meet the strategic challenges of a new era together? This is the question that looms large as we look beyond the wreckage of the Iraqi crisis and into the future.

THE WAY AHEAD

The first step in rebuilding the Atlantic Alliance must be re-establishing a sense of strategic purpose and shared responsibility. If one looks at the strategic challenges likely to face the US and Europe in the years ahead, it is clear that we do not suffer from a shortage of problems that require tackling. In the contrary, while both sides of the Atlantic have been engaging in a major food fight, the list of problems confronting us has continued to grow. In other words, if one looks at the demand side of the equation, the strategic agenda and co-operation across the Atlantic should be expanding not shrinking.

There are at least two major and in some ways mega-strategic challenges that clearly affect vital American and European interests and whose success would require sustained and close transatlantic co-operation in the years and decades ahead. The first one lies to the east of the new borders of NATO and the EU. The historic accomplishment of the 1990s was the integration of Central and Eastern Europe from the Baltic to the Black Sea into the West through their accession into the core institutions of the Euro-Atlantic community. The challenge for the next decade is whether the West is willing and able to make a similar commitment to embrace and help transform the next set of states lying further to the East in the Euro-Atlantic community.

One could call this challenge the new Eastern agenda. That agenda would start with the challenge of anchoring a democratising Ukraine to the West. It is followed by the need for a strategy to reach out to the states of the Southern Caucasus, in particular Georgia and Azerbaijan, as they work to bring themselves closer to the West. It would also include the task of helping to abolish the most inhumane government in Europe today – Mr. Lukashenko's totalitarian dictatorship in Belarus. In other words, we are talking about the West now trying to consolidate democracy and project security into a second band of states from Belarus in the North to the Southern Caucasus in the South.

Already today both the NATO and the EU have many of the tools and mechanisms to significantly expand their outreach efforts to many of these countries. The real challenge may be political and conceptual. Implicit in meeting this challenge is an updating of our definition of what Europe entails and how far it extends. Quite honestly, if someone had asked me five years ago whether the US would be content and consider Europe 'complete' if we succeeded in bringing in all the countries from the Baltic's to the Black

Sea into NATO and the EU, I probably would have said yes – because my mental image of Europe ended somewhere around the Polish-Ukraine border. But the success of a ‘Big Bang’ round of EU and NATO enlargement has awakened hopes and aspirations in these countries to one day become part of the West. Heretofore seen by many to be a strategic backwater, the significance of these countries needs to be upgraded in light of the war on terrorism and the need for a Western strategy vis-à-vis a new arc of instability extending from the Black Sea eastward to the Caspian and beyond.

Clearly these countries have a long way to go. Accomplishing this goal will require the same high-level commitment and attention and the close US-European co-operation, especially through the EU and NATO that went into the integration of Central and Eastern Europe. It will involve updating the set of policies and mechanisms to meet the needs of these countries. Many of them may only achieve a loose association with the West short of membership in key Euro-Atlantic institutions. But locking in a pro-Western orientation and reform in this part of the Euro-Atlantic community may be as important in the next decade as the integration of Central and Eastern Europe was in the 1990s.

It will also require a broader definition of Europe – just like many of us worked to recast and expand our definition of Europe a decade ago to include Central and Eastern Europe. This wider Europe would include a fully democratic Turkey in the EU as well as Ukraine, Belarus and potentially the Southern Caucasus. Such a vision will also require a new and convincing strategic rationale to generate the consensus and political will to carry it out. It will require the EU to successfully resolve its current constitutional impasse and to come up with a better mechanism to ensure it emerges as an successful actor capable of generating the kind of political will and resources necessary to develop and sustain such a course. Even more so than in the early 1990s, there is a fear in Europe today that further enlargement would dilute and possibly destroy the institution. One can debate long and hard precisely how the EU can or should accomplish this goal. But a weak or divided EU is unlikely to generate the capacity and will to tackle this challenge.

Finally, there is the question of our strategy toward Moscow. Today one sees the first signs of a reappraisal of existing Western policy vis-à-vis Russia taking place. For the last decade Western policy has been premised on the assumption that Russia is – if only gradually and in fits and starts –

moving in the right direction domestically and interested in pursuing a co-operative relationship with the West. In spite of many setbacks on this or that front, people basically believed that Russia was moving in a positive and upward direction. There is a growing sense that this policy has exhausted itself and failed to produce the desired results. As opposed to viewing Russia as a country moving in the right direction with some setbacks, there is a growing consensus among Russian experts that the country is moving in the wrong direction, albeit with some ongoing successes. If Russia were a stock, its curve and value would be headed down at the moment. This shift in Western assessment on Russia policy is reinforced by the trend toward autocratic rule at home and a more aggressive neo-imperial policy towards Moscow's immediate neighbours. It may be too early to predict the final outcome of this debate, but a rethink of Western policy vis-à-vis Moscow is clearly in the air.

The second great strategic challenge facing the West lies beyond the immediate borders of the Euro-Atlantic community in the Greater Middle East, a region stretching from Northern Africa through the Levant and the Persian Gulf to Afghanistan. It is a region where both the US and Europe have vital interests. It is from this region that the greatest threats to Western security are likely to emanate in the 21st century. It is here that the dangerous mix of extremist ideologies, terrorism and access to weapons of mass destruction is most likely to occur and where terrorists driven by anti-Western ideologies comprises what German Foreign Minister Joschka Fischer calls a 'new totalitarian threat'. It is from this region that the greatest likelihood of Americans and Europeans being killed will emanate – from terrorists or rogue states armed with weapons of mass destruction. And it is certainly no accident that the most dangerous part of the world where the war on terrorism will be won or lost is also the least free.

The Greater Middle East today suffers from a failure of governance and the inability to adapt to modernity and globalisation. While most of the world moves into the twenty-first century, many countries in this region are going backward. And their failures are helping breed the extreme ideologies, movements and rogue states that, in turn, now pose a potentially existential threat to the West. The result is a geopolitical tinderbox, potentially directly impacting our livelihood and civilisation.

To meet this challenge, the West needs more than a military campaign plan. Of course we need to be able to attack the capacity of terrorists and rogue states. But we also need to change the dynamics that created such

monstrous groups and regimes in the first place. Otherwise the names will change, but the threats will not. Thus, we need a grand strategy to help these countries transform themselves into the kinds of societies that focus on the needs of their peoples – and who no longer produce people who want to kill us and have the capacity to do so. Unless we help the Greater Middle East resolve its own internal pathologies, we will not stem the root causes of terrorism.

A serious strategy of democracy promotion in the Greater Middle East must support democrats in the region, create the regional context for democratic development and reorganise ourselves at home to effectively pursue and sustain these policies. We must recognise that change in the region must come from within these societies – and design policies to strengthen those forces in the region pushing for such change. The US and its European allies also need to help create the external environment and geopolitical context in which democratic change can more easily occur. The history of the last century in Europe shows that providing security is instrumental in fostering democratic development. Today, there is no neighbourhood more hostile to democracy than the Greater Middle East.

The list of tasks that needs to be accomplished is long and hard. The first step is to help Turkey turn itself into a full-fledged democracy qualifying for EU membership and demonstrate that the West is prepared to embrace a democratic Muslim country. This must be followed by a long-term and sustained commitment to building democracy in post-Saddam Iraq. Irrespective of whether one supported or opposed the war, we all have a strategic interest in seeing Iraq's experiment in building a more just and democratic society succeed. This strategy also requires a reinvigorated effort to reach an Israeli-Palestinian peace accord which could significantly accelerate positive political change across the region as autocratic Arab governments could no longer avoid pressures for change by hiding behind this conflict. Perhaps the greatest opportunity for a democratic breakthrough in the region is in Iran. No autocratic regime is more vulnerable to the pressures of a grassroots democratic movement. And Iran's efforts at acquiring nuclear weapons could set off a proliferation chain reaction in the region, heightening insecurity and potentially choking off a shift towards greater democracy.

It means a comprehensive approach pursued from the top down and the bottom up to transform and to help democratise the region – and the building of a new regional security architecture. Working with the moderate

Arab states, we must also start to create a regional security regime that builds norms holding governments in the region accountable not only to each other but to their own people. The great contribution of the Helsinki process in Europe was its recognition that true peace required a new relationship between rulers and ruled as well as between states – and that it empowered societies to demand from their governments that they behave accordingly.

NATO, too, has a role to play. It can provide the peacekeeping capabilities needed to rebuild Afghanistan and Iraq. And it can help promote more democratic practices in peacetime by extending co-operation under a new version of NATO's Partnership for Peace program to democratising countries in the region. NATO's new role in the Middle East would be to keep the Americans and Europeans in, dictators down, and terrorists out.

Several things stand out about these strategic challenges. Each of them is likely to require years if not decades of sustained co-operation. Neither the United States nor Europe is likely to be able to tackle either of them alone. They will require sustained long-term strategic co-operation of the kind that won the Cold War. Military power will be an important ingredient for success, but the real key to success is our ability to help these countries change and transform themselves. Political pre-emption in the form of democracy building and reform will be as critical to success as the capacity for military pre-emption. The war of ideas and soft power will be as important for victory as military power.

Americans and Europeans will have differing instincts on how to craft the right balance to accomplish these goals. But past US-European strategic co-operation was successful because we harmonised the two. In the late 1960s the Alliance came up with a new grand strategy for dealing with the then Soviet-led Warsaw Pact known as the Harmel Report. It was based on the principle that the Alliance needed to pursue a strategy that combined elements of deterrence and détente – of both defence and offence. The defence component was the maintenance of a strong defence by NATO to deter the USSR. The offensive component was a détente strategy aimed at communism's political transformation from within. Using today's political vernacular, we might call it a policy of regime change through peaceful means. In the 1990s the Alliance's decision to open NATO's door to Central and Eastern Europe was a classic case of political pre-emption in the sense that it was an effort to prevent future conflicts by locking in peace and stability in peacetime.

Today the Alliance needs a similar grand strategy that combines elements of defence and offence to meet the new strategic threats of our era. In an age where the greatest threats we face are terrorists or rogue states armed with weapons of mass destruction, our front line of defence must start with transatlantic homeland security. There are few areas where the need for transatlantic co-operation is more self-evident and where America's own interest in the European Union becoming a strong and coherent actor is more obvious. Today the EU has yet to create its own equivalent of Tom Ridge and an Office of Homeland Security. One only hopes that it doesn't take a European equivalent of 11 September 2001 to motivate it to do so. Following the terrorist attacks of 11 March 2004 in Madrid, the EU appears to be finally taking some steps in this direction.

The other component of defence is military capability. As Afghanistan and Iraq have demonstrated, the US and Europe need the capability to intervene militarily beyond their borders to both deter and respond to new threats. We also need the capability for long-term peacekeeping in order to aid in the democratic reconstruction of these countries. Tackling these jobs should be a core new mission of NATO. The Bush Administration missed a historic opportunity to lead the Alliance into this new era in Afghanistan. It is finally starting to correct its mistake. As part of a strategy to rebuild the Alliance, it should make giving NATO a lead role in Iraq a core part of its strategy. Today most Europeans believe this Administration no longer cares about an alliance the US created and led for fifty years. Washington needs to prove otherwise.

It is obvious that Europe needs to improve its military capabilities. But the gap in military capabilities across the Atlantic need not be the show-stopper critics make it out to be. NATO needs to have modest expeditionary capabilities. But Europe does not have to replicate the United States. It needs the capacity to intervene together with the US in future coalition operations. It needs the capacity to act on its own to defend its own interests in small crises on its own. And it needs to be able to work on the ground with the United States to provide security in places like Afghanistan and Iraq through peacekeeping. But the real Achilles heel of the West today is not military. At a time when the United States spends more on defence than the rest of the world combined, the West collectively does not suffer from a lack of military instruments.

Instead, the weak link in our arsenal is the political one. It is the capacity to pursue a strategy of political engagement and transformation that would

further extend the boundaries of Western democracy and reform – further to the East to embrace countries like Ukraine and Georgia in the Euro-Atlantic community. Above all, it is the need to come up with a credible and effective strategy to win the war of ideas and to help provide a democratic political alternative for the Arab world.

The Alliance today needs the modern day equivalent of the Harmel Report for the Greater Middle East: a strategy that provides an effective defence against the risk of terrorism and weapons of mass destruction yet also creates common ground for an effort to promote the democratisation and transformation of the Islamic and Arab world. Coming up with this strategy is the challenge of our era.

WHAT DOES IT MEAN FOR DENMARK AND NORTHERN EUROPE?

What does all this mean for Denmark and as well as for Northern Europe more generally? My point of departure in addressing this question consist of two observations.

The first observation is that the 1990s were a very good decade for Copenhagen. They were arguably one of the best decades ever as the Baltic Sea region emerged, somewhat surprisingly, as one of the greatest benefactors of a new Western policy of building a Europe whole and free.

One should recall that in the initial wake of the collapse of communism and the Soviet Union many analysts had singled out the Baltic Sea region as a source of potential insecurity. Many a paper was written at a think tank or in a policy and planning staff predicting trouble and potential confrontation with Russia over Estonia, Latvia and Lithuania. When the West first started debating NATO enlargement to Central and Eastern Europe, they were focused on the Visegrad states. Most commentators rejected the possibility of including the Baltic states in either NATO or the EU as a bridge too far. Many in the region feared that a Western strategy focusing just on Central Europe could potentially undercut if not destabilise the Baltic Sea region.

That danger lifted only when the West opted for a larger and more ambitious vision of NATO and EU enlargement that included the Baltic Sea region. Denmark and other Nordic allies played a key role in helping to engineer that shift. Not only did none of the doomsday scenarios materialise, but the integration of Estonia, Latvia and Lithuania into NATO and

the EU became one of the great success stories of both their and Western diplomacy.

Today the Baltic Sea is more peaceful, democratic and secure than at any time in modern history. To be sure, the three Baltic states still have a long road to go to complete the reforms they have started and fully integrate themselves into the West. In the foreign policy realm, there remain some issues of unfinished business. The process of true reconciliation with Russia may still take a generation or more. But what many thought was mission impossible a decade ago has become reality. If the Baltic Sea region were a stock, the market would certainly be bullish about its future prospects.

Addressing a Danish audience, I don't think I need to spend too much time reminding the readers of this essay what the ingredients for this success included. I am a big supporter of the strong and admirable tradition of self-reliance that underpins much of Nordic strategic and defence thinking. Many countries around the Baltic Sea, both those in and those not in NATO and the EU, contributed to this success in both visible and less visible ways. Yet the reality is that none of these successes could have been accomplished without the support and role of the two key institutions of the Euro-Atlantic community.

The EU will eventually bear the burden of the lion's share of the costs of transforming and helping to modernise Estonia, Latvia and Lithuania. Yet, the reality is that the EU would never have moved to embrace these countries if NATO had not first taken the lead to address the security issue and eventually take it off the table through efforts like the US-Baltic Charter and an explicit NATO open door commitment to the Baltic States. In practical terms, that meant that Washington had to take the lead with its NATO allies in creating the foreign policy context in which EU engagement and eventually enlargement become possible. De facto it was an alliance between Washington and the Nordic states that drove this process to success. Whereas the region provided many of the ideas and specifics, it was only when they were married with US political muscle and heft that was deemed impossible by some started to become reality. Copenhagen played a key role in convincing the United States to adopt this role, a story that has yet to be fully told.

Atlanticist thinking runs deep in Denmark. I remember listening to one of my professors during my stint as a university exchange student in Copenhagen explaining how Denmark's close ties with Washington dated back to and were motivated not only by the old Soviet threat of the Cold War but

Denmark's experience with its European neighbours, above all Germany. As a senior Danish diplomat put to me twenty years later when I was in the State Department, Denmark would remain wedded to NATO even after the collapse of the old Russian threat because "it never again wanted to be caught in a dark alley alone with Germany". So I take it almost as an article of faith that most Danes continue to support a close linkage across the Atlantic, that they want a modern and relevant alliance and that they want to see a successful European Union emerge that is willing and able to be transatlantic in orientation and an effective partner of the United States.

My second observation is that there is a far-reaching shift taking place in Western strategic attention and activity that poses some very real challenges for Denmark. Basically, the centre of gravity in Western strategy is shifting out and south – deeper into the Euro-Atlantic community and closer to Russia as well as south into the Greater Middle East. And it is shifting toward regions and issues that are not only further away from home but are less familiar to both elites and the public. Thus, this is not only a challenge of developing an appropriate strategy to address these problems but also one of public diplomacy in terms of engaging the Danish public in understanding why Danish treasure or men and women under arms now find themselves engaged in places few might have imagined only a few years ago.

This shift in the Western strategic agenda, in my view, poses two central questions for Danish policy and policymakers. The first is how durable this new state of security and stability in Northern Europe really is? What, if anything, must be done to sustain it and build upon it? Have we laid a foundation of strategic stability over the last decade that will endure for decades to come? Or is the current stage a product of a unique constellation of factors that could unravel in the future? If we try to imagine a Rip van Winkle experience and were to awake from a deep sleep in thirty or fifty years hence, what state do we think we would find the region in? Will we discover that we have slept through the most peaceful and secure time in the region's recent history? Or that the alliance has collapsed, the EU unraveled and that the building blocks upon which the Baltic Sea security were built turned out to be ephemeral and transitory?

The second central question is how a small but internationally activist country like Denmark should position itself and participate in the new and evolving strategic agenda described earlier in this chapter. The same question is obviously true for Denmark's Nordic and Baltic neighbours in the region. And that question exists at two different levels. One is whether

Copenhagen should join forces to push for a new, ambitious and outward looking agenda for the transatlantic community with all that it implies and entails in Danish policy in both NATO and the European Union. The other is where and how in this vast new agenda Denmark should commit and focus its own energies and resources. Where can a small country like Denmark most effectively make a difference in line with its own values and interests?

To an American outsider, the overall answer to these questions seems pretty straightforward. First, the risk of Denmark being attacked by Al Qaeda currently seem remote, although one cannot entirely discount an attack in Northern Europe given a number of lucrative energy or transport-related targets in the region. Nevertheless, Denmark has a clear interest in an outward-looking and forward-leaning Atlantic Alliance and a pro-Atlanticist European Union. These are precisely the kinds of institutions most likely to be capable of preserving stability and security in Denmark's immediate neighbourhood and be able to tackle the new threats and challenges of our modern era.

Second, what I have termed in this paper the new Eastern agenda involve a set of countries and issues that are of central importance to Danish and Northern European security. Now that the issue of anchoring and integrating the three Baltic states to the West has been largely resolved, the natural next step for Denmark is to become part of the core group of countries in the region and beyond that devise a strategy to address them – e.g., promoting change in Belarus, anchoring Ukraine and, last but certainly not least, the development of a new and updated approach to Russia. If there is a priority for Copenhagen, this must be it. And if there is a potential project for Northern Europe to tackle collectively with the United States through the EU as well as on a regional basis, this issue must be at the top of that agenda as well.

As we head further south, there is also the challenge of developing a new Euro-Atlantic strategy toward the Black Sea region. There are some interesting parallels between what was accomplished around the Baltic and what people are searching for in terms of Western objectives around the Black Sea. Some of the states of the southern Caucasus, first and foremost Georgia, are looking to the Baltic experience as something they would like to emulate in terms of Western integration. And the need to come up with a better framework for regional co-operation that could not isolate Russia but engage it as ameliorate other problems in the region is obvious. Without

wanting to overdraw the parallel, there is room for exploring whether the Baltic Sea region experience can provide ideas and lessons that countries like Denmark and others could help apply.

While Russia may pose a problem that is above Denmark's pay grade, it remains a vital issue for Northern Europe. This is the region that will benefit the most from a Russia moving in the right direction and which could be most exposed if the country moves in the wrong direction. Therefore, Denmark and its Western neighbours must take an active interest and role in the rethinking of a Russia policy that is now getting underway in the West.

Third, while the Greater Middle East is more distant and the challenges much greater, at the end of the day Copenhagen will not be able to escape the likelihood that this generational challenge will dominate the Western agenda for not years but decades – and therefore must be a top priority for a country like Denmark as well. Moreover, Denmark's own interests as well as its tradition of engagement in the region will also point it in the direction of greater involvement as well. So the real question is not whether but where, how and how much Copenhagen will be involved in shaping and then in participating in a new Western strategy addressing these new challenges.

If an outside observer is to be allowed a few final thoughts on Denmark's role, I would suggest the following. Denmark is a small country with an activist tradition but modest resources. It cannot engage everywhere but must set its strategic priorities. A good rule of thumb to consider might be that Denmark needs to be seriously engaged in one significant issue or project as part of the new Eastern agenda as well as one in the Greater Middle East. Denmark's priority will understandably be to address those problems closer to home, which means in the East. But just focusing on that agenda alone would be too little. Copenhagen also needs to factor in that the centre of gravity in the thinking of many of its key allies is shifting to the south and toward the Greater Middle East. The task of prevent key allies from forgetting and neglecting the north may involve ensuring that Denmark is engaged elsewhere as well.

One final point deserves mention. Denmark's ability to have an impact is enhanced when it can speak as part of a coalition of countries. Historically, Northern Europe has been able to have more influence when there was a consensus across the region on a goal – as was the case with the integration of Estonia, Latvia and Lithuanian into the West. Northern Europe's potential collective weight as a regional grouping would be enhanced if all the key

countries were represented at the right tables. Denmark has been joined by the Baltic States as the only Northern countries who are members of both NATO and the EU. The role and collective weight of the region would be enhanced if one could imagine a trend where all the key Nordic countries might move to become full members of both institutions in the years ahead.

LOOKING AHEAD

The relationship between the United States and Europe has clearly arrived at a new crossroads. In spite of the conflicts of the last year, there is a clear and obvious need to put this relationship back together to meet the challenges of a new and potentially dangerous era. If the Atlantic community is going to tackle these challenges, the rift across the Atlantic must be healed. This will require both the US and Europe to step back from the unilateralist impulses that led to Iraq debacle in the first place. The place to start is in Washington. The US is the stronger partner and best positioned to set a new direction and framework that could bring both sides of the Atlantic together.

To do so, Washington must return to a policy of treating Europe as a partner of choice in building alliances and coalitions to meet future strategic challenges. This does not mean giving Europe a veto over US policy. It means recognising Europe as the part of the world with which we have the most in common and whose support amplifies our ability to accomplish our objectives. When the US and Europe do find common strategic ground, there is little they cannot accomplish together.

It also means reaffirming America's traditional support for a strong unified *and* pro-Atlanticist Europe – as a matter of self-interest not as an act of charity. An approach of relying on the United Kingdom and a small handful of pro-American allies for support is hardly a model for the future. Not only does it divide Europe, but also it leaves the US with a limited and at times marginal European contribution. If the US wants Europe to assume real responsibility and to be able to deliver politically, economically and militarily, then it must recognise that only a unified Europe can do so in a truly meaningful way. This means that the US has to settle its differences with France and Germany, the two leading powers on the continent.

Second, if America needs to rethink its approach, Europe does, too. Unilateralism is not a monopoly of *les Américains*. The flip side of the Bush

Administration's unilateralism is the French argument that European unity and integration must be built as a counterweight to American power. Such talk is not only folly but just as dangerous for the future of the US-European relationship. American power is an opportunity, not a problem. It needs to be harnessed and channelled for the right purposes, not countered. If one thing should have become clear amidst of the transatlantic wreckage of Iraq, it is that it is impossible to pursue European integration on an anti-American basis. If European leaders continue to argue that American power is the main problem facing the world and pursue such a strategy to counter it, they too will divide Europe.

This is also the best recipe for strategic estrangement with the United States. No American leader of any political colouring will ever accept the proposition that the basis for a US-European strategic partnership is to contain American power. Americans will be among the strongest promoters of European integration if they believe its purpose is to create a stronger, unified and outward-looking transatlantic Europe willing and able to tackle new strategic challenges together. But we will question European integration if its *raison d'être* is defined in anti-American terms. If the transatlantic relationship is to be reinvigorated, it is not only Washington that needs to abandon its unilateralist temptations.

Europe must get realistic about the utility and effectiveness of current multilateral institutions. If unilateralism and ad hoc coalitions are not the answer to the problems facing us, insisting on using the United Nations when the institution, as currently structured, is not up to the job, can't be either. There is a real gap today between the scope of the problems we face and the capacity of existing international institutions to handle them. Europe's answer to the problem cannot be to force the US to go to institutions that we know are inadequate. Together we must be to find a new and third way, either by building new intuitions or by radically reforming the current ones so that they are better able to do the job.

The fact that the Bush Administration has failed to continue its predecessor's partially successful efforts to reform the UN is a sad development that further weakens this institution. Simply continuing the rhetorical blasts at the UN by some in the Administration are a mistake; our goal – one where Europe and Japan would be eager partners – should be to strengthen the UN by insisting on reforms to make it more effective. Such steps are clearly in the American interest at a time when US responsibilities and

burdens around the globe are increasing and would not, as critics claim, weaken our sovereignty.

Third, in practical terms, we need to reinstate the kind of close informal and formal consultations that traditionally have formed the backbone of transatlantic co-operation for the past half a century under Republican and Democratic Presidents alike. What is most appalling about the US-European relationship today is the lack of any systematic and meaningful strategic dialogue on many of the key strategic issues of our time. One would think that given the number of new strategic issues confronting us, there would be a dramatic expansion in efforts to find common ground. But in reality the scope and intensity of our consultations has gone down.

To be sure, consultations in and of them will not be as a panacea to resolve deeper disagreements on issues as difficult as those sketched out in this chapter. But we should also not forget that the consensus we achieved during the Cold War did not materialise like magic either. It was built from the ground up. When Harry Truman and his European and Canadian counterparts created NATO, they did not have a common view on how to deal with the Soviet threat. They were smart enough to know that they needed one – and to order their top aides into a room to create one. Over the years a web of informal and formal consultations emerged designed to narrow divergent viewpoints and to integrate them into the common strategy that won the Cold War. A similar system to face the toughest challenges of the 21st century must now be created.

At the 50th anniversary of the creating of NATO in the spring of 1999, the leaders of the Atlantic Alliance committed themselves to making the institutions of the Euro-Atlantic community as good at dealing with the problems of the next fifty years as the last half a century. Looking back over the last few years, one can only conclude that our leaders in the US and Europe today have thus far failed that test. 11 September 2001 has served as a warning that we are headed into a potentially dangerous century – for both the US and Europe. But the two sides of the Atlantic are perhaps more divided today than at any time in the last half a century.

The desirability of the US and Europe again coalescing to meet the challenges of this new era is clear. If major instability erupts in either the region lying between Europe and Russia or in the Greater Middle East, both the US and Europe are likely to be drawn in to deal with it. Our ability to do so successfully will be much greater if we have found a way to rebuild the Alliance so that we have a common framework and strategy. There is

little doubt that leaders of the calibre of a Harry Truman and his European counterparts were around today they would be committed to rebuild the alliance and adapting it to meet the challenges of a new era.

Whether President Bush, Jacques Chirac and Gerhard Schröder are up to this task remains to be seen. Regime change on one or both sides of the Atlantic may first have to take place before the Alliance can successfully be rebuilt. One thing is nevertheless clear: if our leaders today fail to do so, both the US and Europe will be worse off. Strategic co-operation between the US and Europe is one reason why the second half of the 20th century was so much better than the first half. And no one can doubt that if the US and Europe – as the two greatest democracies in the world – could agree on a common strategy for the challenges of our new era, we will all be much better off.

REFEREFENCES

- Asmus, Ronald D. (2002), *Opening NATO's Door: How the Alliance Remade Itself for a New Era*, New York: Columbia University Press.
- Kagan, Robert (2002), "Power and Weakness", *Policy Review*, no. 113, June/July.
- Kagan, Robert (2003), *Of Paradise and Power: America and Europe in the New World Order*, New York: Knopf Publishing.
- Tuchmann, Barbara W. (1962), *The Guns of August*, New York: Macmillan.

Denmark and the War against Iraq: Losing Sight of Internationalism?

*Tonny Brems Knudsen*¹

In the 1990s the watchword for the Danish foreign policy was 'active internationalism', an ambitious doctrine that demanded a high level of international engagement and participation on the one hand, and, on the other, a will to commit actively to the internationalist goals and principles of the United Nations (UN) and the vision of international society that was born with it in the ruins of the Second World War.²

In the light of the Danish decision to join the United States of America (US) in March 2003 in the war against Iraq³ with the declared goal of disarming the country, there are reasons to question whether Danish foreign policy has remained loyal not just to the ambition of being 'active', but also to the traditional principles of this activism, namely the internationalist principles that successive Danish governments have made their own since the end of the Cold War and which include the following when it comes to the use of military force: 1) the use of force must be regulated by the rules of international law; 2) the use of force must be reserved for the defence of the common good, meaning international peace and security and the minimum standards of humanity; 3) the use of force must be based on the collective machinery of the UN system.⁴

¹ Tonny Brems Knudsen, Ph.D., is an Associate Professor of International Relations, Department of Political Science, University of Aarhus. The author is grateful to Lone Winther and Anne-Grethe Gammelgaard for linguistic assistance. Thanks also go to Ib Damgaard Petersen and the editors of the *Yearbook*.

² Holm, 1997.

³ The initial Danish military contribution included a submarine, a corvette, headquarters staff and a medical team. See Møller, 2003a: 1. Following the official termination of hostilities, Denmark also contributed with troops for the international security force.

⁴ These principles are basic in international law as well as in the internationalist conception of international society. See Lauterpacht, 1946; 1950; Bull, 1966; Holm, 1997; Knudsen, 1999a.

Accordingly, this analysis of the war against Iraq and the Danish participation in it will be structured around the following questions. First, how was the war justified by Denmark and the other members of the coalition, and to what extent were these justifications consistent with the UN Charter, international law more generally and the resolutions and procedures of the UN? Secondly, what are the implications of the war against Iraq for the restriction and regulation of the resort to force in international society and for international order and co-operation? In particular, does the war against Iraq set a precedent for pre-emptive war against rogue states, unilateral enforcement of the resolutions of the UN Security Council or possibly humanitarian intervention without UN Security Council authorisation to bring an end to torture and tyranny? Thirdly, what are the implications of the war against Iraq for Danish foreign policy and especially for the doctrine of active internationalism? This will include a brief discussion of the way forward for Denmark in the context of the war against terror.

The article begins with the main justifications for the war, and then turns to its possible precedents and its consequences for international society and for Denmark.

SHOWDOWN IN THE SECURITY COUNCIL: IRAQ AS A THREAT TO THE PEACE

In the light of the internationalist and humanitarian agenda of the 1990s, it can be argued that the change towards a more unilateral and security-dominated agenda was signalled already by the US intervention in Afghanistan following 11 September 2001. However, in spite of the fact that the UN Security Council did not authorise the use of force against Taliban-Afghanistan, the intervention was, arguably, consistent with the UN Charter since the unanimous Council found that the right to self-defence could be invoked following the attack on New York and Washington – which was to all indications planned and sponsored by the al-Qaeda headquarter in Afghanistan – and since the Council decided to leave it to the US to choose between the collective UN-based track provided for in articles 39 and 42 of the UN Charter (the defence of international peace and security) and the unilateral track provided for in article 51 (the right to self-defence).⁵

⁵ See UN Security Council, 2001. For a discussion see Knudsen, 2002.

The US-led war against Iraq was launched on 19 March 2003 under entirely different circumstances, in so far as the US (supported by the UK and Spain) had attempted in vain to persuade the UN Security Council to authorise an attack on the country with reference to the need to bring an end to the alleged threat from its weapons of mass destruction.⁶ The setting for this crisis in the UN Security Council was the renewed pressure which the US put on Iraq from the beginning of 2002, under the impact of the terrorist attacks on 11 September 2001, and the immediate military success in the war against Afghanistan in the autumn.

The claim in 2002 that Iraq was a threat to international peace and security was not self-evident – given Iraq's unsuccessful war against Iran in 1980-88, the defeat at the hands of the US-led coalition in the war over Kuwait in early 1991, and the loss in April 1991 of military and political control over Northern Iraq following the humanitarian intervention in relief of the Kurds, which led to establishment of a Security Zone in that part of the country.⁷ Moreover, throughout the 1990s Iraq had been contained by international sanctions and weapons restrictions – although it was unclear how far Baghdad had complied given the fact that the UN weapons inspections were aborted in late 1998 following ongoing Iraqi harassment.

Consequently, it was a weakened, but defiant, Iraq which US President George W. Bush designated as a member of the 'Axis of Evil', together with Iran and North Korea, in his 'State of the Union' speech of 29 January 2002. The argument for that claim was precisely Iraq's alleged possession of weapons of mass destruction, and a general fear that members of the 'Axis of Evil' would attack the US in co-operation with terrorist movements.⁸

⁶ The US case against Iraq as a direct threat to the peace was put forward by US Secretary of State Colin Powell in his speech to the Security Council on 5 February 2003 (UN Security Council, 2003b: 2-17), where he presented what the US saw as evidence of Iraqi weapons of mass destruction and terrorist connections. However, this did not convince the Council that Iraq constituted a threat to the peace that could only be addressed by military means, as is evident from the ensuing debates in the Council, and this impression was confirmed by the briefings from the weapon inspectors Hans Blix and Mohamed Elbaradei (see UN Security Council, 2003c; UN Security Council, 2003d). Accordingly, the Spanish-British-American draft resolution (UN Security Council, 2003d), which indirectly authorised an attack on Iraq, was turned down in the UN corridors by a large majority of the members of the Council, as is evident from the discussions on 7 March 2003 (UN Security Council, 2003d).

⁷ The Security Zone, which meant that Iraqi Kurdistan was *de facto* autonomous, was still in force when the attack on Iraq was launched.

⁸ Bush, 2002a: 2-3.

This line of reasoning was also put forward by the Bush Administration in September 2003 when it introduced its new national security strategy, according to which Washington reserved to itself the right to launch preventive attacks on states which might take hostile steps towards the US:

Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first. (...) To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.⁹

Following suggestions that the US was considering a unilateral attack on Iraq in order to disarm the country, the Bush Administration changed its mind about acting unilaterally, and presented its case against Iraq in the UN General Assembly on 12 September 2002. However, President Bush's address looked more like an ultimatum to the UN than an invitation to negotiation and diplomacy, the message being that earlier resolutions of the Security Council would now be enforced with or without the UN which could either take action against Iraq or become irrelevant.¹⁰ In reality, this was an open threat that the UN would be bypassed, if it did not present Iraq with an ultimatum.

This led to the adoption of resolution 1441 in the UN Security Council, on 8 November 2002. The resolution represented a compromise between the two opposed sides in the Security Council concerning the Iraq question. On one side stood the US, supported by the slightly more moderate UK, who demanded that the Security Council should authorise a resort to military force right away, hence paving the way for military action without further authorisation from the Council in response to any Iraqi non-compliance with the immediate and unconditional disarmament demanded in the proposed resolution.¹¹ On the other side stood France, Russia, China and the majority of non-permanent members of the Security Council, who argued that a resort to force would depend on Iraqi non-compliance and the existence of a threat to international peace and security. The majority of the

⁹ The White House, 2002: 15.

¹⁰ Bush, 2002b: 8-9.

¹¹ See UN Security Council, 2002a: resumption 3: 12.

Council thus rejected that an alleged or proven violation of resolution 1441 would automatically lead to a resort to force. This would depend on the character of the eventual Iraqi non-compliance and on the overall situation. Consequently, the Security Council would have to reassemble to consider and possibly authorise the use of force: the so-called two-stage approach.¹² This procedure was agreed to by the US and Britain at the meeting on 8 November 2002 as part of the compromise between the two sides. At the same time, a number of countries insisted that Iraq should be given a final, but real opportunity to straighten out any reasonable accusation and thus avoid war. It was also emphasised that the resort to force should be the last option, and that it was up to the Security Council to decide which measures should be taken and when.¹³

In accordance with the discussions in the Security Council, the compromise on Iraq as laid down in UN Security Council resolution 1441 involved three main points: First, a resumption and enhancement of the UN weapons inspections with reference to the range of resolutions adopted by the Security Council during the 1990s beginning with resolution 687 of 3 April 1991. Secondly, a demand that Iraq should co-operate ‘immediately, unconditionally and actively’ with the weapons inspectors (article 9). Thirdly, a threat that Iraq would face ‘serious consequences’ if it continued to violate its obligations (article 13). As stressed in article 2, this was Iraq’s final chance for a peaceful disarmament, but in accordance with the views of the majority of the Council, resolution 1441 contained no authorisation for the use of force. Thus, the resolution came close to the French-Russian-Chinese wish of a two-stage procedure under UN control in which a resort

¹² See UN Security Council, 2002a: resumption 3: 5-28, and UN Security Council, 2002b: 1-13. Of the fifteen members of the Security Council France, Russia, China, Mexico, Ireland, Cameroon, Columbia and Syria strongly advocated the two-stage approach and a continued UN control over the process, and Bulgaria, Norway, Singapore, Guinea and Mauritius supported a continued UN control over the process as well. The balance in the Council remained roughly the same after the rotation of five members at the turn of the year.

¹³ This position was also put forward by an overwhelming majority of the countries which spoke on the Security Council’s open meeting on 16 and 17 October 2002, where France and other countries as well as Secretary-General Kofi Annan (by a written declaration) advocated renewed weapon inspections in Iraq combined with a two-stage approach, according to which the Security Council should list its demands to Iraq as a final chance to comply and, in case of continuing non-compliance with these demands, then reassemble to consider an appropriate response. See UN Security Council, 2002a: including resumptions 1, 2 and 3: 3-4 (Annan) and resumption 3: 10-13 (the US and France).

to force would be the last resort. On the other hand, the scene was laid for a UN authorised attack on Iraq in case of a finding of Iraqi weapons of mass destruction, unless Saddam Hussein in that situation should choose to prostrate himself before the international community. Notwithstanding the opinion of some observers, it was, in other words, a rather clear compromise which at the adoption was welcomed by the UN Secretary General and a unanimous Security Council, with the 15 affirmative votes.¹⁴

However, at the beginning of March 2003 the UN weapons inspectors led by Hans Blix and Mohamed Elbaradei had still not found any weapons of mass destruction or programmes for their development. During the months up to the war, the inspectors investigated numerous sites under suspicion, and were able to close more and more of the holes in international knowledge about what had become of former Iraqi stocks of weapons of mass destruction. In that connection, the inspectors called attention to a few Iraqi violations of UN restrictions, among them the Al Samoud II missiles which exceeded the allowed range by some kilometres. Initially, the Iraqi authorities disputed the tests, but then they began to destroy the missiles, a process that was going on when the war broke out.¹⁵ The general message from the leaders of the weapons inspections in the months leading up to the outbreak of the war was that Iraq was co-operating rather well in regard to the process (i.e. making the inspections possible), whereas co-operation on the substance (i.e. the will or ability to prove for instance that earlier stores of chemical weapons had in fact been destroyed) was not good enough.¹⁶ Certainty regarding Iraqi compliance therefore required continued inspections, something that was recommended by the inspectors as well as Kofi Annan.¹⁷ However, to judge from the reports and briefings of the UN

¹⁴ UN Security Council, 2002c: 1-13. Iraq, which at the request of Kofi Annan had accepted the idea of renewed inspections already in September 2002, consented.

¹⁵ UN Security Council, 2003a; UN Security Council, 2003e.

¹⁶ This was the message from Hans Blix in his first briefing of the Security Council on 27 January 2003 after 60 days of inspections (UN Security Council, 2003a: 2-4). At the same meeting, Mohamed Elbaradei of the International Atomic Energy Agency confirmed that the agency had found no evidence that Iraq had revived the programme for developing atomic weapons which had been eliminated in the 1990s (UN Security Council, 2003a: 12). At the meetings in the Security Council on 14 February (UN Security Council, 2003c) and 7 March 2003 (UN Security Council, 2003e), Blix and Elbaradei reported that there had been further Iraqi progress regarding process and to some degree also regarding substance. This was particularly evident on 7 March 2003 (UN Security Council, 2003e: 3-5, 8).

¹⁷ UN Security Council, 2003e: 6, 9; Annan, 2003b: 1-2.

weapons inspectors in January, February and March 2003,¹⁸ the likelihood that Iraq actually possessed or produced weapons of mass destruction, and especially nuclear weapons, seemed smaller and smaller.

On that basis, in March 2003 a large majority in the UN Security Council did not find that there was a reasonable basis for a resort to force rather than continued weapons inspections. In contrast, the US expressed its frustration with the outcome of the process (no full Iraqi compliance, but no weapons found), and Washington announced that disarmament was not the only demand. Saddam Hussein's regime had to go as well.¹⁹ Then France made it clear that under these circumstances it would veto the draft resolution, which had been put forward by the US, the UK and Spain, and which contained an indirect authorisation of the resort to force against Iraq – something that France called a 'pretext for war'.²⁰ At the meetings in the UN Security Council on 7 March 2003, only four of the members – namely the US, the UK, Spain and (with reservations) Bulgaria – stated or indicated that they would be able to support the draft resolution and a war against Iraq, whereas 11 members – namely France, Russia, China, Germany, Mexico, Chile, Syria, Pakistan, Angola, Cameroon and Guinea – repudiated such steps under existing circumstances.²¹ At the last moment, the UK suggested that the inspectors should be given more time, but US Secretary of Defence Donald Rumsfeld answered that the US was perfectly able to undertake a war on its own. After this, the US left the UN track and went for war, whereupon Kofi Annan was forced to pull the weapons inspectors out of Iraq. To the chagrin of Kofi Annan and Hans Blix and to the regret of the majority of the Security Council and the General Assembly, the UN had been sidetracked.²²

In terms of international law and international legitimacy, the question is whether the resort to force against Iraq on 19 March 2003 can be justified on the basis of the already existing resolutions, especially resolution 1441 of 8 November 2002 or possibly earlier resolutions regarding the occupation

¹⁸ UN Security Council, 2003a: 12; UN Security Council, 2003c: 2-6, 9; UN Security Council, 2003e: 3-5, 8-9.

¹⁹ See UN Security Council, 2003b,c; Glennon, 2003: 18.

²⁰ For the Spanish-British-American draft resolution, see UN Security Council, 2003d. For the overwhelming resistance to immediate military action in the Security Council on 7 March 2003 see UN Security Council, 2003e: 9-34. For the French veto threat see UN Security Council, 2003e: 19.

²¹ UN Security Council, 2003e: 9-34.

²² UN Security Council, 2003f: 2-3, 4-23; Annan, 2003d: 1.

and liberation of Kuwait in 1990-91 – even though none of these resolutions contain an explicit authorisation for an attack on Iraq with the aim of disarming the country. In addition, it must be asked whether the war against Iraq, and the Danish support of it, might be defended on other grounds: the need to enforce the resolutions and the will of the UN Security Council; the need to take action against possible threats to international peace and security (preventive use of force); and the need to uphold what might be called the minimum standards of humanity (humanitarian intervention). These are the main legal and political grounds on which Denmark and the other members of the coalition have defended the war against Iraq.

RESOLUTION 1441 AS THE BASIS OF THE WAR

The point of departure for an evaluation of the legality and legitimacy of the US-led attack on Iraq must be the UN Charter's general prohibition of all use of force and threats thereof, as established in article 2.4.

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations.

This principle, which is fundamental to international law, is highly important to the maintenance of international order, as it denies any legality to a resort to force for private purposes, unless these are consistent with the purposes of the UN. However, as a reflection of these common purposes there are three exceptions from the general prohibition of the use of force. First, the UN Security Council can authorise the use of military force to maintain or to restore international peace and security as provided for in articles 39 and 42 in the UN Charter. Secondly, there is the inherent right of individual or collective self-defence against an armed attack until the UN Security Council takes the necessary steps to restore international peace and security as stipulated in article 51 in the Charter. Thirdly, the Security Council might authorise the use of military force for the purpose of bringing an end to ongoing crimes against humanity, massive human suffering, or genocide according to an extended interpretation of articles 39 and 42 in chapter VII of the UN Charter – as evidenced in a number of UN Security

Council resolutions passed since the early 1990s and the humanitarian interventions that were subsequently based on these resolutions, for instance, in the cases of Somalia 1992-93, Bosnia 1992-95 and Rwanda 1994.²³

The legal argument for the war against Iraq has mainly been based on the first of these exceptions, namely UN Security Council authorisation of the use of force to maintain or restore international peace and security. Thus, at the outset of the war the US, Britain and Spain argued that the Security Council had in fact authorised the use of force as a combined effect of resolution 1441 and earlier resolutions concerning the liberation of Kuwait.²⁴ This argument was also put forward by Denmark, for instance by the Ministry of Foreign Affairs in a note of 16 March 2003 entitled “the legal basis for resort to military measures against Iraq”.²⁵

However, beginning with UN Security Council resolution 1441 of 8 November 2002, which was the key resolution concerning Iraq before the war, it is clear that this resolution did not ‘authorise the use of all necessary means’ against Iraq (i.e. the standard formulation when the Security Council provides for the use of force, as for instance in resolution 678 prior to the liberation of Kuwait in 1991 and in resolution 794 prior to the humanitarian intervention in Somalia in 1992). Instead, the resolution demanded ‘immediate, unconditional and active’ co-operation with the UN weapons inspectors as explained above. It also contained the threat of ‘serious consequences’ in the case of continued Iraqi non-compliance. But, in accordance with the wish of the majority in the Council, this was as far as it went: the consequence of an automatic or a unilateral resort to force was excluded on the basis of resolution 1441.

As for the Iraqi compliance, Hans Blix stated on 7 March 2003 – 12 days before the war broke out – that on the whole Iraq had co-operated unconditionally, actively (in full with respect to process, in part with respect to substance) and increasingly although not immediately:

²³ Knudsen, 1999(a); DUPI, 1999; Wheeler, 2000. A number of additional examples support, directly or indirectly, the establishment of a right of humanitarian intervention under the auspices of the UN and possibly beyond, among them Liberia 1990-1997, northern Iraq 1991, Haiti 1994, Zaire 1996 (authorised but not carried out), Sierra Leone 1997, Kosovo 1999 and Liberia, Sierra Leone, Congo, the Ivory Coast and Haiti beyond the year 2000 (some of these are second, or even third rounds).

²⁴ Goldsmith, 2003: 1-4; UN Security Council, 2002c: 3; UN Security Council, 2003f: 15-16.

²⁵ Danish Ministry of Foreign Affairs, 2003b – author’s translation.

One can hardly avoid the impression that, after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January (...)The Iraqi side has tried on occasion to attach conditions, as it did regarding helicopters and U-2 planes. Iraq has not, however, so far persisted in attaching these or other conditions for the exercise of any of our inspection rights.²⁶

This was by no means a negative evaluation, given that it concerned a so-called rogue state whose ability to account for the alleged destruction of all parts of its earlier stocks of weapons of mass destruction may very well have been constrained by the turbulence following the defeat in the war over Kuwait and by incomplete recordings of steps taken through the 1990s.

However, what matters is that it was up to the UN Security Council to decide what less than 100 per cent Iraqi compliance with resolution 1441 would mean, and at what point a possible resort to force should take place. As is evident from the account above, the majority of the Security Council was in favour of the so-called two-stage approach laid down in resolution 1441 because it wanted to make sure that the use of force would be the last option and only in response to a real threat to international peace and security. Although Washington kept the door open for a possible resort to other justifications for the anticipated use of force against Iraq,²⁷ the US actually accepted the two-stage approach with the passing of resolution 1441 on 8 November 2002 – as is evident from the statement by its UN ambassador, John Negroponte:

(...) this resolution contains no 'hidden triggers' and no 'automaticity' with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12.²⁸

²⁶ UN Security Council, 2003e: 5.

²⁷ Self-defence and unilateral enforcement of UN Security Council resolutions (see UN Security Council, 2002c: 3). Apparently, the US did not want to commit itself to a process in which it would either be forced to follow the UN track to the end even if this meant non-intervention or to admit that it was going to war in breach of international law. As it was, Washington had secured itself a fall-back option, at least rhetorically.

²⁸ UN Security Council, 2002c: 3.

The members of the UN Security Council thus agreed that a war against Iraq based on resolution 1441 presupposed the finding of a so-called “smoking” or “loaded” gun; either a direct Iraqi connection to the terror attack on New York and Washington on 11 September 2001, or weapons of mass destruction constituting a threat to international peace and security. If the gun was found in either form, and if Iraq was unwilling to disarm, it would be clear in terms of resolution 1441 that the UN Security Council should proceed to military intervention, either on the basis of a new resolution or by means of a unanimous public declaration (to be put forward by the presidency of the Council) stating that a resort to force was the last remaining option.

However, the Security Council never stated that the time was ripe for a resort to force; the so-called smoking or loaded gun was never found; and one year after there is still no indication that Iraq constituted a real threat to international peace and security which could only be averted by military means. Consequently, the war cannot be justified on the basis of resolution 1441, either directly or indirectly. In response to this conclusion, it might be argued that the Security Council *should* have sanctioned an attack on Iraq in March 2003, since the weapons inspectors were unable to acquit Iraq at the time. However, this viewpoint is hard to defend. Backed by the highly credible US threat of force, the UN’s own instrument for the verification of the disarmament of Iraq, namely the weapons inspections, had obtained a number of results by March 2003, and according to the inspectors, a final conclusion regarding the disarmament of Iraq was within reach:

How much more time would it take to resolve the key remaining disarmament tasks? (...) Even with a proactive Iraqi attitude induced by continued outside pressure, it would still take some time to verify sites and items, analyse documents, interview relevant persons and draw conclusions. It would not take years, nor weeks, but months.²⁹

With our verification system now in place, barring exceptional circumstances and provided there is sustained, proactive co-operation by Iraq, we should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons programme.³⁰

²⁹ Hans Blix to the Security Council, in UN Security Council, 2003e: 6.

³⁰ Mohamed Elbaradei to the Security Council, in UN Security Council, 2003a: 12.

After three months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear-weapon programme in Iraq.³¹

It was thus very clear before the war – to the members of the Security Council and to the members of the coalition – that military means were not the only option if the goal was to maintain international peace and security. Since the Security Council has an obligation to exhaust all non-military measures before bringing the military in (see the system in articles 39-42), an authorisation for the resort to force would have been wrong in March 2003. Furthermore, the Security Council has been granted the power to resort to force exclusively in order to repel international aggression, or breaches of the peace and threats to peace. The assumption has always been that at a minimum such a threat should be substantial and direct; otherwise war could be justified in far too many and far too hypothetical situations.³² As long as no weapons of mass destruction had been found, and as long as there were no indications that Iraq had hostile intentions towards other countries, the UN Security Council could hardly come to the conclusion that military force was required.

Moreover, the recommendations of Blix, Elbaradei and Kofi Annan that the inspections should continue should be judged in the light of the ongoing intensification of the means of these inspections³³ and of the fact that according to the schedule, the weapons inspectors had until 27 March 2003 to present a programme for the conclusion of remaining quarrels with Iraq. Such a programme was circulated to the Security Council by Hans Blix on 17 March 2003 and presented in the Council on 19 March just before the outbreak of the war.³⁴ Thus, considering the absence of a direct and substantial threat to the peace, the results of the inspections, and the fact that these were on schedule, it is very difficult not to reach the conclusion that the derailment of the UN weapon inspection in Iraq in March 2003 in favour of a resort to war was unwarranted and contrary to the Charter and to international law.

³¹ Mohamed Elbaradei to the Security Council, UN Security Council, 2003e: 8.

³² Goodrich, Hambro & Simons, 1969: 295-302. This point was also made by several members of the Security Council, among them Mexico (UN Security Council, 2002c: 6), Pakistan (UN Security Council, 2003e: 33) and Russia (UN Security Council, 2003f: 8).

³³ UN Security Council, 2003e: 3.

³⁴ UN Security Council, 2003f: 2-3. For the prospects of continued inspections see also UN Security Council, 2003e: 3, 7 (remarks by Blix and Elbaradei).

As a body, the UN Security Council lived up to its responsibilities under the Charter and international law by advocating the continuation of the weapons inspections, and today it is even more clear than in March 2003 that the UN had, in fact, been highly successful in securing the peace by means of inspections and pressure up through the 1990s. The war against Iraq not only lacked a mandate from the UN Security Council, it broke the very process initiated by the UN Security Council to achieve certainty as to whether or not Iraq constituted a threat to international peace and security. This places a heavy burden on the shoulders of Denmark and the rest of the coalition, at least when it comes to the justification of the war in the terms of the UN Charter and international law.

FROM KUWAIT TO BAGDAD: OLD RESOLUTIONS AS THE BASIS OF THE WAR

Like the other members of the coalition, Denmark had to admit that there was no mandate for the attack on Iraq in resolution 1441 in itself. Instead, it was argued that a combination of resolution 1441 and earlier resolutions concerning the Iraqi occupation of Kuwait in 1990 constituted the necessary authorisation.³⁵ This is a dubious claim. Resolution 678 of 29 November 1990, which authorised the use of all necessary means, refers to resolution 660 of 2 August 1990, which was an immediate reaction to the illegal Iraqi occupation of Kuwait, decided the following:

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait, Acting under Articles 39 and 40 of the Charter of the United Nations, [the Council] 1. Condemns the Iraqi invasion of Kuwait; 2 Demands that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990.

Thus, it was the restoration of the independence of Kuwait 'with all necessary means' which the Security Council after several months of fruitless

³⁵ Danish Ministry of Foreign Affairs, 2003b; Goldsmith, 2003; UN Security Council, 2002c: 3; UN Security Council, 2003f: 19.

diplomacy and pressure finally authorised in resolution 678 of 29 November 1990 with a direct reference to resolution 660 cf. § 1:

Acting under Chapter VII of the Charter, 1. Demands that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides (...) to allow Iraq one final opportunity, as a pause of goodwill, to do so; 2. Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements (...) the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent resolutions and to restore international peace and security in the area.

By 'all subsequent relevant resolutions' the Security Council referred to the ten resolutions concerning the Iraqi occupation of Kuwait which the Council adopted during the period between resolution 660 of 2 August 1990 and resolution 678 of 29 November 1990. Thus, the authorisation of the use of force was valid for former but not future resolutions.

However, Danish and British quarters have pointed out that resolution 678 not only speaks of the liberation of Kuwait, but also of 'the restoration of international peace and security in the area'.³⁶ Technically, this passage may very well refer simply to the authority of the UN Security Council to take the necessary steps to counter threats against the peace, breaches of the peace and acts of aggression (see articles 39-42 of the UN Charter). In any case, resolution 678 was not a blank cheque for an ongoing or recurrent resort to force against Iraq for other purposes than bringing an end to the invasion of Kuwait and the threat against that country,³⁷ or, alternatively other countries affected by the invasion such as Saudi Arabia. A mandate as broad and open-ended as argued by the Danish and British Governments does not seem to have been the intention of the Council in the early 1990s, and this would also have placed Iraq in a permanent state of war and

³⁶ Danish Ministry of Foreign Affairs, 2003b; Goldsmith, 2003; Greenwood, 2002; Roberts, 2003. At the Danish hearing on Iraq on Christiansborg 24 March 2004, the British international lawyer Christopher Greenwood, who has acted as an advisor to the British government, based his entire case for the legality of the attack on Iraq on this sentence in UN Security Council, 1990b. See Danish Hearing on Iraq, 2004.

³⁷ At the Danish hearing on Iraq this line of argument was also put forward by Jens Elo Rytter of the University of Copenhagen.

international-law limbo, something that would have been utterly against the letter and spirit of the UN Charter.

The crucial question is thus whether the threat against Kuwait had actually been repelled, and whether international peace and security had actually been restored by March 2003. It is beyond reasonable doubt that this was the case, given the fact that Kuwait was liberated already in 1991 and given the fact that Iraq suffered a definitive defeat in that war. Moreover, even if the doubtful argument about the continuing relevance of resolution 678 of 29 November 2003 is accepted, there were, as argued above, no indications in March 2003 that Iraq posed a direct or immediate threat to international peace and security which could only be met by military force.

To sum up, resolution 678, which is the only one ever to have authorised a resort to force against Iraq, was about the liberation of Kuwait – cf. resolution 660 and actions required for that purpose such as securing neighbouring countries like Saudi Arabia and the borders of Kuwait after liberation. The Iraqi troops were driven out of Kuwait in February 1991 and subsequent resolutions, including resolution 687 of 3 April 1991, confirmed the sovereignty of both Kuwait and Iraq. The US even went so far as to emphasise that no mandate had been given to dethrone Saddam Hussein, or for that matter to engage in further actions in Iraq to stop the atrocities committed against the Kurds following the war.³⁸ Thus, the argument that the authorisation to use force contained in resolution 678 of November 1990 could be invoked for the purpose of securing the disarmament of Iraq in March 2003 in the context of resolution 1441 – which did not authorise the use of force – cannot be supported, either by reference to the text of these resolutions, or by reference to the relevant legal principles and the political circumstances of the early 1990s and early 2003 respectively.

At this point, it should be noted that members of the coalition have tried to justify the attack on Iraq with reference to that country's violations of the cease-fire terms following the war over Kuwait in 1991, the point being either that the peace was never restored or that the basis of it was nullified by Iraqi defiance.³⁹ These terms included that Iraq should dismantle its

³⁸ Freedman & Boren, 1992: 44-55; Stromseth, 1993: 78-79, 83-84. Fortunately, the US changed its mind under the impact of the growing humanitarian catastrophe in Iraqi Kurdistan in April 1991 and the growing international, and especially European pressure to intervene in defence of the Kurds. This led to the humanitarian intervention in Iraqi Kurdistan in 1991 (Knudsen 1998: 440-457; 1999: 170-190).

³⁹ Goldstone, 2003; Danish Ministry of Foreign Affairs, 2003b; UN Security Council, 2003f: 15-16.

weapons of mass destruction and allow the UN to make sure that this had actually happened by means of weapons inspections.⁴⁰ Notwithstanding the still missing weapons of mass destruction, Saddam Hussein's Iraq can hardly be said to have complied fully with the terms of the 1991 cease-fire, if only because Iraq had been unwilling or unable to prove that it was no longer in possession of forbidden weapons. However, only one body can lawfully decide upon the consequences of possible violations of UN Security Council resolution 687, and that is the body which authorised the liberation of Kuwait and stated the terms of the cease-fire in resolution 687, namely the UN Security Council. More precisely, it is highly doubtful that a coalition of states (and a limited coalition at that) which engages in warfare on behalf of the UN in defence of international peace and security and which concludes peace on the same basis, can subsequently take a decision on whether a cease-fire violation should be sanctioned by a resort to military force outside the control of the UN.

In that connection, there is not much point in referring to the Hague Convention of 1907 which contains an option for the resumption of hostilities in case of a cease-fire violation provided that such a violation makes military measures a matter of urgency.⁴¹ Urgency cannot be claimed in connection with the war against Iraq; and the Convention has in any case hardly survived the consolidation of the prohibition of *all* resort to force in article 2.4 of the UN Charter and the system for the collective defence of international peace and security laid down in chapter VII.

Moreover, under current international law, a resort to force in response to a cease-fire violation would have to be based on a credible assumption that Iraq posed a direct and immediate threat to international peace and security which could not be averted by non-military means. It should also be noted that although resolution 687 did refer to resolution 678, the former resolution did not provide a group of Member States with a mandate to disarm Iraq with all necessary means. On the contrary, in April 1991 the stage was set for a future maintenance of international peace and security by diplomatic measures and respecting the sovereignty of Iraq. For these reasons, the disarmament of Iraq with military measures required a

⁴⁰ See UN Security Council, 1991.

⁴¹ Adam Roberts points to the Hague Convention of 1907 in support of his argument that the war against Iraq might be defended by means of a link between the violation of the cease-fire terms in resolution 687 and the authorisation of the resort to force in resolution 678. See Roberts, 2003: 42.

new mandate, as also stated by the majority of the members of the Security Council.

THE WAR AS AN ENFORCEMENT OF UN RESOLUTIONS

That UN Secretary-General Kofi Annan shared the opinion that a resort to force against Iraq would require a new mandate from the UN Security Council is evident from the following statement of 10 March 2003:

If the US and others were to go outside the Council and take military action, it would not be in conformity with the Charter.⁴²

The Danish allegation that certain countries (hinting at France) as a consequence of their position in the Security Council in March 2003 should have vetoed a resort to force retrospectively is thus ill founded.⁴³ So is the allegation that the debates in the Security Council were not about whether or not to authorise the use of force against Iraq, because this was what the US and Britain were after in October and early November 2002 as well as in February and March 2003.

It is correct, as is stated by the Danish Foreign Minister Per Stig Møller, that the draft resolution launched by the US, Britain and Spain on the eve of the war in order to achieve an indirect approval of the resort to force was never presented in the Security Council, in spite of repeated American threats and promises to the contrary.⁴⁴ It is not correct, however, that we will never know how the draft would have been received had it been presented. As is evident from the earlier account of the meetings in the

⁴² Annan, 2003c: 1. Commenting on a statement of 14 January 2003 by the British Foreign Minister, Jack Straw, that Britain reserved to itself the right to initiate an attack on Iraq without renewed Security Council authorisation, Annan said the following (2003a: 11): '(...) obviously, it may be his Government's policy that he is stating. But I think the Council discussions and the Council resolutions, which guide me, make it quite clear that they will have to go to the Council for further discussions, and for the Council – which has threatened serious consequences – I hope, to also determine what those consequences would be'.

⁴³ Danish Ministry of Foreign Affairs, 2003b.

⁴⁴ Møller, 2003b. For the draft resolution, officially of 7 March, see UN Security Council, 2003d. For the US threat/promise to present it to the Council in spite of widespread resistance, see UN Security Council, 2003e: 17.

Council on 7 March 2003 and before, the draft could only gather four votes out of a possible 15, namely those of the three sponsors and Bulgaria.⁴⁵ Consequently, the possibility of obtaining a qualified majority of nine votes was entirely out of reach. Such a result would have forced one or more of the critical great powers to resort to the unpopular veto in order to stop the resolution, with a possible loss of prestige. Even a simple majority in the Security Council and the consequent moral victory were unattainable since the sponsors had at no point achieved more than the four votes mentioned above.⁴⁶ This was the reason why the draft resolution was never put to a formal vote. The US did not want a further demonstration of the overwhelming opposition to an attack on Iraq under the circumstances of March 2003. Incidentally, this showed that even under heavy pressure from several quarters, the neutral third world countries in the Security Council were capable of living up to the responsibility that comes with a seat in the Council, and which presupposes that the resort to force must be the last option, and that only against a direct and evident threat to the peace. In the context of the ongoing war against terror and the continuing American commitment to the outlawed doctrine of preventive warfare, this is the kind of challenge that Denmark might have to face up to as well, if granted the seat in the UN Security Council that the Government is currently aiming for.

For the record, it should be noted that the fact that the American-British-Spanish draft resolution of 7 March 2003 did not include an explicit authorisation of an attack on Iraq does not imply that such an authorisation already existed in earlier mandates, as implied by the Danish Minister of Foreign Affairs. It reflected the fact that a direct authorisation of an attack on Iraq was completely beyond reach at the time. Therefore, the sponsors went for an indirect acceptance of the coming attack. The formulation was that the Security Council “decides that Iraq will have failed to take the final opportunity afforded by resolution 1441 unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament

⁴⁵ It is, perhaps, a sign of the strength of the UN system that this massive defeat in the corridors of the Security Council equalled the historic defeat of the Russian attempt to persuade the Council to condemn NATO's humanitarian intervention in Kosovo on 26 March 1999. Arguably (see below), by rejecting the proposed resolutions on both of these occasions the Council remained loyal to the basic principles and values of the UN Charter, and to the recommendations of the Secretary-General.

⁴⁶ See UN Security Council, 2003e: 9-34 and the account in section 2 above.

obligations...".⁴⁷ However, according to Hans Blix it was impossible to arrive at any clear conclusion on these matters within weeks, and the proposed resolution required that such a conclusion was not prevented by a veto, for instance by the US or Britain. In reality, the resolution thus left it up to these states to decide whether or not Iraq should be attacked on the basis of the proposed resolution. This was what triggered the French statement that the proposed resolution was 'a pretext for war' which it would have to veto.⁴⁸

Well before the war was a reality, the Danish Ministry of Foreign Affairs, in an internal note of 14 February 2003, put forward the reasonable view that a general understanding among the members of the Security Council that the time was ripe for military measures might provide a sufficient legal basis for military action.⁴⁹ However, there was no such common understanding in March 2003. On the contrary, it was, as we have seen, carved in stone that a majority of the Security Council including three great powers (as well the Secretary-General, the weapons inspectors and the great majority of the General Assembly) disagreed that a resort to force was required. There was no mandate and no common understanding behind the attack on Iraq in March 2003, either explicitly or implicitly.

These circumstances fatally weaken the Danish, British and American claims that the war can be justified as an enforcement of the resolutions of the UN Security Council.⁵⁰ Such an enforcement was neither authorised nor wished for by the (great majority of the) Security Council, and, as should be evident, the non-military means represented by the weapons inspections were far from exhausted in March 2003. At any rate, individual states like the US, Britain and Denmark do not hold the power to decide when a possible lack of will to comply with obligations set forth by the UN should be followed by use of military force. It is at the very heart of the system of collective defence of international peace and security laid down in the UN Charter that such a decision can only be taken by the UN Security Council,

⁴⁷ UN Security Council, 2003d: § 3.

⁴⁸ UN Security Council, 2003e: 19. For the statement by Hans Blix, see p. 6.

⁴⁹ Danish Ministry of Foreign Affairs, 2003a.

⁵⁰ This justification of the Danish support of, and participation in the war (which represented a spectacular, although by no means complete, shift from the earlier argument about Iraqi weapons of mass destruction as a threat to the peace) has been put forward in the Danish Parliament by Minister of Foreign Affairs Per Stig Møller and Prime Minister Anders Fogh Rasmussen. See Møller, 2003a; Fogh Rasmussen, 2003:2.

unless a state has been attacked (article 51 of the Charter) or in case of an unfolding genocide.

In the light of the Danish argument that the war against Iraq can be justified as an enforcement of the resolutions of the UN Security,⁵¹ it seems furthermore appropriate to draw attention to the generally recognised principle that 'the Charter is based on the belief that international law should not be enforced at the expense of international peace'.⁵² Even the UN Security Council cannot resort to force unless non-compliance with its resolutions constitutes a direct threat to the peace which cannot be averted by non-military means (see also article 2.7 of the UN Charter combined with articles 39-42). For individual Member States, legal entitlement to unilateral enforcement of UN Security Council resolutions is even more restricted since this would require a case of non-compliance which amounts to an armed attack on a sovereign state (see article 51 of the Charter).

According to the Danish Government, however, the UN should no longer 'play the fool with Saddam Hussein' as stated in a note from the Ministry of Foreign Affairs of 17 March 2003.⁵³ At the same time, the continuation of the UN weapons inspections were characterised as 'futile' and 'hopeless', and the resort to force was declared to be the 'last available option', since Iraq had 'missed its last opportunity' to comply with its obligations.⁵⁴ Similarly, the US has argued that the UN had to impose its will by force if the organisation was to avoid a loss of reputation and significance. Given what we now know, it is highly questionable that Saddam Hussein actually did play the fool with the UN during the last months up to the war (as against earlier). But in any case, it is a grave misunderstanding of the UN Charter and a gross overestimation of their own competences, if single states such as the US, Britain and Denmark believe that they can decide on a military enforcement of UN Security Council resolutions. If this was to become the general opinion in international society, the door would be wide open for abuse, the danger of completely undermining the general prohibition on the use of force would be imminent, and the basis of international order would be at stake.

⁵¹ See also the Danish Ministry of Foreign Affairs, 2003a,b,c. These notes clearly express the disputable opinion that Member States can enforce the resolutions of the UN Security Council on their own.

⁵² Akehurst, 1997: 310.

⁵³ Danish Ministry of Foreign Affairs, 2003c.

⁵⁴ Danish Ministry of Foreign Affairs, 2003b.

Consequently, for small states like Denmark as well as big states like the US, it would be wise to go back to the internationalist system of collective enforcement of international law laid down in the UN Charter after World War II, where military action against an armed attack or an unfolding genocide (until the UN Security Council takes action) are the only legally valid and politically sensible exceptions to the main rule. In the case of Iraq, the unilateral resort to force is particularly difficult to defend, given the fact that there was no evidence that Iraq constituted a direct or substantive threat to the peace when the war broke out, and given the fact that the UN was in the middle of the process of clarifying whether any threat existed. Thus, the war against Iraq can hardly be seen as an enforcement of the resolutions of the UN Security Council. Rather, it was a disproportionate and untimely abortion of the attempt to solve the matter by non-military means as required by the Charter.

THE RIGHT OF SELF-DEFENCE AND THE DOCTRINE OF PRE-EMPTION

The less polite version of the whole course of events is that the more obvious it became that the UN weapons inspectors would not find any weapons of mass destruction, the more urgent it was from an American point of view to bring an end to these inspections and move on to the use of force. This is not to allege that the war was led without a reason. It is an allegation that the fear of Iraqi weapons of mass destruction was not the primary reason for the attack on Iraq. Had this been the case, the weapons inspections could have continued and eventually given way to permanent inspection centres in Iraq, as foreseen in Security Council resolution 1284 of 17 December 1999 and by Hans Blix and Elbaradei.⁵⁵

However, the primary reason for the attack was to all appearances a desire to change the political order in the Middle East, Central Asia and possibly globally. According to the National Security Strategy and the general foreign policy doctrine of the Bush Administration, dictator states, rogue states and terrorist states should be transformed into modern democracies respecting human rights, law and order and thus better places to live in – and furthermore places unlikely to harbour terrorists or threaten

⁵⁵ UN Security Council, 2003e: 5, 9; UN Security Council, 2003f: 2-3.

the US and the West.⁵⁶ This is an attractive idea *per se*, but also one which might turn the democratic project into a sort of crusade based on military force and violent change to the society in question. Moreover, the entire project is severely at odds with contemporary international law and the Westphalian order, and, for better or worse, it is likely to send cold shivers down the backs not only of states which might conceivably be next on the list, but also of states fearing that coercive crusades for the sake of the 'good life' will eventually do more harm than good. The latter group may very well comprise the great majority of international society, and almost certainly the Third World, which has traditionally been a strong believer in the wisdom of non-intervention and limited access to the use of force.

In any case, if the doctrine of coercive democratisation was the real root of the attack on Iraq, then Iraq was perhaps after all just a more or less random place to begin: the rogue state against which the use of force could most easily be justified on more conventional grounds.⁵⁷ Afterwards, the war on Iraq could then serve as a lever for pressure on other non-democratic regimes,⁵⁸ and as a vehicle for political change in the Middle East.⁵⁹

To return to the question of international legitimacy and legality, the doctrine just discussed has no basis in international law. However, it might be argued – as the US has done on some occasions – that the attack on Iraq can be justified by the inherent right to self-defence as in the case of Afghanistan. The problem with this argument is that the inherent right to self-defence concerns the situation in which a country has been subjected to an armed attack (see article 51 of the UN Charter). This right might have been invoked if there was reason to fear that Iraq – e.g. in co-operation with the al-Qaeda network – was on the verge of attacking the US. In that case the resort to force could, in a liberal interpretation of the UN Charter, be seen as an act of self-defence or at least as an act of anticipatory self-defence which is less controversial than preventive war.

⁵⁶ The White House, 2002; Bush, 2004: 4; Simes, 2004.

⁵⁷ Harste, 2003.

⁵⁸ Signs of this have been evident, although the results are mixed – see the differences between the behaviour of: Libya (which has been co-operative but only, according to some sources, as a consequence of a strategic choice to become a full member of international society made well before 9-11 and the war against Iraq); Syria (which seems to have found a middle course between appeasement and defiance); and North Korea and Iran (which seem to have taken a more confrontational course following the war on Iraq).

⁵⁹ So far, very little has happened, but it is far too early to jump to conclusions on that point.

However, no evidence has actually supported the allegation that Iraq had anything to do with the terror attack on 11 September, just as very little points in the direction of any connection between Saddam Hussein's Iraq and Osama bin Laden's al-Qaeda. One can point to the Islamic terrorist groups operating in northern Iraq before the war, but this area was controlled not by Saddam Hussein, but by the Kurds as a result of the establishment of the Security Zone after the humanitarian intervention in April 1991. The zone was an excellent idea in view of the attack on the Kurds in 1991; but it was discrediting for the western great-powers that subsequent steps were not considered that would have taken care of this area, politically, socially and with respect to its legal status.

In view of these circumstances, the Bush Administration has rarely invoked the inherent right to self-defence under article 51 of the UN Charter. However, in his speech to the nation prior to the attack on Iraq, President Bush re-launched the old and, so it was generally believed, long compromised principle of a right of preventive warfare.

In an age of unseen enemies who make no formal declarations of war, waiting to act after America's foes "have struck first is not self-defence, it is suicide."⁶⁰

Preventive attacks might seem sensible and reasonable from a private security point of view, but since World War I, such attacks have been regarded with fear and suspicion, and the doctrine in favour of them has deliberately been outlawed by the establishment of the League of Nations, the Kellogg-Briand Pact, and the UN. This rejection of the right of preventive and pre-emptive attacks in the 20th century rests on common sense. First, the right is closely connected with, and difficult to separate from, the earlier idea of an unlimited right for states to declare war on one another. Secondly, it carries with it an obvious and considerable risk of mistakes and abuse, since it is always a matter of judgement whether a state is threatened to a degree which would justify a pre-emptive strike. Thirdly, this right is bound to spread fear among countries not considered to belong to the civilised or inner circles of international society.

As argued above, the record is mixed so far. Given the widespread international rejection of this war and especially its basis in the doctrine of

⁶⁰ This is the condensation of Bush's announcement of the war on 17 March 2003, *New York Times*: 2003.

pre-emption, and the huge difficulties of turning Iraq into an orderly and stable society – not to mention a modern democracy – one might also point to the likelihood that the US is less keen on the doctrine of preventive warfare today than before the war against Iraq. In general, however, the doctrine of preventive war and constructions like the ‘axis of evil’ are likely to create insecurity, fear, confrontation and aggression within international society. For these reasons, it can hardly be in the interest of countries like Denmark to give its support to such doctrines. Arguably, however, this was – given the importance of these doctrines in an American context – inevitably a part of the message sent by countries that supported the war against Iraq in spite of the fact that there was no evidence that Iraq represented a substantial and direct threat to international peace and security. Recent statements by Prime Minister Anders Fogh Rasmussen concerning the need for early action against terrorist organisations and rogue states, even without UN authorisation, have caused further doubt about where Denmark stands on these questions.⁶¹ However, it should not be that difficult to work out a position which would represent an adaptation to the rising threat from terrorist organisations without abandoning the framework of international law and order laid down in the UN Charter. Although it does not answer all questions, the decision by the UN Security Council to hold Taliban-Afghanistan and the al-Qaeda network jointly responsible for the attacks on New York and Washington on 11 September 2001 arguably provides such a sustainable platform for the adaptation of the UN system and international law to the new type of threat.⁶²

Judged in light of the doctrine of preventive war, the fact that the UN neither authorised nor lent its name to the war against Iraq can be said to have had some highly important positive consequences. First, it was good for the international standing of the UN that the Security Council did *not* authorise a war which was not consistent with international law and the UN Charter in the eyes of the great majority of international society, including not least the Third World.⁶³ Secondly, it was certainly constructive for the future fate of the international regulation of the use of force that the UN

⁶¹ I am referring to the speech by the Danish Prime Minister during the hearing on Iraq, 2004, and to the ensuing debate in the Danish newspaper *Politiken*. It should be added that Fogh Rasmussen has protested against allegations that Denmark is, under his leadership, about to loosen its commitment to the UN and to the international legal order.

⁶² Knudsen, 2002; 2004.

⁶³ See UN Security Council, 2002a: resumptions 1, 2 and 3.

Security Council did *not* contribute to the legitimacy of the doctrine of preventive war, something that, given the background and the circumstances, it could hardly have avoided if it had authorised the use of force against Iraq regardless of formal grounds. This is so because the *real* or dominant reason for the attack on Iraq may very well have been the wish on the part of the US to put into practice the strategy and theory of preventive attacks against, and subsequent democratisation of rogue states.

FROM KOSOVO TO IRAQ: THE WAR AS A HUMANITARIAN INTERVENTION

In Denmark as well as abroad, the war against Iraq has been compared with the humanitarian intervention in Kosovo in 1999. Partly because of the fact that in the case of Kosovo there was no UN mandate for the use of force either, and partly because of the crimes against humanity conducted under the rule of Saddam Hussein; crimes that might lead to the conclusion that a humanitarian intervention would have been legally and politically justified in the spring of 2003.

However, the situation in March 1999, when NATO intervened in Kosovo without UN Security Council authorisation to stop the attacks on Kosovo-Albanian villages and civilians, was completely different from the situation in Iraq in the spring of 2003. In the case of Kosovo, the killing of civilians (on some occasions described by the UN and the OSCE as ‘massacres’), forceful displacements of populations, systematic destruction of villages, and brutal behaviour by Serbian military and paramilitary units (in response to the Kosovo-Albanian revolt and the attacks on Serbian police committed by the Kosovo Liberation Army) had been going on over a period of 13 months before the NATO intervention was launched.⁶⁴ Against this background, as early as the summer of 1998, UN Secretary General Kofi Annan condoned the NATO threats of humanitarian inter-

⁶⁴ The facts of these crimes against humanity and their systematic and recurrent character cannot be rejected – see, among other sources, the continuing reports from UN Secretary General Kofi Annan in 1998 and 1999: for instance Annan, 1998a: 4-5, Annan, 1998b: 8 and annex 5; Annan, 1999. See also Hayden, 1999: 3, 10, 12 (based on reports from Human Rights Watch, Amnesty International and International Helsinki Federation for Human Rights).

vention, as is evident from his statement at a press conference during a visit to Rome on 15 June 1998:

I think if we use diplomacy and force that threatens, we should be able to succeed ... All of you, who have been following the last few months in Kosovo must begin to wonder whether another Bosnia looms on the horizon ... Already the shelling, the ethnic cleansings, the indiscriminate attacks on civilians in the name of security are taking place ... All our professions of regret, all our expressions of determination to never again permit another Bosnia, all our hopes for a peaceful future for the Balkans will be cruelly mocked if we allow Kosovo to become another killing field. It is in our hands now.⁶⁵

The difference between Kofi Annan's position on the questions of military intervention in Kosovo in 1998-1999 and in Iraq in 2003 is noteworthy. The reasons for this difference in attitude is beyond doubt the reality of ethnic cleansing and a humanitarian crisis in Kosovo in 1998-99, which should furthermore be perceived in the light of the disastrous events in Bosnia from 1992-95. By contrast no such events took place in Iraq 2003, although a humanitarian case might have been made on the basis of the miserable situation of the Marsh Arabs – as argued below. However, it is crucial for the comparison of Kosovo 1998-99 and Iraq 2003 that the situation and the international agenda was humanitarian in the case of Kosovo, whereas in the case of Iraq it was about alleged weapons of mass destruction, alleged connections with 9-11 and international terrorism, and alleged non-compliance with UN Security Council resolutions. Thus, the intervention in Kosovo was undertaken with a widespread awareness of the doctrine of humanitarian intervention and the humanitarian agenda prevailing at the time, whereas the war against Iraq was launched with a widespread awareness of the doctrine of preventive war and coercive democratisation of rogue states possibly harbouring terrorist organisations. These are two radically different international contexts.⁶⁶

In the case of Kosovo, the Security Council adopted three resolutions (1160 of 31 March 1998, 1199 of 23 September 1999, and 1203 of 24 October 1998) requiring Belgrade to put an end to the persecution of the Kosovo-Albanian population and to start negotiating about a political

⁶⁵ *International Herald Tribune*, 1998.

⁶⁶ For a further discussion of these two conflicting agendas, see Knudsen, 2002.

arrangement for the province. However, Russia consistently refused to authorise the use of force to put an end to the atrocities.⁶⁷ After the breakdown of the Rambouillet negotiations at the beginning of 1999, the Russian UN delegate openly stated that he could not come up with a way to stop the atrocities without the use of military means. This was a real blocking of the UN Security Council, and in a highly critical and urgent situation, where all diplomatic measures seemed to be exhausted and the prospect of recurring massacres and mass expulsion of civilians was looming on the horizon.

In a narrow legal interpretation, NATO's humanitarian intervention in Kosovo can still be regarded as contrary to international law, since it did not rest on a mandate from the UN Security Council. However, it was a situation of extreme humanitarian necessity and urgency which international humanitarian law (including the concept of crimes against humanity and, arguably, the 1948 Genocide Convention) required the UN Security Council to stand up to, not least in the light of its practice of humanitarian intervention. As this was impossible due to the Russian blocking of the Council, the humanitarian intervention could be given a legal defence by a combination of international humanitarian law, the UN practice of humanitarian intervention during the 1990s, and an analogy with the right to self-defence in article 51 of the UN Charter. According to this analogy, a group of states could take military steps to defend the Kosovo-Albanian population against further crimes against humanity and, arguably, acts of genocide until the UN Security Council was able to take action.⁶⁸ This line of reasoning is not unproblematic, but it is a fact that the approach of the UN Security Council was humanitarian,⁶⁹ and that diplomatic possibilities effective within a reasonable time limit (with the prospect of continuing or recurrent massacres, destruction and mass expulsion unless action was taken) were exhausted.

⁶⁷ See for instance UN Security Council, 1998c: 2-3.

⁶⁸ For further legal argumentat see Knudsen, 1999a: 357-397; 1999b. For possible alternative platforms for humanitarian intervention without UN authorisation, see Jakobsen & Knudsen, 2000. The NATO countries did not present a detailed legal argument. Instead, they referred to the alleged right to intervene against ongoing atrocities in cases where the UN is prevented from taking such action.

⁶⁹ See the Security Council's clear rejection of the Russian attempt on 26 March 1999 to persuade the Council to declare the NATO air campaign against Yugoslavia contrary to international law. Russia gained support from Namibia and China, whereas the other 12 members rejected the draft resolution on humanitarian grounds. See UN Security Council, 1999a: 1-8.

By contrast, the right of humanitarian intervention could hardly be applied in its current form in the case of Iraq 2003, either with or without UN authorisation. The worst of Saddam Hussein's crimes against humanity took place during the Anfal campaigns 1987-88,⁷⁰ where thousands of Kurdish (and Christian-Assyrian) villages in northern Iraq were destroyed, and where chemical weapons were used against civilians on several occasions. Unfortunately, this did not make the West cut its support of Saddam Hussein in the war against Iran. In a second round of crimes against humanity, the forces of Saddam Hussein brutally turned on the Kurds and Shiites, extending the war over Kuwait in 1991 with a genocidal campaign of revenge for the revolt of these ethnic groups during the war.⁷¹ After weeks of hesitation the Western great powers finally resorted to the then almost forgotten right of humanitarian intervention on the basis of a broad international consensus.⁷²

Under the circumstances of March 2003, however, a humanitarian intervention could hardly be justified. To be sure, serious violations of human rights and the Torture Convention still took place in Iraq. Furthermore, the maltreatment of the Marsh Arabs of Southern Iraq (e.g. drainage of the marsh lands) continued.⁷³ However, there were no atrocities, no massacres and no genocide in Iraq at this point, and neither had there been for years. In such a situation, the international community must try to promote the respect of human rights through a mixture of diplomacy, sanctions, promises and threats. Unless the issue is ongoing and there are massive crimes against humanity, humanitarian intervention will typically do more harm than good – that is to say, it would be out of proportion with the humanitarian purpose. Needless to say, preventive humanitarian intervention or humanitarian intervention as a punishment for earlier crimes can never live up to the legal and moral principle of proportionality.

It should also be borne in mind that the fundamental and indispensable right of humanitarian intervention is vulnerable to creative interpretations. It can easily be abused and it is difficult to control. A broad access to humanitarian intervention would open up the possibility of a resort to military force against many states; and, if the threshold for the use of force were to be a record of human rights violations, the risk of abuse would be

⁷⁰ Human Rights Watch, 1993.

⁷¹ Freedman & Boren, 1992; Rodley, 1992; Stromseth, 1993.

⁷² Knudsen, 1998; Knudsen, 1999a: 170-190.

⁷³ Human Rights Watch, 2003a.

intolerably high. Fairly clear guidelines and limits for the application of this right are therefore required, especially if it is to survive a habit of invoking it even without UN Security Council authorisation. Genocide as defined in the 1948 Genocide Convention is an example of a standard which is sufficiently clear and sufficiently restrictive to control the use of humanitarian intervention. The concept of crimes against humanity as defined in the Statute of the International Criminal Court (ICC) would constitute a more permissive, but still controllable, standard for the resort to humanitarian intervention. Depending on the circumstances of the specific case (not least that the crimes are ongoing or recurrent and on a massive scale), this might be the preferable threshold for the military enforcement of international humanitarian law – as indicated also by the practice of the UN Security Council.⁷⁴ However, enlarging the right of humanitarian intervention to cover human rights violations in general or violations of the Torture Convention could turn out to be counter-productive, especially if the right is also invoked outside the framework of the UN Security Council. The members of the international community do not seem to possess the degree of self-restraint and objective judgement required to keep such a broad access to use of force free of a recurrent and discrediting abuse.

For these reasons amongst others, justifying the war against Iraq as a humanitarian intervention might damage the still fragile and in some quarters disputed right of humanitarian intervention. The problem is not merely that the situation did not justify a resort to humanitarian intervention as conventionally defined – unless the maltreatment of the Marsh Arabs could be claimed to represent an ongoing crime against humanity. The problem is also that the entire case against Iraq was not taken to the UN Security Council on a humanitarian basis.⁷⁵ Occasionally, the US and Britain did point to Iraqi violations of human rights in the meetings in the UN

⁷⁴ The concept is defined in the Rome Statute of the ICC 1998, which states that massacres and similar crimes are to be considered and punished as a crime against humanity. The definition thus resembles the definition of genocide, but it is not restricted to attempts to destroy, in whole or in part, a national, ethnic or religious group. For further clarification, see Roht-Arriaza, 1999: 481-483.

⁷⁵ For a similar argument, see Roth, 2004. Roth's approach to humanitarian intervention is more restrictive than the one applied in this article. Thus, with reference to the absence of massacres he rejects any possibility that this right could have been applied in the case of Iraq in March 2003, even if the approach of the US had been humanitarian and multilateral.

Security Council; but it was not a central argument, and the demands presented to Iraq by the US and the UN Security Council under the threat of force were not humanitarian. What Iraq was offered (at least rhetorically) was a last chance of peaceful disarmament by means of weapons inspections, not a last chance to live up to the principles of international humanitarian law and human rights conventions by means of human rights inspections. As for the latter, the point is that – assuming a humanitarian intervention in Iraq could have been considered at all – before military force could be employed, Iraq should at a minimum have been presented with a set of humanitarian demands and non-military means for the realisation of these demands.⁷⁶ In other words, it would have taken an entirely different approach than the one that was set out under the leadership of the US to bring some substance to the humanitarian justification for the war. Consequently, the war against Iraq cannot be compared with the humanitarian intervention in Kosovo in 1999, either as regards the humanitarian basis and the humanitarian approach in the Security Council, or as regards the room for manoeuvre and the instruments available to the Council.

What remains is the moral defence of the war, which has become more and more central to the members of the coalition (including not least Denmark and Britain) as the political and legal ones have lost much of their force in the light of, first, the absence of Iraqi weapons of mass destruction (which makes impossible any claim that Iraq represented a threat to international peace and security which could only be averted by military means) and, secondly, a link to 9-11 and al-Qaeda (which makes any claim that the war was an element in the war against terror equally hopeless). Despite the shift in argumentation, the moral case retains a degree of validity. Saddam Hussein was a tyrant, and his fall from power was a relief for the Iraqi people. However, the moral argument for the war is not straightforward. Many civilians, possibly up to 10,000, lost their lives,⁷⁷ and the military casualties must be counted in thousands as well. To that has to be added the growing number of civilian losses after the formal end of the

⁷⁶ The threat of force on humanitarian grounds ('humanitarian dictate'), the establishment of humanitarian inspections and centres in Iraq, and a permanent surveillance of Iraqi compliance with the weapons restrictions under the auspices of the UN Security Council followed by a normalisation of Iraq's relations with the international community would have been the most obvious alternative to war. For a discussion, see Knudsen, 2004.

⁷⁷ Human Rights Watch, 2003b.

war,⁷⁸ as well as the considerable civilian and military losses for the coalition and the countries and organisations involved in the reconstruction of Iraq. Furthermore, the destruction of Iraqi society, the damaging consequences for the international community and the international legal order, and the enormous consumption of resources which could have been devoted to other purposes – including the real war against terror (which has arguably suffered a set-back due to the war against Iraq) or development – must be taken into account as well. This is a high price to pay to get rid of the tyrant. In sum, the following can be concluded concerning the legality and legitimacy of the war against Iraq:

1. A large majority of the members of the UN Security Council and the UN Secretary-General were not of the opinion that an attack on Iraq with the purpose of disarming the country (not to speak of regime change and occupation) had been authorised prior to 19 March 2003, nor did they think that the time was ripe for military action.
2. Even if the highly dubious argument that a violation of the cease-fire conditions of 1991 (resolution 687) combined with the authorisation to liberate Kuwait with military means from 1990 (resolution 678) on the one hand, and the last chance offered to Iraq in resolution 1441 from 2002 on the other, is accepted as a basis for the use of force in March 2003 without the adoption of a new mandate in the Security Council, the legality of the military response still depends on whether or not the Iraqi non-compliance (to the degree that this is a reasonable description of Iraqi behaviour in March 2003 at all – see the briefings of the Council by Hans Blix and Mohamed Elbaradei) could be said to constitute a direct and substantial threat to international peace and security which could not be averted by non-military means (see the system in articles 39-42 in the UN Charter).
3. The UN weapons inspectors had not found weapons of mass destruction at the outset of the war and there were no indications that Iraq constituted a direct and substantial threat to international peace and security which could only be averted by military means. Subsequent developments have confirmed this impression, and likewise as regards the alleged links to international terrorism.

⁷⁸ Human Rights Watch, 2003c.

4. The weapons inspectors, the UN Secretary-General and the great majority of the Security Council recommended that the inspections should continue for a few months more in order to verify that Iraq had in fact destroyed its weapons of mass destruction and the means of production.
5. It is not up to single states like the US, Britain and Denmark to decide when a possible lack of will to comply with UN Security Council resolutions should be met by force; and the UN itself is not supposed to enforce international law at the expense of international peace, but only in defence of international peace and minimum standards of humanity.
6. The war against Iraq does not amount to a legal precedent for military intervention to disarm rogue states or states suspected of possessing illegal weapons, just as no precedent has been set for a unilateral enforcement of UN Security Council resolutions. Such actions are still only internationally accepted in the case of a paralysis in the Security Council when confronted with an armed attack, genocide or, possibly, massive crimes against humanity.
7. The war against Iraq and the course of events leading up to it did not assume the character of a humanitarian intervention, and the right of humanitarian intervention was (as opposed to the situation in the late 1980s and early 1990s) not immediately applicable under the circumstances of the spring of 2003. However, humanitarian concerns would have been a reasonable basis for further UN/US pressure on Iraq in continuation of the weapons inspections.

COLLATERAL DAMAGE? DENMARK, THE UN AND INTERNATIONAL ORDER AFTER IRAQ

Looking back at the course of events leading up to the war against Iraq, it is difficult to escape the conclusion that in reality there was no way that Iraq could have avoided the war, unless Saddam Hussein had stepped down voluntarily and accepted a peaceful occupation of the country. This also means that there was no chance that the UN could have achieved the most

fundamental goal of the organisation, namely to maintain international peace and security with non-military measures. Thus, the US decision to take the case against Iraq to the UN Security Council without a genuine intent of a peaceful disarmament can only be characterised as an abuse of the UN system and the rules of the Charter.

What remains is the fact that the war against Iraq has split the international community to a degree unseen since the Cold War. The immediate reason for this was the disagreement as to whether the attack against Iraq was justified under the circumstances prevailing at the time. The more fundamental reason, however, was the fact that the US presented the case against Iraq in the context of the much more wide-ranging and controversial project for a new international order, the axial points of which would be preventive warfare against terrorism and rogue states, forced regime transition in favour of democracy and human rights, and a stronger element of unilateralism. Under the auspices of this project, national moral principles would weigh more than international law.

The showdown over Iraq within and outside the UN Security Council was therefore also a showdown over the basic principles of the 21st century's international legal and political order: with the US in the role of the offensive, reforming party and the majority of the rest of the international community, led by the continental European great powers, in the role as the defensive party with a political and legal *status quo* as the objective. On the face of it, the conclusion seems to be that the US and its supporters won while the UN, international law and those opposed to the war lost. However, the dominating impression in the international community was that the war against Iraq was in conflict with international law and the resolutions of the Security Council. Consequently, the war has not set up a legal precedent for a wider use of force, be it preventive warfare, coercive democratisation of rogue states or unilateral enforcement of UN Security Council resolutions. Furthermore, nothing indicates that a political understanding about a wider access to the use of force in terms of the points just mentioned is under way. Put differently, all use of force in international politics (except for collective self-defence against armed aggression or genocide until the UN Security Council takes action) must still have the authorisation of the UN Security Council in order to command widespread international support.

On the other hand the US has, in spite of Colin Powell's attempt to reach a more moderate position,⁷⁹ not given up on the idea of seeking absolute security through preventive warfare and democratisation.⁸⁰ However, there is very little international acceptance or support of these doctrines. There is a big difference between ignoring international principles and bodies in the fight against terrorism and rogue states, and being able to establish a broad international acceptance of, and support for such steps. Amongst other things, this is why there is hope that the US will eventually have to go back to the collective defence of international peace and security – in spite of the fact that today the only remaining superpower finds itself in the target zone to a degree that it has not known since the Cold War.

The prospects for the UN when it comes to the defence of international peace and security and the regulation of the use of force are therefore not necessarily bad. First, while the US continues to be reluctant to subject itself to the UN resolutions in affairs considered to be important to its national security, it is also not happy (and hardly able) to do without the UN when it comes to the reconstruction of war-torn societies and the (re)establishment of international legitimacy. Iraq is a case in point. Secondly, the majority of the members of international society, including some of the US's supporters in the war against Iraq, apparently remain of the opinion that the UN should maintain a central role in the defence of international peace and security.

However that may be, for states which are sympathetic to the UN, as Denmark has traditionally been, there is not much point in abandoning the organisation and the principles of the Charter when these are challenged by close allies. Nonetheless, in the case of Iraq the Danish Government chose to support the path of war rather than the path of UN diplomacy. Even more surprisingly, a UN mandate explicitly authorising the use of force for the purpose of disarmament in the specific circumstances of 2003 was at no time a precondition of Danish participation. A mandate from the UN Security Council was not even demanded by the Danish Government when war gave way to occupation and thus to a new phase of military stabilisation and political reconstruction which, to an even greater degree, made UN authorisation a legal obligation and, one would think, a political imperative

⁷⁹ Powell, 2004.

⁸⁰ See George W. Bush's State of the Union Address, in which the President promised never to surrender to other states or international organisations the right of the US to defend itself, Bush, 2002a.

for a country like Denmark. Today, there is a proper legal basis for the Danish and the international presence in Iraq (see UN Security Council resolution 1511 of 16 October 2003), and this can also be argued to have been the case since the adoption of resolution 1483 of 22 May 2003.

However, Danish support for the war against Iraq until the adoption of resolution 1483 constitutes a clear and profound break with the Danish foreign policy tradition. This is true in relation to the humanitarian intervention in Kosovo in 1999, which also lacked a UN-mandate, but differed in all other respects (especially as to the extreme urgency and the paralysis in the UN Security Council). And it is true in relation to the heyday of active internationalism in the 1990s, and in relation to the post-war period as such. But it would be wrong to say that Denmark was happy about leaving behind the UN and the established framework of international law. The Government has insistently and indignantly been denying that it put the concern for the UN and international law aside in favour of the concern for a strong and close ally. However as a traditional supporter of the UN and as a keen candidate for membership of the UN Security Council, Denmark has strong incentives to try to bring new substance to the claim that it is an internationalist small power. In the context of the ongoing war against terror and of international disagreement as to how broadly this threat should be defined and addressed, such a policy might require new tough choices for a Danish Government. For it has become evident that both objectives (the close relationship with the US, and the principles of the UN Charter and international law) will not always meet.⁸¹ If such choices are to be of benefit of the UN and the ideals of internationalism, it might be a wise strategy to take a firm and binding position at the outset of possible new international crises instead of waiting as long as possible – as in the case of Iraq – in the hope that, all indications notwithstanding, both objectives might meet in the end. Although the issue is less explosive, the early and firm Danish (and British) statements on the possible execution of Saddam Hussein might be seen as a reflection of this point.

What, then, are the prospects for Danish foreign policy in the context of the ongoing war against terror as defined not least by Washington, and how can the Danish national and international reputation as a keen supporter of the UN, international law and peaceful conflict resolution be maintained or

⁸¹ A similar argument was made by Ole Wæver of the University of Copenhagen at the Danish hearing on Iraq, 2004.

restored? Clearly, the way forward is not to investigate the possibilities for the (legitimate) use of force without UN Security Council authorisation. And neither is it a good idea to blur the distinction between humanitarian intervention and intervention against terrorist organisations and states that harbour them, as is sometimes indicated in a Danish setting.⁸² Rather, from an internationalist point of view the way forward must be to defend the UN system for the collective defence of international peace and security, as well as the general prohibition on the use of force, against further erosion. The political division in the international community following the war against Iraq, the current ambiguity concerning the basic rules of international society, and the lack of effective collective action towards the real threat from terrorism – rather than the hypothetical threat from rogue states – further substantiates this point. Above all, it is essential that it is possible to tell the difference between legal and illegal use of force in international politics. Otherwise, the general prohibition on the use of force loses its significance, and if this happens, the political judgement of the legitimacy of the use of force in international relations also becomes arbitrary and contested. Nobody has an interest in a return to the state of affairs before World War I, when it was commonly accepted that diplomacy could be continued with military measures whenever a state deemed this to be in its interest.

More generally, the way forward for international society is to focus directly on the threats to international peace and security posed by terrorist organisations, and to remain conscious about the need to promote human rights and prevent genocide and crimes against humanity. Both challenges must be met on the basis of international consensus and within the framework of the UN. In the 1990s, new challenges were met by means of collective action and a refinement of existing legal rules and political instruments. This is how the new challenge of terror must be met as well, rather than by questioning well-established bases of international order such as the collective security system and the general ban on the use of force. Further

⁸² See the official programme for the Danish hearing on Iraq, which gave priority to the questions of humanitarian intervention and intervention without UN Security Council authorisation. The speech by Prime Minister Anders Fogh Rasmussen was equally unclear when it came to drawing a sharp line between preventive warfare on the one hand and humanitarian intervention and collective defence of the peace on the other. Moreover, the Danish Institute for International Studies has been asked to consider the war against Iraq in the context of its 1999 report on humanitarian intervention, even though this is a radically different category of the use of force.

adaptation of the legal and institutional framework of international society is required. And this is possible, as is indicated by the decision of the UN Security Council and most of the members of international society to regard the US-led intervention in Afghanistan following 9-11 as a necessary refinement of the rules of self-defence against threats originating from the territory of a foreign country.

With the prospect of becoming a member of the UN Security Council, Denmark will have many opportunities for voicing such concerns and airing this kind of advice. However, at a time where the world's strongest power, which happens also to be Denmark's most important ally, appears to have lost sight of some of these principles and values under the impact of the permanent threat from Islamic fundamentalist terror, a policy of active internationalism requires a strong awareness of guiding principles, a will to incur the costs of going against the advice of close allies, and an ability to foresee upcoming dilemmas in order to be able to take a firm standpoint before it is too late. This was not what happened with respect to Iraq.

REFERENCES

- Akehurst, Michael (1997), *Akehurst's Modern Introduction to International Law* (seventh revised edition by Peter Malanczuk), London: Routledge.
- Annan, Kofi (1998a), "Report of the Secretary-General Prepared Pursuant to Resolution 1160 (1998) of the Security Council", S/1998/470, New York: UN, 4 June 1998.
- Annan, Kofi (1998b), "Report of the Secretary-General Prepared Pursuant to Resolution 1160 (1998) of the Security Council", S/1998/608, New York: UN, 2 July 1998.
- Annan, Kofi (1999), "Report of the Secretary-General Prepared Pursuant to Resolutions 1160 (1998), 1199 (1998) and 1203 (1998) of the Security Council", S/1999/99, New York: UN, 30 January 1999.
- Annan, Kofi (2003a), "Secretary-General's press conference", New York: UN, Secretary-General, Office of the Spokesman, 14 January 2003.
- Annan, Kofi (2003b), "UN arms Inspectors Need Time 'to Do Their Work', Annan Says", UN News Centre, 27 January 2003.
- Annan, Kofi (2003c), "Annan Appeals for Security Council Unity, Peaceful Resolution to Iraq Crisis", UN News Centre, 10 March 2003.

- Annan, Kofi (2003d), "Statement by the Secretary-General on Iraq", New York: The UN Secretary-General, Office of the Spokesman, 20 March 2003.
- Bull, Hedley (1966), "The Grotian Conception of International Society", in Herbert Butterfield and Martin Wight (eds.), *Diplomatic Investigations: Essays in the Theory of International Politics*, London: Allen & Unwin, pp. 51-73.
- Bush, George W. (2002a), "State of the Union Address", Washington, D.C., The White House, Office of the Press Secretary, 29 January 2002.
- Bush, George W. (2002b), "Speech to the UN General Assembly", The General Assembly, Meeting Recordings, 12 September 2002, A/57/PV.2 (2002), pp. 5-9.
- Bush, George W. (2004), "State of the Union Address", Washington, D.C., The White House, Office of the Press Secretary, 20 January 2004.
- Danish Ministry of Foreign Affairs (2003a), "Det juridiske grundlag for iværksættelse af militære forholdsregler mod Irak", Juridisk Tjeneste, Notits til Statsministeriet, JT.F,6.U.591, 14 February 2003.
- Danish Hearing on Iraq (2004), Danish Hearing on Iraq, Christiansborg, 24 March 2004. [www.folketinget.dk/irak/].
- Danish Ministry of Foreign Affairs (2003b), "Det juridiske grundlag for iværksættelse af militære forholdsregler mod Irak", Juridisk Tjeneste, Notits fra Folkeretskontoret, JT.F,6.U.591 (revised version), 16 March 2003.
- Danish Ministry of Foreign Affairs (2003c), "FN's generalsekretærs udtalelser vedr. grundlaget for en militær aktion mod Irak", Juridisk Tjeneste, Notits til Statsministeriet, JT.F,6.U.591, 17 March 2003.
- DUPI (1999), *Humanitarian Intervention*, Copenhagen, DUPI.
- Freedman, Lawrence & David Boren (1992), "Safe havens for Kurds in post-war Iraq", in Nigel S. Rodley (ed.), *To Loose the Bands of Wickedness. International intervention in Defence of Human Rights*, London: Brassey's Defence Publishers, pp. 43-92.
- Glennon, Michael (2003), "Why the Security Council Failed", *Foreign Affairs*, 82:3, May/June 2003, pp. 16-35.
- Goldsmith (2003), "Statement by the Attorney General, Lord Goldsmith, in Answer to a Parliamentary Question", Foreign & Commonwealth Office News, 18 March 2003.

- Goodrich, Leland M., Edvard Hambro & Patricia Simons (1969), *Charter of the United Nations: Commentary and Documents*, Third and Revised Edition, New York: Columbia University Press.
- Greenwood, Christopher (2002), "The Legality of Using Force against Iraq", Memorandum, The UK Parliament: House of Commons, Foreign Affairs, Minutes of Evidence, 24 October 2002.
- Harste, Gorm (2003), "Europæerne er fra Venus, amerikanerne er fra Mars", *Information*, 24 april 2003.
- Hayden, William (1999), "The Kosovo Conflict and Forced Migration: The Strategic Use of Displacement and the Obstacles to International Protection", *Journal of Humanitarian Assistance*, 14 February 1999.
- Holm, Hans-Henrik (1997), "Denmark's Active Internationalism: Advocating International Norms with Domestic Constraints", in Bertel Heurlin & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 1997*, Copenhagen, DUPI, pp. 52-80.
- Human Rights Watch (1993), *Genocide in Iraq: The Anfal Campaign against the Kurds*, A Middle East Watch Report, New York: Human Rights Watch, July 1993. [www.hrw.org/reports/1993/Iraqanfal].
- Human Rights Watch (2003a), "The Iraqi Government Assault on the March Arabs", A Human Rights Watch Briefing Paper, Washington DC: Human Rights Watch, January 2003 [www.hrw.org/mideast/Iraq.php].
- Human Rights Watch (2003b), *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, New York: Human Rights Watch, 2003.
- Human Rights Watch (2003c), "Hearts and Minds: Post-war Civilian Deaths in Baghdad Caused by U.S. Forces", *Human Rights Watch*, 15:9 (E), 2003.
- International Herald Tribune, "Annan and Solana Hail Action" (Press conference in Rome), 16 June 1998, p. 1.
- Jakobsen, Peter Viggo & Tonny Brems Knudsen (1999), "The Kosovo-Question: Humanitarian Intervention without the UN?", paper, 24th Annual British International Studies Association Conference, Manchester, 20-22 December 1999.
- Knudsen, Tonny Brems (1998), "The Missing Link! Moral i International Politik", *Politica*, 30:4, pp. 440-457.
- Knudsen, Tonny Brems (1999a), *Humanitarian Intervention and International Society: Contemporary Manifestations of an Explosive Doctrine*, Ph.D.-dissertation, Århus: University of Aarhus, Department of Political Science, June 1999.

- Knudsen, Tonny Brems (1999b), "Humanitær Intervention uden FN?", *Udenrigs*, 1999:2, pp. 36-56.
- Knudsen, Tonny Brems (2002), "Fra internationalisme til terrorbekæmpelse? FN og det internationale samfund efter 11. september", in Mehdi Mozaffari (ed.), *11. september: Internationale konsekvenser og perspektiver*, Århus: Systime, pp. 54-72.
- Knudsen, Tonny Brems (2004), "Krigen mod Irak: Konsekvenser for FN, folkeretten og international magtanvendelse" in Morten Kelstrup, Ove K. Pedersen & Ib Damgaard Petersen, (eds.), *Politiske processer og strukturer i det 21. århundrede: 12 essays i anledning af Forlaget Politiske Studiers 25 års jubilæum*, København: Politiske Studier, 2004.
- Lauterpacht, Hersch (1975/1946), "The Grotian Tradition in International Law", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht*, (Vol. 2), Cambridge: Cambridge University Press, pp. 307-365.
- Lauterpacht, Hersch (1975/1950), "International Law after the Second World War", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht*, (Vol. 2), Cambridge: Cambridge University Press, pp. 159-170.
- Møller, Per Stig (2003a), "Beslutningsforslag B 118: Forslag til folketingsbeslutning om dansk militær deltagelse i en multinational indsats i Irak", Proposed by Foreign Minister Per Stig Møller, Folketinget, 18 March 2003.
- Møller, Per Stig (2003b), "Ikke urent trav i Irakkrig", *Politiken*, 3. december.
- New York Times (2003), "Bush's Doctrine for War", *The New York Times*, 18 March 2003.
- Powell, Colin L. (2004), "A Strategy of Partnerships" *Foreign Affairs*, January/February.
- Rasmussen, Anders Fogh (2003), "Statsministerens besvarelse", Forespørgsel nr. F7 vedr. dansk deltagelse i krigen i Irak, BEH1, Folketinget, 20 November 2003, pp. 1-3.
- Roberts, Adam (2003), "Law and the Use of Force After Iraq", *Survival*, 45:2, pp. 31-56.
- Rodley, Nigel S. (1992) (ed.), *To Loose the Bands of Wickedness. International Intervention in Defense of Human Rights*, London: Brassey's Defense Publishers.

- Roth, Ken (2004), "War in Iraq: Not a Humanitarian Intervention", *Human Rights Watch World Report 2004*, New York and Washington DC, January 2004.
- Roht-Arriaza, Naomi (1999), "Institutions of International Justice", *Journal of International Affairs*, 52:2, pp. 473-491.
- Simes, Dimitri K. (2003), "America's Imperial Dilemma", *Foreign Affairs*, 82:6, pp. 91-102.
- Stromseth, Jane E. (1993), "Iraq's Repression of its Civilian Population: Collective Responses and Continuing Challenges", in Lori Fisler Damrosch (ed.), *Enforcing Restraint: Collective Intervention in Internal Conflicts*, New York: Council on Foreign Relations Press, pp. 77-117.
- UN General Assembly (2002), Meeting Recordings, 12 September 2002. A/57/PV.2.
- UN Security Council (1990a), Resolution 660, 2 August 1990. S/RES/660.
- UN Security Council (1990b), Resolution 678, 29 November 1990. S/RES/678.
- UN Security Council (1991), Resolution 687, 3 April 1991. S/RES/687.
- UN Security Council (1992), Resolution 794, 3 December 1992. S/RES/794.
- UN Security Council (1998a), Resolution 1160, 31 March 1998. S/RES/1160.
- UN Security Council (1998b), Resolution 1199, 23 September 1998. S/RES/1199.
- UN Security Council (1998c), S/PV. 3930, 23 September 1998 (Verbatim Recordings, UN Security Council Resolution 1199).
- UN Security Council (1998d), Resolution 1203, 24 October 1998. S/RES/1203.
- UN Security Council (1999a), Press Release, "Security Council Rejects Demand for Cessation of Use of Force Against Federal Republic of Yugoslavia", New York: The UN, 26 March 1999 (SC/6659, 3989th meeting).
- UN Security Council (1999b), Resolution 1284, 17 December 1999. S/RES/1284.
- UN Security Council (2001), Resolution 1368, 12 September 2001. S/RES/1368.
- UN Security Council (2002a), Meeting Recordings, 16-17 October 2002, S/PV.4625.

- UN Security Council (2002b), Resolution 1441, 8 November 2002. S/RES/1441.
- UN Security Council (2002c), Meeting Recordings, 8 November 2002, S/PV.4644.
- UN Security Council (2003a), Meeting Recordings, 27 January 2003, S/PV.4692.
- UN Security Council (2003b), Meeting Recordings, 5 February 2003, S/PV.4701.
- UN Security Council (2003c), Meeting Recordings, 14 February 2003, S/PV.4707.
- UN Security Council (2003d), Draft Resolution (Spain, United Kingdom, USA), 7 March 2003, S/2003/215.
- UN Security Council (2003e), Meeting Recordings, 7 March 2003, S/PV.4714.
- UN Security Council (2003f), Meeting Recordings, 19 March 2003, S/PV.4721.
- UN Security Council (2003g), Resolution 1483, 22 May 2003. S/RES/1483.
- UN Security Council (2003h), Resolution 1511, 16 October 2003. S/RES/1511.
- Wheeler, Nicholas J. (2000), *Saving Strangers*, Oxford: Oxford University Press.
- White House (2002), *The National Security Strategy of the United States of America*, Washington, September.

Denmark and the Intergovernmental Conference: a Two-Level Game

*Finn Laursen*¹

The Convention was a new method of preparing an Intergovernmental Conference (IGC). First and foremost it meant wider participation and greater transparency. But the Member State governments had made sure that they would stay in relative control by specifying that final decisions about a new treaty would be made by an IGC. During the Italian presidency of the second half of 2003, the IGC failed to produce a final agreement, but may eventually succeed in 2004 (or later). The main issue causing the failure was the relative weight of small versus large Member States in the Union's institutional setup, the Convention having proposed to abolish the cumbersome system of weights under qualified majority voting (QMV) in the Council, as amended in Nice in December 2000, in favour of a system where a qualified majority vote would simply comprise a majority of Member States representing at least 60% of the EU's population. Spain and Poland opposed this change since they would lose relative influence compared to the Nice formula, where they had nearly as many votes as Germany, despite having half the population. The net contributors to the EU budget are now linking the Constitutional Treaty with the negotiations about the next financial framework, which will run from 2007. This will put pressure on Spain and Poland, a current and a future beneficiary of financial support from the structural funds, to accept a compromise.

The Danish Government went into the IGC with relatively minor wishes for changes, supporting the overall framework of the new so-called Constitutional Treaty. Denmark supported the proposal from the Convention concerning the new and simpler definition of a QMV. But, although the

¹ Finn Laursen, Ph.D, is a Professor at the University of Southern Denmark. The author would like to thank Stine Hauge Nielsen and Berenice Lara Laursen for research assistance for this article.

Government was relatively supportive of the entire Convention draft prior to the start of the IGC, domestic politics did force the Government to change position on the composition of the Commission in favour of maintaining one Commissioner per Member State. Otherwise, during the IGC the main Danish objective was to maintain the Danish exemptions on the Euro, defence policy and supranational Justice and Home Affairs (JHA) co-operation, in the form of protocols to the treaty. The fourth exemption on citizenship of the Union is without practical effect. The Government does want to get rid of the exemptions. This will require 'yes' votes in referendums. One of the questions is when such referendums will take place, and JHA has become a special problem because the Government wants to maintain a relatively strict national immigration policy. A solution to this problem would be an opt-in policy in line with the British and Irish arrangements, where Denmark can opt-in on most JHA co-operation, but stay out of immigration policy.

THE POLITICS OF DANISH EU POLICY: A TWO-LEVEL GAME

Danish EU policy is driven by domestic politics. Any government in the Danish parliamentary system has to be sure to have the support of the Parliament, the *Folketing*, or at least not to have a parliamentary majority against its policy. The Parliament has established a powerful European Affairs Committee that issues negotiating mandates to the Government prior to important negotiations in the EU, be it in connection with day-to-day legislative decisions in the Council or 'history-making decisions' like treaty reforms negotiated in IGCs.² For some very important decisions a referendum may be necessary. The latter applies to treaty reforms that involve further transfer of sovereignty to supranational EU institutions. The Danish decision to accede to the European Communities in 1972 was confirmed by a referendum. The ratification of the Single European Act (SEA) in 1986 was confirmed by a consultative referendum after it turned out that the Conservative-Liberal Government did not have a majority in favour of the SEA in the Folketing. The Maastricht Treaty was first rejected by the Danish people in June 1992. After the four exemptions had been negotiated, the treaty with the exemptions was accepted by a referendum in

² Laursen, 1995; 2001.

May 1993.³ The next new treaty, the Treaty of Amsterdam, was also confirmed by a referendum.⁴ But in connection with the latest treaty reform, the Treaty of Nice, it was decided that the treaty did not include a transfer of sovereignty. Thus it could be confirmed by a simple majority in the Parliament, and no referendum took place.⁵ This happened after the people had turned down the Government's proposal to join the euro – which would have ended one of the four opt-outs – in November 2000.⁶

EU policy is controversial in Denmark and the public is sceptical about further integration. A government negotiating at the EU level must always be concerned about getting the outcome ratified back home. The government is thus caught in a two-level game. In the current Folketing the two parties most to the left, the Red-Green Alliance and the Socialist People's Party, are EU sceptical, although the Socialist People's Party has been moving towards a less EU critical position. On the right of the Government, the Danish People's Party is also EU sceptical. The current Liberal-Conservative Government depends on the parliamentary support of this party to survive politically, but when it comes to EU policy it can normally count on the support of the Social Democrats and Social Liberals, the leading opposition parties to the left of the Government. These two parties supported the Government lines in the Convention and IGC, although the Social Liberals did not support the Government's decision to seek a change in the JHA exemption.

In the case of the Constitutional Treaty proposed by the European Convention, the Government has already indicated that it will be sent to a referendum if it is eventually confirmed by the IGC. As regards the opt-outs, there is a promise going back to 1993 that they can only be abolished through referendums. For a Government that would like to take part fully in the EU, this creates a difficult situation. Will the Danes say 'yes' to a Constitutional Treaty? Will they, at the same time or later, say 'yes' to abolishing the exemptions? Given the 'no' to the Maastricht Treaty in 1992 and the 'no' to the Euro in 2000, this cannot be taken for granted. The Government and the pro-integration opposition parties, the Social Democratic Party and the Social Liberal Party, have to think seriously about how

³ Laursen, 1994.

⁴ Laursen, 2002a.

⁵ Laursen, forthcoming b.

⁶ Laursen, 2003.

to convince the Danes that further integration is a 'good thing' for the country.

THE CONVENTION

The end game of the latest treaty reform, the meeting of heads of state and Government in Nice in December 2000, turned out to be very difficult and controversial. After the longest summit ever, the EU leaders concluded the negotiation of the Treaty of Nice. Few of them were happy about it. Many observers were very critical of the outcome. In particular the horse-trading that took place about the weights of votes in the Council and the definition of QMV created a cumbersome system where the largest states including Germany would get 29 votes, Spain and Poland with about half the population of Germany would get 27, and the rest would get a gradually declining number, down to three for Malta. In retrospect much of the outcome seemed rather arbitrary, even if it was the result of a tough bargaining process.⁷

As they left Nice the leaders called for "a deeper and wider debate about the future development of the European Union." They went on to mention the following points for the agenda of the post-Nice debate⁸:

1. How to establish and monitor a more precise delimitation of competencies between the European Union and the Member States, reflecting the principle of subsidiarity.
2. The status of the Charter of Fundamental Rights of the European Union, "proclaimed" in Nice after having been negotiated in parallel with the Nice Treaty through a so-called convention, where not only governments and the EU Commission were represented but also national parliaments and the European Parliament.
3. A simplification of the Treaties with a view to making them clearer and better understood without changing their meaning.
4. The role of the national Parliaments in the European architecture.

⁷ Laursen, forthcoming a.

⁸ Laursen, 2002b.

The Declaration also talked about “the need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, to bring them closer to the citizens of the Member States.”

Nice therefore decided that a new IGC should be convened in 2004 to discuss the above issues. This IGC started on October 4, 2003, earlier than originally expected, but failed to conclude the negotiations in December 2003, as wanted by the Italian Presidency and some other Member States.

Nice was clearly not the end of the road. The nature of the EU is still very much on the agenda. What kind of Union is it? What kind of Union should it become? The next enlargement, which will create a Union of 25 Member States from 1 May 2004, was putting pressure on the leaders to reform the institutions to avoid gridlock after enlargement. Apart from this issue of efficiency, the EU also faced a serious problem of legitimacy as shown by the somewhat limited public support.

The meeting of the European Council at Laeken in December 2001 accepted the idea of preparing IGC-2004 through a Convention.⁹ The proposed Convention on the Future of Europe would have former French President Valéry Giscard d’Estaing as chairman and be composed of 15 representatives of the Heads of State or Government of the Member States (one from each Member State), 30 members of national parliaments (two from each Member State), 16 members of the European Parliament and two Commission representatives. Candidate countries would also be involved without votes. A Praesidium was composed of the chairman and two vice-chairmen (Giuliano Amato of Italy and Jean-Luc Dehaene of Belgium) and nine members drawn from the Convention. The latter group included representatives from the three countries which held the Presidency during the Convention – including Denmark, which held the Presidency through the second half of 2002. The Danish Government appointed former government minister and Commissioner Henning Christophersen to this position.

The Convention, which had a total of 105 members, held 26 plenary sessions of two days. It went through stages: listening (February-July 2002), study (September-December 2002), proposals and editing (January-July 2003). The study phase included the work of first 12, and later 13 Working Groups. During the final phase the Praesidium played a decisive role.¹⁰ In the end the Convention produced a consensus draft. Five members,

⁹ Belgian EU Presidency, 2001.

¹⁰ de Poncis, 2003; Duhamel, 2003; Beach 2003.

including two Danes, Jens-Peter Bonde (MEP, June Movement) and Peter Skaarup (MP, Danish People's Party), refused to accept this draft. Instead they produced a minority report, which was also presented to the European Council in Thessaloniki on 20 June 2003.¹¹

The proposed draft Constitutional Treaty would abolish the pillar structure of the Union, moving the remaining Justice and Home Affairs policy areas (police and criminal justice) from intergovernmental co-operation to the 'supranational' Community method and also strengthening Common Foreign and Security Policy (CFSP), including defence policy, in various ways without making it supranational. This put pressure on the respective Danish exemptions. QMV would become the normal procedure in the Council, thus increasing efficiency of decision-making. The European Parliament would normally get involved with legislation through the so-called co-decision procedure, thus strengthening the legitimacy of decisions. Concerning institutions, the most important proposals included an elected chairman (or president) of the European Council, appointment of an EU Foreign Minister and election of the President of the Commission by the European Parliament on a proposal from the European Council. The draft also incorporated the Charter of Fundamental Rights, making it legally binding.¹²

DANISH GOVERNMENTAL PREFERENCES

The Prime Minister, Anders Fogh Rasmussen, dealt briefly with EU matters in his New Year speech on 1 January 2003. The Danish Presidency during the second half of 2002 had solved the historical issue of enlargement. Denmark should now continue actively to develop the new Europe. Denmark must take part fully in the EU. It hurts Denmark's interests that the country is not taking part in some areas of EU co-operation. Denmark must therefore get rid of the exemptions. But this, of course, can only take place after one or more referendums. He said that the new EU treaty would probably require a referendum in Denmark. He found it most fair towards the Danish people to await the new treaty before deciding about the Danish exemptions.¹³

¹¹ European Convention, 2003c.

¹² European Convention, 2003.

¹³ Fogh Rasmussen, 2003a.

In a speech to the new Institute for International Studies in Copenhagen on 15 January 2003, Fogh Rasmussen dealt at length with Denmark's EU policy at a time where the European Convention was moving into the last months of its deliberations. He dealt with geopolitics. After the fall of the Berlin Wall and conclusion of the enlargement negotiations during the Danish Presidency, Denmark was in a new situation: "Denmark has exchanged its position as a front-line state in the conflict between East and West for a place at the centre of the new co-operating Europe"¹⁴. Inspired by the successful Presidency, he said that "the Government wishes to maintain [an] active line in Danish EU policy in the years to come".

The prime minister's vision was "a community of nation states", but, he added, "a strong community". The EU "must have the political and economic strength to act at the international level, thus influencing the world with the ideas on which [it] is based". Enlargement should "not lead to a dilution of the EU".

A priority for the EU should be cross-border problems, first of all the internal market, trade policy, competition policy and control of state aid. To this he added, "We must become better at creating jobs in Europe. We must ensure a strong and stable common currency, the Euro". Environmental policy should be developed and improved. The Common Agricultural Policy (CAP) should be reformed.

There was also a need to strengthen co-operation in new fields, including refugees and immigrants, and the fight against international crime and illegal immigration. On CFSP, however, we should be realistic: "The large countries will not give up their national sovereignty in foreign and security policy". Nor should we be hypocritical: "We know very well from our own debate that we also – as a small country – guard our national sovereignty". CFSP would remain intergovernmental co-operation, but "we should endeavour to make foreign, security and defence policies as common as possible". He saw it as being "in the interest of Denmark that in the coming years the EU develops a military capacity to carry out peace-making and humanitarian tasks on the European continent, for example in the Western Balkans". At the same time, "we have a vital interest in close and strong co-operation between Europe and the USA".

Coming to the Constitutional Treaty he referred to the work of the Convention so far as "positive and constructive". Why then a Constitutional Treaty? A treaty because "the EU must continue to be binding co-

¹⁴ Fogh Rasmussen, 2003b.

operation among states”, he said. A constitution, “because the time has come to make sure that we reflect a number of the traditional, fundamental, civil and democratic rights in the EU Treaty in the manner known from national constitutions”.

The prime minister emphasised four areas: the Charter of Fundamental Rights should be incorporated into the treaty; the treaty should include clear and precise rules for transparency and democratic control; it should describe the division of labour between the EU and the Member States more clearly; and it should strengthen the role of national parliaments.

Fogh Rasmussen also dealt with QMV. “The larger the number of Member States, the greater the need will be for taking as many decisions as possible by qualified majority”. QMV could also include “selected parts of the tax area”. “We should, for example, introduce qualified majority when fixing minimum rates for indirect taxes. Personal income tax, by contrast, is an area where the EU has no business. Member States’ distribution policy is a national matter”.

The European Parliament should be involved to a greater extent: “We should work to have the co-decision procedure extended to all areas where the Council takes decision on legislative issues by qualified majority. Specifically, this means first and foremost that the influence of the European Parliament on the agricultural policy will be enhanced”. The Parliament should also have “full influence on the entire expenditure area, including the agricultural expenses”. But “unanimity should continue to apply when the expenditure ceilings are to be changed”.

Fogh Rasmussen emphasised that the EU is not a state “and should not become a state.” He suggested three principles for institutional considerations: balance between large and small states; balance between the three key institutions, the European Parliament, the Commission and the Council; and effectiveness and transparency.

As regards the election of the President of the Commission, he had a specific Danish proposal:

My proposal is that the election should take place in an electoral college consisting of a limited number of members representing national parliaments and the European Parliament, respectively. An appropriate composition of this electoral college could be half national parliamentarians, half members of the European Parliament. The right to nominate must rest with Member States’ governments. A certain number of countries – for example five – must act as nominators for a

candidate. After the election in the electoral college, the appointment must be confirmed by qualified majority in the European Council. This procedure will insure that a new Commission President has the confidence of Member States.¹⁵

Concerning the Presidency of the Council, Fogh Rasmussen discussed three models; the existing rotation every six months, a solution based on group presidencies, and what he referred to as the 'grand solution', an elected President of the European Council.

One of the problems with the existing model was that the time required for co-ordination will increase as the EU moves from 15 to 25 members. Fogh Rasmussen admitted that he used to favour the group presidency. But after the Danish Presidency, where it had become clear that co-ordination across groupings in the Council is essential, he was now more sceptical: "The very question of co-ordination across Council formations is the Achilles' heel of the group presidency. I am afraid that a group presidency may be paralysed by internal quarrels over competence. And then it will not be able to function."

The advantages of an elected President included continuity, clarity and balance in relation to the Commission, and a solution to the problem of workload. Two risks were mentioned, however: it could disturb the balance between large and small countries, and it could lead to an unfortunate conflict with the Commission. If this model were to be adopted it had to include safeguards "ensuring that large and small countries are given real equal status." On this the Prime Minister also had a proposal:

A possible element in such a construction could be, for example, the establishment of three 'electoral groups' comprising large, medium and small countries. The Presidency of the European Council would then be taken in turn by these electoral groups. This procedure ensures equal representation between large and small countries.¹⁶

The Prime Minister said that he would now contact the political parties in order to discuss concrete Danish proposals to the Convention.

He again called for a more active Danish EU policy:

¹⁵ Fogh Rasmussen, 2003b.

¹⁶ Fogh Rasmussen, 2003b.

It is my ambition that Denmark should play a more pro-active role in the EU. Far too often, the standard Danish reaction has been characterised by a sceptical attitude towards changes in the EU. We have, as point of departure, wished to keep things as they were. And in this respect, we have always sought to reduce the proposals of others by 10-20 per cent. This is not the way to achieve influence.¹⁷

Concerning the opt-outs, he repeated that they are detrimental to Danish interests. It is in the areas of the opt-outs “that there is the greatest need to expand the EU in the coming years”. Denmark should participate fully in the Euro, defence co-operation and asylum and immigration policy – after a referendum, of course.

In an address to the College of Europe, Natolin, Poland, on 28 February 2003, Prime Minister Fogh Rasmussen repeated many of the proposals from his Copenhagen speech.¹⁸ He now referred to a recent Franco-German proposal which he found very interesting. However, it failed “to strike the right balance between large and small Member States.” In connection with the proposal for an elected President, he now added that the system “would be combined with a system of changing national Presidencies of the sector Councils”. “The Prime Minister of the country holding the rotating Presidency can then also act as deputy President of the European Council”. He further discussed the idea of having “one single foreign policy representative”, and said: “as foreign policy will remain a primarily intergovernmental matter, I think it only logical that the EU foreign policy representative should be anchored in the Council”.¹⁹

In May the Prime Minister received the prize as “The European of the Year” from the Danish European Movement. In his acceptance speech he again dealt with Danish EU policy in the context of the Convention.²⁰ The Praesidium had now put forward a proposal that included the election of a President for the European Council. Denmark was ready to consider this proposal without prejudgements. But the proposal was not sufficiently precise. Denmark had three demands: a solution should respect the balance between small and large Member States; there should be a reasonable division of labour between the President of the European Council, the President of the Commission and the proposed EU Foreign Minister; and

¹⁷ Fogh Rasmussen, 2003b.

¹⁸ Fogh Rasmussen, 2003c.

¹⁹ Fogh Rasmussen, 2003c.

²⁰ Fogh Rasmussen, 2003d.

finally no new bureaucracy should be created.²¹ He finished by saying that Denmark has too often chosen an exit strategy from the European debate. Such an 'ostrich policy' has not served Denmark well. He was happy that the Government had now reached an agreement with the Social Democratic Party and the Social Liberal Party on Danish proposals to the Convention.²²

The Foreign Minister Per Stig Møller also dealt with the Convention in various speeches, without adding substantively to what the prime minister had said.²³

DANISH PARLIAMENTARY CONTRIBUTIONS TO THE CONVENTION

Apart from the Government's representative, Henning Christophersen, the Folketing was represented by two members in the Convention. The leading opposition party, the Social Democratic Party, chose former minister Henrik Dam Kristensen. Given the fact that the leading government party, the Liberal Party, was already represented by Henning Christophersen, the Government offered its parliamentary seat to the EU sceptical parties. Since these did not succeed in jointly nominating a member, the Government offered the place to the Danish People's Party which chose its vice-chairman Peter Skaarup. Among the EP's 16 representatives there was one Dane, the EU sceptical Jens-Peter Bonde from the June Movement. All representatives had alternates which could take part in the meetings. The Government's alternate was former Prime Minister Poul Schlüter (Conservative). The Folketing's alternates were Per Dalggaard (Danish People's Party) and former Foreign Minister Niels Helveg Petersen (Social Liberal). Among the alternates from the European Parliament were two Danes, viz Lone Dybkjær (Social Liberal) and Helle Thorning-Schmidt (Social Democrat).

Tracing the contributions of these Danish representatives to the Convention shows that Henrik Dam Kristensen, Peter Skaarup and Jens-Peter Bonde were particularly active with speeches on some of the main issues dealt with by the Convention. Since the contributions of Henning

²¹ Fogh Rasmussen, 2003d.

²² Danish Government, the Social Democratic Party & the Social Liberal Party, 2003.

²³ Møller, 2003a; 2003b.

Christophersen mainly went through the Praesidium, which met behind closed doors, we know less about them.²⁴ Christophersen also chaired one of the Working Groups, that dealing with complementary competences. During the end game of the Convention, the two government parties, the Liberals and Conservatives, also produced a joint position paper together with the Social Democrats and Social Liberals, which was published on 20 March 2003.²⁵ For space reasons we shall limit the following to comparing the contributions of Dam Kristensen and Skaarup, giving the two dominant Danish visions of the future of Europe, one conditionally in favour of the current process and one against further integration.

A reading of Henrik Dam Kristensen's speeches to the Convention gives a good idea of the Social Democratic vision of the EU at the beginning of the 21st Century. The Party has come a long way since the mid 1980s when it opposed the SEA. Through the 1990s it has supported the treaty reforms of Maastricht, Amsterdam and Nice. It was actively involved in negotiating the Danish exemptions after the 'no' to Maastricht in 1992 and played a leading role in getting the Maastricht Treaty with the exemptions accepted by the Danish people in 1993. It led the Government that negotiated the Amsterdam Treaty, where it worked actively to give the treaty Danish imprints in areas like employment, environment and consumer protection. But the party still wants CFSP to remain intergovernmental. Like other Danish parties, it puts emphasis on the role of national parliaments, seeing the national avenue to legitimacy as the most important. Only with some hesitation has it accepted increasing involvement by the European Parliament.

Indeed, the role of national parliaments was the topic of Dam Kristensen's first speech to the Convention on 7 June 2002. National parliaments are the foundation of national democracy. National parliamentarians have close contacts with the citizens. It is therefore important to involve national parliaments more in EU decision making. In particular, they could be more involved in controlling the application of subsidiarity.²⁶ When the Working Group on Subsidiarity produced its report, Dam Kristensen was supportive of the idea that national parties should play a key role in the

²⁴ According to a study by a member of the Praesidium secretariat, the members of the Praesidium were not supposed to represent national interests. But the Danish and Spanish members were said to have broken that rule by often expressing national views. See De Poncis, 2003: 27.

²⁵ Danish Government, the Social Democratic Party and the Social Liberal Party, 2003.

²⁶ Dam Kristensen, 2002a.

control of subsidiarity. He agreed with the recently proposed mechanism – an early warning system – that would allow national parliaments to make statements concerning the application of subsidiarity.²⁷

Dam Kristensen also spoke in favour of developing CFSP. The EU has become a ‘progressive force’ in the battle for sustainable development at the global level. We face new challenges such as poverty, ethnic conflicts, violation of human rights, terrorism, etc. where the EU can give a decisive contribution. He emphasised the role of NATO and the UN and said that we have to find solutions so that the EU can speak with one voice. The appointment of the High Representative of CFSP in October 1999 had strengthened CFSP, but it was still unclear who is doing what, where and when. To representatives from the European Parliament who wanted more EP influence on CFSP, on the other hand, he said that foreign policy is about sovereignty. It was therefore important to involve national parliaments.²⁸

After the successful conclusion of enlargement negotiations at the Copenhagen summit in December 2002, Dam Kristensen again spoke about the development of CFSP. He now said that there was a need to use QMV as much as possible instead of unanimity. But this should not include areas where Member States’ vital interests are involved. He also gave guarded support for a ‘double-hatted’ foreign minister of the EU, who would be both a member of the Commission and of the Council. He would not exclude a model of this kind. But the issue was also linked with the question of a president for the European Council.²⁹

Dam Kristensen dealt with issues of employment and taxation in November 2002. He expressed support for the Lisbon process and the open method of co-ordination. This method should become part of the new constitutional treaty. He especially related the question of taxation to some multinational companies’ not paying taxes. This decreases the possibilities of financing welfare. So EU co-operation is necessary. Also, if we want a greener Europe we must introduce environmental taxes. He favoured the introduction of QMV for environmental and company taxes to avoid damaging competition between Member States.³⁰

²⁷ Dam Kristensen, 2002c.

²⁸ Dam Kristensen, 2002b.

²⁹ Dam Kristensen, 2002e.

³⁰ Dam Kristensen, 2002d.

Social and labour market policies are also important in the Danish political context. Social rights should be part of the constitutional treaty. The internal market should be supplemented with rules that counteract unfair competition and social dumping. Health, education and social services, however, should not become part of the internal market. The social dialogue at the European level should be developed further. Workers should be allowed to carry out cross-border actions of sympathy with trade union colleagues in other countries.³¹ Later in April 2003 Dam Kristensen spoke about the draft then being proposed, welcoming the section on the democratic life of the Union. But the text lacked a reference to the special role of the trade unions and employers' associations. A reference to these and to social dialogue should be included in the final draft.³²

When the skeleton of the new treaty started to take shape towards the end of 2002, Dam Kristensen had commented that it was important that the goal now was stated as 'a Union of European states that retain their national identity'. This meant that the EU was not becoming a state: the EU engaged in co-operation. It was also being confirmed that there would be a further application of QMV in the Council and co-decision for the European Parliament. The EU would be made more transparent, efficient and democratic.³³

In a speech in January 2003, Dam Kristensen said that it might be a good idea to have a chairman of the European Council. But he saw some problems: What possibilities would that leave for smaller Member States? Who will be president of the different Councils? If the High Representative becomes the foreign minister who will be his boss? Concerning the President of the Commission he sympathised with the idea of involving the European Parliament, but he also wanted to involve the national parliaments in the election of the Commission President. He opposed giving the EP sole responsibility for electing the Commission president.³⁴

On 15 May 2003, when the Praesidium had put forward its proposal on institutions, Dam Kristensen responded by rejecting the proposal for a Commission with only 15 voting members. The proposal did not deal with the question of balance between large and small Member States. It should therefore be dropped, and the Union should stick to the Nice Treaty. The

³¹ Dam Kristensen, 2003b.

³² Dam Kristensen, 2003c.

³³ Dam Kristensen, 2002e.

³⁴ Dam Kristensen, 2003a.

President of the Commission should be elected by an electoral council composed of members of national parliaments and the European Parliament. Concerning the proposal for weighting of votes in the Council, Dam Kristensen found that the proposal favoured the large Member States too much. It was a bad proposal which would upset the balance between small and large Member States.³⁵

The contributions by Peter Skaarup from the Danish People's Party represented a radically different vision of the EU, one based solidly on nation-states and against 'more Union'. In his first speech to the Convention in April 2002, Skaarup said that the EU should be a practical co-operation dictated by real needs. It should never become an objective in itself to transfer competences to the EU. The EU should only deal with cross-border problems. There should be no efforts to develop a common European identity. Democracy can only exist nationally in a common linguistic space.³⁶ In another speech Skaarup compared the EU with Switzerland, claiming that Switzerland is not a state! Sovereignty belongs to the cantons, he said. Similarly sovereignty belongs to the Member States in the EU. The European Parliament can never become a real parliament. Debate takes place via interpreters. The democratic deficit in the EU cannot be solved through new reforms. There is no such thing as a European people. 25 nationalities cannot be united in the same democracy. His job in the Convention therefore was to fight for the sovereignty of nations.³⁷

Skaarup was in favour of increasing the influence of national parliaments. National parliamentarians are in closer contact with the voters than European parliamentarians. The EP and the Commission do not know the concerns of the citizens. The powers of the EP should be limited; the EP possibly even abolished.³⁸

Concerning the EU's international role Skaarup said that no one would die for the EU. Most people are willing to die for their country. The EU is commercial co-operation and management. No one will die for that. The EU's miserable performance in ex-Yugoslavia had shown that the European big powers had different, historically-determined interests. NATO, which had been created to protect the independence of nation-states, is the most important source of security in Europe. Looking at threat scenarios,

³⁵ Dam Kristensen, 2003d.

³⁶ Skaarup, 2002a.

³⁷ Skaarup, 2002b.

³⁸ Skaarup, 2002c.

Skaarup claimed that the most serious threat to Europe today comes from immigration, especially from Muslim countries. The question was: Should Europe be the continent of cathedrals or mosques?.³⁹ At a later stage, commenting on the work of the working group on defence, he opposed the idea of an article in the treaty on collective defence. It would spoil positive transatlantic co-operation.⁴⁰

Skaarup called for simplification and a clear division of competences.⁴¹ He was against talking about a constitution, giving the EU status as a juridical person or introducing citizenship of the Union on a par with national citizenship. These developments implied a federal state, a United States of Europe. Only a minority of Danes would support such a development.⁴² Commenting on the work in the working group on decision-making he said that the main purpose of the group was to give the EP more power. He was also against the proposed new names of legislative instruments ('laws' and 'framework laws' instead of 'regulations' and 'directives'). Legislation is a national prerogative, he claimed.⁴³

In January 2003 Skaarup commented on the proposal from the Praesidium concerning the division of powers between EU institutions. The whole proposal was about creating a federal state, more federalism, and more centralism. Federalists like Andrew Duff and Joschka Fischer had had too much influence. There was nothing in the proposal on the role of national parliaments. Skaarup was strongly against electing a European president. He was also against moving more decisions to QMV.⁴⁴ Later, when the Praesidium proposed the first 16 articles of the Constitutional Treaty, Skaarup called for a mention of Christianity in the treaty. He used his speech to say that he was against Turkish membership of the EU. Turkey is not a part of Europe, neither culturally nor geographically. He also said that it was unwise of Giscard d'Estaing to maintain the words about a 'federal basis' in article 1.⁴⁵

Later Skaarup talked against the proposed stipulations concerning suspension of rights⁴⁶ and 'closer co-operation'⁴⁷. The latter would make it

³⁹ Skaarup, 2002d.

⁴⁰ Skaarup, 2002h.

⁴¹ Skaarup, 2002f.

⁴² Skaarup, 2002f.

⁴³ Skaarup, 2002g.

⁴⁴ Skaarup, 2003a.

⁴⁵ Skaarup, 2003b.

⁴⁶ Skaarup, 2003c.

possible for pro-integration countries to force integration-sceptical countries towards more integration, he claimed.

In a speech of 31 May 2003 to the Danish People's Party's Constitution Conference, Skaarup said that the party was not against the EU as such. European integration had been reasonable until 1992. But then it became an effort to establish a federal state, with common currency, flag, national anthem, parliament, etc. This was reducing the influence a small states. The Constitutional Treaty proposed would move 26 areas from unanimity to QMV. He therefore claimed that Danish ratification of the Constitutional Treaty would require a change of the Danish constitution, which can only take place by using the difficult procedure of Section 88 of the Constitution (adoption by two consecutive parliaments with an election in between and a referendum at the end, where a majority of those taking part, and at least 40 per cent of the electorate, must vote in favour).⁴⁸

DANISH RESPONSES TO THE DRAFT CONSTITUTIONAL CONVENTION

On 20 June 2003 on the day the first draft Constitutional Treaty was presented to the European Council in Thessaloniki, Greece, Foreign Minister Per Stig Møller evaluated the proposal in a newspaper article. He said that the Constitutional Treaty would not expand the functional scope of the EU by bringing in new policy areas, but it would strengthen CFSP and JHA co-operation. The new treaty was logically constructed. It succeeded in describing the fundamental principle in less than 60 articles. It was a clear treaty, containing a clear division of labour between the Union and the Member States. It would lead to more openness by opening the Council meetings dealing with legislation. National parliaments would get a bigger role. Citizens' rights would be better protected. Institutionally the Union would become more efficient. QMV would become the norm. The European Council would get an elected chairman. Voting rules would be simplified. The 15 voting members of the Commission would rotate with small and large Member States being treated equally. CFSP would be strengthened by becoming more binding and the Union would get a Foreign Minister.

⁴⁷ Skaarup, 2003d.

⁴⁸ Skaarup, 2003e.

Denmark had preferred another title, since Minister presupposes a state, but the job was more important than the title. Defence policy would be strengthened and the possibility of closer co-operation in the area was introduced. JHA would be considerably strengthened by using the Community method.⁴⁹

But the strengthening of JHA co-operation would make the Danish exemption in this area more significant. Abolishing the pillar structure of the Union and applying supranational co-operation for all of JHA would exclude Denmark from it all, including police and criminal justice co-operation, which had stayed intergovernmental when the Amsterdam Treaty had moved other JHA areas to the first pillar. This could also affect cross-policy endeavours, like penalties against infringements of environmental rules. Denmark would therefore have to find some solution for the Danish exemptions at the IGC.⁵⁰

When the Convention was over the Social Democrats also welcomed the result. It would create a better, open and more democratic EU. Emphasis was put on sustainable development, the social market economy, full employment, equality between men and women, eradication of poverty and protection of human rights. At the same time it was emphasised that the Union was not moving towards being a United States of Europe. It was co-operation between nation-states.⁵¹

The Social Liberal Party was also supportive of the draft Constitutional Treaty. As expected, the Danish People's Party was against the treaty. So was the Unity List, but the Socialist People's Party decided to wait and see the final treaty from the IGC. Seen from the Government's point of view, it would be important to get support also from the Socialist People's Party. Such support would make it easier to get a 'yes' vote in a referendum.

THE DANISH EXEMPTIONS

In August the Foreign Ministry issued a 40-page report on the draft Constitutional Treaty and the exemptions.⁵² It confirmed what the Foreign

⁴⁹ Møller, 2003c.

⁵⁰ Møller, 2003c.

⁵¹ Dam Kristensen, 2003e.

⁵² Ministry of Foreign Affairs, 2003.

Minister had already written in June: that the exemptions would become even more extensive and problematic.

The report dealt with all four exemptions, but quickly said that there were no changes in respect to citizenship of the Union. The draft retains the language from the Amsterdam Treaty: that Union citizenship is a supplement to national citizenship and does not replace it.⁵³

Concerning EMU, the Constitutional Treaty will reinforce the separate co-operation between the participants in the Euro. The Danish exemption will therefore be felt more in the future.⁵⁴

The most decisive changes will take place in the JHA area, where all co-operation will become supranational. This included the third pillar areas of police and criminal-justice co-operation, which had remained intergovernmental in the Amsterdam Treaty. The Danish exemption would therefore become extended to these areas. Through criminal justice measures in sector policies in the future, the Danish exemption may spread to other policy areas, making it all extremely complicated for Denmark and its partners. The report went into great detail over the existing legislation in the different JHA areas. Overall the conclusion was clear, the Constitutional Treaty would make Denmark's JHA exemption much more strongly felt in several ways. Denmark might for instance have to leave EUROPOL and EUROJUST, third pillar agencies that would become supranational.⁵⁵

As regards the defence policy exemption, the report noted the various stipulations of the draft Constitutional Treaty, including structural co-operation to increase the Union's military capabilities, the creation of a European Armaments, Research and Military Capabilities Agency, and closer co-operation as regards mutual defence co-operation. Again, the Danish exemption would be felt more in the future.⁵⁶

The new solidarity clause (art. I-42 and III-231) requiring the Member States to "act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made disaster" could also affect the Danish defence exemption because it calls for the mobilisation of all instruments "including the military resources made available by the Member States".

⁵³ Ministry of Foreign Affairs, 2003: 2.

⁵⁴ Ministry of Foreign Affairs, 2003: 4.

⁵⁵ Ministry of Foreign Affairs, 2003: 5-19.

⁵⁶ Ministry of Foreign Affairs, 2003: 20-22.

So the combination of the JHA and defence policy exemptions could exclude Denmark from much of the EU's anti-terror activities in the future.⁵⁷

It was the special importance of the JHA exemption that pushed the Government to seek political support for a change there. On 10 October 2003 a parliamentary majority supported the Government's proposal to seek a change in this exemption during the IGC so that the Danish people in a later referendum could change it to an arrangement where Denmark can decide about participation on a case-by-case basis, like the model applied by the United Kingdom and Ireland – known as an 'opt-in' model. This would allow Denmark to decide to take part in supranational JHA co-operation in an ad hoc manner.⁵⁸

THE GOVERNMENT'S NEGOTIATING MANDATE FOR THE IGC

As the IGC started on 4 October 2003, domestic politics forced the Government to change policy and demand a Commissioner per member state, as other small Member States had long been demanding. Indeed, these states, including in particular Finland, criticised the Danes for not supporting the interests of the smaller states sufficiently. Furthermore, opinion polls indicated that a majority of Danes considered it important for the country to retain a voting Commissioner.

The Danish negotiating mandate was worked out between the Government and Folketing in September 2003 and largely confirmed on 10 October 2003 in connection with a debate in the Parliament. It was kept in rather general terms. It stated that the EU is the framework for future European co-operation. A simpler and better EU is needed. The Convention draft was a good basis. It contained a clearer description of division of labour, would create more openness, involve national parliaments further and incorporate the Charter of Fundamental Rights. The EU faces new challenges: refugees, cross-border criminality and international terrorism. The EU must become a global leader. For this reason not all CFSP decisions should be based on unanimity. The EU should also strengthen

⁵⁷ Ministry of Foreign Affairs, 2003: 22-25.

⁵⁸ EU Consultants, 2003.

defence co-operation and develop a military capacity. Denmark was also open to closer co-operation in the defence area.⁵⁹

As regards institutions, the Danish negotiating mandate saw the proposal from the Convention draft as a reasonable compromise between the larger and smaller states. Thus there was Danish support for an elected chairman of the European Council. Denmark was against a special legislative Council. On the new voting proposal, the Danish position was cryptic. The Nice rules were seen as unnecessarily complicated. There was support for increased influence for the European Parliament, including agricultural policy. Denmark wanted a strong, effective and well-functioning Commission and could still – in September 2003 – support a division into voting and non-voting members as long as there was equal rotation between small and large Member States. There was also support for a ‘double-hatted’ foreign minister.

In a speech on 3 November 2003 to a hearing arranged by the European Affairs Committee of the Folketing, the Foreign Minister dealt with the Danish efforts at the IGC.⁶⁰ He talked of some progress. The idea of a special legislative Council, opposed by Denmark, was opposed by so many Member States that it looked as if it would not survive the IGC. As regards the Presidency of the Council, agreement was emerging on a system of three countries sharing the presidency of the Council for 18 months, thus a group presidency.

Otherwise, Denmark was supporting the creation of two “new co-ordinating functions – the elected chairman of the European Council and EU Foreign Minister”. The chairman of the European Council should be a *chairman*, not a President! And the Foreign Minister should be based in the Council, with a link to the Commission. Denmark had now also put forward a proposal that all Member States should have a voting Commissioner. As Møller explained, having a Commissioner had great symbolic meaning in the Member States. Indeed, the referendum debate in Denmark was already being anticipated. Symbols could be expected to become an important part of the debate.

On the controversial redefinition of QMV proposed by the Convention, Denmark could support the proposal from the Convention, but preferred a QMV based on equal weighting of the number of states and size of population. It could be 60%, but it could also be 50%.

⁵⁹ Danish Government, 2003.

⁶⁰ Møller, 2003d.

On the extension of QMV, the Government was largely supportive of the proposal from the Convention. If EU-25 has to function efficiently there must be an extended use of QMV. But Denmark still supported unanimity for one area, namely social security for migrating workers, viz article III-21 in the draft Constitutional Treaty (current Article 42 TEC). This affects central aspects of the welfare systems of the Member States.

On non-institutional issues Denmark had followed the Italian Presidency's call for self discipline. Denmark was for instance supportive of the so-called 'passerelle' in article I-24(4), which stipulated that for areas requiring special legislative procedure or unanimity the "European Council can adopt, on its own initiative and by unanimity", a decision allowing for the application of the ordinary legislative procedure or qualified majority. In both cases the national parliaments will have to be informed. This 'passerelle' would make it possible to avoid IGCs for technical questions in the future and thus give the EU some flexibility, the Foreign Minister explained.⁶¹

Per Stig Møller finished by saying that should the IGC fail to produce an agreement, it would be the loss of a "window of opportunity" for a new treaty.

THE ISSUE OF REFERENDUM(S)

It is commonly assumed in Denmark that the Constitutional Treaty will require a referendum. This became common opinion in the spring of 2003 as the contours of the draft treaty started to become known. But how, and what about the exemptions that the Government also would like to abolish – or change in the case of JHA?

Some politicians, including some members of the Social Democratic Party spoke in favour of a 'big bang' vote. A 'yes' vote for the Constitutional Treaty without the exemptions could at the same time abolish the Danish exemptions. But most leading politicians in the pro-integration parties concluded that such a strategy would be too risky.⁶²

The alternative was to vote on the Constitutional Treaty, including the existing exemptions in protocols, and vote separately on the exemptions.

⁶¹ Møller 2003d

⁶² Berlingske Tidende, 2003

Getting protocols with the exemptions attached to the treaty therefore became the most important objective of the Government during the IGC, and the Government was optimistic about reaching this goal prior to the failed summit in Brussels in December 2003.

But should the vote about the treaty with the exemptions and the vote about abolishing or changing the exemptions then take place on the same day or should the latter votes follow later? A discussion about this took place through the second part of 2003, but in reality no decision had been announced when the Brussels summit in December 2003 broke up without agreement.

The failure of Brussels led to calls for referendums about the Danish exemptions during 2004, prior to a possible vote about a Constitutional Treaty, now pushed further into the future. But leaders of the Liberal Party maintained that it would be difficult to vote about the exemptions as long as the text of the Constitutional Treaty was not known.

CONCLUDING REMARKS

Through the 1990s the Danish political elite has moved from seeing the original EC as a common market to seeing the EU as a political project. This shift was clear in the referendum debate about the Amsterdam Treaty. What we have seen in connection with the draft Constitutional Treaty is a further move in the Danish discourse about the EU. The Government parties, the Social Democrats and the Social Liberals have accepted much of the 'constitutionalist' (some would say 'federalist') discourse that has been part of the European Convention. At the same time they have been busy adding that they are opposed to European federalism, usually associating federalism with a centralised system. The fact that 'constitution' in Danish is 'forfatning' has given the F-word a double meaning. The Constitutional Treaty, Danish politicians insist, is therefore first of all a treaty among independent nation-states.

By emphasising that the Constitutional Treaty does not create a federal state, the Government and pro-integration opposition parties are anticipating the referendum debate, where the euro-sceptical parties, principally the Danish People's Party, but also the People's Movement against the EU and the June Movement, can be expected to claim that the treaty is creating a federal state. Much of this debate will be about symbols: a president, a

foreign minister, a flag, an anthem. Scare scenarios of the Danish nation disappearing into a European super-state will be easy to sell to the Danish public wary of what comes from the South.

Selling the treaty will therefore require a determined effort not only by the Government but also by the Social Democrats, the Social Liberals and – the Government can afford to hope – the Socialist People's Party. But it could be unwise to say that this does not mean 'more Union'. Alternatively the pro-integration parties could go out and explain why 'more Union' is necessary, if a Union of 25 Member States or more is to be able to work in a satisfactory manner.

The pro-integration forces in Denmark should not forget former Prime Minister Schlüter's famous words from the mid 1980s. After the negotiation of the Single European Act he declared the Union 'stone-dead'. A few years later the Maastricht Treaty created the European Union.

It would take an informed and courageous politician to say that the Constitutional Treaty is really about combining two kinds of guarantees: the guarantee that EU-25 can function effectively in the areas where the constitution has given it powers, and the guarantee that the Member States' autonomy in national policy areas is maintained. Such double guarantee is the central aspect of a federal arrangement. In that sense there is already a fair dose of 'federalism' in the Union. And the draft Constitutional Treaty will take a further step in that direction without creating a fully-fledged federal state. Catalogues of competences and the principle of subsidiarity, which pro-integration politicians in Denmark like, form parts of federal arrangements. But as long as the Union does not have a single foreign and security policy, a European army and powers to raise taxes, it is not a fully-fledged federal state.

But then of course the reference to the Union administering "certain common competences on a federal basis", which was in the first 16 draft articles of 6 February 2003,⁶³ was taken out in May 2003. The new text talked about exercising 'in the Community way the competences' conferred on the Union.⁶⁴ Giscard d'Estaing explains in his account of the Convention that 'federal' was the right term to use and he had deliberately chosen it because it had a educative value in helping to bring about a reality that already exists. But the term found less support in the Convention than he

⁶³ European Convention, 2003a.

⁶⁴ European Convention, 2003b.

expected. In particular '*le blocage sémantique de la communauté anglo-saxonne*'⁶⁵ had remained categorical.⁶⁶ Thus 'federal basis' was replaced by the less explicit 'Community way' – leaving the Union's *finalité* (ultimate goal) very much open.

Getting a new EU treaty accepted in Denmark has to be major concern for any Danish Government. 2 June 1992 was a shocking surprise. It required a major national and international effort to get the Maastricht Treaty ratified with opt-outs in 1993. The strategy chosen in 1996 during the negotiations of the Amsterdam Treaty was a very active one, seeking Danish imprints in the treaty so that it could be sold to the Danish public. The strategy succeeded. In 2000 the Government was again very active in the Treaty of Nice negotiations. But this time the purpose was to limit changes to institutional ones that would not require a referendum. This strategy also succeeded.

The Constitutional Treaty is thus mainly about institutional changes. At one point the Danish foreign minister went so far as to say that it did not expand the functional scope of the Union. Given the legal interpretation that allowed the former Government to avoid a referendum about the Treaty of Nice a referendum could arguably have been avoided again. But all the constitutionalist discourse surrounding the draft Constitutional Treaty would have made it difficult to sell such an argument. The Government therefore chose to accept the draft and concentrate its energy internationally on retaining the Danish opt-outs in the new treaty. The flip side of that strategy was a rather low profile in the IGC on other issues. And given the political role of the Danish People's Party the Government had to find a special solution for immigration policy.

There can be no doubt that the Danish opt-outs are becoming a serious problem for the Government. The proactive role the Government wants to play in the EU will face tight limits as long as the Government cannot get the Danish people to accept the abolishment of these opt-outs.

⁶⁵ The semantic veto of the English-speaking community.

⁶⁶ Giscard d'Estaing, 2003: 33-34.

REFERENCES

- Beach, Derek (2003), *Towards a new method of constitutional bargaining? The role and impact of EU institutions in the IGC and convention method of treaty reform*, Paper presented to the Danish Society for European Research, Aalborg, 27 September 2003.
- Belgian EU Presidency (2001), "The Future of the EU: Declaration of Laeken", [www.eu2001.be].
- The European Convention (2003a), "Draft of Articles 1 to 16 of the Constitutional Treaty", CONV 528/03, Brussels, 6 February 2003.
- The European Convention (2003b), "Draft Constitution, Volume I – Revised text of Part One", CONV 724/03, Brussels, 26 May 2003.
- The European Convention (2003c), Contribution from David Heathcoat-Amory, Irene Belohorska, Jan Zahradil, Jens-Peter Bonde, Peter Skaarup, members of the Convention, and Esko Seppanen, John Gormley, Per Dalggaard, William Abitbol, substitute to the Convention: "Rapport fra et mindretal – Demokratiernes Europa", CONV 773/03, 30 May 2003.
- Dam Kristensen, Henrik (2002a), Speech to the Convention, 7 June 2002.
- Dam Kristensen, Henrik (2002b), Speech to the Convention, 11 July 2002.
- Dam Kristensen, Henrik (2002c), Speech to the Convention, 4 October 2002.
- Dam Kristensen, Henrik (2002d), Speech to the Convention, 7 November 2002.
- Dam Kristensen, Henrik (2002e), Speech to the Convention, 20 December 2002.
- Dam Kristensen, Henrik (2003a), Speech to the Convention, 20 January 2003.
- Dam Kristensen, Henrik (2003b), Speech to the Convention, 6 February 2003.
- Dam Kristensen, Henrik (2003c), Speech to the Convention, 24 April 2003.
- Dam Kristensen, Henrik (2003d), Speech to the Convention, 15 May 2003.
- Dam Kristensen, Henrik (2003e), "Vi får et bedre, åbent og mere demokratisk EU", Pressemeldelse, Socialdemokraterne.
- Danish Government (2003), "Regeringskonferencen 2003 – Regeringens forhandlingsgrundlag September 2003", 12 September 2003.
- Danish Government, the Social Democratic Party & the Social Liberal Party (2003), "Dansk europapolitisk udspil", 20 March 2003.

- De Poncis, Étienne (2003), *Vers une Constitution européenne. Textecommenté du projet de traité constitutionnel établi par la Convention européenne*. Paris: Éditions 10/18.
- EU Consultants (2003), "Forfatningstraktatens betydning for de danske forbehold", note to Folketingets European Affairs Committee, 28 October 2003.
- Duhamel, Olivier (2003), *Pour l'Europe: Le texte integral de la Constitution expliqué et Commenté*. Paris: Éditions du Seuil.
- European Convention (2003), *Draft Treaty Establishing a Constitution for Europe*. Luxembourg: Office for Official Publications of the European Communities.
- Fogh Rasmussen, Anders (2003a), Statsminister Anders Fogh Rasmussens Nytårstale 2003.
- Fogh Rasmussen, Anders (2003b), "Danish EU Policy after the Presidency", Speech by Prime Minister Anders Fogh Rasmussen at the Institute for International Studies. 15 January.
- Fogh Rasmussen, Anders (2003c), "Europe after the Enlargement", Address by Anders Fogh Rasmussen, Prime Minister of Denmark, College of Europe, Natolin, February 28.
- Fogh Rasmussen, Anders (2003d), Statsminister Anders Fogh Rasmussens tale ved overrækkelse af Europabevægelsens pris som "Årets Europæer" 3 May 2003.
- Giscard d'Estaing, Valéry (2003), *Valéry Giscard d'Estaing présente la constitution pour l'Europe*. Paris: Éditions Albin Michel.
- Laursen, Finn (1994), "Denmark and the Ratification of the Maastricht Treaty", in Finn Laursen & Sohie Vanhoonacker (eds.), *The Ratification of the Maastricht Treaty*, Dordrecht: Nijhoff; Maastricht: EIPA, pp. 61-86.
- Laursen, Finn (1995), "Parliamentary Bodies Specialising in European Union Affairs: Denmark and the Europe Committee of the Folketing", in Finn Laursen & Spyros Pappas (eds.), *The Changing Role of Parliaments in the European Union*, Maastricht: European Institute of Public Administration, pp. 43-54.
- Laursen, Finn (2001), "The Danish Folketing and its European Affairs Committee: Strong Players in the National Policy Cycle", in Andreas Maurer & Wolfgang Wessels (eds.), *National Parliaments on their Ways to Europe: Losers or Latecomers?* Baden-Baden: Nomos Verlagsgesellschaft, pp. 99-115.

- Laursen, Finn (2002a), "Denmark: The Battle for a Better Treaty", in Finn Laursen (ed.), *The Amsterdam Treaty: National Preference Formation, Interstate Bargaining and Outcome*, Odense: Odense University Press, pp. 71-91.
- Laursen, Finn (2002b), "Vers un traité constitutionnel?" *L'Europe en formation*, 2002:1, pp. 29-40.
- Laursen, Finn (2003), *The Danish 'No' to the Euro and its implications: Towards more Variable Geometry?*, CFES Working Paper (Odense) 2003:9.
- Laursen, Finn, (forthcoming a), "Introduction: Overview of the Intergovernmental Conference 2000 and the Treaty of Nice", in Finn Laursen (ed.), *The Treaty of Nice: Actor Preferences. Bargaining and Institutional Choice* (tentative title).
- Laursen, Finn (forthcoming b), "Denmark: The Battle to Avoid a Referendum", in Finn Laursen, (ed.), *The Treaty of Nice: Actor Preferences. Bargaining and Institutional Choice* (tentative title).
- Ministry of Foreign Affairs (2003), "Notat: Konventstraktaten og forbeholdene", J. nr.: JT.EU 400 A JUR 11.1, 11 August 2003.
- Møller, Per Stig (2003a), "Danmark – 30 år i EU – Hvad vil vi nu?", Tale af udenrigsminister Per Stig Møller på Københavns Handelshøjskole, 10 April 2003.
- Møller, Per Stig (2003b), "Det nye Europa og dets plads i verden", Tale af udenrigsminister Per Stig Møller ved Kommissionens Europakonference på Kollo Kollo, 9. maj 2003.
- Møller, Per Stig (2003c), "Danmark og det nye Europa", *Kronik i Politiken*, 20. juni 2003.
- Møller, Per Stig (2003d), Udenrigsministerens tale ved høring arrangeret af Folketingets Europaudvalg om regeringskonferencen, 3. november 2003.
- Skaarup, Peter (2002a), "Europa: hvad er formålet? EU's opgaver", Tale i Konventet, d. 15.-16. april 2002.
- Skaarup, Peter (2002b), Indlæg: Den Schweiziske model for EU.
- Skaarup, Peter (2002c), Tale i Konventet d. 7. juni: Om de nationale parlaments rolle i den europæiske arkitektur.
- Skaarup, Peter (2002d), Tale i Konventet d. 11.-12. juli: Om EU's eksterne handlemuligheder.
- Skaarup, Peter (2002e), Tale i Konventet d. 12. september.
- Skaarup, Peter (2002f), Tale ved Konventshøringen d. 2. december.
- Skaarup, Peter (2002g), Tale i Konventet 5.-6. december: Kommentar til konventets arbejdsgruppe IX om beslutningsprocesser.
- Skaarup, Peter (2002h), Tale i Konventet d. 20. december.

- Skaarup, Peter (2003a), 'Tale i Konventet d. 20.-21. januar: Bemærkninger til EU-konventets præsidiums oplæg til magtfordelingen mellem EU-institutionerne.
- Skaarup, Peter (2003b), 'Tale i Konventet d. 27.-28. februar: Om udkastet til traktatartiklerne 1-16.
- Skaarup, Peter (2003c), 'Tale i Konventet d. 25. april.
- Skaarup, Peter (2003d), 'Tale i Konventet d. 30. maj: Forstærket samarbejde.
- Skaarup, Peter (2003e), 'Tale ved Dansk Folkepartis grundlovskonference d. 31. maj.

Refugees in ‘Regions of Origin’: Towards a Common EU Policy?

Finn Stepputat¹

In recent years a number of new concepts have flowed from the policy field which has emerged at the interface between foreign affairs and home affairs, around the “external dimension of Justice and Home Affairs” in the EU: the development-migration nexus, co-development, re-admission agreements, protected-entry procedures, regional protection areas, transit-processing centres, and the protection of refugees in regions of origin, or, in Danish, the *nærområdestrategi*. The latter, which is the subject of this article, is conceived as a means of combining efforts to forge development in the refugee hosting areas in developing countries and to reduce the number of asylum seekers entering EU territory. The article will, first, outline the specific, political context in the EU in which concrete proposals for refugees in ‘regions of origin’ have developed; secondly, show how these proposals have rearticulated initiatives and policies from past decades, which were designed to change international refugee policy in developing countries; thirdly, sketch out the environment and dynamics that characterise refugee-hosting regions outside of Europe, which have to be taken into account in the operationalisation of the new EU strategies for refugees in these regions; and, finally, discuss the problems, contradictions and controversies inherent in the proposed strategies.

¹ Finn Stepputat, Ph.D., is a Senior Researcher at the Danish Institute for International Studies.

TAMPERE, SEVILLA AND BEYOND: HOME AFFAIRS IN NEW TERRITORIES

The development of a strategy for assistance and protection for refugees and displaced populations in regions of origin is part and parcel of a process which, since 1998, has institutionalised as the 'external dimension' of the EU Council of Justice and Home Affairs (JHA). The influence of home and justice affairs on the development co-operation and foreign policy of EU Member States is not a novelty, but the Treaty of Amsterdam gave a new impetus to a process in which ministries of justice, home affairs and integration have successfully put specific issues onto the foreign policy agenda. At a general level, addressing the "root causes" of migration became an explicit policy objective immediately after the signing of the Maastricht Treaty in 1992, when the potential migration from Central and Eastern Europe was perceived as a serious threat to the EU. In Edinburgh 1992, the "Declaration on Principles Governing External Aspects of Migration Policy" stated that the Council was "conscious of the role which effective use of aid can have in reducing longer term migratory pressures through the encouragement of sustainable social and economic development".² This approach gave rise to the 'aid in place of migration' policy.³

However, from a policy point of view, the structure of the Union represented a problem for the development of the external aspects of migration policies. In the Maastricht Treaty, asylum and immigration issues were located in the third pillar of intergovernmental "Police and Judicial Co-operation," while the decisive instruments for implementing policies regarding external relations were located in the first (the supranational European Community) and the second (the Common Foreign and Security Policy) pillars.⁴ This changed somewhat when the 1997 Treaty of Amsterdam communitised large parts of the former third pillar, locating asylum and immigration policies within the first pillar's "Area of Freedom, Security and Justice", under the Directorate General JHA. Hence, the slow but progressive institutionalisation in working groups, budget-lines, conventions and agreements with third countries which has taken place since 1998 marked a change from former *ad hoc* initiatives, and reinforced the tendency

² Council of the European Union, Declaration on Principles Governing External Aspects of Migration Policy, 1992:2, quoted in Lindstrom 2003: 7.

³ Böhning & Schloeter-Paredes, 1994.

⁴ Lindstrom, 2003.

for asylum and migration policies to be a controversial political field with implications for non-EU countries. A brief account of this process and the place and evolution of the 'region of origin' initiative in this context is necessary to understand the policy's different forms and implications.

While the JHA meeting in Tampere 1999 and the Council meeting in Sevilla 2002 are important markers in the process, the Austrian Government provided an influential preamble during its Presidency in 1998 when it issued a strategy paper calling for EU to "use its economic and political muscle" to enforce readmission agreements with the countries of origin and of transit of rejected asylum seekers. This implied that development and trade policies should take migration issues into account.⁵ The context of the strategy paper was the arrival in 1997 and 1998 of Iraqi Kurds on the shores of Greece and Italy from Turkey, and the subsequent development of an action plan to fend off "illegal refugees" and send them back to "safe areas in the region of origin", in this case Jordan and Turkey.⁶

The Austrian draft strategy paper did not survive the political negotiations in the Council and was shelved. But in late 1998, on the basis of a Dutch proposal, the EU Council established an "inter-pillar" task force, the High Level Working Group on Asylum and Migration (HLWG), which resurrected the concerns and ideas of the Austrian strategy paper. The HLWG was charged with the task of preparing, for the JHA Council meeting in Tampere in 1999, Action Plans for six migrant-sending countries, covering border controls and the co-ordination and reallocation of development aid for these countries.⁷ In practice, the "inter-pillar" nature of the HLWG implied that the Ministries of Foreign Affairs were represented in the working group alongside representatives of Ministries of Home Affairs, Justice and/or Integration, as well as relevant representatives of the Commission. This nature means that a very broad range of capacities and fields of interests are represented in the working group, and the participating ministries from each country may change over time. Hence a certain unpredictability and lack of continuity is inherent in the inter-pillar working group, where stable alliances and groups of 'likeminded', known

⁵ Hayes & Bunyan, 2003: 73.

⁶ Hayes & Bunyan, 2003.

⁷ The countries were Iraq, Somalia, Sri Lanka, Morocco, Afghanistan/Pakistan, and Albania/Kosova.

for example from the co-operation on development assistance in the EU, are less likely to stabilise.

The HLWG Action Plans proposed a range of instruments for the reduction of migration pressures, including measures for: protection of human rights, support for democratisation, the promotion of a constitutional state, social and economic development, combating poverty, support for conflict prevention and reconciliation, co-operation with UNHCR and human rights organisations with respect to refugees' and asylum seekers' right to protection, and measures to combat illegal migration.⁹ At the JHA meeting in Tampere, the action plans were endorsed and the mandate of the HLWG renewed. At parallel meetings, NGOs criticised the Action Plans as unbalanced, on the grounds that the development and conflict prevention measures were left in very vague terms while the core concerns of the Justice and Home Affairs – such as readmission agreements, carrier liaison officers for the identification of suspicious persons, and devices for the detection of false documents – were elaborated in great, technical detail.¹⁰

The new element introduced at the Tampere meeting has been described in terms of a 'globalisation of immigration control': i.e. that the EU passed the responsibility for immigration control on to the countries of origin and transit of EU-bound migrants.¹¹ The conclusions at Tampere emphasised the importance of partnerships for "a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit" and for a "more efficient management of migration flows at all their stages".¹² The latter implied, according to the Council, that the EU assists countries of origin and transit to strengthen their capacities to combat trafficking and to "cope with their readmission obligations towards the Union and the Member States".¹³ Finally, the Council concluded that readmission provisions should be included in all agreements with relevant Third countries, and that, in general, the Union's external action in Justice and Home Affairs should be defined in operational detail.

⁹ Sørensen et al., 2002.

¹⁰ See for example European Council of Refugees and Exiles, 1999.

¹¹ Webber, 1999.

¹² Council of European Union, 1999: §§ 10 + 22.

¹³ Council of European Union, 1999: §26.

One of the first tangible effects of the Tampere meeting was the inclusion of the issue of readmission and repatriation clauses in the final stages of the Lomé IV negotiations with 77 ACP countries. Despite resistance from the ACP countries and continuing doubts regarding the foundation in international law, the clause was included in the final 'Cotonou Agreement' (§13).¹⁴ After Tampere, the HLWG Action Plans were also "brought to the attention of the concerned countries". However, the officials of the newly formed DG JHA soon realised that, as in the case of Morocco, the third-country authorities felt that the plans "lacked balance", putting too much emphasis on the "security dimension".¹⁵ As has been repeated on various occasions since negotiations started, it is "important to ensure that the implementation of the plans respects the balance originally sought between the various areas (foreign policy, development, asylum and migration)". Otherwise the EU runs the risk of a "flat refusal" to co-operate by the countries concerned.¹⁶ As of June 2003, by which time the Council had authorised negotiations with 11 countries on "readmission agreements," only three had been concluded (Sri Lanka, Hong Kong and Macao).

After Tampere, the next milestone in the development of the external dimension of JHA was the Council in Seville in 2002, which restated the need to conclude all future agreements on co-operation and association with a clause on "joint management of migration flows and on compulsory readmission in the event of illegal migration."¹⁷ But in addition, the Council considered it necessary to carry out "a systematic assessment of relations with third countries which do not co-operate in combating illegal migration" and stated that, in case of "unjustified lack of co-operation," the Council "may [...] adopt measures or positions under the Common Foreign and Security Policy and other European Union policies while [...] not jeopardising development co-operation objectives".¹⁸ The latter addition seems to be an important signal for the traditional actors within EU and Member States' development co-operation field, many of whom regard the

¹⁴ Hayes & Bunyan, 2003.

¹⁵ Van de Rijt, 2001:5.

¹⁶ Van de Rijt, 2001:7. See also CEC, 2003:13-14. The latter document emphasises the need for greater incentives and notes that a "greater generosity is expected from the EU and its Member States in areas such as market access and WTO compatible tariff preferences".

¹⁷ Council of European Union, 2002: §33.

¹⁸ Council of European Union, 2002: §§ 35 and 36.

prioritisation of migration and asylum issues as a serious threat to future development co-operation and to resources for genuine development.¹⁹

This position is reinforced in the following communication from the EU Commission addressing the integration of migration issues in EU's relations with third countries. The Commission states that dialogue on these matters should be "fundamentally incitative by encouraging those countries that accept new disciplines, but not penalising those who are not willing or not capable to do so", and that addressing root causes should be the long-term priority of the Community.²⁰ The communication also suggests that the mid-term review process of the regional and Country Strategic Papers (CSP) in 2003 would be a unique opportunity to negotiate these issues, and that in this connection the Council should consider setting up a corresponding budget line to support third countries' capacity and build co-operative migration management into it.

In 2003, the Council meetings endorsed this new budget-line and set aside some 250 million euro over a five-year period for such activities. The other important step in the process taken in 2003 was the establishment of a set of procedures for assessing Third countries' efforts and collaboration in migration management. However, while these procedures have been outlined in the HLWG, the decisive (and potentially very divisive) step of deciding upon the measures to be taken in case of insufficient co-operation remains to be dealt with in the HLWG in 2004.

THE 'PROTECTION OF REFUGEES IN THE REGION OF ORIGIN' INITIATIVE

Within the process described above, a particular cluster of proposals and discussions crystallised around the concept of 'Protection in the Region of Origin'. The debate was started by the British Minister of Home Affairs, Jack Straw, who argued in 2000 that all refugees want is to return safely to their country of origin and that they therefore should be assisted and protected as close as possible to their homes.²¹ The subsequent debate coincided with a UNHCR-driven process in the wake of the 50th anniver-

¹⁹ See for example interview with Poul Nielson, Andersen, 2003.

²⁰ CEC, 2002:4.

²¹ Straw, 2000.

sary of the Geneva Convention on refugees, which led in 2002 to the adoption of an "Agenda for Protection", endorsed by the Member States of the UNHCR. The two processes address a common set of concerns including: 1) 'hybrid' or mixed flows of asylum seekers and economic migrants, and the apparent abuse of asylum procedures by trafficking agents; 2) the 'secondary movement' of asylum seekers from 'safe countries of first asylum'; and 3) the lack of burden-sharing, where poorer countries host the majority of the worlds refugees but receive only a minor proportion of the funds for refugee assistance available worldwide.

High Commissioner Ruud Lubbers presented UNHCR's proposal, 'Convention Plus', at an informal JHA Council meeting in Copenhagen in 2002, during the Danish Presidency, which sought to promote an EU initiative for co-ordinated assistance and protection of refugees in the regions of origin as part of the overall process of linking migration and development issues. Lubbers and Convention Plus proposed a number of special agreements²² including:

- targetted development assistance to achieve more equitable burden-sharing and to promote self-reliance among refugees and returnees in: a) countries hosting large numbers of refugees, b) refugee-hosting communities, so as to facilitate local integration in remote areas, and c) countries of origin, so as to facilitate reintegration;
- comprehensive plans of action to ensure more effective and predictable responses to a mass influx;
- multilateral commitments for resettlement; and
- the roles and responsibilities of countries of origin, transit and destination in "irregular" or "secondary movement" situations (multilateral re-admission arrangements; capacity-building; extraterritorial protection arrangements in a responsibility-sharing framework).

Although still formulated in very vague terms, the proposal seemed to take on board many of the preoccupations of the EU Council, including the issue of re-admission agreements. However, no concrete initiatives were agreed upon. While the Danish Government unilaterally decided to set aside funds for a Danish *nærområdestrategi* (including support to the UNHCR for initiatives in this regard),²³ the UK Government took over the initiative in the EU arena. Given the intense attention that the hard line on refugees and

²² UNHCR, 2003.

²³ Møller, 2002.

other migrants produced, the Danish Government probably welcomed the British initiative to take the lead.

For the informal JHA Council meeting in March 2003, the UK Government submitted a proposal for “New International Approaches to Asylum Processing and Protection”.²⁴ Besides restating many of the former proposals for improved “regional management” of migration flows – so as to “reduce the incentive” for asylum seekers, refugees and other migrants to move to Europe – the UK proposal launched the idea of “protected areas” in the regions of origin, and “transit processing centres” *en route* to the EU, “to which those arriving in EU Member States and claiming asylum could be transferred to have their claims processed”. These centres “could be managed by the International Organisation for Migration (IOM) with a screening system approved by the UNHCR”.²⁵

The British proposal should be seen against the background of record high numbers of asylum-seekers to the UK in 2002, which had become a liability in the British political arena where the Conservative party was capitalising on the issue at national level and the British National Party was gaining votes in local elections in traditional strongholds of the governing Labour Party. Together with deportation of Afghans, the involvement of the British navy in patrolling in the Mediterranean and other initiatives, the British proposal was meant to present a picture of the Blair Government determined to reduce migration.

The proposal aroused much criticism from human rights NGOs and, as suggestions for the location of transit centres leaked to the press, also from some of the countries considered, such as Croatia.²⁶ The critics held that the proposal threatened to undermine fundamental human rights and the principle of non-refoulement. But also more practical issues were raised: the involvement of IOM as manager of the centres was questioned, since this intergovernmental entity is neither accountable to the UN General Assembly nor bound by its Member States’ international legal obligations, including the prohibition against non-refoulement.²⁷ Commentators have seen the suggestions to increase IOM involvement as a way of putting pressure on UNHCR to become more active in the field of control of

²⁴ UK Government, 2003.

²⁵ UK Government, 2003: § 2.

²⁶ See for example Human Rights Watch, 2003. Countries mentioned for protected zones or transit centres were Albania, Croatia, Romania, Ukraine, Russia, Turkey, Morocco, Iran and Northern Somalia.

²⁷ Human Rights Watch, 2003.

“secondary movements”, re-admission agreements and “protected entry procedures” (i.e. the extra-territorial processing of asylum applications).²⁸ Having a very limited core grant, UNHCR is, furthermore, extremely dependent on annual provisions from Member States.

Blair’s proposal did not survive the Thessaloniki Council meeting in June 2003. While Austria, Holland and Denmark – all with influential anti-migration parties in the national parliaments – supported the proposal, other Member States articulated critical scepticism. Swedish Foreign Minister Anna Lindh was fiercely opposed to the proposal and explained that the British “had understood that sending people back out of our countries to protection camps is not something we or others will support,” while for the German Government, the media comparisons of the proposed Transit Processing Centres with concentration camps had made the issue very sensitive.²⁹ The Greek Presidency and other Mediterranean countries did not endorse the proposal either. They seemed more interested in the issue of EU external border controls, an issue which was dealt with in the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), a parallel JHA working group to the HLWG, which was very active during the Greek Presidency.

As noted in a Commission Communication, the “concept of protection in the region of origin, [...] has hitherto been behind a large number of misunderstandings and controversie”. Hence, while the Thessaloniki Conclusions invites the Commission to “examine ways and means to enhance the protection capacity in regions of origin”, the only reference to the British proposal is to note that a number of Member States “plan to explore ways of providing better protection of refugees in their region of origin, in conjunction with the UNHCR”.³¹

WHAT’S NEW?

INTERNATIONAL PRECURSORS TO THE CURRENT POLICY

When moving from the internal EU policies to the international domain of refugee policy, it is clear that the new policies reinvent strategies and policy

²⁸ Hayes & Bunyan, 2003.

²⁹ Moller, 2003.

³¹ Council of European Union, 2003: §26.

instruments which have been around for several decades. But the rationale for these strategies has changed. In the 1960s, for example, UNHCR – with limited success – launched a ‘development-oriented refugee strategy’ and the concept of ‘zonal development’ that aimed to improve conditions for refugees as well as poor host communities,³² but the ultimate aim was to reduce costs for relief programmes rather than to limit migration of asylum seekers towards the richer countries. As the number of refugees tripled in the early 1980s, ‘local integration’ and ‘self-sufficiency’ of refugees³³ was emphasised in Africa and Central America, so as to enable the UNHCR to free resources for new emergencies.

Meanwhile the acute refugee crisis in Indochina created the conditions for some of the concepts and approaches which came to dominate refugee policy in the 1990s, such as ‘burden-sharing’, ‘transit camps’ and ‘countries of first asylum’. The neighbouring countries to the Indochina conflict started closing their borders or placing the refugees in ‘human deterrence’ camps, demanding that the rich countries with an interest in Cold War conflicts contributed to the solution of the refugee crisis. As a result, after selection processes in transit camps in the region, some 700,000 refugees were resettled in the US, Canada, Great Britain, France, Australia, Nordic and other countries.

While this kind of burden-sharing was probably only possible because the US, as the dominant power, had political interests in the resettlement programme,³⁴ pervasive “refugee fatigue” from the mid 1980s led to the development of a Comprehensive Plan of Action (CPA) signed by 70 countries in 1989. The CPA marked a turning point in the history of international refugee policy since, for the first time, as asylum procedures were tightened in the rich countries, repatriation was launched as the preferred durable solution. Support for repatriation was accompanied by interception of boat transports and the development of an alternative migration programme, the “orderly departures programme”.³⁵ In several ways, the Comprehensive Plan of Action seems to have inspired current attempts to reinforce solutions “in the region of origin”. In fact, the Danish

³² Limited mandates and funds as well as poor management have been cited as reasons for the limited success of these strategies. See Gorman, 1987.

³³ Hartling, 1984.

³⁴ Suhrke, 1998.

³⁵ See UNHCR, 2000.

Government proposed as early as 1986 that the UN set up regional transit-centres where asylum requests could be processed.³⁶

In general, the refugee policy of the 1990s turned towards what we may call an 'internalisation of the refugee crisis': by seeking to push the crisis back across the borders through a number of instruments and programmes, such as support for repatriation, conflict resolution and conflict prevention; by attempts to create safe or protected zones within areas of conflict; and by a progressive institutionalisation of the protection of 'Internally Displaced Populations' (IDPs), together with this new expression in the international vocabulary of the 1990s.^{37, 38} These instruments and policies are still part and parcel of the tool box of the international community, although some of them have proven to be weaker or more difficult to apply than expected. Thus, the Srebrenica massacre shattered confidence in the creation and enforcement of safe, humanitarian zones in conflict areas; the IDP regime proved to be much weaker in practice than the refugee regime;³⁹ and the strong push for repatriation was severely criticised after the massive, but seemingly premature, 'facilitated' repatriation operations in Afghanistan in 2002.⁴⁰

Hence, an important question for the "refugees in the region of origin" strategy remains what possibilities there are for improving protection and the development of refugees in the neighbouring countries to a conflict. In this context, the third of UNHCR's traditional "durable solutions" – the local integration alternative which was promoted in the 1980s – has increasingly been directed to looking for donor governments and international agencies, leading to the definition by UNHCR of new instruments such as "Development Assistance for Refugees" and "Development through Local Integration".⁴¹

³⁶ Noll, 2003.

³⁷ Suhrke, 2002.

³⁸ In 1994, a UN undersecretary for IDPs was appointed, and in 1997, the UN issued a set of Guidelines for the Protection and Assistance to Internally Displaced People.

³⁹ See Stepputat, 2002 and Suhrke, 2003.

⁴⁰ Turton & Marsden, 2003.

⁴¹ Crisp, 2002; 2004.

MOBILE LIVELIHOODS, SECURITY AND DEVELOPMENT IN 'REGIONS OF ORIGIN'

Turning from the international policy environment to the situation and dynamics on the ground, the following sections will seek to analyse what kind of effect the new EU policy and strategy may have on the conditions of refugees in developing countries. According to UNHCR, the majority of the world's 12 millions refugees⁴² live in the developing countries.⁴³ While a total of 86% of the refugees between 1999 and 2001 had fled persecution and armed conflict in developing countries, 72% were living in developing countries.⁴⁴ This means that 85% of the refugees stayed in these regions, while some 15% moved on towards richer countries.

Looking at the dynamics of flight and refuge in the regions of origin, we may use the categories of the current humanitarian regime to distinguish between groups who are perceived as living under somewhat different conditions. Apart from the IDPs mentioned above, agencies talk about *stayees*, those who do not flee or, if they do so, return after a short lapse of time. Others cross an international border and become *refugees*, who, in many cases, are concentrated in settlements or camps of "care and control".⁴⁵ And others again become what the agencies label as *self-settled*, spontaneous or dispersed refugees.⁴⁶ These are usually not counted as refugees since they never identify themselves, and therefore their number is impossible to verify. They move in with kith or kin in rural areas, or they seek to survive by blending in with poor migrant populations in rapidly expanding urban neighbourhoods, where they live without documents, assistance or protection.

A closer look, however, reveals that, in practical terms, it is difficult to establish clear-cut boundaries between the categories. First of all, people often move in and out of categories and may, over time, appear in several of the categories as they move around in the conflict areas. Secondly, families are likely to spread out in order to diversify their livelihood strategies and spread their risks. Thus, one part of the family may live in a refugee camp while others seek employment in rural or urban areas, travel around as petty

⁴² 19 millions if we include 'persons of concern'.

⁴³ UNHCR, 2002.

⁴⁴ UNHCR, 2002.

⁴⁵ Mallki, 1995.

⁴⁶ Hansen, 1990.

merchants, or cross the boundary back into the conflict area to seek ways of upholding or re-establishing entitlements and control over resources (cattle, fields, harvests) in the home area.⁴⁷ In general, access to mobility and extended social networks is a primary resource for survival and development for the displaced populations: they negotiate access to land or cattle away from refugee camps, and seek out niches for trade and seasonal labour, while part of the family may maintain access to the health and education services in refugee camps.

While such mobile livelihood strategies are normal means of survival in economically marginal areas, the most common way of dealing with refugees in host countries is to keep them in designated areas and deny them rights of movement, among other rights. Host governments perceive the refugees as direct or indirect security threats, fearing that armed factions will use the refugees as bases for recruitment and logistical support; and that the refugees' presence may change or politicise established balances between ethnic, religious or national groups, bring epidemics, or may spur conflicts over scarce resources with host communities.⁴⁸ Finally, camps render refugees visible politically speaking, which is often perceived as a precondition for attention and assistance from a fickle international community with rapidly changing priorities.

Due to restrictions, movement outside the designated areas becomes, if not impossible, then laborious, illegal and therefore dangerous for refugees. They become easy targets of harassment, assaults and robbery, and without papers their wages and the prices of their products are extremely low. Without legal access to land, jobs etc, some refugees engage in smuggling, prostitution or other illicit activities, which further undermine their security.⁴⁹

Currently, the trend in Africa, Asia and the Middle East does not point towards more openness and freedom of movement for refugees. On the contrary, the tightened asylum regime in Europe, in addition to political and economic problems in the host countries, has led the governments of, for example, Tanzania, Pakistan and Thailand to close their borders for refugees.⁵⁰ In Guinea in 2001, the President released a hate campaign

⁴⁷ Turton, 1996; Stepputat & Sørensen, 2001; Horst, 2001.

⁴⁸ Crisp, 2003, argues that the grievances resulting from competition of resources are exaggerated as refugees in many areas provide labour for an effective use of natural resources.

⁴⁹ Jacobsen, 2002.

⁵⁰ Chimni, 2002.

against refugees from Sierra Leone and Liberia, who were turned overnight into a threat to the security of the country and assaulted by neighbours, militias and vigilante groups.⁵¹

Meanwhile conditions for refugees have deteriorated in the camps, where the major part of UNHCR budget is spent. In 1999, only 60% of UNHCR's budget for refugees outside Europe was funded, and the lack of schools and other forms of education in the camps is an increasing problem. Also the security situation inside the camps seems to be deteriorating, which has led the UNHCR to adopt special measures for camp security.⁵²

Thus, overall there is plenty of scope for improvement and support from donor governments. While conditions in camps and settlements can be improved, "local integration" can be pursued as an option in many cases where repatriation is not possible. Contrary to the beliefs of most governments, this "durable solution" does not seem to discourage voluntary repatriation. It is not a zero-sum choice between repatriation and local integration. Indeed, the latter is probably a better way of preparing refugees for return to their country of origin than "warehousing" them in camps where they risk being deskilled.⁵³

Prospects for local integration depend of a series of factors, such as, the density of the population in the area, the kinds of resources available, and the potential for conflict between different groups. Shared language, culture and religion can favour local integration, and so can the particular skills of the refugees. As Karen Jacobsen has argued, there is plenty of scope for income-generating programmes, micro-credit schemes, education and skills training among both hosts and refugees; and the presence of refugees may be an asset for host communities if it attracts funds and initiatives for local development.⁵⁴ Finally, as the debate on the migration-development nexus has emphasised, relations between refugees and wider diasporas can bring social and economic remittances to the area.⁵⁵ However, whether local integration and development is possible depends entirely on the willingness of the host government to give the refugees legal status, residence and freedom of mobility, and on whether there is potential for economic

⁵¹ Crisp, 2002.

⁵² UNHCR, 2002.

⁵³ Crisp, 2004.

⁵⁴ Jacobsen, 2002.

⁵⁵ Sørensen et al., 2002.

development in the refugee-hosting areas in the first place, since these areas are often on the margins of global and national economies.

MOVING ON TO EUROPE?

While there are some prospects and instruments for improving conditions in refugee hosting areas, it remains an open question whether such improvements will reduce the likelihood of refugees' moving on towards Europe. The argument runs that improvements in the region, together with resettlement schemes, will undercut the need of poor refugees to become subject to traffickers and embark on dangerous and costly voyages towards the EU. From the perspective of European migration policy, this is one of the main arguments for the strategy of 'protection in the region'.

Unfortunately we do not know enough about these dynamics. Taking Somalia as an example, we know that 15% (80,000) of the registered 500,000 refugees have arrived in Europe, North America, and South Africa, while 85% have stayed in Ethiopia, Kenya, Yemen, and Djibouti.⁵⁶ Between 1980 and 2000, 127,000 sought asylum in the EU, but half of them were rejected.⁵⁷ In addition, some 500,000 Somalis are living and working in the Gulf States. Many of these would qualify for asylum elsewhere, but in the Gulf States it is not possible to seek asylum. This proportion of those moving is evident in a number of cases where refugees have formed part of the general labour migration, such as the Turkish Kurds in Europe, and the Salvadoreans in the US.

The conflict in Sri Lanka has produced a somewhat similar proportion to the Somali case. Some 6-800,000 were internally displaced; 110,000 became refugees in India, where more than half of them live in camps; 2-300,000 became refugees in Europe and North America, where they have melted in with groups of labour migrants, while many among the 800,000 Sri Lankans in the Gulf States and in South East Asia would have qualified as refugees.⁵⁸ Since 1980, 210,000 have applied for asylum while 40,000 have been

⁵⁶ UNHCR, 2000.

⁵⁷ It is likely that some have registered several times due to 'asylum shopping' in various countries. See Lisborg & Lisborg, 2003.

⁵⁸ USCR, 2001; van Hear, 2002.

granted status as refugees.⁵⁹ Thus, in this case a larger percentage of (potential) refugees have sought refuge beyond the neighbouring countries.

As it has become much more difficult to enter the EU and apply for asylum, asylum migration has been increasingly professionalised. This has made it more difficult and more expensive to get to the EU, but it has also made it more difficult for the asylum seekers to control where their voyage ends, and thus for them to link up with pre-existing networks in specific European countries.⁶⁰ At the same time, the geography of asylum has become more diversified, in the sense that a lot of cheaper, but also very laborious and dangerous, overland routes have emerged, passing through several transit countries, such as Turkey, Romania, and Hungary, where asylum seekers may stay for months and years before they are able to move on.

These conditions mean that economically well endowed refugees who can get to a city with an international airport in the country they flee to or in a neighbouring country are more likely to get to the EU – and the country of the choice. Poorer refugees will take the extremely insecure routes and/or enter slave-like work contracts (*trafficking*). We do not however have precise data on the social distribution of asylum seekers in the regions of origin and in Europe, so the claim that only the richer refugees go to Europe, while the poorer stay put – as argued by politicians to advance the strategy of protection – in the region – remains a qualified guess.

It also remains to be seen whether improved conditions in the refugees' regions of origin will reduce secondary and irregular migration. As Crisp has argued, the disparity in living conditions is likely to be maintained or deepened in the future and if it is true that most asylum seekers in the EU are economic migrants, improved conditions for the refugees are not likely to reduce the number of asylum seekers in the EU.⁶¹ In addition, many refugee groups are linked through diasporic and transnational networks to richer countries which give them the means to move towards Europe. In fact, involvement in these networks tends to undermine the whole distinction between proximity and distance which is assumed in the region-of-origin strategy, according to which proximity to 'home' should increase

⁵⁹ UNHCR, 2000; Lisborg & Lisborg, 2003.

⁶⁰ Koser & Pinkerton, 2002.

⁶¹ Crisp, 2004

the likelihood of repatriation since refugees remain "closer" in terms of culture and information.⁶²

CONCLUSION: DILEMMAS AND PROBLEMS

Preoccupation with the effects and risks of high numbers of refugees and migrants coming to the EU has spurred the interest of member states in managing migration flows in general, and in particular of finding ways of avoiding the 'secondary movement' of refugees from countries of first asylum to countries further a field. One of the means invented to achieve this aim is the improvement of protection and assistance of refugees in the region of origin, which is assumed to reduce their need to move on from countries bordering those in armed conflict. Together with repatriation and resettlement schemes, the strategy attempts to stabilise refugee populations and their host communities and increase their participation in, and contribution to development at local and national levels, so as to improve the possibility of reaching durable solutions, whether through repatriation or through local integration.

These instruments are not new as such. They have a long history in the work of UNHCR, but the current process has given a renewed momentum to these efforts which hold the promise of improving conditions and the scope for development in refugee-hosting regions. The new programmes being developed in specific countries have, at a programmatic level at least, incorporated some of the experience from former attempts at merging refugee assistance and development: such as improving the co-ordination between UN agencies, supporting refugee-hosting areas, and supporting refugees as well as their hosts with the aim of going beyond the bureaucratic labels of refugee and non-refugee.

However, the same trend that generated this renewed momentum constitutes the major hindrance for development and local integration in refugee hosting areas. Host governments, like their northern counterparts, have become more restrictive in terms of the rights and entitlements of refugees, whom they tend to regard as a security threat. This change in perception is not necessarily related to actual changes in levels of violence, crime or militarisation, but may be an answer to general anxieties and

⁶² Crisp, 2004.

changes in globalising societies. Researchers have noted an increased obsession with questions of belonging and the definitions and entitlements of locals and aliens.⁶³ This tendency to conceive of refugees as security threats combines with very real problems and grievances in some refugee-hosting areas as a result of congestion, crime, militarisation and over-exploitation of scarce resources.

The most important effect of the 'securitisation' of refugees is the containment of refugees in camps and designated areas. This makes it difficult and/or risky for refugees to develop their pervasive mobile livelihood strategies, which otherwise extend their networks and enable people to survive in marginal areas through the combination of a range of resources and sites of labour, trade, investment, education and other social services. Hence, it may be argued that the most effective instrument for achieving the self-reliance of refugees and development of refugee-hosting areas is the negotiation with host governments of rights for refugees to move freely within the territory and to have proper documentation and entitlements to justice, security and social services, along with the right to own property and to engage in trade and other remunerative activities across the territory – the monitoring of which would amount to the 'protection' of the refugees. The drawbacks to this instrument is the predictable resistance of host governments, and the fact that many refugee-hosting states are not even remotely in a position to secure their own citizen's rights and access to services, justice and security.

As the case of Zambia has shown,⁶⁴ it is not impossible that some host governments are flexible, understanding, and willing to co-operate on the issue of refugee rights, protection and assistance – in particular if the funds offered are generous and agreements are linked to improved trade conditions for the countries in question. But experience from the 1980s CPA in South East Asia and from the current negotiations over readmission agreements, show that an explicit aim of diminishing migration to one's own area is a difficult point of departure for negotiations over refugee rights in the countries of first asylum. It is difficult to reconcile with the whole idea of 'partnership', which has otherwise guided relations over development co-operation, and it is difficult to imagine that, if the interests of

⁶³ Geshiere & Nyamnjoh, 2000.

⁶⁴ The Danish Government, together with a number of international agencies, US Aid and other donors are currently engaged in the Zambia initiative for local integration of Angolan refugees in Zambia.

donor and host countries are to be reconciled, 'effective protection' will not take the form of internment of refugees in camps.

One of the problems of the strategy is that the refugees risk becoming pawns in negotiations over larger packages of development aid, trade agreements, political support in international forums etc. Refugees have often been pawns in international relations, but if asylum requests can only be processed outside the EU (as proposed in the UK government's "new vision"), the right to asylum will depend on the EU governments' will to resettle the asylum seekers in the EU. The refugees therefore risk becoming victims of the EU governments' attempt to pressure the host governments to comply with their side of agreements.⁶⁵ As Gregor Noll argues, placing asylum seekers in processing or holding centres outside the jurisdiction of the EU countries, and hence separating territory and asylum, risks becoming the beginning of the end of the 1951 Refugee Convention.⁶⁶

Thus, the existing proposals for 'protection in the region of origin' entail a number of legal and practical problems of definition of 'safe country' and 'effective protection', not only in relation to the Refugee Convention but also in relation to Human Rights treaties, including the European Convention on Human Rights. None of the proposals, for example, gives weight to legal status and the recognition of a person before the law.⁶⁷ Neither do they seem to take into account the principle of 'effective control', according to which "an asylum seeker who enters the territory of a state party to the Refugee Convention or who falls under the effective control of the state or those acting on its behalf (such as the IOM), engages not only the obligations of the state under the Refugee Convention, but also the human rights by which the state is also bound".⁶⁸ This means, that even though EU states delegate responsibility for processing asylum seekers to other states or international agencies, they are still bound by their obligations under international human rights accords.

As an alternative to the proposed forms of extra-territorial processing, Noll and associates suggest that the EU develops and harmonises 'protected entry procedures' based on the embassies of the EU governments.⁶⁹ Experience shows that these procedures give fewer ungrounded asylum requests

⁶⁵ Noll, 2003.

⁶⁶ Noll, 2003.

⁶⁷ Amnesty International, 2003.

⁶⁸ Amnesty International, 2003: 28.

⁶⁹ Noll et al, 2003.

and that they therefore work in line with the intention to reduce human smuggling and trafficking. In support of this solution may also be cited the fact that the 'Pacific solution', the Australian efforts to extra-territorialise asylum procedures by diverting refugee ships to islands outside Australian jurisdiction, has proven to be a very expensive way of reducing the number of asylum seekers.⁷⁰

In conclusion, the current strategies regarding refugees in the regions of origin are resulting in more resources being transferred to a field which has seen substantial deterioration during the past 10 years. It remains to be seen whether the funds freed by decreasing numbers of asylum seekers are reinvested in refugee-hosting areas, as was argued when the strategy was introduced. And it remains to be seen whether improved conditions will eventually reduce the number of asylum seekers and trafficked people entering the EU. Although the current proposals, not to mention of the radical UK proposal, have not been able to generate consensus in the EU over the past 6-7 years, the issue has been moving steadily ahead and proposals keep popping up in new forms. There is a consistent trend towards the incorporation of migration issues in the agendas of foreign policy and development co-operation. But the proposed strategies contain a number of contradictions and unresolved problems that need to be solved. On the basis of current experience it seems difficult at the same time to improve conditions for refugees and poor hosts in the regions of origin; pose demands on the host governments; and transfer asylum procedures to the same areas. The strategies risk leading to more people having to stay indefinitely in camps, which is a huge human, juridical and economic problem.

⁷⁰ Noll, 2003.

REFERENCES

- Amnesty International (2003), "UK/EU/UNHCR: Unlawful, and Unworkable – Amnesty International's Views on Proposals for Extraterritorial Processing of Asylum Claims", AI Index: IOR 61/004/2003, London.
- Andersen, Ivar Houmark (2003), Interview with Poul Nielson in the Newspaper *Information* on 25 May 2003.
- Black, Richard (1998), "Putting Refugees in Camps", *Forced Migration Review*, No.2, August 1998
- Böhning, Wolf Rudiger & Mary-Luz Schloeter-Paredes (eds.) (1994), *Aid in Place of Migration – selected contributions to an ILO-UNHCR Meeting*, Geneva: International Labour Organisation.
- Chimni, B.S. (2002), "Aid, Relief and Containment: the First Asylum Country and Beyond", *International Migration*, 40:5, pp. 75-94.
- Crisp, Jeff (2001), "Mind the Gap! Humanitarian Assistance, the Development Process and the UNHCR", *International Migration Review*, 35:133.
- Crisp, Jeff (2002), *No Solutions in Sight: The Problem of Protracted Refugee Situation in Africa*. Working Paper no. 68. CCIS, University of California, San Diego: La Jolla.
- Crisp, Jeff (2004), *The Local Integration and Local Settlement of Refugees: a Conceptual and Historical Analysis*. Geneva: UNHCR.
- Commission of the European Communities (CEC) (2002), "Integrating Migration Issues in the European Union's Relations with Third Countries", Communication from the Commission to the Council and the European Parliament, COM(2002) 703 final, Brussel 3.12.2002.
- Commission of the European Communities (CEC) (2003), "Development of Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders and the Return of Illegal Residents", Communication from the Commission to the European Parliament, COM(2002) 703 final, Brussels 3 December 2003.
- Council of European Union (1999), Presidency Conclusions, Tampere European Council, 15 and 16 October 1999, Brussels: CEU.
- Council of European Union (2002), Presidency Conclusions of the European Council, Seville, 22 June, no.200/1/02 Rev.1.

- Council of European Union (2003), Thessaloniki European Council, 19 and 20 June 2003. Presidency Conclusions, POLGEN 55, 11638/03.
- European Council of Refugees and Exiles (ECRE) (1999), Statement on the High Level Working Group on Asylum and Migration to the Committee on Citizen's Freedoms and Rights, Justice and Home Affairs, European Parliament, 11 October 1999.
- Geshiere, Peter & Francis Nyamnjoh (2000), "Capitalism and Autochthony: The Seesaw of Mobility and Belonging", *Public Culture*, 12:2, pp. 423-52.
- Gorman, Robert F. (1987), *Coping with Africa's Refugee Burden: A Time for Solutions*, Boston: Martinus Nijhoff.
- Hansen, Art (1990), *Refugee Self-Settlement Versus Government Settlement Schemes*, UNRISD Discussion Paper # 17. Geneva.
- Hartling, Poul (1984), "Refugee Aid and Development: Genesis and Testing of a Strategy", *World Refugee Survey 1984*, pp. 17-19.
- Horst, Cindy (2001), *Vital Links in Social Security: Somali Refugees in the Dadaab Camps, Kenya*. Working Paper no. 38. Geneva: UNHCR.
- Human Rights Watch (2003), "An Unjust 'Vision' for Europe's Refugees. Human Rights Watch's Commentary on the UK's 'New Vision Proposal', 17 June 2003, London.
- Hyndman, Jennifer (2000), *Managing Displacement. Refugees and the Politics of Humanitarianism*, Minneapolis: Minnesota University Press.
- Jacobsen, Karen (2002), *Livelihoods in Conflict: the Pursuit of Livelihoods by Refugees and the Impact on the Human Security of Host Countries*, Expert Working Paper, Prepared for Centre for Development Research Study: Migration-Development Links: Evidence and Policy Options.
- Koser, Khalid & Charles Pinkerton (2002), *The Social Networks of Asylum Seekers and the Dissemination of Information about Countries of Asylum*, London: Home Office, Government of the United Kingdom.
- Lisborg, Anders & Morten Lisborg (2003), *Destination Danmark – om asylmigration, menneskesmugling & mobilitetsstrategier*, Speciale-afhandling, Institut for Geografi og Udviklingsstudier, Roskilde Universitets Center.
- Mallki, Liisa H. (1995), *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania*, Chicago and London: Chicago University Press.
- Møller, Marie-Louise (2003), "Government Backs Down on Asylum Plan", *Reuter*, June 16 2003.
- Møller, Per Stig (2002), "Fremtidens nærområdeindsats", *Berlingske Tidende*, 10 October 2002.

- Noll, Gregor (2003), "Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones", *European Journal of International Law*, 5:3.
- Noll, Gregor, Jessica Fagerlund, & Fabrice Liebaut (2002), *Study of the Feasibility of Processing Asylum Claims outside the AU against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure*, Final report, The Danish Centre for Human Rights and the European Commission,
[http://europa.eu.int/comm./justice_home/doc_centre/asylum/common/asylumstudy_dchr_2002_en.pdf] (accessed 16 June 2003).
- Stepputat, Finn (2002), "The Final Move? Displaced Livelihoods and Collective Returns in Peru and Guatemala", in Karen Fog Olwig & Ninna Nyberg Sørensen (eds.), *Mobile Livelihoods: Life and Work in a Globalizing World*, London: Routledge, pp. 202-24.
- Stepputat, Finn & Ninna Nyberg Sørensen (2001), "The Rise and Fall of the Internally Displaced People in the Central Peruvian Andes", *Development and Change*, 32:4.
- Straw, Jack (2000), Speech at the "European Conference on Asylum" in Lisbon, 16 June 2000.
- Suhrke, Astri (1998), "Burden-sharing during Refugee Emergencies: The Logic of Collective versus National Action", *Journal of Refugee Studies*, 11:4, pp. 396-415.
- Suhrke, Astri (2003), "Human Security and the Protection of Refugees", in Edward Newman & Joanne Selm (eds.), *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, New York: United Nations University Press, pp. 93-108.
- Sørensen, Nina, Nick van Hear & Poul Engberg-Pedersen (2002), *The Migration-Development Nexus Evidence and Policy Options. State of the Art Overview*, Working Paper, Centre for Development Research.
- Turton, David & Peter Marsden (2002), *Taking Refugees for a Ride? The politics of refugee return to Afghanistan*. Afghanistan Research and Evaluation Unit, Issues Paper Series.
- Turton, David (1996), "Migrants and Refugees. A Mursi case Study", in Tim Allen (ed), *In Search of Cool Ground: War, Flight and Homecoming in Northeast Africa*, London: James Currey.
- UK Government (2003), "New International Approaches to Asylum Processing and Protection", Correspondence from H.E. Tony Blair,

- Prime Minister of the UK to Costas Simitis, Prime Minister of Greece and President of the European Council, 10 March 2003.
- UNHCR (2000), *The State of the World's Refugees. Fifty Years of Humanitarian Action*, Geneva: UNHCR and Oxford University Press.
- UNHCR (2002), *Safety and Security Issues*, Background paper for the 24th meeting of the Executive Committee's Standing Committee, May 2002.
- UNHCR (2003), 'Convention Plus: Questions and Answers. Protecting Refugees.
- van de Rijk, Wouter (2001), "Towards a Common European Migration and Refugee Policy: What Are the Opportunities and What are the Limits of the Amsterdam Treaty? Lecture at the "European Migration and Refugee Policy" seminar, The Cicero Foundation, 17 November 2001, Paris. [www.cicerofoundation.org/lectures/p4rijt2.html].
- van Hear, Nicholas (2002), *From 'Durable Solutions' to 'Transnational Relations': Home and Exile among Refugee Diasporas*, CDR Working Paper 02:9, Copenhagen: Centre for Development Research.
- Webber, Frances (1999), "Tampere: Globalizing Immigration Controls", *Statewatch Bulletin*, 9:5, pp.15-18.

CHAPTER 2

Selected Documents

Speech by Prime Minister Anders Fogh Rasmussen

“Auschwitz Day” • 147

Speech by Prime Minister Anders Fogh Rasmussen

“Europe after the Enlargement” • 150

Proposal by Minister for Foreign Affairs Per Stig Møller

to Folketinget regarding a military participation in Iraq • 161

Speech by Prime Minister Anders Fogh Rasmussen

“The Danish EU Presidency and the Enlargement Deal” • 163

Speech by Prime Minister Anders Fogh Rasmussen

at the University of Economics, the Czech Republic • 173

Article by Minister for Foreign Affairs Per Stig Møller

“European Foreign Policy in the Making” • 179

Speech by Prime Minister Anders Fogh Rasmussen

at the Woodrow Wilson Center • 190

Speech by Minister for Foreign Affairs Per Stig Møller

to the International Alliance for Arab-Israeli Peace • 199

Speech by Minister for Foreign Affairs Per Stig Møller

“Corruption as a Development Challenge” • 204

Speech by Minister for Foreign Affairs Per Stig Møller

at the Conference on Poverty Reduction Strategy Paper • 209

Speech by Minister for Foreign Affairs Per Stig Møller
at the Conference on Development Assistance and Terrorism · 213

Speech by Minister for Foreign Affairs Per Stig Møller
at the WTO Ministerial Conference · 219

Statement by Minister for Foreign Affairs Per Stig Møller
at the 58th Session of the general Assembly of the United Nations · 223

Speech by Prime Minister Anders Fogh Rasmussen
“Mexico, the EU and the UN” · 227

Auschwitz Day

Speech by Prime Minister Anders Fogh Rasmussen at the Auschwitz Day, Copenhagen, 27 January 2003

Your Royal Highness, Ladies and Gentlemen,

Last year, the Government decided to introduce an annual day in commemoration of the victims of the Holocaust and genocide, as was agreed by the Heads of State and Government at a Holocaust Conference in Stockholm in 2000.

The Government decided that the commemoration should take place on 27 January, the day that marks the liberation of the Auschwitz concentration camp, and thus the beginning of the end of one of the very darkest chapters of European history. Therefore Auschwitz Day.

As is well known, Auschwitz was not the only extermination camp operated by the Nazis during World War II. However, to posterity, this concentration camp has become the symbol of ultimate evil, which resulted in the murder of millions of innocent people. To people today, the scope of the tragedy and of the atrocities is incomprehensible.

With Auschwitz Day, we wish to commemorate the victims of the Holocaust and other cases of genocide. Through schools, establishments of education and general public education, we wish to foster consciousness of the lesson we may learn from these tragedies.

On Auschwitz Day, we wish not only to commemorate the victims of the Holocaust. It is also a day to commemorate the tragic cases of genocide that have taken place, and are still taking place in other parts of the world. As sad examples of where genocide has taken place, allow me to mention Cambodia and Rwanda as well as the ethnic cleansing in Bosnia.

I also wish to recall the heinous crimes and political mass murder in the Soviet Union. Historical consciousness has paid less attention to Gulag than to Auschwitz. However, millions of people died in Siberian prison camps. Stalin, the Communist, executed political opponents and exterminated entire population groups in the same ruthless, cruel and systematic manner as did Hitler, the Nazi.

The crimes committed by Stalin and Hitler have many characteristics in common, but the most common feature is their complete indifference to and contempt for the individual human being, which cost the lives of millions of innocent people.

In connection with the establishment of the United Nations after the War, there were hopes that global international co-operation would ensure peace and security in the world. However, in spite of the Universal Declaration of Human Rights, which proclaims every human being's right to life, freedom and personal safety, and in spite of what happened during World War II, the international community has not been able to prevent genocide in modern times.

What my parents witnessed in the first half of the 20th century has occurred again for my children to witness in the second half. It is alarming to recognise that history repeats itself, albeit in different parts of the world and in different forms. Nevertheless, history repeats itself in the exercise of atrocious barbarism on the basis of totalitarian ideologies and intolerance of people of another race, opinion, religion or ethnic origin.

For almost 50 years after the end of World War II, Europe had to live divided, and the fear of a new global war was allowed to dominate not only Europe, but the world at large. After the end of the Cold War and with the enlargement of NATO and the EU, there ought to be hope that war and outrages against innocent civilians in our continent belong to the past. However, we must be on our guard. Events reaching into our own time have demonstrated that nothing can be taken for granted. It is our duty to protect the values we believe in, including democracy and the individual human being's right to freedom and self-determination.

With the establishment of the UN International Criminal Court, which can prosecute the gravest international crimes such as genocide, war crimes and other crimes against humanity, hopes have been raised that the international community hereby will have a means to halt the most flagrant violations of human rights.

The Court is to be seen as an indication that the international community is on the right track. We will not tolerate dictators and totalitarian regimes' outrages against the civilian population. They must be brought to justice for their actions. A clear manifestation of this is the fact that today Slobodan

Milosevic as the first Head of State in history is on trial in the Hague, indicted for genocide and crimes against humanity.

After 11 September 2001, the international community faces new challenges. Terrorism targeted at Western society's values and view of human rights has shaken the foundations of our society. We will not tolerate that terrorists decide the agenda. They must not be allowed to disrupt the peace and stability that our democratic society is based on.

It is my hope that we shall finally be able to put the dark periods of the 20th century behind us and embark on the 21st century with a common pledge that they must never occur again. We owe that to the millions of victims and we owe it to the generations to come.

It is our duty to ensure, that the coming generations understand the causes of these events. It is also important that we through information about freedom, democracy and human rights ensure that history does not repeat itself.

This is the reason why we commemorate Auschwitz Day, today.

Europe after the Enlargement

Speech by Prime Minister Anders Fogh Rasmussen at the College of Europe, Poland, 28 February 2003

Thank you,

It is a pleasure to be invited to speak to you at the College of Europe here, in Natolin, today. And I am especially looking forward to hearing what you have to say in our discussions afterwards.

And, let me take this opportunity to thank the students of this college for your warm greetings to me on the occasion of the EU summit in Copenhagen in December. I was truly touched by your very kind gesture.

Looking round, I feel that the old town of Natolin and this college, with its young, dynamic students, is a perfect symbol of the Europe to which we all belong. Because that is what Europe's future is all about. The harmonious merger of the old Europe with the new Europe – as represented by you and your campus situated here in this historical town.

The Europe of the past was a Europe characterised by wars and conflicts, rivalry and suppression. Not least Poland suffered from centuries of oppression on our continent, never able to determine its own fate.

But things have changed. The Europe of the future is a Europe characterised by freedom and peace, co-operation and human rights.

We have left the old Europe behind us. We are in the process of creating the new Europe, our Europe, one Europe.

But let us take a look at the events of the last few months of 2002. What happened? Why do we say that they marked the beginning of a new era in European history? First, in November, there was the decision in Prague to enlarge NATO. Then, at the Copenhagen Summit in December, we reached agreement on the enlargement of the EU. Taken together, these decisions established a whole new framework for future European integration.

Because, after more than half a century of division, the countries of Eastern and Western Europe are now united in strong, democratic organisations.

For your country, Poland, and my country, Denmark, it marked the point when our main foreign policy objectives of the last 15 years were finally achieved. The hard work paid off.

There is a saying that “as one door closes – another opens”. And for us it is true. We have firmly closed the door on the Europe of the Yalta Conference and the Cold War. The Europe of the past. And we have flung open the door to the Europe of the future.

But it is not enough to stand at this doorway congratulating ourselves. The EU Member States – old as well as new – are now facing an important challenge. In the next couple of years we will have to define the character of a European Union with 25 or more Member States.

The negotiations in the Convention on the future of the EU and in the Intergovernmental Conference – which will follow the work in the Convention – are key elements in this process.

And by “the future of the EU” I mean “our future”. We are all in this together. So I truly believe that it is essential for all new Member States to participate fully in the Intergovernmental Conference – regardless of when the IGC begins. From now on we are all equal. New members and old. Large countries and small.

Now – as we meet here today – the members of the Convention are meeting in Brussels to discuss the values and goals of the Union.

And very important questions they are, too. The conclusions of the Convention will help pave the way for our common future. So my message to the members of the Convention is: be visionary and ambitious. But build on present-day realities. Aim high but don’t have your heads in the clouds. And don’t get carried away by your own rhetoric, using grandiose words which do not correspond to these realities.

In short, the EU of tomorrow must be based on farsighted visions but pursue concrete and realistic goals. After all, this formula has served the Union extremely well in the past. This was how we created the Single Market and the EMU. It was also the guiding principle behind the success of the enlargement process. And I dare say that this is the key to future progress as well.

I believe that building on what we have is especially valid in regard to the basic character of the EU. I do not believe in a Union based on a federal approach. To me, it is clear that the nation state must remain the basis on which to build the future.

We have a rich historical heritage. The nations of Europe are many and varied, but they have much in common. However, they also have strong individual characteristics, which must be respected. You only have to look at the dramatic and heroic history of Poland. Or look at Denmark, which has been a kingdom for more than one thousand years. Two countries with their own histories and own identities. In my opinion there is no realistic alternative to the nation state as the defining building block of Europe.

This does not mean that I do not wish to strengthen the Union. On the contrary. But I believe that our strength lies in what we already have – a community of nation states. But it should be a strong community. A community in which the Member States have faith in themselves but also enough faith in their Union to give it the competence to carry out a number of tasks in their name for the common good.

Having said that, it is clear that we cannot have a team where all members are pulling in different directions. A team, by definition, must work together.

So it is crucial that we maintain and enhance the efficiency and effectiveness of the EU in the coming years. It is vital to ensure that the enlarged EU can become a true success. The new team must pull together – effectively. Inaction is not a viable option.

Because enlargement must not lead to a dilution of the EU. We need a strong, dynamic Union able to deliver in areas where the only way to solve problems is to tackle them together.

So this is where we stand at the moment. At an important crossroads. I will now turn to the current discussions in the Convention, which has been charged with the task of charting the course of the new European Union.

So far the work of the Convention has been very promising. It is a formidable task the members of the Convention have been presented with. But under the experienced chairmanship of Mr. Valéry Giscard d'Estaing work is progressing well. There is good reason to believe that the Convention will present comprehensive proposals for a new Constitutional Treaty.

Why do we call it a Constitutional Treaty? Well, it is a Treaty because it is obvious that the EU must continue to be a Union of states with its own treaty. And – if we agree that the time has come to make sure that we reflect a number of the traditional, fundamental, civil and democratic rights in the EU Treaty in the manner we know from our own national constitutions – then we need a “constitution” enshrining these same rights, valid for all partners.

Needless to say, each Member State, each institution, each single member of the Convention has its individual priorities and preferences for the new Treaty.

As far as Denmark is concerned, there are four important areas where we would like to see concrete results in a new Treaty.

First of all the Constitutional Treaty should describe the division of labour, or competences, between the EU and the nation states more clearly than is the case in the present Treaty. Put more simply – who does what.

If we don't know who does what, or who has a right to do what, we can never achieve efficiency. It is also important that the individual citizen has a clear picture of what the EU does deal with and what it does not deal with.

Allow me to illustrate:

A new Treaty should contain a clear definition of the fundamental principles of the division of competencies in the EU. The EU must only concern itself with what has expressly been defined as the responsibility of the EU. And the new Treaty should expressly state that the EU respects the national identity of all Member States.

The Treaty must clearly describe the role played by the EU in various areas. It must contain a clear definition of three types of competence: areas where the EU has full responsibility, areas where the EU and the nation states share competence, and areas where the EU can only supplement the legislation of Member States.

The Treaty should therefore make clear that the EU cannot harmonise the rules of the Member States in those areas where the EU may only supplement the Member States' own legislation.

Secondly, Denmark would like to see a strengthened role for national parliaments.

National parliaments could be awarded an independent "watchdog" role in respect of ensuring compliance with the principle of subsidiarity.

This could, for instance, be in the form of a safety mechanism that allowed national parliaments to react to a proposal by the Commission. In practice, it could be achieved by a number of parliaments notifying the Commission that they consider a proposal to be in conflict with the principle of subsidiarity. The Commission could then either withdraw its proposal or revise it.

Thirdly, the Constitutional Treaty should contain clear and precise rules for transparency and democratic control in the EU. There should also be

provisions stressing the importance of the role of the European Ombudsman.

The Constitutional Treaty should clearly state that Council meetings are open to the public when new legislation is being dealt with. This will greatly enhance the quality of democratic control. Individual citizens, national parliaments and the European Parliament will then all have the opportunity to directly follow and monitor the legislative work of the Council.

Fourthly, we should make the "Charter of Fundamental Rights" legally binding. Bearing in mind that the Charter lists those rights on which our societies must be based, such as freedom of expression, freedom of assembly, private ownership, the right to good governance and equality before the law, it is vital and, to me, natural that it becomes part of the foundation on which we build our new EU.

Although we tend to think of the EU as one body, it consists of three main institutions. Questions surrounding these institutions are at the core of the Convention debate. And they will no doubt also dominate the negotiations in the Intergovernmental Conference.

I believe that our approach should be based on three principles, which seem to meet with broad acceptance.

Firstly, whatever the final result turns out to be, it must respect the balance between large and small countries. If attempts are made to upset this balance, there is a risk that the EU will fall apart.

Secondly, the balance between the three key institutions – the European Parliament, the Commission and the Council – must be preserved. We must maintain a system of checks and balances between the institutions.

And thirdly, the solution must be effective and transparent. The solution we arrive at must be both workable and comprehensible. Because without understanding there can be no transparency.

Basically, I see two possible results of the negotiations. Either we strengthen all three central institutions – the Parliament, the Commission and the Council. Or we retain the status quo. In any event, I do not believe it is realistic only to strengthen one or two of the institutions. If they are to be strengthened, we must strengthen them all.

Let us first consider the European Parliament.

I believe we should enlarge the area where decisions are taken not only by the Council, but by the Council and the Parliament together, the so-called co-decision procedure.

As a point of departure we should extend the co-decision procedure to all areas where the Council takes decisions on legislative issues by qualified majority. This would mean, first and foremost, that the influence of the European Parliament on agricultural policy would be greatly enhanced.

Next, the Commission. I think we should have a strong Commission. It must be able to act with authority in those areas in which it is assigned a decisive role. This applies, for example, to such matters as the internal market, trade policy, competition policy and state aid. In such areas it is important to have a strong arbitrator who will not be governed by narrow and short-sighted national interests.

We welcome a strengthening of the Commission by, for example, introducing a new procedure for the election of the Commission President. However, once again, it is important that this procedure ensures the right balance between large and small countries. It is also important to ensure the Commission's independence in relation to the other institutions. Such concerns will not be taken sufficiently into account if the Commission President is to be elected exclusively by the European Parliament.

My alternative proposal is that the election should take place in an electoral college consisting of a limited number of members representing national parliaments and the European Parliament, respectively.

An appropriate composition for this electoral college could be half national parliamentarians, half members of the European Parliament. The right to nominate must rest with Member States' Governments. Each candidate must be nominated by a pre-determined number of countries – five for example.

Following the election in the electoral college, the appointment must be confirmed by qualified majority in the European Council. This procedure will ensure that a new Commission President enjoys the confidence of all Member States.

Such an electoral procedure will provide future Commission Presidents with a very strong mandate indeed. I can see a two-fold advantage. It will enhance the influence of national parliaments. And it will maintain the Commission's independence of the Council and the Parliament.

A major priority for the Convention and the Intergovernmental Conference is to create a framework which will ensure that the Council can continue to function efficiently and democratically after enlargement becomes a reality.

If we wish the EU to be regarded as a tower of strength and not a Tower of Babel we must ensure, and secure, efficiency in the decision-making process. This means that we must take as many decisions as possible by qualified majority. Denmark is, for example, ready to consider introducing qualified majority voting when fixing minimum rates for indirect taxation. Personal income tax, by contrast, can never become an EU responsibility. Such policies must remain a national matter for each individual Member State.

And then we have the somewhat thorny issue of the Council Presidency. I see two possible lines of approach.

Firstly, we may continue using the existing model with rotating, biannual national Presidencies. Experience shows that this system is able to achieve considerable results. Though I can tell you from personal experience that such results also require considerable effort.

But, with 25 or more members, can we continue this way?

A concrete method of reforming the rotating, biannual Presidency could be to continue the national Presidency system but to confine it to the political levels. This would mean that the great majority of technical committees and working groups could be chaired by the Council Secretariat or by individual members of the committees elected by their peers.

Denmark is able to support such a continuation and further development of rotating Presidencies. Its main advantage is that large and small countries are given equal status.

At the same time, however, we must have the courage to ask ourselves if such minor changes in the present the system are sufficient to meet the challenges we could find ourselves facing in the future. Will we then have to change the structure again in a few years' time?

It is for this reason that, while not completely rejecting the present system, I have signalled a positive Danish interest in examining a model based on an elected President of the European Council.

This is – in my view – the second realistic approach and worthy of consideration in respect of the future organisation of the Council.

This model would be no minor change. In fact we could call it “the grand solution”. It is a bold approach which entails considerable structural changes in the Council.

So how would it work?

An elected President of the European Council would be appointed for a term of 2-5 years. Such an elected President would be charged with the task

of preparing and chairing the meetings of the European Council and, in addition, being the high-level, external representative of the Union.

This system, with an elected President, would be combined with a system of changing national Presidencies of the sector Councils. And here it would be practical to use the existing model of a rotating, biannual, single-country Presidency. The Prime Minister of the country holding the rotating Presidency can then also act as deputy President of the European Council.

So we would then have a permanent, elected President with a fixed term of office and a Deputy President, changing every six months.

Whatever the model there must be a very clear definition of the division of competences and responsibilities between the main players. Once again – we must answer the “who does what” question. Also, if we go in this direction, it is vital for its success that we ensure efficient co-ordination.

All in all, Denmark is ready to look further into the idea of an elected President of The European Council. But only if the model can be based on a realistic balance between the interests of large and small Member States. We cannot run the risk of the larger nations “steam rolling” their policies through to the detriment of the smaller nations or the work of the Union being blocked by minority interests.

France and Germany have presented a very interesting paper on the key institutional questions. Their model is based on an elected President of the European Council.

In my view the Franco-German paper strikes a fine balance between those who prefer a federal approach and those of us who support a more intergovernmental model. But it fails to answer the question of how to strike the right balance between large and small Member States.

Personally, I think that there are two main elements to consider. Both of them important.

Firstly, we need some sort of firm assurance that large and small countries are genuinely provided with an equal opportunity to have one of their nationals elected as President of the European Council.

My own concrete suggestion is that a possible element in such a construction could be the creation of three “electoral groups” comprising large, medium and small countries. The position of President of the European Council would then be held in turns by these electoral groups. Thus ensuring equal representation between large, medium-sized and small countries.

However, it would not only be the electoral group in question which itself nominates the President. All Member States would participate in the actual election. And all countries would have the right to nominate or recommend candidates. But, on each occasion, the candidates would represent one of the countries included in the electoral group whose turn it would be to stand for the position of President of the European Council.

Secondly, if we are to accept the idea of an elected President, it should be made clear that we are talking about a person with clearly defined powers. I do not envisage a figure with the kind of presidential powers we know from various nation states around the world. This would be neither realistic nor desirable. What I see is more of a "chairman" than a "president". A practical person with a real job to do. Not a symbolic figurehead. A chairman who can make sure that The European Council always functions at its best, who can create continuity and be a high-level, external representative for the European Union.

Finally, I would like to say something about the Common Foreign and Security Policy. Already a complicated issue – the events of recent weeks have not made things any easier.

If any conclusion can be drawn from recent events it is that the Common Foreign and Security policy must be based on present day facts and realities and not on dreams of a distant future.

We do not have a "single" European foreign policy. We have a "common" policy to the extent possible. And this extent is defined by the Member States and their national interests. This is especially true for the large Member States with global interests.

So our starting point must therefore be that the foreign, security and defence policies of the EU continue to be based on co-operation among the Member States. The so-called intergovernmental co-operation, firmly anchored in the Council.

But, within this framework of intergovernmental co-operation, we should strive to make foreign, security and defence policies as common as possible.

And why? Because it is in the interest of us all that the EU develops a military capacity capable of carrying out peace-keeping and humanitarian tasks on the European continent. The Western Balkans are a prime example.

So while accepting that we may not always speak with one voice, we have a vested interest in giving the EU's foreign policy coordinator as strong a position as possible. Today, we have a so-called High Representative, anchored in the Council. At the same time, we have a commissioner who is responsible for external affairs. Perhaps we should merge the two posts into one – having one single foreign policy representative. As foreign policy will remain a primarily intergovernmental matter, I think it only logical that the EU foreign policy representative should be anchored in the Council.

This is not a question of strengthening the EU at the expense of transatlantic co-operation. Quite the contrary. We have a vital interest in close and strong co-operation between Europe and the USA. But, at present, the Western world is faced with challenges that make it necessary for Europe to stand on its own feet and make its own contribution. This is not only in our interests, but also in the interest of the USA.

Strong transatlantic relations are vital to Europe. We must not fall into a trap of trying to build a strong Europe as a competitor to the US. We should build a strong Europe which is a reliable and solid partner for the US allowing us to meet the many important challenges together.

Twice during the last hundred years America has brought peace and freedom to Europe. And even today young American soldiers are ensuring peace in the Balkans. This is our history. This is our present reality.

In this context I would like briefly to touch upon the situation in Iraq.

This week, a draft resolution concerning Iraq has been introduced in the UN Security Council by the United States of America cosponsored by two of our EU partners, Spain and the UK.

The Danish Government welcomes the continued American commitment to the UN track in the attempt to solve the grave problem of Iraq's defiance of the numerous demands by the Security Council over the last twelve years for co-operation on disarmament.

At the extraordinary, informal meeting of the European Council in Brussels on the 17th of this month, the 15 EU Member States stated that Iraq has a final opportunity to resolve the crisis peacefully. It must disarm and co-operate immediately and fully. Poland and other Candidate Countries have associated themselves with this line.

In clear words, the EU has thus asked for action now. Let us keep that in mind in view of the well known track record of Saddam Hussein for using

tactics of delay and evasion. The decision on further steps now lies with the Security Council. It must live up to its responsibility.

Before I finish I would like to say a few words about the Polish-Danish relationship.

The events of recent years have made the already-strong relationship between our countries even stronger. Our close co-operation during the enlargement process has brought us together. The substantial reforms carried out in all aspects of Polish society have created respect and admiration in Denmark.

Experiences from the co-operation in NATO could hardly be better. The Polish-German-Danish corps – whose headquarters is placed in Szczecin – is a first class example of a multinational command.

Denmark is proud that it was in Copenhagen that we could take the historic decision on the enlargement of the EU. And we are looking forward to the day in the near future when we can welcome the great Polish nation as full member of the EU.

I know that we shall succeed. Because you – you are the future – you are our future – and, together we shall build the new, strengthened Europe of tomorrow.

Thank you.

Proposal to Folketinget by Minister for Foreign Affairs Per Stig Møller, Folketinget, Copenhagen, 18 March 2003

Written proposal

I hereby permit myself to present the following to Folketinget:

Proposal for a parliamentary resolution regarding Danish military participation in a multinational effort in Iraq.

(Motion for resolution no. B 118)

Folketinget hereby expresses its consent to Danish military forces being made available to a multinational effort in Iraq.

The US has taken the initiative to bring together a coalition of countries who, if necessary by using military power, will force Iraq to live up to the obligations to disarm as described in UN resolutions. Denmark is included in the circle of countries who have received an American request to provide military support of this multinational effort.

The Government finds that a Danish military contribution to a multinational effort will help eradicate the threat to international peace and security in the Region. At the same time, a military contribution will be in accordance with the recent Danish policy towards Iraq and with the Danish policy of non-proliferation regarding weapons of mass destruction. Furthermore, a military contribution will be in line with the traditional Danish effort to participate in strengthening international law.

The Danish contribution of forces to a multinational effort in Iraq will include a submarine, a corvette, a team of doctors as well as a small contribution of staff and liaison personnel. The elements of the Danish contribution have been carefully selected on the basis of a thorough esti-

mate of the conditions, including the ability of Danish defence to contribute with the military capacity requested by the US

During a considerable period of time Iraq has substantially been flaunting its responsibility to disarm as set out in UN Security Council resolutions. Even so, the Security Council decided to give Iraq a last chance to live up to its obligation to disarm, and thus avoid serious consequences, when it passed resolution 1441 on 8 November 2002. According to UN weapons inspectors Iraq has not complied with the demands set out in resolution 1441 to demonstrate immediate, unconditional and active co-operation, and it must therefore be concluded that Iraq has wasted its last chance, represented by resolution 1441.

In spite of this, both weapons inspectors and the international society at large has continued the attempt to establish a regular and fruitful co-operative relationship with Iraq, with a view to fulfil the country's obligations to disarm. In spite of considerable international political and military pressure, these efforts have proven to be in vain.

In light of this, as well as of the experiences from attempts during the last 12 years to make Iraq disarm, the Government finds no reason to believe that further time for negotiation and inspection will produce the necessary co-operation from Iraq, and thereby ensure that the country's obligation to disarm will be fulfilled.

On the basis of these observations the Government finds it reasonable that international society employs military power in order to make Iraq fulfil its obligations to disarm.

The Government would like to emphasise that the UN Security Council has previously authorised the use of military power against Iraq with a view to forcing compliance with the demands and requirements of the Security Council, and that this authorisation is still valid.

The Danish EU Presidency and the Enlargement Deal

Speech by Prime Minister Anders Fogh Rasmussen
at the Danish Institute of International Studies,
Copenhagen, 24 March 2003

Thank you,

I have been asked to speak here today on the Danish EU Presidency and the decision on EU enlargement.

Although this is a topic of very great importance, I believe that we all are in a situation where our minds and thoughts are dominated by the war in Iraq.

In these circumstances it is difficult to move focus from the present situation and look back. Even on recent and important events such as the decisions made at the EU Summit here in Copenhagen in December last year.

In this perspective I will address the situation in Iraq at the end of my speech here today.

First, I will turn to the main topic for my presentation – the enlargement.

The decision on the enlargement of the EU in Copenhagen marked a turning point. I believe that everybody present at the Summit felt that they were witnessing an historic moment.

The Summit stands as a symbol of the end of the Cold War era. And as a sign of the beginning of a new phase in European history.

We crowned an almost ten year long process of enlargement with a successful result. At the same time we established the framework for European integration in the next decades.

It is no exaggeration to talk about the European Union before and after the decision in Copenhagen on the enlargement.

In my presentation here today, I will reflect on the process leading up to the Copenhagen Summit. And I will look forward upon the consequences of the enlargement decision and the challenges facing us in the coming years.

Enlargement was the main priority of the Danish EU Presidency. We were given an historic task.

Our goal was very clearly defined. We wished to finalise negotiations with up to ten new Member States. At the same time we intended to create the greatest possible progress with regard to the Candidate Countries not yet ready for membership.

The Danish Presidency did not start from scratch. We worked on the basis of the substantial results reached through years of negotiations. But the most difficult problems were still unsolved. This was the case not least regarding the question of the price of the enlargement.

This was quite natural. The question of who is going to pay the bill is normally left until the final negotiations. That is the rule of the game.

We had a clear strategy. It was reflected in the timing of the summit meetings. The first phase covered the period from the beginning of the Presidency on the 1st of July to the first meeting in the European Council which took place in Brussels on the 24th and 25th of October.

It was our intention to solve as many technical questions as possible before the meeting in Brussels. To a very high extent we fulfilled this ambition.

Therefore, we could concentrate the discussions at the Brussels Summit on the outstanding financial questions. We made three key decisions:

First, we reached agreement on the level for a total amount for the structural fund efforts in the new Member States.

Second, we decided on a model for the phasing-in of the Candidate Countries in the system of direct payments in the agricultural sector.

Third, we solved the question of budgetary compensation. We established that no new Member State might have the experience of being in a poorer position during the period from 2004 to 2006 than it was in 2003. The Brussels Summit was a decisive moment in the process. We succeeded in creating a sound basis for the last round of negotiations with the Candidate Countries. This was made possible by the constructive approach taken by our partners – especially Germany and France.

In the following seven weeks the Presidency negotiated intensively with the Candidates – in close co-operation with the Commission. Our goal was to find solutions acceptable to both Candidates and present Member States.

Much was achieved during these weeks. But the final decisive questions were left for the Copenhagen Summit. It had to be like that. This was the

only way to ensure the right balance between the wishes of the Candidate Countries and what the present Member States considered feasible.

We reached an agreement after more than 24 hours of difficult and complicated negotiations. All the Candidate Countries wanted to obtain as good a deal as possible. A quite natural wish. But in the evening of the 13th of December, I could conclude that we were able to finalise negotiations with ten new Member States: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

We also agreed on Bulgaria and Romania. The enlargement process will continue. We confirmed that the goal is to be able to welcome the two countries as members in 2007.

The question of Turkey became a key issue in Copenhagen. We arrived at a balanced and realistic statement. If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.

The decisions on enlargement in Copenhagen were historic. They were only possible because of the will and commitment of all involved. We shared a vision. And we had the will to let action follow words. It was Europe at its best.

The summit in Copenhagen marked the end of the Cold War. We left the Europe of the 20th Century and entered the new Europe of the 21st Century.

Turning towards this future and the challenges we are facing, I will first of all stress the immense potential we have.

The enlarged European Union of the future with half a billion citizens will be the greatest economic power of the world. And it will have a huge potential for growth.

The integration of the countries and economies of Central and Eastern Europe into the EU and the Internal Market present us with an outstanding possibility to create a new Europe characterised by freedom, peace, growth and prosperity. We are all to gain in this process.

But we will only be able to take full advantage of these opportunities if we have the political will to continued reform and change.

A first test of crucial importance is the referenda in the new Member States. I welcome the result of the referendum on Malta and the referendum

in Slovenia yesterday. And look forward to the coming referenda in the other countries with great interest.

But the challenge facing us goes further than that. The present Member States have to deliver as well. A few days ago – Thursday and Friday last week – the European Council met in Brussels. On our agenda we had the Lisbon process and the discussions on how to make Europe the most competitive economy in the world.

Reforms of our economies, strengthening of our competitiveness and structural reforms are necessary if Europe shall be able to compete on the global markets in the future.

The liberalisation of our markets must continue. A significant step in the right direction was taken during the Danish Presidency, when we decided to liberalise the markets for electricity and gas. In this context, I also welcome the recent agreement on the Community Patent. It is another step in the right direction.

In the coming years we will have to reform the common agricultural policy and make it more market oriented.

We must strengthen our competitiveness by continued reform of our social structures and economies. We must create the best possible framework for the individual energy, enterprise and dynamism that will be the driving force in the society of the future. This is the prerequisite for a continued development of our welfare societies.

A strong and dynamic economy is of paramount importance and the Union must continue to pursue this goal. But our Union is about much more than money. It is also a community of values and a framework for co-operation in a number of areas of cross-border nature. The new Member States will expect the European Union to be strong and effective in these areas as well.

This is the case with regard to justice and home affairs. The number of refugees seeking asylum in Europe, increased cross-border crime, and terrorism have enhanced the need to secure Europe as an area of freedom, security and justice.

We must create a stronger and more efficient framework for co-operation concerning refugees and immigrants, illegal immigration, combating inter-national crime, and for co-operation among police and prosecution authorities.

These and other tasks are questions up for debate in the Convention on the future of the EU.

This is a very important process. The enlargement must not lead to a dilution of the EU. We need a strong, dynamic Union able to deliver in areas where we can only solve problems together. The task of the Convention and the Intergovernmental Conference which will follow the work of the Convention is to carry through the necessary reforms of the structure of the Union.

I am pleased that there is broad political agreement on the Danish positions on the issues up for debate. On the 14th of March the Government, the Social Democrats and the Social Liberal Party presented a joint position paper on the Convention.

There is a strong political commitment in Denmark to the enlargement. It is important that we maintain the broadest possible agreement now when we are entering the debate on how to make the enlargement a success.

At the core of the debate are the institutional questions. I would like to take the opportunity here today to state my views on the central institutional questions.

I believe that our general approach should be based on three principles, which seem to meet with broad acceptance.

Firstly, whatever the final result turns out to be, it must respect the balance between large and small countries. If attempts are made to upset this balance, there is a risk that the EU will fall apart.

Secondly, the balance between the three key institutions – the European Parliament, the Commission and the Council – must be preserved. We must maintain a system of checks and balances between the institutions.

And thirdly, the solution must be effective and transparent. The solution we arrive at must be both workable and comprehensible.

Basically, I see two possible results of the negotiations. Either we strengthen all three central institutions – the Parliament, the Commission and the Council. Or we retain the status quo. In any event, I do not believe it is realistic only to strengthen one or two of the institutions. If they are to be strengthened, we must strengthen them all.

First: the European Parliament.

I believe we should enlarge the area where decisions are taken not only by the Council, but by the Council and the Parliament together, the so-called co-decision procedure.

As a point of departure we should extend the co-decision procedure to all areas where the Council takes decisions on legislative issues by qualified majority. This would mean, first and foremost, that the influence of the European Parliament on agricultural policy would be greatly enhanced.

Next, the Commission. We must have a strong Commission. It must be able to act with authority in those areas in which it is assigned a decisive role. This applies, for example, to such matters as the internal market, trade policy, competition policy and state aid. In such areas it is important to have a strong arbitrator who will not be governed by narrow and short-sighted national interests.

We welcome a strengthening of the Commission by, for example, introducing a new procedure for the election of the Commission President. However, once again, it is important that this procedure ensures the right balance between large and small countries. It is also important to ensure the Commission's independence in relation to the other institutions. Such concerns will not be taken sufficiently into account if the Commission President is to be elected exclusively by the European Parliament.

My alternative proposal is that the election should take place in an electoral college consisting of a limited number of members representing national parliaments and the European Parliament, respectively.

An appropriate composition for this electoral college could be half national parliamentarians, half members of the European Parliament. The right to nominate must rest with Member States' Governments. Each candidate must be nominated by a pre-determined number of countries – five for example.

Following the election in the electoral college, the appointment must be confirmed by qualified majority in the European Council. This procedure will ensure that a new Commission President enjoys the confidence of all Member States.

Such an electoral procedure will provide future Commission Presidents with a very strong mandate indeed. I can see a two-fold advantage. It will enhance the influence of national parliaments. And it will maintain the Commission's independence of the Council and the Parliament.

After the Parliament and the Commission, I will now turn to the Council. Here, I see two possible lines of approach.

Firstly, we may continue using the existing model with rotating, biannual national Presidencies. Experience shows that this system can achieve considerable results.

But, with 25 or more members, can we continue this way?

A concrete method of reforming the rotating, biannual Presidency could be to continue the national Presidency system but to confine it to the political levels. This would mean that the great majority of technical committees and working groups could be chaired by the Council Secretariat or by individual members of the committees elected by their peers. We are also ready to consider how we can strengthen the co-ordination between two or more Presidencies.

Denmark can support a continuation and further development of rotating Presidencies. Its main advantage is that large and small countries are given equal status.

At the same time, however, we must have the courage to ask ourselves if such minor changes in the present system are sufficient to meet the challenges we could find ourselves facing in the future. Will we then have to change the structure again in a few years' time?

It is for this reason that I have signalled a positive Danish interest in examining a model based on an elected President of The European Council.

This is – in my view – the second realistic approach and worthy of consideration in respect of the future organisation of the Council.

So how would it work?

An elected President of the European Council would be appointed for a term of 2-5 years. Such an elected President would be charged with the task of preparing and chairing the meetings of the European Council and, in addition, being the high-level, external representative of the Union.

This system, with an elected President, would be combined with a system of changing national Presidencies of the sector Councils. And here we can use the existing model of a rotating, biannual, single-country Presidency. The Prime Minister of the country holding the rotating Presidency can then also act as deputy President of the European Council.

We would then have a permanent, elected President with a fixed term of office and a Deputy President, changing every six months.

Whatever the model the principle of equality between larger and smaller Member States must be respected. And there must be a very clear definition of the division of competences and responsibilities between the main players. An elected President shall have a clear job description.

Personally, I think that there are two main elements to consider. Both of them important.

Firstly, we need some sort of firm assurance that large and small countries are genuinely provided with an equal opportunity to have one of their nationals elected as President of the European Council. And each Member State should have one vote in such a process – regardless of its size.

I have suggested that a possible element in such a construction could be the creation of three “electoral groups” comprising large, medium and small countries. The position of President of the European Council would then be held in turns by these electoral groups. Thus ensuring equal representation between large, medium-sized and small countries.

However, it would not only be the electoral group in question which itself nominates the President. All Member States would participate in the election. And all countries would have the right to nominate or recommend candidates. But candidates would have to come from the electoral group whose turn it would be to stand for the position of President of the European Council.

Secondly, if we are to accept the idea of an elected President, it should be made clear that we are talking about a person with clearly defined powers. I do not envisage a figure with the kind of presidential powers we know from various nation states around the world. This would be neither realistic nor desirable. What I see is more of a “chairman” than a “president”. A practical person with a real job to do. Not a symbolic figurehead. A chair-man who can make sure that the European Council always functions at its best, who can create continuity and be a high-level, external representative for the European Union.

Let me finally turn to the question of Iraq.

The position of Denmark has been clear. A line had to be drawn. For more than 12 years Saddam Hussein has been playing games with the international community. And despite resolution 1441 he continued. We had to say: enough is enough.

Denmark maintains that existing and still valid, UN resolutions provide legal basis for disarming Iraq by force, which we see as the only credible option at this point. And we have acted accordingly.

We support the US-led coalition. And we have made our contribution to the coalition with naval assets. This has been no easy decision for my Government. Resistance has been strong, in Parliament and in public opinion. But it is the right decision.

Others have taken a different approach. It has been clear for all to observe that we have experienced serious disagreements among the EU Member States on Iraq.

The scope of these disagreements should not be played down in a matter of such seriousness.

But neither should they be blown out of proportions. We are definitely not witnessing the end of our Common Foreign and Security Policy. We on our part are certainly not in the business of weakening the CFSP.

If any conclusion can be drawn from recent events it is that the Common Foreign and Security policy must be based on present day facts and realities and not on dreams of a distant future.

We do not have a “single” European foreign policy. We have a “common” policy to the extent possible. And this extent is defined by the Member States and their national interests. This is especially true for the large Member States with global interests.

So our starting point must therefore be that the foreign, security and defence policies of the EU continue to be based on co-operation among the Member States. The so-called intergovernmental co-operation, firmly anchored in the Council.

But, within this framework of intergovernmental co-operation, we should strive to make foreign, security and defence policies as common as possible.

And why? Because it is in the interest of us all that the EU develops a military capacity capable of carrying out peace-keeping and humanitarian tasks on the European continent. The Western Balkans are a prime example. And it would indeed strengthen European influence on the international scene if we were able to achieve a common position.

So while accepting that we may not always speak with one voice, we have a vested interest in giving the EU's foreign policy coordinator as strong a position as possible. Today, we have a so-called High Representative, anchored in the Council. At the same time, we have a commissioner who is responsible for external affairs. Perhaps we should merge the two posts into one – having one single foreign policy representative. As foreign policy will remain a primarily intergovernmental matter, I think it only logical that the EU foreign policy representative should be anchored in the Council.

This is not a question of strengthening the EU at the expense of transatlantic co-operation. Quite the contrary. We have a vital interest in close

and strong co-operation between Europe and the USA. But, at present, the Western world is faced with challenges that make it necessary for Europe to stand on its own feet and make its own contribution. This is not only in our interests, but also in the interest of the USA.

Strong transatlantic relations are vital to Europe. We must not fall into a trap of trying to build a strong Europe as a competitor to the US. We should build a strong Europe which is a reliable and solid partner for the US allowing us to meet the many important challenges together.

Twice during the last hundred years America has brought peace and freedom to Europe. And even today young American soldiers are ensuring peace in the Balkans. This is our history. This is our present reality.

The situation in Iraq is not the first time in the history of European integration we have disagreed. And it will not be the last. The answer to disagreement in the past has been to continue the hard day to day work on the European project. And this is also the way to go ahead in the present situation.

We shall look forward. Many tasks must be solved by the EU. The strength and vision of the European project will prevail.

Thank you.

Speech by Prime Minister Anders Fogh Rasmussen at the University of Economics, Jindřichuv Hradec, the Czech Republic, 24 April 2003

Ladies and gentlemen,

Thank you for inviting me to address you here at the University of Economics in Jindřichuv Hradec.

History offered me the historical privilege of concluding the EU enlargement negotiations. It brought me into the centre of the crucial events, which last year marked the beginning of a new era in European history.

First, in November, I participated in Prague, where NATO decided to invite seven new members. Then, at the Copenhagen Summit in December, it was my task to reach an agreement on the enlargement of the EU. Together, these decisions established a whole new framework for future European integration. They were indeed a “rendez-vous with history” – to use the words of your former president Vaclav Havel.

The Czech Republic was among the countries which concluded accession negotiations in Copenhagen. The negotiations were tough at times, but at the end it worked out for the best of the Czech Republic and for the best of Europe. I am convinced that the Czech Republic achieved the best possible result in the negotiations.

Whether the Czech Republic will become a member of the EU, will be decided by the Czech people in the referendum on 13 and 14 June. I believe that Czech membership of the EU will provide your country with significant political and economical benefits – as has been Denmark’s experience.

Politically, the Czech Republic will take part in the decisions that influence politics in Europe and on a more global scale. Economically, EU membership will provide the Czech Republic with the best possible conditions for a modern and prosperous welfare state.

As a member of the EU, the Czech Republic will be respected as an equal partner and achieve the rights and obligations, which EU membership entails. Already now, the Czech Republic participates in the European co-operation. For some time, the Czech Republic has been a member of the Convention on the future of Europe. After the signing of the Accession

Treaty in Athens last week, the Czech Republic is now an active observer in EU institutions and committees.

On the 5th of May the Czech minister for education will be invited to participate in the Ministerial Council Meeting on education, youth and culture along with the other acceding countries – the first ministerial meeting since the signing of the Treaty. Moreover, due to the decision taken at the Summit in Copenhagen, all acceding countries will participate fully in the next Intergovernmental Conference. Full participation is only fair, since the Intergovernmental Conference will deal with the future of the EU – with our future. We are all in this together. New members and old. Large countries and smaller countries.

This year, Denmark celebrates 30 years of membership. Membership of the EU has brought many and various benefits to Denmark and to its people. 30 years ago Denmark needed the EU to ensure peace, security and growth. Later we needed an internal market to boost our economy.

Today these are still key areas for co-operation. But today we need the EU for much more than this. We need to work together across borders to fight terrorism, international crime and illegal immigration. We must ensure a better environment and high food quality. The EU must be the driving force to ensure European competitiveness. To rise to the challenge of the knowledge based economy and the demographic changes.

For a smaller country like mine – and yours – membership of the EU is in my view a necessity. Membership ensures a voice in Europe for the smaller countries. Membership ensures that Europe is more than the political will of the large nations. Membership provides a platform for all nations in Europe to exert influence on the direction for Europe in the future.

In the EU we strive for equality between Member States. Policy is not dictated by the large nations. An enlarged and stronger Europe will continue to ensure this. The disagreements on Iraq only underline the need to work harder for a Common Foreign and Security Policy. We must work together where necessary and possible.

Smaller Member States can make a difference in Europe through the EU. When Denmark joined the Union, sceptics said that we would not have a say. That smaller Member States did not have any real influence. But experience has shown otherwise – that smaller Member States can achieve results and exert influence, also above their weight, on the developments at the European level.

Denmark has always sought to actively influence European co-operation. We have not been afraid to express our opinion in the EU. And it is our experience that if your argument is strong, if your position is solid and if you co-operate with partners in a serious and transparent manner, people will listen. A proactive, well-prepared and coordinated approach enhances your influence in the European co-operation.

I think it is fair to say that Denmark has had substantial influence in the EU. During our 30 years of membership, we have put many Danish priorities on the EU agenda. Enlargement is one example. The environmental co-operation is another. Small and medium-sized enterprises, a priority for most Member States, have also been firmly placed on the agenda. Let me also mention openness. This has for long been a special Danish priority. And during the last two years we have witnessed progress in access to documents and openness in the Council work.

I see the Danish Presidency as a good example of the influence which smaller Member State can have. The agenda for the Presidency was heavy. But we rose to the challenge. We made priorities. We had tight co-ordination between the main actors in Denmark and with partners in Europe, both Member States and the EU institutions. Our targets were clear. And we communicated challenges and progress openly. The results were very satisfactory. In Copenhagen we achieved our goal: one Europe. Together with our partners. And we ensured progress in all other policy areas in the EU.

In a EU of 25, a smaller Member State must be proactive to gain influence. Denmark aims to strengthen our public diplomacy and alliance building. In a EU of 25 alliances will not be chiselled in stone. Instead I see 24 potential partners from case to case. The Czech Republic is a natural partner for Denmark.

The agenda of the EU has developed. As the world around us. When Denmark entered the EU, many sceptics proclaimed the end of sovereignty. They still do. But I see no signs of this. Our national characteristics have not disappeared. Our welfare society and our culture is not endangered by the EU.

On the contrary – our society is enriched by the co-operation in Europe. We can and should learn from others. And we are more than willing to share our experiences. For this is what the EU is about. Sharing experiences and making the EU work despite national differences. Many problems do not respect borders. So we must handle them together. Large and smaller

Member States alike, making the best of our resources. For this purpose, the EU has always been relevant. And will continue to be.

Let me now turn to the future of the European Union. A future which the Czech Republic and Denmark are actively participating in defining.

The EU Member States – old as well as new – are facing an important challenge. In the next couple of years we will have to define the character of a European Union with 25 or more Member States.

Discussions are taking place in the so-called Convention on the future of the EU. The Convention will end its work in June this year. It will be followed by an Intergovernmental Conference. The goal is to reach agreement on a new Constitutional Treaty for the EU.

It is vital to ensure that the enlarged Union becomes a success. We need a strong, dynamic Union to solve problems by tackling them together. We must ensure that the Union remains capable of taking decisions. At the same time we must create a simpler framework that citizens can relate to. A framework based on the values shared by all Member States. The new Constitutional Treaty must and will reflect these aims.

Also in the future we will need the EU as a forum where the Member States can solve their shared problems. This is first and foremost the case in areas with problems of a cross border nature.

In the first instance, this naturally means the traditional main tasks of the EU. In the future, key areas will include, among other things, the internal market, trade policy, competition policy and state aid control. We must maintain the results EU already have achieved in these areas and further build on them in the enlarged EU.

We must ensure the efficient functioning of the internal market. By means of an efficient internal market we can create the framework of a competitive economy that can hold its own in a globalised world. We must become better at creating jobs in Europe. We must ensure a strong and stable common currency, the euro. The liberalisation of our markets must continue. It is crucial to ensure effective competition in our markets to the benefit of consumers and the business sector alike.

We must secure development that is economically, socially and environmentally sustainable. The aim is to safeguard the future of the European welfare model. We must fight unemployment by enhancing co-ordination of our employment policies across borders.

The environment is an example of a transnational task. Pollution knows no borders. We need a strong EU to fight pollution. And we must continue to develop and improve European environmental co-operation.

We have to strengthen our ability to act together in all these areas. But a new Treaty must also strengthen the ability of the EU to help us solve problems in areas where we are facing new challenges that have a cross-border nature.

This is the case with regard to the fight against terrorism, cross-border crime and illegal immigration.

The pressure on Europe from these challenges will grow in the coming years. These problems are by definition transnational in nature, and they can only be resolved by intensified cross-border co-operation. We must enhance and develop the ability of the EU to form the framework of this co-operation among the states and police authorities of Europe.

And this is the case with regard to the need for strengthening the role of the EU in a globalised and changing world. This shall take place in a continued strong and close co-operation between Europe and the United States.

We must strengthen the Common Foreign and Security Policy. From the point of view of a smaller country, the ideal would be for foreign and security policy to be a common EU matter. This would bind the large countries to a common line. And the smaller countries could gain greater influence on the international scene.

But let us be realistic. The large countries will not give up their national sovereignty in foreign and security policy. Can anyone imagine that France and the United Kingdom, for example, would give up their permanent seats on the Security Council of the United Nations for a joint EU seat? I suppose not.

Therefore the point of departure must be that the foreign, security and defence policies of the EU continue to be based on co-operation among the Member States, so-called intergovernmental co-operation, firmly anchored in the Council.

But within this framework of intergovernmental co-operation, we should endeavour to make foreign, security and defence policies as common as possible.

This can take place by strengthening the present position of the foreign policy coordinator. Furthermore, Denmark is open to greater use of decision making with qualified majority on foreign policy questions.

The goal must be a strong EU which can help us solve our shared problems of a cross-border nature here in Europe. And a strong EU which in close co-operation with the United States can promote freedom, democracy, prosperity and western values throughout the world. The Czech Republic and Denmark are natural partners in this great endeavour. We shall build our future together.

I would like to finish with a few words about the Czech-Danish relationship.

The conclusion of accession negotiations not only marked the beginning of a new era in the EU co-operation – it also marked a new stage in the bilateral relations between Denmark and the Czech Republic. We have finally become true and equal partners in the European family with the same rights and obligations. I am confident that the friendship between our two countries will continue to grow, and that we will develop our excellent bilateral relations even further. This also goes for commercial co-operation.

The events of recent years have made the already-strong relationship between our countries even stronger. Our close co-operation during the enlargement process has brought us closer together. The substantial reforms carried out in all aspects of the Czech society have created respect and admiration in Denmark.

But now the time has come to look forward to a common European future in an enlarged Union. I believe that Denmark and the Czech Republic as two of the smaller states in the Union can find common ground on many issues. For instance, I have found that we have quite similar views on the Convention – in other words, we tend to agree on how the future of Europe ought to look like.

Denmark is looking forward to the day in the near future, when we can welcome the great Czech nation as full member of the EU. Together, we will work for a better future – together we shall build the new, strengthened Europe of tomorrow.

Thank you.

European Foreign Policy in the Making

Article by Minister for Foreign Affairs

Per Stig Møller in *The Brown Journal of World Affairs*,
9:2, Winter/Spring 2003

The challenges confronting the European Union's foreign policy in the coming decade are internal as well as external. We have to adjust and revise our methods of working to accommodate and make the most of having gained 10 new Member States. Identifying the institutional configuration that will enable the enlarged Union to become a credible and reliable global player is the number one priority for Europe following the successful NATO and EU summits in Prague and Copenhagen, respectively. With the tension of the Cold War finally behind us, Europe must turn to face the challenges of the new century. The 11 September attacks on the United States presented us with one of the toughest challenges: terrorism. It made it clear that the United States and Europe share values and enemies.

Europe is not being built as a counterweight to the United States. In the European integration process, both the European Union and NATO – and thereby the United States – had and still have an inevitable role to play. As Europe grows in unity, both Europe and the United States grow in security. Euro-Atlantic security is and remains indivisible. The transatlantic link is based on shared values, and these values point Europe and North America towards a common destiny. They form the ground for a balanced partnership in leadership. But to maintain that balance, Europe needs to become more engaged.

THE MAKING OF EU FOREIGN POLICY

From a US perspective, Europe may be the “old world”: sedate, inert, and tied down by century-long traditions. In fact, Europe is in the making. The

European Union is constantly changing and reinventing itself as a unique and unprecedented creation.

Commentators often accuse the EU Common Foreign and Security Policy (CFSP) of being weak, inconsistent, and incoherent. However harsh it may seem, they are not entirely wrong. The EU still punches below its weight in the global political arena, and it could undoubtedly increase its influence by strengthening coherence, consistency, and co-ordination and by pooling resources. Obviously a collection of European countries speaking with different voices is in constant danger of being marginalized and is unlikely to have much influence on policy-making in Washington or elsewhere. We simply need to do better.

When judging the international impact of the EU, one should keep in mind that foreign and security policy co-operation within the Union is fairly new. After all, it was only with the Maastricht treaty in 1993 that the concept of a "Common Foreign and Security Policy" was introduced. And it was only little more than three years ago that Javier Solana became the EU's first High Representative for CFSP. Although much remains to be done, the EU has come a long way, considering the fact that it is not a unity, but a community. The EU has not one opinion to begin with, but 15, and soon 25.

The demand for consensus is the weakness as well as the strength of the CFSP. It prevents agreements when national interests are at stake, yet it assures the national ownership of every country when we do agree. In the worst cases, the EU is faced with a very low level of common ambition and conflicting European voices. When at its best, however, consensus does create more than the mere sum of the 15 national foreign policies. When the EU Member States do speak with one voice, Europe has influence far beyond that of any individual Member State.

New Structures and Procedures

In the upcoming Intergovernmental Conference, a new EU treaty will be negotiated. There, we must find the institutional arrangements that are most conducive to the creation of a common EU foreign and security policy identity that is both effective and legitimate. The EU must be able to act – and to act quickly, as is needed in international politics – while at the same time ensuring that all actions of the EU are accepted by all Member States. This is the circle we must square.

One of the aspects to be considered is the need for consistency and uniformity in the CFSP. This includes the role of the Presidencies and the relation to the High Representative. We should look at more effective ways to implement EU policies. The workings of the Council for General Affairs and External Relations are another area we could develop further. This particular council serves as a natural focal point for EU's external relations and will improve our ability to work coherently with foreign policy, development policy, and trade policy. For the future, we need to find a way to also incorporate the increasingly important external aspects of Justice and Home Affairs into a coherent foreign policy of the EU. To make the most of all resources available to the EU, we need to ensure co-operation and co-ordination between the instruments of the Commission and the policies of the Council. We need to consider ways to tear down the counterproductive walls between the institutions and the pillars in the EU.

When it comes to decision-making in the EU, we do in fact have a lot of flexibility within the existing framework. Qualified Majority Voting (QMV) on foreign and security policy is already an option. QMV is possible when implementing the so-called Common Strategies, the potential of which is far from being exploited. They were meant to outline a long-term policy for either a geographical or horizontal issue. So far, the use of these strategies has been disappointing. As Common Strategies do represent a valuable option for a more comprehensive approach, they are worth revitalizing. More flexibility in decision-making is also possible through constructive abstention and enhanced co-operation among some of the Member States. These concepts are in the treaty already. We need to find ways to promote more active use of this flexibility rather than making QMV the general rule.

Finance and Visibility

In one field in particular, however, the EU needs real change – the issue of financing. The CFSP is seriously short of funds. The resources set aside for CFSP do not match the Union's foreign policy ambitions. The credibility of the EU depends on our ability to respond timely and with concrete measures to emerging crises. We need to ensure rapid reaction and credible follow-up. Without sufficient funds, the EU cannot play a global role. Experience shows that the best way to make a difference is to be present. Sending special representatives, envoys, monitor teams, police missions, etc. to conflict areas are efficient but costly tools. The EU needs to move away, once and for all, from a primarily declaratory foreign policy and toward a

truly proactive one. More special representatives in relevant parts of the world where the EU would like to make a difference will be a necessary step. The High Representative for CFSP must be given the resources to function as the main actor on foreign policy matters, within the limits set by the Member States in the Council.

The extent of the EU's global profile, even after adopting the measures I have mentioned above, will continue to be relatively limited, at least when compared to the United States. As an example, EU membership on the UN Security Council is not in the immediate future. In order to speak with one voice in an organisation like the UN, the EU will continue to depend on the willingness of the Member States to coordinate their opinions.

EU FOREIGN POLICY IN THE MAKING

Relations within the European Union can be seen as a highly developed illustration of institutionalized international co-operation as a force for peace, stability, and prosperous development. In some sense, perhaps the most important global role for Europe lies in its power as an example. In essence, Europe realizes Kant's and other Enlightenment philosophers' idea of "the gentle trade" contributing to establishing "the eternal peace". Europe is an example of how stability, shared security, and development can be created through close economic and political co-operation. The mutual rivalry, *machtspolitik*, and war-waging between nation-states have been replaced by a binding solidarity founded on shared values and common interests. Europe has thus become a model for other regions that wish to establish binding settings for co-operation among free nations and people with their own characteristic identity and roots. The recently formed African Union and regional trade and co-operation organisations like ASEAN in Asia and Mercosur and NAFTA in the Americas are inspired by the European example.

The security threats we are facing today are of a completely different nature than those that have characterized the modern system of nation-states since the peace of Westphalia in 1648. In Europe, states are no longer threatened by rival states making claim to each other's territory. Instead we are faced with the terror of invisible enemies, clandestine networks, and asymmetrical threats. Such threats can only be dealt with through interna-

tional co-operation. However powerful, no state can solve the problem alone.

Mutual interdependence is nothing new. The horrendous events of 11 September did, however, make it brutally clear that all who value freedom and open societies are in similar situations. Today's challenges are of such magnitude and complexity that we must all share the burden of solving them. Neither Europe nor the United States can go it alone. To effectively tackle the challenges we face today, concerted action is needed. Problems such as terrorism, proliferation of weapons of mass destruction, regional conflicts, and poverty are interlinked and cannot be solved independently. They require coherent strategies and application of the whole palette of policy instruments.

The future European Union will have at its disposal a complete foreign policies tool kit with diplomatic, economic, development assistance, and military instruments. The Balkan conflicts of the past century clearly showed that diplomacy and trade sanctions do not always suffice. Sometimes, the means of power are needed to stop suppression, genocide, and ethnic cleansing. The hard lessons learned of the Balkans are that the EU must be able to act firmly when fundamental values are repressed.

Europe must take it upon itself to be united and act, not just complain. And the United States, for its part, must be willing to take European views into account. As two sides of the same coin, this co-operation will ensure the prosperity of the strong transatlantic ties that remain a prerequisite for real achievements in global politics. When we agree and act together across the Atlantic, Europe and the United States make progress and produce sustainable results. This is why strong transatlantic relations are vital not only to Europe and the United States, but to the world.

The Dark Side of Globalisation

In the coming decades, Europe and the United States must jointly confront three quite broad yet particularly pressing topics. The list is by no means all-inclusive. Other issues are already high on the agenda as well, and new ones will arise over the coming 10 years.

The first topic I will focus on could be called "confronting the dark side of globalisation". Under this heading are issues as diverse yet as related as combating poverty; fighting extremism and terrorism; and promoting non-proliferation, weapons control, and disarmament.

We face a growing danger from fundamentalist religious groups who feel threatened by pluralist systems of thought and who, in some cases, are ready to use extreme political means – including violence – to defend or impose their version of the truth. This development materially adds to the scope and seriousness of the new breed of international terrorism that threatens to disrupt our peace and security. We are confronted with the fact that war has been privatized.

The EU has a special responsibility in developing new instruments and policies to help counter such extreme fundamentalism and terrorism. During the Danish Presidency, EU Ministers for Foreign Affairs asked a group of their personal representatives to identify future EU policies and actions against extreme fundamentalism and terrorism. To effectively counter these asymmetric threats requires a holistic approach, incorporating a variety of activities that address both root causes and symptoms. We need to face the problem up front by effective action in the short term as well as by countering the sources of extreme fundamentalism and terrorism in the longer term. Although extremism and terrorism are not caused by poverty, there is no doubt that poverty, lack of development, and especially bad governance provide fertile breeding ground for both extremism and terrorism, not to mention safe havens for the international terrorist networks as was present in Afghanistan.

The events of 11 September have lent a new urgency to efforts to prevent the proliferation of weapons of mass destruction. While ready to employ a wide array of measures, the EU considers the primary framework within which to pursue this objective to be the multilateral non-proliferation and disarmament regime. The main challenge for the EU will be to translate its strong commitment to the multilateral regime into concrete political results.

The arrival of new technologies such as missile defence and, more broadly, the “revolution in military affairs” are important elements in the present situation of strategic and political flux. The absence of a common strategic outlook among major international players is beginning to take its toll on the multilateral regime. The current lack of progress puts existing treaties under pressure and hinders the development of new and much needed instruments.

A firm commitment to multilateralism must be combined with a willingness to act firmly on evidence of non-compliance. In order to provide leadership at the multilateral level, the EU should use the UN in a more

proactive way. A common EU approach should be considered in areas such as the relationship between terrorism and weapons of mass destruction, multilateralism within disarmament and non-proliferation, promotion of national legislation on arms transfers, and compliance.

A sharpened profile at the multilateral level should be complemented and supported by an intensification of bilateral efforts. The EU should therefore be ready to adopt a robust stance towards third countries where non-proliferation objectives are at stake. Such issues are an important part of the objectives of the CFSP.

The Bright Side of Globalisation

The second main priority for EU foreign policy in the next decade could be termed "promoting the bright side of globalisation". Globalisation basically refers to the ongoing process of increased interaction and exchange within all spheres of life. In the increasingly globalised world, everyone is connected through the world market and the internet. Mobile phones, satellite television, and portable computers with internet access deny despotic governments their earlier control of information. Hence, the process of globalisation is an active force for the promotion of open societies.

We need to ensure, however, that globalisation becomes a truly global process that includes all parts of the world. That is why in the coming decade, the European Union must remain committed to promoting a liberal world market where everyone – including especially those in the least developed countries – has access to free trade and development. Currently the EU is working hard to reach a comprehensive and early conclusion of the Doha Development Agenda. The EU has already agreed to the free access for all goods, with the exception of arms, from the least developed countries. More needs to be done in the next decade. For instance, we must reform our agricultural policy. We must also increase our support to developing countries to bolster their capacity to benefit from free trade negotiations and market access.

But trade alone is not enough. The industrialized world must increase development aid and finance. More resources are needed to accomplish this. The richer countries should live up to their long-standing commitment to reach the 0.7 per cent of GDP target for development assistance. We must co-operate with the developing countries in order to improve education, health, public administration, and services. We must fight HIV/AIDS

and other major diseases. We must foster an environment in which private initiative, investment, and business can thrive.

The European Union already provides the highest level of development assistance to developing countries. In the decade to come, the EU will continue increasing its combined development assistance towards the 0.7 per cent target. The EU has decided to increase its development assistance by more than 22 billion by 2006; from 2006 onwards, the development assistance will increase by more than 9 billion annually.

Crisis Management

The third topic for the EU foreign policy is crisis management, often misleadingly referred to as European Security and Defence Policy (ESDP). If the EU is not ready to engage in conflict prevention and resolution, instability will prevail and global threats would continue to develop. By 2003, the EU will be able to lead crisis management operations abroad. The ability to deploy military means is important for the strength and credibility of the CFSP. Whether an ordinary common defence policy will be introduced in the EU in the next decade is difficult to predict. The threats of the twenty-first century do not call for a traditional "Article 5 commitment" (i.e. mutual defence) in the EU. What is needed is an innovative and comprehensive approach to security, an approach that builds upon the Union's unique features as a community with access to all of the tools in the foreign policy toolbox. What makes the EU unique and different from other international organisations such as NATO is its access to a full range of policy instruments, from political and economic to military.

The NATO Summit in Prague in November 2002 set new goals in confronting the threats of the present and the future. New capabilities are to be developed while some of the existing capabilities are no longer needed – every organisation has to adapt. The EU may have to change the scope of the ESDP in the years to come by adding more capabilities to the ones being developed. Still, the EU and NATO will continue to share the same objectives and co-operate in achieving them.

Some people worry about competition between the EU and NATO. In crisis management, the only useful term to define the problems facing both organisations is, sadly, insufficiency. There are far more crises to manage in this world than either of the two organisations can deal with. We should focus on pooling our resources in EU and NATO and thereby maximizing

their efficacy. The co-operation foreseen between EU and NATO in crisis management is aiming precisely at this goal.

DANISH FOREIGN POLICY

Having described the challenges for the European Union internally and externally, I will turn to Denmark's foreign policy and our participation in international co-operation. As long as the CFSP remains an intergovernmental collaboration within the EU, every Member State will have its own foreign and security policy. The Treaty of the EU calls for a spirit of co-operation and ensures that once a common policy has been adopted, every Member State will comply. Still, the political will among the Member States to reach a common EU policy as their number one objective will continue to be essential. The process requires that even vested national interests will not, in the end, be insurmountable obstacles to a common approach.

Being a small country, Denmark has an obvious interest in supporting the development of a strong international society based on the rule of law. International rule of law ensures not only that right precedes might; it also provides predictability, stability, and order to the international system. Without the rules and norms that are being developed in international organisations such as the UN, international relations would be characterized by anarchy and disorder. As in the days of Thucydides, war would be the only mechanism for solving conflicts.

Happily, this is not the case today. Not least since the end of World War II, an advanced and complex system of rules, regulations, conventions, and agreements has been developed and is now governing relations between states. Denmark has been, and continues to be, a firm supporter of international co-operation. Our foreign policy identity is closely linked to our membership of especially the UN, NATO, and the EU. The organisations are our platform to seek influence. They help raise our voice far beyond our natural limits. As the development of the CFSP proceeds, the EU will be an increasingly important platform for Danish foreign policy.

Objectives:

Since the end of the Cold War, Denmark, like other nations, has been in a position to pursue a proactive foreign policy without the constraints of the past. The objectives of Denmark's foreign policy are to:

- contribute to international peace and stability;
- promote normative values like democracy and respect for human rights;
- promote economic co-operation and sustainable development;
- tackle cross-border issues like terrorism, proliferation of arms, and immigration; and
- encourage the integration and co-operation in our neighbouring areas, not least the Baltic Sea region.

These objectives may seem obvious. Yet they constitute what a small democratic country sees as the preconditions for stable and peaceful development worldwide. We pursue these objectives rigorously, both in a bilateral context and a multilateral one. The enlargement of NATO and the EU – and including the three Baltic States in such enlargement – is a goal Denmark has been working toward since 1992. By meeting these goals, the bloody history of the twentieth century has been brought to an end.

Being proactive does not mean being a global player in all fields. Many parts of the world are still as alien to us as Denmark is to them. Realistically, we need to focus and set priorities. For obvious geographical reasons, the Baltic Sea region is a high priority; the Caribbean Sea is not. This does not mean that we care only for our immediate neighbours. Promoting human rights, as one of our horizontal objectives, means that developments in Myanmar and Iran, as examples, are of concern to Denmark.

Furthermore, our development assistance is linked to our priorities. In 2002, Denmark contributed close to one per cent of its GNP as development assistance. Even after budgetary cuts in 2002, this figure still makes Denmark the leading country in development assistance. Combating poverty, promoting human rights and democracy, sustainable development, and trade liberalization are pursued closely by Denmark. We have particular interest in the Third World countries that receive our assistance. This was seen most evidently in 2002, when we closed our development programs in Zimbabwe in light of the unacceptable policies of the Mugabe regime.

Apart from the aspects I have mentioned above, our main priorities remain in our geographic proximity. This no longer means our close neighbours, as it did until a century ago, or the Warsaw Pact, as it did during the Cold War. Today, the EU has increased Denmark's scope. The Union's neighbours today are the Balkans, the Middle East, North Africa, and the countries of the former Soviet Union. The EU gives Denmark a much

bigger voice in world politics than we would have alone. I am confident this is part of the attraction of EU for new Member States, as well. The enlargement of the EU by 10 new Member States will provide new perspectives and new partners. Some of the new Member States will share our opinions and help us make them EU policy.

The objectives of Denmark's foreign policy will be pursued with the same persistence in the UN Security Council when we will hopefully become a member in 2005-06. The fact that we are part of a group of (then) 25 European countries will be an important factor to Denmark when we are seated in the UN Security Council, as it is today.

CONCLUSION

The next decade will bring about a huge challenge for the EU in the field of foreign policy. The expectations are high within the Union as well as outside. I firmly believe that the EU is ready to face that challenge. I also believe that we can meet the challenge without fundamentally changing the structures we already have developed. Institutional reforms are needed and should be carried out resolutely, but the basic structure of the EU as a community of nation-states remains sound. What is truly needed for this community to become a global actor is the willingness of the Member States to consider the common approach before the national. The trend is clearly going in this direction. The EU and the United States, as the main protectors of the free world, must co-operate to fight the dark sides of globalisation and to encourage its bright sides. Comprehensive crisis management – and the will of the EU and the United States to engage in solving and preventing international conflicts – is vital for our joint future stability and prosperity. Together, we can accomplish our mission and do much good in the world. Separated, we will miss this opportunity.

Speech by Prime Minister Anders Fogh Rasmussen at the Woodrow Wilson Center, Washington D.C., 9 May 2003

Thank you, Mr. Metzner
Excellencies, Ladies and Gentlemen,

Thank you for inviting me here to speak today. The dedication of this impressive centre to the memory of President Wilson – a friend of Europe and one of the architects of the Europe we know today – seems to me to be an excellent opportunity to share a few of my thoughts on the subject of relations between Europe and the United States as I see them today.

First, the Euro-Atlantic Community as I see it.

I think it is true to say that America and Europe have reached a cross-roads in their relations. It could be argued that this is the case regardless of the recent diplomatic crisis over Iraq in the United Nations Security Council and in NATO.

I say this because recent events were preceded by a number of changes in the world order as we have known it since the end of the Second World War. The end of the period usually described as the Post Cold War Era has come to an end.

In a very real sense, this marks a major staging post of a journey begun under the internationalist statesmanship of Woodrow Wilson in his work to solve the problems raised at the end of the First World War with his famous Fourteen Points.

The Wilsonian vision for Europe after the Great War, developed at the Paris Peace Conference in 1919, was of a free Europe of sovereign states, self-determination for a reborn Poland; the establishment of new nation-states such as Czechoslovakia, the Baltic countries and nations arising from the ashes of the Hapsburg, Czarist and Ottoman Empires.

However, the journey has been a long one. Longer than he could ever have imagined. For who could have foreseen the Nazi scourge or the vast Communist Empire which swallowed so many of these new nations of Woodrow Wilson's creation? But now his vision has been fulfilled. Perhaps also in a way he could never have imagined.

For a start, many of these nations are now members of NATO. Something which we, here, could never have believed possible only 10-15 years ago. A membership now confirmed by the ratification of the enlargement of NATO, just passed by the US Senate.

In place of the old empires, the totalitarian states, the bloody unrest of the 20th century, the nations of Central and Eastern Europe have now received from America a guarantee for their freedom and democracy.

A century of uncertainty for the nations situated between Germany and Russia, the region that sparked two World Wars, has ended. Their security is assured.

However, another major achievement for Europe was reached almost simultaneously at the European Union Summit, over which I had the honour to preside in Copenhagen last December.

For, having freed themselves of the yoke of totalitarian government, the same countries freely took the step to join their fellow Europeans in the European Union. We solemnly formalised this step with 25 signatures under the Accession Treaty in Athens a few weeks ago, thus ensuring unity and prosperity for our continent.

Although these two processes were quite different in nature and scope, they surely were related in their ultimate aim: creating a stable and peaceful Continent of Europe.

However, having secured this achievement, we can by no means say that we have reached an end state in the construction of the Euro-Atlantic community. We cannot rest on our laurels. As I said before, we have reached a crossroads, not the end-station.

The European Union will grow stronger on the global scene because we in Europe want to take our share of the global responsibility. A stronger European Union will be a better partner to the United States in achieving our common goals.

“Out of area or out of business” was the slogan used by Senator Richard Lugar in the middle of the 1990s to describe what lay ahead for the Atlantic Alliance. He was right: NATO’s main task in the last half of that decade was to bring peace and stability to the Western Balkans, outside the area of application foreseen in the Treaty. Indeed, such an application would never have been envisaged when the alliance was formed.

Until recently, the notion of NATO taking on a security role in Afghanistan would have been rejected by most as both unrealistic and undesirable. Yet it is happening. I believe we should be ready to consider further such

roles for NATO, if they can be found, as part of the stabilisation of Iraq and in solving the seemingly impossible task of bring peace and stability to the West Bank/Palestine.

Needless to say, establishing a meaningful presence of the Alliance at such distances is an ambitious undertaking. It underscores the need to fulfil the commitments made at the Prague Summit to enhance the capabilities of NATO. Not necessarily to spend more on defence, but do it in a more effective and targeted way.

To some in the US Administration, "the mission determines the coalition, not the other way around". For Denmark, and most of our partners in Europe, this line causes some concern. We are attached, indeed committed, to multilateralism for the simple reason that, as individual nations, we are in no position to stand alone in matters of international security.

For the United States, too, the availability of allied forces able to function together under well-rehearsed procedures in common structures retains considerable political value. Even with its overwhelming military potential, America can and does benefit by including its allies in security operations.

And I have no hesitation in saying that I have always believed that the United States is both a friend and an ally. And you don't turn your back on your friends. So, within the relatively modest means at her disposal, Denmark has joined US-led coalitions of the willing on many occasions. At the same time, we stress the need to use the various forums of the Alliance for political consultation. This framework was created over the course of many years and it has served us well.

On the other hand, we have to come to terms with the fact that the lack of unity seen in the UN Security Council also fully manifested itself in the North Atlantic Council.

Greater flexibility in Alliance decision making may be worth considering, at least on issues marginal to the Treaty. In particular, we could consider the notion of coalitions of the willing inside the Alliance. I accept that more flexibility would probably mean a certain loosening of NATO, but that might be preferable to deadlock.

This leads me to another of our great institutions, shaken to its roots by a distressing show of disunity.

I deeply regret that it proved impossible to maintain the unity of the Security Council in the face of Saddam Hussein's blatant refusal to render

the immediate, active and unconditional co-operation required by resolution 1441.

The months which have passed since President Bush made his case in New York on September 12th of last year should have been sufficient to deal with Iraq's failure over the preceding 12 years to comply with the demands of the international community.

Had the Security Council faced its responsibility, the use of force might well have been avoided. As it turned out, the coalition took action to finish the job Saddam Hussein never intended to complete.

In the opinion of the Danish Government, the military action was based on sufficient authority and legitimacy under existing resolutions. It was the right course to take.

We therefore not only supported the operation. We participated with naval assets. And now, an army contingent is preparing to take part in the stabilisation force currently being established. We will also contribute by providing Danish police, and we have offered to pay our fair share of the costs for humanitarian and reconstruction assistance.

Will the diplomatic failure in the Security Council mean that the United Nations will suffer the fate of the League of Nations, and fade into irrelevance? I really hope not. This is certainly not the outcome we favour.

So what can we do? Together with our European partners, we advocate a central role for the UN in the future of Iraq, making use of the organisation's capacity for post-conflict nation building and the expertise of its specialised agencies in relief and other operations. The expertise is there, the organisational skills are there, let us use them.

However, some tasks in Iraq have to be tackled immediately without waiting for decisions in New York. We have therefore decided that the Danish contingent in the stabilisation force will be dispatched to Iraq as soon as possible.

The needs of the Iraqi population come first. Sanctions should be lifted now – immediately. We should concentrate on the first priority – namely feeding and caring for the Iraqi people.

The Danish Government believes that there is a central role for the United Nations to play in Iraq. However, we also feel bound to admit that the defeat of the Security Council in this crisis should make us consider the role of the UN in our age.

We have to face facts. In today's world, one power – and one power alone – has a total and global reach. Of course, there are also other major powers. But they enjoy only partial or regional dominance. We must keep this in mind and be thankful that this one superpower is a great source of democracy, freedom and human rights.

And, when we look at the reality of our world today, we see one superpower surrounded by a number of regional powers or political unions. The US may play a global role in ensuring peace and stability – but it does so through interaction and co-operation with one or more of these regional powers.

However, this relatively new world order makes far heavier demands than before on our leading powers. I don't believe in sweeping institutional reforms which risk "throwing the baby out with the bath water". But, on the other hand, we need some principles or rules to act as guidelines for the conduct of major powers if freedom, peace and stability are to take root across the world. I would summarize these rules of conduct in four points:

1. The United States should remain committed to multilateralism. None of us doubts that the US has the economic and military power to handle conflicts on its own, if necessary. But it is surely in its own interest to ensure the political and moral legality of its actions. Through sticking to the principle of rule of law in international politics, the democratic super power will act as a good example to others when the use of force is required. Tyrants and those with less noble motives and a lack of respect for internationally accepted norms will then have no excuse for taking the law into their own hands.

2. The major powers should actively secure the ability of the Security Council to make necessary decisions. Deadlock leads to paralysis – and the inability to reach a decision then blocks the multilateral road. It is time for the major powers to realize their common interests and responsibilities.

3. Regional powers should combine their efforts with those of America in order to solve regional conflicts. As China does in the case of the Korean Peninsula. Or the European Union which has just taken over the peace keeping force in Macedonia, and, possibly, the peacekeeping operation in Bosnia. No one really stands to gain from a perceived American "imperial overstretch".

4. America should wield its "soft" power to the same extent as its "hard" variety. This means utilizing the vast resources and expertise of the United States in solving the problems of world poverty and compromised environ-

ments. In encouraging and contributing to nation-building whilst maintaining respect for national preferences and cultural traditions.

How to formalise such working relations in the UN is by no means obvious. However, I promise to do my utmost to improve the effectiveness and credibility of the Security Council if Denmark is entrusted with the responsibility of a temporary seat in 2005-6.

Europe and America cannot afford the recent sharp disunity in the Security Council. Our interests are best served in the framework of reinforced multilateral co-operation and a rules-based international order.

In 1914, President Wilson said: "When properly directed, there is no people not fitted for self-government". That is as true now as it was when he uttered those words those many years ago. When people are granted real freedom of choice, they choose democracy over every other form of government.

The military campaign in Iraq should be the prelude to a concerted transatlantic effort to help improve political, economic and social conditions in the Greater Middle East. In this perspective, it is crucial that reconstruction in Iraq and the transition to self-rule be successfully managed by the United States and the international community.

The long-term goal must be to bring about more democratic, just and tolerant methods of governance in the region as well as a strengthened basis for dialogue between cultures. Such a modernised Greater Middle East should cease to be a breeding ground for political or religious extremism and terrorism. But this can only be achieved by a combination of good governance and mutual tolerance – not one-sided tolerance.

This exercise in conflict prevention is strategic in its scope and will require a major investment in resources, time and perseverance. It has been set in motion by the Bush Administration, which deserves credit for formulating its policy in appropriately broad terms. There are many substantial ways Europe can co-operate in this long term project.

America and Europe should join forces and engage the region in an effort to

- improve educational systems, notably with secular programmes
- develop the private sector through the opening of markets and targeted programmes for small and medium-sized businesses
- develop the social sector
- assist in improving democratic and human rights' standards

- reform judicial systems, anticorruption measures
- strengthen civic society, and
- help strengthen gender programmes with a view to increase the participation of women in society.

It is particularly important to make sure that our work in the Islamic world will not be perceived there as cultural imperialism, or the imposition of alien “crusading” values. Renewal must take place on terms acceptable to the people concerned or it will never succeed.

I would argue that we have been through a similar long term process before – and with success. In the 1970s and 1980s, the East was engaged by the West (including the United States) in Greater Europe in the CSCE – conference on security and co-operation.

It was largely due to this process that the political, military, economic and human barriers of the Cold War were removed. Without it, the Wall might never have come down peacefully in 1989.

History never exactly repeats itself. But we may allow ourselves to be guided by the achievements of the past. It would be eminently sensible to make another attempt at engaging the countries in the Greater Middle East in a similar process. Organise it in the same three “baskets” on issues of security, economic liberty and human rights. Point the region in the direction of a modern success story building on its strong economic and human potential.

For this positive scenario to be realised, there is a major and immediate hurdle to overcome. In order to gain confidence in the Arab/Islamic world, a breakthrough in solving the Israeli/Palestinian conflict has to take place, and soon. In the eyes of the Arab world there can be no peace in the Middle East without a solution to this problem. It is the key to peace and stability in the entire area.

We all know what needs to be done. President Bush made it clear in his visionary speech in the Rose Garden on June 24th last year. During the Danish EU Presidency we worked together at translating that vision into a Road Map explaining the steps each side had to take in order to achieve the end goal. Two states, Israel and Palestine, living along side each other in peace and security. In December last year the Quartet agreed on the joint Road Map which was eventually handed over to the parties last week. Now is the time to start implementing the two-state solution.

Since the conflict between Israelis and Palestinians re-escalated more than two years ago, more than 750 Israelis and over 2,000 Palestinians have died. Both peoples are in urgent need of peace, security, relief from economic and social misery. The proposed solution would benefit all but the extremists.

As in all genuine solutions, both sides must be prepared to give and take. The Palestinians must maintain the course toward political and administrative reform and establish a single security structure acceptable to Israel. And, vitally, the use of terror must be abandoned forever. This must be made crystal clear to all concerned.

Israel, on her part, must take concrete steps to support the establishment of a viable Palestinian state and work quickly towards a final status agreement. As president Bush has stressed, settlement activity in the occupied territories must end. New settlements must be dismantled. Israel must accept the rights of the Palestinians and make its own citizens understand that they do not have the divine right to take that which isn't theirs.

Unlike the Oslo process, the Road Map is time and performance based. It will come to a standstill if either side fails to live up to its obligations. It has the support of the international community, who should monitor its implementation through an appropriate mechanism.

We all know that the United States holds a unique position in relation to the parties of this negotiation. President Bush has our support in his efforts to convince them to follow the course and the timeline set out.

Ladies and gentlemen,

As I have already noted, America and Europe cannot afford the kind of disunity shown recently. We have lots of common concerns and must address them together. Many of them are life-and-death problems that will not be solved by any single country, even one as mighty, benign and influential as our main ally, the United States of America.

We know these pressing tasks all too well. Besides the ones I have mentioned, there is the continued fight against terrorism; the need to counter the spread of weapons of mass destruction; bringing the WTO Doha development round to a successful conclusion; fighting global poverty.

So how does a country like Denmark fit into all this?

History and geography have made us what we are. A northern member of the European Union and a founding member of NATO with a strong

attachment to a national identity that, at times, in the more or less distant past has come under threat.

This attachment has sometimes been translated into positions of reservations, opt-outs and footnotes. There have been many reasons for this, too numerous to go into now. But the bottom line is that my Government wishes to depart from this tradition of reluctance. We feel that we have a role to play and we wish to play it.

Denmark has been at the forefront of NATO's peace-support operations and the outreach to Central and Eastern Europe. We take an ambitious view of the role that the new, enlarged EU can play in domestic and world politics.

At the same time, our commitment to transatlantic co-operation is undiminished. For Denmark, European integration and Euro-Atlantic co-operation are two parallel policies which can and must be followed at the same time. They are two parts of the route to peace and are by no means mutually contradictory.

Ladies and gentlemen,

I would like to close on the following note:

We, Europe and the United States, may have had a rather serious family quarrel – but this does not mean that divorce is in the air. I found myself on the one side of this disagreement. What unites us, though, is still stronger than what may, at times, divide us.

We still have our shared goals, our visions and hopes. So let us unite in adhering to the rules of conduct I have presented here, today. Let us make a concerted effort to achieve the unity of views and purpose that will allow us to progress along the road to reach our final destination.

The ultimate defeat of the League of Nations, of Woodrow Wilson's hopes for a peaceful world order in the 20th century, warns us not to take such progress for granted.

The journey started with his dream. We may stumble, or lose our way, but we must never lose sight of our ultimate goal – a world united in peace and unity. Let's not let him down.

Thank you for your attention.

**Speech by Minister for Foreign Affairs
Per Stig Møller at the Opening of the Third Confer-
ence of the International Alliance for
Arab-Israeli Peace, Copenhagen, 9 May 2003**

Excellencies, ladies and gentlemen,

It gives me great pleasure to welcome you to Copenhagen and to the third Conference of the International Alliance for Arab-Israeli Peace. I'm very pleased with the presence today of so many distinguished participants.

The Government of Denmark is honoured – once again – to host a Conference by the International Alliance for Arab-Israeli Peace, which Denmark has supported since its foundation at the Louisiana Museum just outside Copenhagen in early 1997.

The Alliance is truly a unique institution. It is the only civil society forum in the Middle East, which brings together influential representatives from the academic world, culture and public life in Egypt, Israel, Jordan and the Palestinian Areas.

At its last Conference, which took place in Cairo in July 1999, the Alliance sent a clear message of peace to the political leaders in the region. It demonstrated that people on both sides could form a strong constituency for peace and work together to support it. A range of follow-up activities and projects were formulated and some initiated, among them a web-site project to disseminate information on the Alliances activities and continue the dialogue. Hopes for peace were at that time running high, but were shortly after grounded by the outbreak of the second Intifada, and the onset of an unprecedented circle of violence.

The mere fact that you – despite the last two and a half years of hardship for the region's peace camps – are still active and meet here today gives hope to the many who want peace and a two-state-solution.

Today's Conference could not take place at a more auspicious moment. With the historic creation of a position of Palestinian Prime Minister and

the subsequent publication of the Road Map we are faced with at true “window of opportunity” for peace in the Middle East.

When President Bush on 24 June last year announced his vision of a Palestinian State to be created by 2005 we saw – to quote my friend, former Foreign Minister of Israel, Shimon Peres – the light without a tunnel – while the Oslo-agreement had provided a tunnel without light. With the Road Map that was handed over to the parties last week, we now also have the tunnel and the light.

On a personal note, I am particular satisfied that the Road Map is now finally out. As you will know, we had during the Danish EU Presidency last year a first go at trying to translate the Bush speech into concrete steps to be taken by the parties to reach the vision. After lengthy negotiations in the Quartet we finally ended up with a joint, consolidated Road Map of the Quartet on the 22 December. The presentation of the plan for the parties was, however, stalled pending the formation of a new Israeli Government and subsequently the appointment of Abu Mazen as Palestinian Prime Minister.

What makes the Road Map different from other peace plans that have been put forward to try resolving the Israeli-Arab conflict? The Oslo Accords, the Mitchell and Tenet plans and the others.

To begin with the Road Map is the first internationally agreed plan with a clear goal and a clear deadline for a final Israeli-Palestinian peace settlement and the creation of a sovereign and viable Palestinian State in 2005. In addition the Road Map also provides the framework for conclusion of peace settlements between Israel and Lebanon and Syria.

What we did when drafting the Road Map was, in fact, to turn around the tactics of the Oslo process. When asked by a stranger how long it will take to get to town, the cautious man will respond: Start walking and I will tell you. That was the approach of Oslo. Let's start building up trust and confidence and we will see how far we can get. It was a sensible approach, but unfortunately the results fell short of the expectations. We ended up with too much process and too little peace.

The Road Map is the “big bang” approach. Contrary to Oslo it starts with the end: The vision of two states, Israel and Palestine, living side by side in peace and security. It clearly spells out what is in it for both parties from the very start and appeals to the leaders to take bold and courageous decisions. It provides the political perspective so desperately needed for the

people on both sides that have endured the agony of conflict for all too long.

Secondly, the Road Map replaces Oslo's concept of bilateralism with multilateralism. All agreements must be guaranteed by the international community. And those guarantees must be firm and real. Israel must know that if it accepts a final agreement, then it will be truly final. There will be no more conflict, nor even the threat of conflict; no more claims; no more rejections. The Palestinians must know that provisional steps to reach an agreement will actually get them there; that their gains will not be reversed; that they can begin to plan for and count on their own future.

In this way the Road Map combines three fundamental principles for a just and lasting peace in one common vision:

- the necessity of providing Israel with real and permanent guarantees of its own security – freedom from attacks, and from the threat of attack;
- the imperative of providing the Palestinians with real and permanent independence – in the form of a Palestinian state, and the end of the occupation that began in 1967;
- and finally, as part of the process leading to these goals, the necessity of removing Israeli settlements; of reforming Palestinian Institutions; and restoring the Palestinian economy and infrastructure.

The fundamental question at this juncture is how to ensure that the Road Map – unlike many of its predecessors – will actually be implemented?

The Road Map spells out within each of its three phases a number of reciprocal steps to be taken by the two parties in order to advance the process.

There is general consensus that some kind of mechanism is needed to monitor the parties' compliance and effectively lead the process through ups and downs to the end goal of a final peace settlement in 2005. To insulate the process from the lone suicide bomber who will otherwise always have an effective veto over the peace process. Presenting a peace plan without addressing ways and means for its implementation would not be a serious proposition.

The EU has therefore put forward a proposal for a verification mechanism that will monitor the Road Map's implementation and, if needed, provide assistance to the parties for moving ahead. The Middle East Quartet envoys are currently trying to reach agreement on such a mechanism.

It is beyond any doubt that a strong international involvement is essential in achieving progress. The parties themselves are blocked in an atmosphere of violence, recriminations and mutual distrust. Without external pressure the parties cannot be expected to take the necessary steps. Therefore, there is no alternative to strong international involvement in bringing the parties to make the necessary concessions. The Middle East Quartet, comprising the main international actors in the Middle East, is the obvious body to take up this responsibility.

But what is required from the parties to take the process forward?

The new Palestinian Government must effectively fight and curb all terrorist activities directed against Israel. Only in this way can it hope to restore Israel's trust in the Palestinians as a credible partner in peace. Furthermore, the new Palestinian Government must continue and strengthen the reform process, in particular in the area of security, governance and accountability.

But the Israeli side must reciprocate by immediately taking steps to facilitate and help the Palestinian measures. The Israeli Government on its side must ease restrictions on the living conditions of the Palestinian population and withdraw from Palestinian Areas in order to enable Palestinian reforms [and at some stage elections]. The best way to show the Palestinians that Israel is seriously committed to moving ahead with the Road Map is to freeze settlement activities, which – together with the construction of the security fence – seriously undermine the prospects for a two-state solution.

Both sides – Israelis and Palestinians – know that the time for action has come. In this regard I am happy to note that the US Administration has stepped up its engagement in the Middle East peace efforts. A sustained international effort under the supervision of the Middle East Quartet is required to keep the process on the right track. And I can assure you that Denmark and the European Union will do our part to ensure this.

While the Israeli and Palestinian leadership are deciding on their coming moves, one would hope that they listen to their peoples. As this Conference shows there exists now a strong and general will and a desire among Israelis, Palestinians, and other Arabs to find a solution.

I am convinced that the vast majority of Israelis genuinely believe in peace with the Palestinians – perhaps not quite as the Palestinians envision it, but nevertheless. And the vast majority of Palestinians do not seek the destruction of Israel, only the end of occupation – undoubtedly in a slightly

larger slice of territory than Israel would concede. The aspirations of both peoples can be reconciled with each other and their vision can, as I see it, be shared.

As the negotiations following Taba between Arafat and then Prime Minister Ehud Barak showed, the leaders were extraordinary close to finding a viable compromise, which shows, that after all it is possible. Unfortunately these talks failed. But it was not a rejection of peace by either side.

Some would point to the fact that today's political landscape in Israel and in the Occupied Territories is quite different and less peace friendly than the one prevailing in 2000 and early 2001. In Prime Minister Sharon's Government coalition several coalition partners – but certainly not all – reject peace outright. The Labor Party may be in a difficult situation with the resignation of its newly elected chairman Mitzna resigned earlier this week. The Israeli peace camp has been seriously weakened.

Similarly, the peace camp among Palestinians face the double challenge of a despairing population under severe military occupation and the extremists using terror in order to sabotage all attempts to renew dialogue.

This only makes the role of the Arab-Israeli Alliance for Peace more important than ever. Despite the lack of mutual trust the civil societies must now stand up and demand progress from their leaders. Your message of peace today must be strong and unequivocal. Your voice must be loud and clear.

But today's message of peace will not be sufficient. Once again, your work has just begun.

A great challenge lies ahead of you in disseminating today's message of peace to the broader public in your respective countries and to work for the elimination of mistrust, hatred and prejudice towards the other side. To work out a civil society strategy for winning broad public support for the principles of peace, reconciliation and democracy.

As your slogan so rightly says: "Peace is too important to be left to governments alone".

I wish you good luck and success in your endeavours.

Corruption as a Development Challenge

Speech by Minister for Foreign Affairs Per Stig Møller
at the Conference on Curbing Corruption as Part of
Development Co-operation, 2 June 2003,
Copenhagen

Introduction

Curbing corruption is a major development challenge. Corruption has a strong negative effect on all aspects of society: It distorts the economy, it challenges the rule of law and it undermines the functioning of the political system. Moreover, the effects are not only a question for the well-off decision makers of business and politics, widespread corruption has a direct bearing on the everyday lives of the poorest strata of society as well.

Developmental Effects of Corruption

One of the best documented effects of corruption is its negative impact on investments – both foreign and domestic. This leads in turn to reduced economic growth – an economic growth that could otherwise have contributed to the fight against poverty. Instead, corruption encourages short-term capital movements, leading to monetary volatility and economic instability.

Furthermore, corruption moves economic activities away from the formal sector towards an informal economy. Taxation becomes more difficult – major taxpayers may even avoid taxation altogether through corruption. Thus, corruption reduces government revenue. This does not only mean less public services but also undermines the redistributive powers of the State. The effects of corruption are less law and order and more economic and social vulnerability of citizens. The legitimacy of the state suffers.

Corruption also means that public spending becomes more expensive than necessary and the quality lower. The effectiveness of public spending suffers as investment decisions are twisted in favour of projects that can yield personal benefits for the decision-maker. New projects are preferred

to the maintenance of old. Sectors that do not lend themselves readily to corruption, such as social services, are given less emphasis than for example large infrastructure projects or military spending, where – for a number of reasons – there are more money available for bribes.

One increasingly well-documented aspect of corruption is the fact that it redistributes income and welfare to the disadvantage of the poor. To put it bluntly; poor people are more vulnerable than better-off people. Poor people depends heavily on public goods and cannot afford to shift to private services as a reaction to the scarcity and poor quality of services resulting from corruption in the public sector.

“Grand Corruption” and “Petit Corruption”

It has been argued that one should distinct between “grand corruption” and “petit corruption”. “Grand corruption” would be the often huge amounts of money changing hands as bribes for example in connection with public procurement contracts. “Petit corruption” on the other hand is the small amounts people would pay in order to avoid a police fine or to get the public service they are entitled to.

It has been argued that “petit corruption” is not all that harmful, but should more be seen as an alternative taxation mechanism that helps providing the civil servants with an income they can live of. I would strongly oppose that notion. If it becomes necessary to bribe the school teacher to get your exam, or to bribe the medical staff to get treatment or to bribe the watchman to get into a government building, then corruption has truly distorted all aspects of society. Even if the amounts of money are relatively modest, it will very often be money that poor people cannot afford to loose. And it all adds up. There is no way around the fact that corruption, even petit corruption, is stealing from the poor.

Causes of Corruption

But how do things come to this? What are the causes of corruption? Though clear-cut causal relationships are difficult to verify, it is obvious that corruption is more narrowly linked to some circumstances than to others. Answers should be sought at both the macro and the micro level.

At the macro level, there appears to be a negative relationship between the level of countries’ economic development and corruption. Poor countries generally are more prone to corruption than more well-off ones. There is also a negative relationship between the degree of integration in the global

economy and corruption. Furthermore, the degree of economic and institutional stability have a substantial effect. Not least with Eastern Europe as an example, but also a number of developing countries, turbulent changes in the economy structures has been accompanied by an increase in corruption and other types of economic crime. This is not to say that privatisation and liberalisation are not all important and necessary economic reforms – they are, because they form the basis on which economic growth should be build – but there are dangers and pitfalls as well. Some of the forces released through a reform period must be checked and the means for doing that is a strong emphasis on good governance.

Fighting Corruption through Good Governance

Corruption is just one element of governance in general and can only be curbed as part of tackling the whole issue in its totality. There is, therefore, a growing consensus around the notion that what is needed to fight corruption broad alliances between groups both inside and outside of government.

Although strategies and interventions must be country-specific in order to be effective, there are some common elements that are needed to form such an alliance to combat corruption.

One such general element – without which corruption cannot be fought effectively in any country – is political commitment at the high levels of government. Such commitment is essential to spur decisive moves against corruption, not only at different levels of government, but also in the civil society and the media.

When fighting corruption, good governance reforms must aim at creating more capacity in critical government sub-systems, such as the judiciary or special anti-corruption units. Experience shows that stricter enforcement of rules and regulations and more systematic sanctioning of unlawful behaviour are critical elements in fighting corruption. The perhaps clearest illustration of the importance of the political commitment is the effectiveness of specialised anti-corruption agencies. In countries where the commitment to fight corruption has been a result of a clear and real political commitment such institutions have fared remarkable well. In other countries, where such agencies have rather been the result of external pressure from donors, they are correspondingly ineffective in their actions.

Another important element in the alliance to curb corruption is a strong and vocal civil society. A number of NGO's have taken up the task of advocating for a crack down on corruption. Unfortunately, civil society actors

are quite weak in many developing countries and a substantial amount of capacity building is often needed.

Transparency is perhaps the one most effective element in the fight against corruption and the media plays one of the most important “watch-dog” functions. Freedom of the press is a cornerstone and steps that provide better conditions for critical and investigative media must accompany any good governance reforms.

Furthermore, it is increasingly being recognised that the private sector needs to play a more pro-active role in the fight against corruption. Up till now, the focus has mostly been on foreign and international companies doing international trade with or seeking contracts in developing countries. The OECD Anti-Bribery Convention from 1997 forbids the bribing of foreign officials and has now been ratified by 34 countries. More and more companies doing international business adopt corporate anti-corruption codes and train their staff in corruption-related topics. This is a very positive development. Initiatives among local companies in the concerned countries are much more scarce and certainly need support and encouragement.

Other international aspects of corruption include the transfer of the proceeds of corruption to foreign countries for safekeeping and white-washing. This trans-boundary side of corruption highlight the need for even more international co-operation in the fight against corruption.

Perhaps, there can be a tendency to look narrowly on the technical side of good governance reforms. However, at the end of the day what good governance reforms must really aim at is changing the incentive structures – even the mind-set of a given society. This is where macro-level conditions are transformed into micro-level behaviour. Fewer opportunities and less motivation for individuals is essential for curbing corruption. A zero-tolerance approach starts with each and every one of us.

A Collective International Effort

Although the subject of corruption and its impact on international development can at first seem to be a rather discouraging subject, I think there is hope to be found in the vast number of initiatives that are presently being taken. The growing concern with corruption has resulted in a whole range of initiatives. Both on the side of bilateral donors and international financial institutions and on the side of recipient governments and civil society things are moving.

On the legal side, the UN and the African Union are preparing new anti-corruption conventions. At the same time, the international financial institutions, such as the World Bank and the regional banks, are doing important work in the fields of diagnosing, mapping, and combating corruption.

The co-operation between developing countries and donors is improving. For example; the Cotonou-agreement between the EU and the ACP-countries specifies measures to be taken in cases of corruption. Furthermore, anti-corruption measures are expected to be included in a forthcoming regulation concerning EU co-operation with Asian and Latin American countries.

A number of private organisations are also important contributors to the international fight against corruption. The international NGO "Transparency International" has been standard setting with its widely quoted "Corruption Perceptions Index" and TI's national chapters have been important trend-setters in their practical anti-corruption work.

Private business and its organisations are active as well. The Confederation of Danish Industries has for instance published its own anti-corruption guidelines, guiding their members on how to avoid the dangers of being entangled in corruption.

Media and academic institutions are increasingly active scrutinising both concrete cases of corruption as well as investigating the deeper layers of the mechanisms of corruption.

The net result of all these activities has been a hugely increased interest in and understanding of corruption over the past 10 to 15 years and a corresponding intensification of the search to find ways of fighting corruption.

However, much still remains to be done. Through the Danida Action Plan to Fight Corruption we have now presented our visions on how we will strengthen our anti-corruption efforts further. By bringing together a number of representatives from all of the above mentioned actors it is my hope that today's conference will play its small part in the further build up of the collective international effort to combat corruption.

Thank you.

Speech by Minister for Foreign Affairs Per Stig Møller at the Conference on Poverty Reduction Strategy Paper, Copenhagen, 20 August 2003

When it comes to development assistance there is a tendency to focus on the negative. The dilemmas, the difficulties the defeats. The problem is that in the end the picture becomes distorted. People see development assistance as a failure in spite of its many success stories. Of course it is natural to remain focused on the poorest and most marginalized countries – and the problems unresolved. But just as the lack of success in some developing countries should not be used to diminish the value of our development efforts, the failings of the PRSP process should not be used to discount the many positive aspects of PRSP.

Originally the PRSP was closely linked to the HIPC debt relief. It was an effort to ensure that the many billions of dollars released in HIPC countries went into pro-poor development by making sure that the recipient countries had plans for strengthening their social sectors. But it was also a unique opportunity to improve international development efforts. Especially by taking into account the very positive experiences from countries such as Uganda and Tanzania where governments had started to take the lead in their own development process by setting out a comprehensive strategy for poverty reduction. Ownership became a key word.

In reality the quality of development assistance has gone up dramatically in recent years. Simply because we know much more about what good development assistance is. Surely, there is so much we need to learn and so much more to be done. Still, by and large the returns on our development efforts have never been better. Here the PRSP process has and will continue to play an important role in raising aid efficiency. Not least in the case of Danish development assistance.

In the debate on Danish development assistance far too little time is spent on what is actually being done with the money. What is important is questioning what we are doing about aid effectiveness and how we intend to build true partnerships for development.

Here the government is clearly committed to strengthening our development partnerships. We want, we need and we will work for true ownership

at all stages of the development process. Key to this commitment is this Government's firm promise to align Denmark's development assistance to that of our partner countries national poverty reduction strategies. And we are delivering.

Today Denmark's alignment of its development policies towards that of our partners is second to none amongst governmental donor agencies. Only a series of bold steps over the last two years has made this transition possible. Through decentralisation Embassies such as La Paz, Hanoi and Kampala will in the future decide programme questions on the spot in direct dialogue with our development partners. Country strategies are written first and foremost from the perspective of what recipient countries want – and less from what Denmark can offer. And instead of setting up our own development goals, we are benchmarking our efforts towards the targets recipients have set themselves.

Such a transformation is no easy task. We are truly turning the table around. Until now a developing country had to face a multitude of different accounting requirements and programme indicators from donors. By aligning ourselves with existing national priorities and procedures through the PRSP process we are lifting a huge burden from the shoulders of recipients. Instead Danida is stuck with the task sorting out 15 different indicator systems and 15 different accounting regulations. Fortunately we have both the will and the resources needed to succeed. At the same time a comprehensive set of guidelines have been issued to ensure that these policies are transformed into realities.

Danish development assistance today is based on the belief that poor people have the will and ability to take development in their own hands if only we can assist them through critical investments in core areas such as education and health. In an effort to strengthen pro-poor growth in Danish development assistance we are therefore now targeting poor people much more directly. The five new sector programmes within education and three within water and health that are being planned reflect this policy change.

No one can claim that PRSP is the Holy Grail of development policies. But it is a chance to take the development process a big step forward. The principles are sound, the momentum is there and most importantly – the results are showing.

Maybe the most important success of the PRSP process so far can be found outside the recipient countries. The fact is that the impact of PRSP on donor co-ordination and donor policy alignment has been staggering.

Donor harmonisation is moving forward at an unprecedented pace. And even though there are huge variations in execution, agreement on what is good and bad development policy has never been greater between donors.

Let there be no doubt that the Danish Government fully recognises that so far PRSP has proven far from perfect. This is one of the reasons why our Embassies in partner countries actively participate in the local PRSP process carefully trying to support initiatives within government and civil society in order to enhance and strengthen the process.

However, many of the so-called failings of the PRSP process are in fact long-standing issues in development assistance. Cries of lack of participation, donor driven agendas and a dearth of local capacity to follow up and follow through the process are unfortunately not new.

But such issues cannot simply be eradicated by adopting a new strategic approach. It takes time to educate people to meet new challenges, time to align donor policies and agendas and time to ensure that participation is not only about meetings but involves true consultation.

What PRSP does so brilliantly is to suddenly offer everyone the possibility of a common development platform. Government, civil society and donors can now agree towards working at common goals and align their efforts instead of pursuing separate objectives.

The Consultative Group meetings are a case in point. These meetings used to be the very centre for exchanging views between donor capitals and recipient countries. No longer. Today the mainstay of the policy discussion takes place is a constant dialogue between the Government and local donor representatives on the spot, and often with active participation from civil society.

When evaluating PRSP the question is not: whether is it good enough – because the answer will always be no! We should always try to improve our developments effort. The real question is: what is the alternative? Overall PRSP is a great leap forward for the development process. It has set in motion a quest for a strategic and comprehensive framework for poverty eradication. In several countries the PRSP is the Governments first attempt ever to tell their own people what they plan to do about poverty. There is a new focus on the poor, and donors are beginning to co-ordinate their efforts far better. In an imperfect world facing enormous development challenges PRSP is a positive step forward that deserves to be supported from all sides. As much as governments and donors working together, we also

need the full support of civil society in the continuing battle against poverty. I hope you will all join in!

Speech by Minister for Foreign Affairs Per Stig Møller at the Conference on Development Assistance as an Instrument in the Prevention of Terrorism, Copenhagen, 4 September 2003

I am happy to see the great interest that this conference on “Development Assistance as an Instrument in the Prevention of Terrorism” has attracted. The conference is an attempt to prompt an international discussion and dialogue on how development assistance can be used as an active foreign policy instrument in the fight against terrorism.

Some incidents in history stand out as defining events. September 11 was such an event. It is one of those events, where everybody knows, where they were, when they heard the news. Personally I was near Pentagon and saw the fire and smoke from the explosion. These attacks shrouded by sinister symbolism struck at the very foundations of our society. It was a day that left thousands behind in suffering and sorrow. The clouds from the World Trade Centre and from Pentagon separated civilised nations from terrorist movements. It was a strike against civilisation that at the same time gave birth to a world coalition against the evil, which will tear away our freedom to choose the life and society we want.

Precisely this is fundamentally what it is all about. The terrorist movements do not accept our way of life, our individual freedom, our liberty to choose, to doubt, to think, to change the society and express ourselves in art and in politics. To protect these freedoms the United Nations stood together after September 11 and made a firm resolution against terrorism.

We have succeeded in stopping many planned attacks but though the total number of successful international terrorist attacks and casualties is down from 2001, they strike again and again, and the potential terror threat has not been reduced. In fact the technical, financial and organisational ability of international terrorism has never been greater.

Thus, if this new strain of terrorism is left unchecked it will grow to haunt us every day. We will meet wanton destruction, pain, and death in the morning news and papers, on the 12 o'clock radio news and on prime time TV. September 11 signalled the break through of terrorism and extreme fundamentalism with ambition and ability to operate on a global scale.

This is why our fight against terrorism must be judged by our will to act through action, by our resolve to persist in the pursuit of evil and by our success in stamping out the support for terror.

There are no easy solutions, no quick fixes or actions, that can suddenly make the threat of terrorism disappear. In stead we must employ all available instruments in a comprehensive and sustained effort to challenge back the evil and to defend the ideas and values of our society – freedom, democracy, justice – and provide new guards for their future security.

Until now our police, military and intelligence efforts have been crucial in our response to the new terrorism. And for good reasons. But only through links to broader political, economic and social interventions can we hope to pull together the strategic framework needed for a long-term solution. Like a cancer we cannot go on just carving away the disease when it surfaces. In stead we must eliminate the root causes that feed the machinery of violence, this cancer of the global society.

Much has been done to study the direct links between terrorists and development issues. The results so far are mixed. However, if we only interpret today's terrorist threat in the light of previous experiences, we will make a monumental mistake. The world is a dynamic place. Our actions today are set to become part of our future tomorrow. And we have to look into tomorrow to act correctly today. We have to make a toolbox with many different tools in it, if we shall stop the terrorism and the recruitment of terrorists effectively.

One of the tools is development assistance. It can play an important role in combating terrorism, because it is all about change. Changes in power relations, changes in economy, and changes in living conditions. Its potential to turn repressive, underdeveloped and inhumane societies makes it an indispensable element in any comprehensive strategy for combating terrorism.

What is important is to look at the prerequisites for making development assistance an effective tool in the fight against terrorism. Here I would like to suggest the following five guidelines:

First, assistance must be focused on terrorist constituencies – those who lend tacit support to or harbour sympathy towards terrorists and their stated goals

Second, assistance must be based on partnerships of opportunity; a clear political or a clear community based commitment to work towards good governance, democracy and human rights

Third, assistance must target core grievances of people within areas such as education and health or issues such as good governance, democracy and human rights

Fourth, assistance must be based on a true partnership for mutual benefit and with strong ownership in both planning and implementation by the communities involved

Fifth, assistance must be based on a long term commitment to change from both the recipient and the donor side.

Development assistance is not only important because of its potential to alleviate poverty, impede suffering and restore human dignity. It is also a clear signal from the world's rich countries to poor people all over the world, that we care. That we share and support their aspirations to lift themselves out of poverty. That hope prevails, and must be sustained.

This leaves us with another opportunity for using development assistance as an effective tool in combating some of the root causes of terrorism, by focusing on the human dimension of development. This includes fostering and supporting networks between people within a wide range of areas such as culture, religion, education and business. Also the media area could offer good opportunities to bridge existing gaps in understanding. Here development assistance can work as seed money to support the development of platforms for intercultural dialogue, religious tolerance and mutual understanding.

Such targeted interventions could be especially useful in relation to the Arab world as Europe's key neighbouring region. Here we seem to face a special challenge with widespread resentments within the Arab world towards the West. Often expressed through unforgiving fundamental criticism towards Western ideas and ideals.

Islam is one of the great religions of the world. It gives faith, imagination and hope to more than a billion people. Meanwhile we count the world's terrorists by some thousands. It is clear that religion itself is not and must not be the issue. If we make it the issue, we will exactly lay the foundation of the war of religion, which the Islamic terrorists want to wage.

The majority of people, who can be described as Islamic fundamentalists, do not pursue violence. But with an increasing focus on cultural and religious factors in the Muslim world as well as in the West, hostility, and mistrust between the Muslim and the Western world will be growing at an alarming rate.

At the same time we have to face, that when thousands died in USA on September 11, ten of thousands of Arab Moslems took to the streets to celebrate. And nowhere else but in the Arab street is the hate to the Western world and the direct threat from terrorist groups against the West more acute. How could it come to this?

One explanation is surely the failings of the socioeconomic development of the Arab world. We find countries that seem immune to the opportunities of globalisation. Governments that ignore domestic and inter-national calls for democracy and good governance. And people who increasingly turn towards religious and ideological fundamentalism, and who seem ready to accept terrorism as a legitimate weapon against their own society and ours. That is why our Arab initiative is called: "Partnership for Reform and Progress". You have to have both, if you want to move the grass under the feet of the terrorists.

This development calls for political leadership, that can ensure a political atmosphere, that will allow both sides to engage in a peaceful dialogue on underlying difficulties and frustrations in stead of playing out the differences into the hands of extremists and terrorists.

At the same time Europe must make it clear, that it cannot, and it will not silently accept the lack of democracy and basic human rights, that engulf large parts of the region. There is no safety or stability to be found in the epidemic waste of the energy, education and initiative of the people in the Arab world. There must be room for consequence in the political dialogue on how to make progress through partnerships while at the same time respecting the difference of cultures and religions.

It will not be an easy task. There will be countries and governments who do not wish to engage in any dialogue on change. On the other hand, we must send a clear signal to the people of the Arab world that the West fully support their aspirations and hope for freedom and democracy. Without fundamental reforms the Arab world will continue to lag and even fall further behind the socioeconomic development of other regions. It is exactly because of that, that the Arab world in the first place fell behind, and it is in the second place because it fell behind, that terrorists are recruited in and from this part of the world.

One way to begin would be by focussing at first on what has been called the "vanguard of the willing". To start the most difficult parts of the dialogue with those communities and those countries that themselves have seen the need for change.

This is the philosophy behind the reorientation of the Danish government's policy towards the Arab world: To develop closer co-operation with the positive energies in the Arab world supporting reform and development, modernisation and democratisation. Also EU's efforts in the area must be enhanced. Already during the Danish EU Presidency we started the preparation for the new Partnership for Progress and Reform. But the Danish Government will also itself pursue closer ties and inter-cultural dialogue based on mutual respect and the acknowledgement of cultural and religious differences within the context of universal human rights. Whatever our civilisation and religion is, we have all subscribed to these rights as members of the United Nations. Other target areas will include support for civil society, freedom of the press, legal reforms and the fight against corruption.

Another important area are so-called weak and failed states. As international bilateral assistance is increasingly focussed on good performers, countries such as Sierra Leone, Somalia and Congo stand to be left behind. Afghanistan – which allowed al-Qaeda to grow strong – clearly demonstrated the dangers embedded in allowing weak and failed states to develop. The terrorist movements want to take these countries over. They want to destroy those powers in the fragile states, who want to stabilise their country, build democracy and strengthen the economy. You may here think of for instance Indonesia, Pakistan, and the Philippines. We must develop means and assistance to help such fragile states against their enemies.

An increased division of labour between bilateral and multilateral donors will be another way of helping. Large multilateral donors such as the EU often have additional resources compared to the bilateral donors that give them a comparative advantage in the paramount effort to stabilise such failing and fragile states.

If you ask me, if it is possible to eliminate terrorism through development assistance – my answer is no! There are far too many variables for any one instrument to be able to curb terrorism. But if you ask me if it is possible to win the war against terror by war – my answer remains no! Only through a creative and flexible approach using all available instruments can we ever hope to be able to win the fight against international terrorism. Thus, I will appeal to you to help us make this conference a step towards the victory of civilisations against blatant terrorism by showing that a determined international community can act together! If we won't, we cannot, and if we cannot, civilisation and freedom has lost to destruction and

totalitarianism. We will not be able to root out the terrorism neither today nor tomorrow. But if we don't start now with partnerships, dialogues, and assistance, it will be a long devastating and bloody war with a lot of innocent lives lost in all parts of the world. Therefore, the choice is easy: Let us stand together and fight this modern evil together. In this way we have succeeded before, and we can do it again.

Thank you.

Speech by Minister for Foreign Affairs Per Stig Møller at the WTO Ministerial Conference in Cancun, Mexico, 10-14 September 2003

Speaking on behalf of the Kingdom of Denmark including Greenland and the Faroe Islands, I would like to thank the Government of Mexico and the city of Cancun for hosting this conference. My appreciations also go to you Mr. Chairman, to the Director General of the WTO, and to the Chairman of the General Council.

The global economy needs a successful round of trade negotiations. Here in Cancun, we must pave the way for progress in the round. We have a historic opportunity to set the pace for a comprehensive outcome to the Round. That will not only help create free and fair trade. A successful meeting will be crucial to the ongoing efforts to restore confidence and to boost economic growth. It provides an opportunity of integrating developing countries in the world economy. And – not least – it will strengthen the WTO as one of the cornerstones of the international political scene. If we succeed we will contribute to a more peaceful and stable world based on multilaterally agreed rules.

In theory, our task is simple. 200 years ago David Ricardo introduced his theory of comparative advantage. In practice, the task is more complicated. It is not just a question of harvesting the advantages to the detriment of others. The challenge is two-sided. We need to co-operate to maximise benefits. And we need to ensure that benefits are distributed in a manner that suits all parties and interests.

I am sure you have all had the following experience: You are watching an exciting football game. But in spite of nice and comfortable seats the persons in front of you constantly get on their feet to improve their view. As a result you lose your view which means that you now rise up and spoil the view for other spectators. In the end, everybody is left standing. Due to lack of co-operation, no one is able to enjoy both the comfortable seats and the game. Everybody is made worse off than they could have been, because of the egotism of others.

John Nash received the Nobel price in economics for describing exactly this kind of inefficiency. At this Ministerial we have a responsibility of not falling into this trap.

Our will to compromise will establish the only way forward.

Developing countries should be given real opportunities for eliminating poverty and improving living conditions of their citizens. In this respect trade is a key instrument. Developing countries should have as unrestrained access to our markets as possible. Moreover, we as donors must be ready to support developing countries in their efforts to capture new markets and strengthen their foothold on existing ones. In this context the necessity of translating trading opportunities into actual trade and to growth and development should be underlined. For many developing countries aid and assistance is necessary in order for them to reap the benefits of tariff reductions and trade concessions.

The Danish Government has adopted a strategy that spells out how Denmark will support developing countries in their efforts to capture the benefits of trade. The overall ambition is to ensure that international trade regimes and development co-operation supplement each other in this respect. To move the trade and development agenda forward, we hosted a meeting in Copenhagen in May; 8 million US dollars were pledged for the Integrated Framework of Trade-related Assistance to the Least Developed Countries.

Developing countries should also be prepared to market openings themselves and generally pursue policies that enhance their trade potential and ability to make sure that the gains benefit everyone. Big gains are to be expected, not least from "South/South" trade. Isolation and protectionism is not the way forward. History speaks for itself on this matter.

For the least developed countries, a special effort should be made. All countries with developed economies should follow the example set by the EU and grant full market access to the least developed countries. In this process the special needs and concerns of small economies should be taken into account. We must give special consideration to their particularly vulnerable situation.

Speaking of particularly vulnerable, I would like to take the opportunity to welcome the agreement on access to medicine. This agreement is a milestone in the WTO. First and most important it will literally mean the diffe-

rence between life and death for thousands of people. At the same time, it carries the strong message of making globalisation work for the poor.

Ladies and gentlemen, Denmark is generally in favour of liberalising trade. This goes for all products – however sensitive they might be.

Agricultural products most certainly belong to this category. Trade-distorting subsidies must be eliminated to the extent possible. It is possible to do so – also when taking into consideration the different needs of different countries. Some – like the EU – pay special attention to environmental issues and animal welfare. Others – in particular developing countries – have a need to preserve and protect large rural populations and their agricultural production. It is important that we strike the right balance in a global solution.

Also trade in industrial products should be liberalised. Tariffs should be eliminated; non-tariff barriers removed, and unnecessary and burdensome procedures be simplified. Liberalisation of trade in fish products is important, and of course of particular importance for the Faroe Islands and Greenland.

Products of special interest to developing countries need specific attention. This goes in particular for textiles and other products where developing countries have particular advantages.

Let me also mention services as a sector, with a lot of scope for progress – although we have to proceed with respect for countries' right to regulate and ensure sectors such as education and health.

In addition to liberalising trade, we strongly favour a set of multilateral rules in the WTO.

Rules that all countries have to follow – large as well as small, rich as well as poor. This is the best way of making globalisation work for all. It is a means of creating a better and more predictable world. That is one important reason why we should include the so-called Singapore Issues in the negotiations. Through better rules for investments and competition, the developing world surely will get more investments and more jobs.

Liberalising trade should go hand in hand with sustainable development. Promoting the environment does not mean creating barriers to trade. The combination of more trade and a better environment should be high on our agenda.

With regard to the social dimension of globalisation, Denmark would like to see a strengthened co-operation between the WTO and the ILO. Although the social dimension of globalisation is not part of our agenda, it is an important dimension that must be borne in mind.

Also I should like to mention the objective of transparency. We need openness in trade policy. This applies to the WTO as well as to Member States. Openness and public involvement are necessary elements if we aim to maintain support for global trade liberalisation.

Finally, I would like to repeat my most sincere hopes that this Ministerial Conference will create the progress the world is waiting for. The WTO should be-come a symbol of progress and new opportunities for people in a more peaceful world. This can only happen if we are all willing to compromise and co-operate in a true global partnership where a fair and free market will be to the advantage of all of us.

Thank you for your attention.

**Statement by Minister for Foreign Affairs
Per Stig Møller to the United Nations at the
58th Session of the General Assembly, New York,
25 September 2003**

At the outset of my intervention I wish to express the most sincere condolences on behalf of Denmark to the United Nations and the families of Sergio Vieira de Mello and all those who so tragically lost their lives in Baghdad five weeks ago. I also wish to pay tribute to the Swedish Foreign Minister Anna Lindh. She was taken away in an evil act beyond comprehension, while carrying out her great task. We will all miss Anna.

Mr. President,

Today we need the UN more than ever. We need the UN to provide a more secure world, to fight international terrorism, to resolve conflicts and to halt the spread of weapons of mass destruction. We need the UN in ensuring fundamental human rights for all people. We need the UN to establish, implement and develop an international legal order based on the rule of law. And we need the UN in our combat against poverty and in securing sustainable economic growth.

Iraq has been a key challenge for the Security Council. A united Council provided the UN with a mandate to assist the people of Iraq in a wide range of areas, including facilitating and supporting the political process. Iraq, the UN and the international community as a whole suffered a tragic loss in the recent attacks. But it should not make us waver in our determination to continue working for a better future for Iraq. These evil attacks must not inspire other terrorists to threaten the UN's presence in Iraq. Sovereignty should be transferred to the Iraqis as quickly as possible, but the international military presence must be maintained until security is fully restored. And the UN's role and presence in this process must be strengthened.

Immense challenges lie ahead of us. Our goal is to ensure that the 21st century becomes the century where each and everyone live in peace, stability and with growing prosperity. A century where freedom, respect for the individual, for human rights and democracy become daily realities and not just abstract ideas for billions of people.

Mr. President,

Seen over time, the UN has a strong scorecard. We have managed to transform the paralyzed Cold War-organisation into a key forum for international discussions and decisions in all fields.

Let me highlight three areas, where the UN could be even stronger:

First, the UN is at the forefront in the fight against poverty.

By agreeing to achieve the Millennium Development Goals by 2015, we have set ourselves measurable targets, by which we must all stand and be counted.

In Monterrey and Johannesburg the developing countries acknowledged responsibility for their own development, based on good governance, democracy and the rule of law.

Especially the African efforts must be highlighted and supported. Every individual on the African continent must feel the urgency of our collective efforts to improve their living conditions. Only then can the tide be turned on a continent that has been lagging behind for too long.

Denmark's commitment to development speaks for itself. Be it in terms of development assistance or be it in relation to trade liberalization. Especially to the benefit of the developing countries. Therefore the lack of results in Cancun was a disappointment. We needed results – for the developing world and for the global economy. We did not achieve it in Cancun. But Denmark will certainly work hard for results in the future – not least for the developing world.

Denmark supports a high level event in 2005 focusing on the commitments made in the Millennium Declaration in order to give new energy to the implementation of all the Millennium Goals. Denmark stands ready to account in full her efforts to achieve the Goals, including in the fields of trade and development assistance.

Second, the UN is essential for the establishment, implementation and development of an international legal order based on the rule of law.

The United Nations was created with a strong purpose and a great vision. The concepts and values of the Charter, of international peace and stability based on equality among nations and respect for their sovereignty is universal.

The strength of our values and principles must be measured by our ability to apply them to the realities around us. We must be ready to adapt our collective actions to the needs of the world.

Testifying to this is the immense work done in the fields of human rights, the rights of women and children, including the right to reproductive health care and services, the struggle against terrorism, and the efforts to control nuclear, biological and chemical weapons.

Furthermore, the establishment of the International Criminal Court is the single most important step in the modern history of international criminal law. It sends a strong signal that the international community will no longer tolerate that the most serious international crimes remain unpunished.

Denmark firmly believes that a democratic society based on the rule of law is the best guarantee for stable development. Both in terms of upholding fundamental freedoms and furthering social justice. Human rights are universal and must be applied by all states. It is imperative that all states are committed to co-operate constructively with the United Nations human rights mechanisms and overcome traditional attitudes of State sovereignty.

Third, the UN is at the core of the efforts to tackle old and new security challenges.

The Security Council has successfully taken on international terrorism and should continue to focus on how to deal with weapons of mass destruction. Another pressing issue is how to prevent the breakdown of societies and address the root causes of conflicts. And if prevention is unsuccessful, how to deal with the breakdown of social order. A strategic vision on how to deal with the new challenges is urgently needed.

The Security Council still reflects the power structures that existed at the end of the Second World War. Consequently, a comprehensive reform is needed to make the Council more representative and at the same time safeguard the efficiency of the decision-making process. It is of equal importance that the Security Council ensures compliance with its resolutions.

The process towards more targeted and “smart” sanctions should be continued. We must ensure that the sanction regimes clearly monitor whether the targeted objects are in compliance with the aims pursued by the sanctions. Assistance to Member States in implementing sanctions should also be considered. Accompanying resolutions with incentives or carrot-and-stick-measures could be another option.

We would also welcome a strengthening of the division of labour and co-operation with regional and sub regional organisations. Over the past fifty years we have been building strong regional institutions to overcome our divisions and manage our problems.

With the NEPAD initiative and ECOWAS' rapid intervention in Liberia, the recent developments in Africa are very encouraging in this regard as well. To further this development, we must all continue and expand our political and financial support to the strong and progressive African leadership.

Mr. President,

Denmark has over the years been active in world affairs and a strong supporter of the UN. We will continue to focus on areas where we can contribute to make the world a better place to live in. Denmark is therefore seeking to become a member of the Security Council 2005-2006.

If we become a member of the Security Council, we will work to further develop the efficiency and impact of the Security Council. We will work for increased synergy between military, political, humanitarian and developmental aspects of conflict management. We hope we can make a special contribution towards solving the different conflicts, which are still not settled around the world. And we will do our utmost to prevent new conflicts from arising.

Our aim will be to continue to build bridges between the multiple interests among the Members of the UN.

Mr. President,

Underpinning our vision of a strong UN for the 21st century is the need to strengthen and reform our organisation at all levels and in all its aspects. We express strong support for the Secretary-General and his persistent efforts in this regard. And we hope the Secretary-General's High-Level Panel will provide new inspiration and fresh ideas.

But we, the Member States, must take the lead; the ball is in our court. We must enable the UN to take credible, efficient action to meet the challenges of this century – this Millennium. It is our collective responsibility and duty. As a member of the European Union, Denmark works actively towards these goals.

And I can assure you that all the Nordic countries strongly support the Secretary-General's proposals and are ready to face these challenges. Let us together ensure that the UN is ready too.

Thank you for your attention.

Mexico, the EU and the UN

Speech by Prime Minister Anders Fogh

Rasmussen at Instituto Tecnológico Autónomo
de México, Mexico City, 11 November 2003

President of ITAM [Instituto Tecnológico Autónomo de México],
Your Excellencies,

Ladies and Gentlemen,

Thank you for inviting me to speak here today. It is a privilege to share my views with you on the situation in the United Nations and in the European Union today. In particular, at a university renowned for its high standards – not least in the field of international relations.

Mexico has an impressive international profile. The fact that Mexico recently has been hosting such important international summits as the ones in Monterrey and Cancun speaks for itself.

Ladies and Gentlemen,

The need for international co-operation is greater than ever. In an ever more interdependent world, where challenges and opportunities transcend borders ever more easily, international co-operation must increase. Both Mexico and Denmark have understood this. And both countries actively take part in the great multilateral fora.

Faced with the new challenges and opportunities, institutions with an international agenda like the United Nations and the European Union have to adapt and change. We, the Member States of these institutions, must take the lead and make sure that these changes are carried out to the benefit of all.

Ladies and Gentlemen,

The United Nations is a key international player. The United Nations is assigned the giant and noble task of improving conditions for all people in the world. Denmark is a founding member of the United Nations. We truly believe in the unique value of the United Nations in world affairs. Over the past six decades the UN has served as an invaluable forum for policy and decision-making at the global scale.

Today we need the United Nations more than ever. We need the UN to provide a more secure world, to fight international terrorism, to resolve conflicts and to halt the spread of weapons of mass destruction. We need the UN to ensure that fundamental human rights are respected for all people – including indigenous people. We need the UN to develop and implement an international legal order based on the rule of law. And we need the UN in order to combat poverty and secure sustainable economic growth.

Only three years ago, world leaders agreed on the Millennium Declaration. This declaration represents the shared vision of Member States of the United Nations for global solidarity and security and the fight against poverty.

The agreement at the Monterrey Summit on Financing for Development represents an important contribution in this endeavor. The Monterrey Summit was a remarkable success in increasing funds for development. At the same time, the Summit brought good governance to the center of the development agenda. Another remarkable and encouraging outcome. All in all, the Monterrey Summit became a key element in the later success of the World Summit on Sustainable Development in Johannesburg.

In my view, much will be achieved if we maintain our focus on implementing our joint vision anchored in the Millennium Declaration and especially the Millennium Development Goals.

We still have an immense amount of work ahead of us. But I am confident that we are on the right path. And I can assure you that Denmark will continue to be in the forefront of the work that lies ahead of us. We will continue to focus on areas where we can contribute to make the world a better place to live. Denmark is therefore seeking to be elected member of the Security Council 2005-2006. Just like Mexico right now is a member of the Security Council.

In his address to the General Assembly two months ago, the Secretary General rightly noted that the United Nations has come to a juncture – perhaps the most important one since the organisation was created in 1945. We all know the background – the United Nations failure in handling the Iraq crisis last spring.

Secretary General Kofi Annan asked that we now decide whether it is possible to continue on the existing basis or whether there is need for radical change. His opinion is clear, and he raised a valid point. But it is up to us – the Member States – to take decisions on how to move forward from this

point. After all, without the contribution and active engagement of the Member States, the UN is but an empty shell.

Certainly, now is the time for reflection. Let me briefly highlight three areas, where the UN could be made stronger:

- Challenges against our security and the fight against terrorism
- International order based on the rule of law
- The fight against poverty

First, the UN is at the core of efforts to tackle old and new security challenges. In recent times, the Security Council has successfully taken on international terrorism and should continue to focus on how to prevent the spread of weapons of mass destruction. We need more clarity with regard to criteria for intervention in crises.

The Security Council reflects the power structures that existed at the end of the Second World War. Consequently, a comprehensive reform is needed to improve the legitimacy of the Council – for instance by expanding the number of member seats – and at the same time safeguarding the efficiency of the decision-making process.

Second, the UN is essential for the development and implementation of an international legal order based on the rule of law. It is imperative that all states are committed to co-operate constructively with the UN human rights mechanisms and overcome traditional concepts of State sovereignty.

Third, the UN is at the forefront in the fight against poverty. By agreeing to achieve the Millennium Development Goals by 2015, we have set ourselves important and measurable targets, by which we must all stand and be counted. If we fail to reach the goals, we, the Member States, will bear the consequences. Development assistance is an important to reach these goals. By granting well above the UN target of 0,7 per cent of national income in development aid, Denmark is lifting her share of the task.

However an even more important instrument is a liberalized world market. For the least developed countries free access to the world market is crucial to improve the economic situation.

Another organisation that has taken upon itself to combat poverty and to create a stronger global economy is the World Trade Organisation.

Mexico's efforts to organise the WTO Ministerial in Cancun were impressive. By hosting it, Mexico showed the way for all with respect to our international obligations. Unfortunately, the results did not reflect your organisational skills. The outcome forces us to reflect upon the degree of

realism in positions taken by some of the major participants, all of which did not correspond to the seriousness of the occasion.

The WTO negotiations in the Doha-Round are very important, for rich as well as for poor. They address concerns common to us all. They are about better market access for Mexican agricultural products or textiles. Or better access for Danish maritime transport.

The World Bank has calculated that more free trade can lead to global benefits of up to 520 billion USD. More than half will go to the developing world.

In Cancun, the EU tried to pave the way with an offer on agriculture. We were ready to stop all EU export subsidies on products of particular importance to the developing world. Later in the conference, the EU gave in on other issues concerning investment and competition. Unfortunately we were quite alone. Our efforts did not lead to similar reactions from other WTO-members.

The difficult situation after Cancun puts pressure on all WTO members. On our side we will continue to look for flexibility. But negotiation is a two way street. Everyone must see what they can bring to the package. One of the ideas that the EU finds relevant is whether we can give more to the world's poorest by distinguishing between developing countries according to income. We must leave no stone unturned to get the process back on track.

Not just in trade, the European Union is deeply involved, concerned and active in international affairs. The European Union is continuously becoming a more important political actor on the international stage. But it too needs to be reformed in order to adapt to the new world – not least the enlargement from 15 to 25 members less than six months from now.

In 2003, Denmark celebrates 30 years of membership of the EU – 30 years of remarkable economic development. Of course, this has not been achieved solely because of our membership of the EU. But I am convinced that our membership has contributed substantially to the growth and development of our nation.

And Denmark is not the only Member State with this experience. I am sure that the current generations of Spaniards, Portuguese and Irish are able to confirm that regional free trade and economic co-operation has boosted their economies to an even greater extent.

Today, the EU is about far more than economic co-operation. In the EU we have found ways of tackling a great variety of common challenges. We

have developed common institutions and policies. And we have found ways to overcome differences and find common solutions. We have experienced two generations without war, on a continent that saw more bloodshed in the 20th century than any other part of the world.

During last year's Danish presidency of the EU, negotiations with ten new Member States were successfully concluded. It was an honour for me personally to chair the final and difficult negotiations. Enlarging the EU with new Member States is our best guarantee for a Europe with political strength, with economic strength and with the power to make a difference in a troublesome world.

After the enlargement of the EU to 25 Member States, it is necessary to implement reforms in order to ensure the Union's ability to make decisions, take action and secure efficiency. This is why the Member States of the EU have set out to write a constitutional treaty for the European Union – hopefully to be agreed by the end of this year.

Just as the EU offers us an opportunity to deal with common challenges within Europe, it also provides us with tools to deal with challenges in the wider world. Ideally, the EU should speak with one voice. One voice speaks louder on the international scene. However, it is hardly realistic to expect the Member States to surrender fully their national sovereignty in the areas of foreign, security and defence policy. But I have no doubt that you will hear a stronger European voice in world affairs in the future.

Seen from the perspective of a small country, it would in fact be an advantage if decisions on foreign and security policy were made in the Council of the EU. That would give us influence on areas which are today dominated, to a great extent, by the large countries. We are therefore interested in as common a policy as can be achieved.

The further development of the EU's Common Foreign and Security policy does not aim to strengthen the EU at the expense of transatlantic co-operation. On the contrary.

We have a vital and obvious interest in close and strong co-operation between Europe and our partners across the Atlantic. The Western World is facing challenges these days that make it necessary for Europe to be able to stand on its own feet to a much higher degree than before and make its own contribution on the world stage. This is not only in our interest. It is also in the interest of the rest of the world.

Ladies and Gentlemen,

Mexico is by its sheer size, population, economy and location a regional leader and an important international player. Particularly in the last few years, Mexico has taken steps to become more actively involved on the international arena. Not least on the important issues of democracy and human rights.

The Global Agreement between the EU and Mexico is another proof of Mexico's integration into the global society. The agreement entered into force in 2000 and is an excellent example of a close partnership based on economic and political co-operation. It is a vehicle which can help Mexico to further diversify her external relations.

The Global Agreement includes agreements on free trade that will benefit both parties. The EU will gain access – free of tariffs – to the largest Latin American market. And it will place Mexico in a very privileged position as a point of entry to the world's two main trading blocs – NAFTA and the EU. For the EU enhanced relations with Mexico are a key priority. We need each other as equal partners in all fields.

On top of free trade there is the regular political dialogue between the EU and Mexico. A dialogue that enables us to exchange views and positions on important issues – including democracy and human rights.

It is my sincere hope and firm belief that Mexico and Denmark will keep operating – and co-operating – actively within the framework of international institutions like the United Nations. Equally, it is my hope and belief that the strong ties between Mexico and the European Union will be strengthened even further.

The need for international co-operation is greater than ever. We, the Member States of these institutions, must take the lead and make sure that these changes are carried out to the benefit of all. That will be a key objective of Denmark when – hopefully – we take a seat at the Security Council in 2005-2006.

I have tried to present some of the Danish thoughts on challenges facing both your country and my country. Now I look forward to hearing your comments and thoughts.

Thank you.

CHAPTER 3

Danish Foreign Policy in Figures

Danish Official Development Assistance · 234

Danish ODA · 234

Danish ODA (by Category) · 234

Danish Bilateral Assistance (by Country Category) · 234

Assistance to Central and Eastern Europe · 235

Danish Official Bilateral Assistance to Central and Eastern Europe · 235

Defence · 236

Defence Expenditures of NATO Member States (Share of GDP) · 236

Defence Expenditures of NATO Member States per Capita · 237

Danish Defence Expenditures on International Assignments · 238

EU · 239

Financing of the EU Budget · 239

Danish Official Development Assistance

Danish Official Development Assistance (ODA) 2000-2003

(Current prices – million DKK)	2000	2001	2002	2003
ODA net disbursement	12,051.1	12,805.8	10,621.8	10,734.3

Danish ODA – by category (gross): The Finance Act 2003

	Million DKK	Percentage
Bilateral assistance	6,274.2	57%
Multilateral assistance	4,056.0	37%
Administration costs	593.0	5%
Total	10,923.2	100%

Danish Bilateral Assistance by Country Category 2000-2003

		2000	2001	2002	2003
Least developed countries	Million DKK	2,711.9	3,056.3	2,772.7	2,838.4
	Per cent	44.0%	47.5%	47.2%	49.0%
Low income countries	Million DKK	1,663.7	1,610.2	1,532.6	1,585.5
	Per cent	27.0%	25.0%	26.1%	27.4%
Other developing countries	Million DKK	733.6	921.6	713.0	531.4
	Per cent	11.9%	14.3%	14.3%	9.2%
Other	Million DKK	1,051.4	851.5	858.1	834.7
	Per cent	17.1%	13.2%	14.6%	14.4%
Total	Million DKK	6,160.6	6,439.6	5,876.4	5,789.9
	Per cent	100.0%	100.0%	100.0%	100%

Source: Danish Ministry of Foreign Affairs

Assistance to Central and Eastern Europe

Danish Official Bilateral Assistance to Central and Eastern Europe
2003¹ (DKK)

	Central and Eastern Europe
<i>Environmental assistance</i>	454,084,455
<i>Business-related assistance</i>	408,713,081
<i>Technical and administrative assistance</i>	135,906,192
<i>Other forms of assistance</i>	145,735,619
Total bilateral assistance	1,144,439,347

¹ Assistance under the Peace and Stability Fund and Danida Humanitarian Assistance are not included.

The survey reflects information received by the Danish Ministry of Foreign Affairs from the relevant ministries on commitments to projects under programmes in CEEC including investments in shares and loans from the Investment Fund for Central and Eastern Europe.

Source: Danish Ministry of Foreign Affairs.

Defence

Defence Expenditures of NATO Member States as a Share of GDP (Current prices)

	1990-1994 ¹	1999	2000	2001	2002	2003 ²
Belgium	2.0	1.4	1.4	1.3	1.3	1,3
Canada	1.9	1.3	1.2	1.2	1.2	1.2
Czech Republic	..	2.2	2.3	2.1	2.1	2,2
Denmark	1.9	1.6	1.5	1.6	1.6	1,6
France	3.4	2.7	2.6	2.5	2.5	2,6
Germany	2.1	1.5	1.5	1.5	1.5	1,4
Greece	4.4	4.9	4.9	4.6	4.3	4,2
Hungary	..	1.6	1.7	1.8	1.9	1.9
Italy	2.1	2.0	2.1	2.0	2.1	1.9
Luxembourg	0.9	0.7	0.7	0.8	0.9	0.9
Netherlands	2.3	1.8	1.6	1.6	1.6	1.6
Norway	2.8	2.2	1.8	1.7	2.1	2.0
Poland	..	2.0	1.9	1.9	1.9	1.9
Portugal	2.6	2.1	2.1	2.1	2.1	2.1
Spain	1.6	1.3	1.3	1.2	1.2	1.2
Turkey	3.8	5.4	5.0	5.0	4.9	4.8
United Kingdom	3.7	2.5	2.5	2.5	2.4	2.4
USA	4.7	3.0	3.1	3.1	3.4	3.5

¹ Average.

² Estimate.

Source: NATO

Defence Expenditures of NATO Member States per Capita (US\$)
(1995 prices and exchange rates)

	1990	1999	2000	2001	2002	2003 ¹
Belgium	597	429	428	409	396	400
Canada	388	284	269	283	281	283
Czech Republic	..	112	120	116	121	128
Denmark	641	587	568	596	586	588
France	910	785	778	770	784	797
Germany	892	493	492	486	486	478
Greece	503	611	639	623	609	611
Hungary	..	83	92	102	110	114
Italy	391	354	372	365	366	334
Luxembourg	330	399	403	498	520	536
Netherlands	632	529	501	513	504	493
Norway	887	827	806	814	968	891
Poland	..	83	80	82	82	88
Portugal	272	262	269	277	281	273
Spain	248	214	220	220	222	223
Turkey	106	123	121	107	110	112
United Kingdom	768	539	550	557	552	563
USA	1,420	945	979	953	1,063	1110

¹ Estimate.

Source: NATO

Danish Defence Expenditures on International Assignments
(Current prices – million DKK)

	2000	2001	2002	2003	2004
NATO	646.6	658.5	650.8	695.7	749.7
UN, OSCE and NATO assignments	1,134.7	912.5	1,037.4	1,187.0	702.5
EU monitors and OSCE observers	11.2	6.7	7.8	5.7	5.7
Co-operation with Central and Eastern Europe	73.4	83.8	104.2	101.9	77.9
Total	1,865.9	1,661.5	1,800.2	1,990.2	1,535.8

The figures for 2000-2002 are drawn from the state budget.

The figures for 2003-2004 are estimates.

¹ Includes 'special expenditures concerning NATO' and expenditures for NATO staff in net figures.

² Gross amounts including storage figures.

Source: Danish Ministry of Defence

EU

Financing of the EU Budget 2003 (official exchange rate)

	Billion euro	Percentage
Austria	2,178	2.3%
Belgium	3,667	3.8%
Denmark	2,017	2.1%
Finland	1,449	1.5%
France	1,577	17.3%
Germany	22,010	23.0%
Greece	1,639	1.7%
Ireland	1,252	1.3%
Italy	13,606	14.2%
Luxembourg	0,232	0.2%
Netherlands	5,742	6.0%
Portugal	1,428	1.5%
Spain	7,800	8.2%
Sweden	2,551	2.7%
United Kingdom	13,518	14.1%
Total	95,666	100.0%

Source: EU-Tidende

CHAPTER 4

Opinion Polls

EU · 242

The New EU Treaty · 243

The Danish EU Opt-Outs · 245

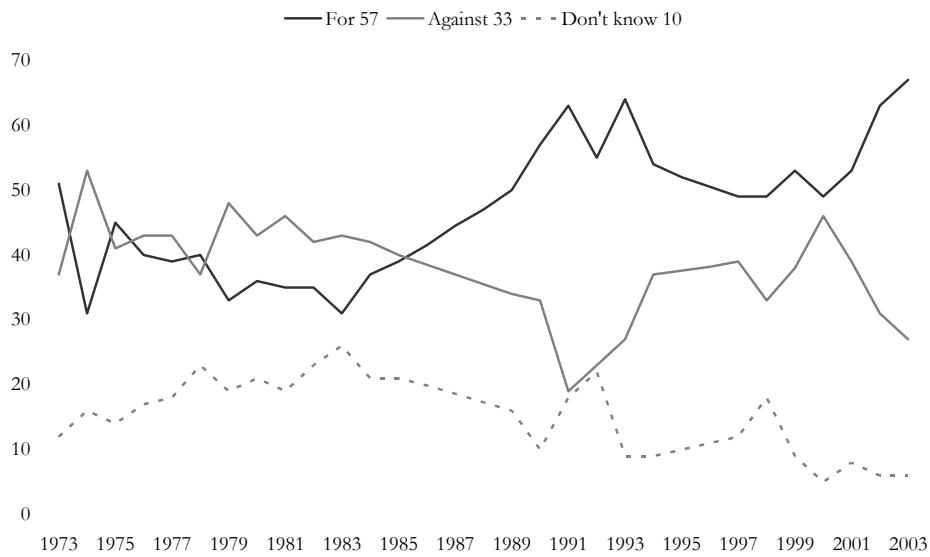
Enlargement of the EU · 249

War against Iraq · 250

EU

Since 1972, Gallup has polled a representative sample of the Danish population (959 respondents aged 18 or older in 2003) concerning their attitude towards Danish membership of the EU/EC. The latest opinion poll was undertaken during the period 29 September – 3 November 2003.

Question: Are you for or against Danish membership of the European Union?



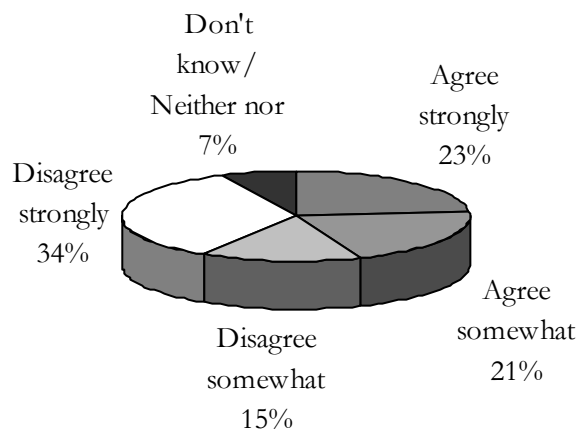
Source: Gallup for Berlingske Tidende

The New EU Treaty

During the period 29 September – 3 October 2003 Gallup, in co-operation with Berlingske Tidende, polled a representative sample of the Danish population (959 people aged 18 or older) concerning their attitudes towards the EU Treaty proposal.

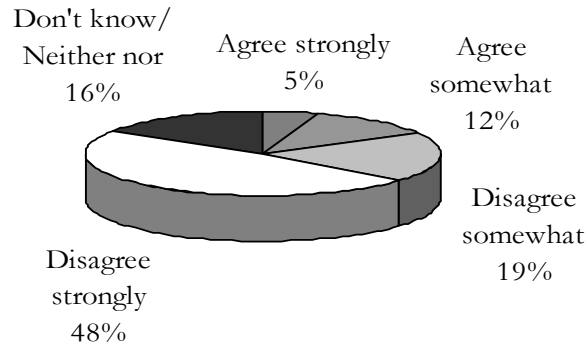
At the moment, the member countries take turns to fill the EU Presidency. In the treaty proposal it is suggested that a chairman or president is appointed to lead the co-operation for several years at a time and act as the Union's public image.

Question: Do you agree with/support this proposal?



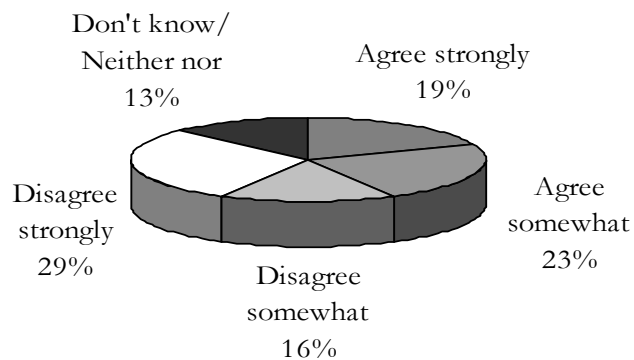
According to the treaty proposal, all member countries continue to appoint an EU commissioner, but in order to secure the efficiency of the Commission only half of them are granted voting rights in major decisions.

Question: Do you agree with/support such a grouping of the Commission in A and B commissioners?



In the treaty proposal it is suggested, in order to secure decision-making in an enlarged EU, that more decisions are made by majority vote and that individual member countries cannot veto.

Question: Do you agree with/support this idea?

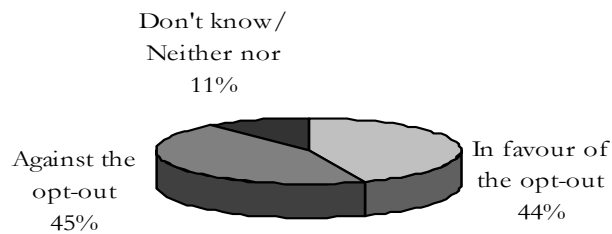


Source: Gallup for Berlingske Tidende

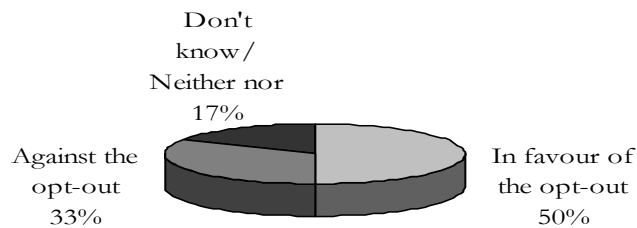
The Danish EU Opt-Outs

During the period 29 September – 3 November 2003 Gallup, in co-operation with *Berlingske Tidende*, polled a representative sample of the Danish population (959 people aged 18 or older) concerning their attitudes towards the four Danish EU opt-outs.

Question: Are you for or against keeping the Danish opt-out concerning defence co-operation?

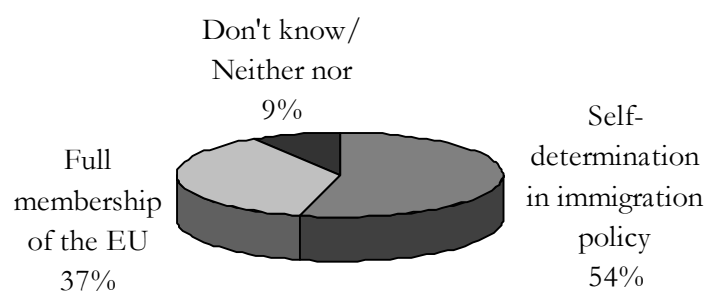


Question: Are you for or against keeping the Danish opt-out concerning justice and immigration policy?

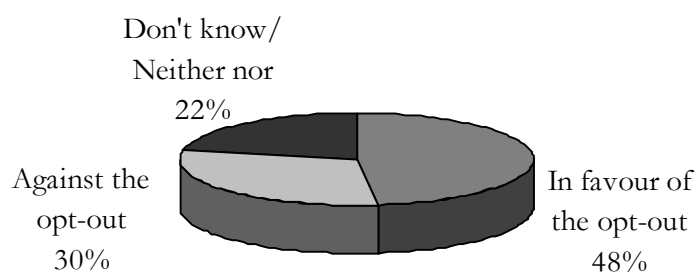


Source: Gallup for Berlingske Tidende

Question: What do you think is most important: Self-determination in immigration policy or full membership of the European Union?

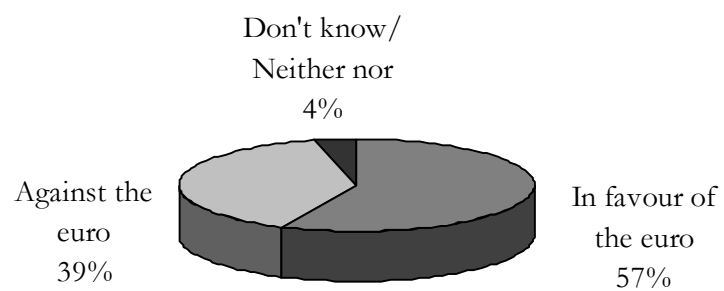


Question: Are you for or against keeping the Danish opt-out on European citizenship?



Source: Gallup for Berlingske Tidende

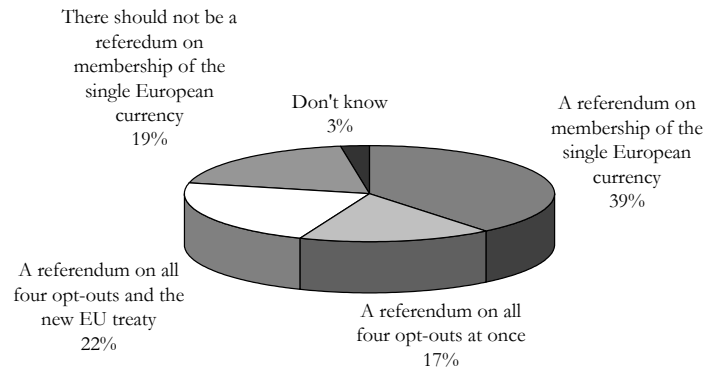
Question: Are you for or against Denmark's participation in the Single European Currency?



Source: Gallup for Berlingske Tidende

During the period 1-3 September 2003 Greens Research Institute, in co-operation with Nykredit Markets, polled a representative sample of the Danish population (1,025 people aged 18 or older) concerning their attitudes towards a referendum on Denmark's participation in the single European currency.

Question: If there were to be a referendum on Danish participation in the single European currency, how would you prefer it to be arranged?

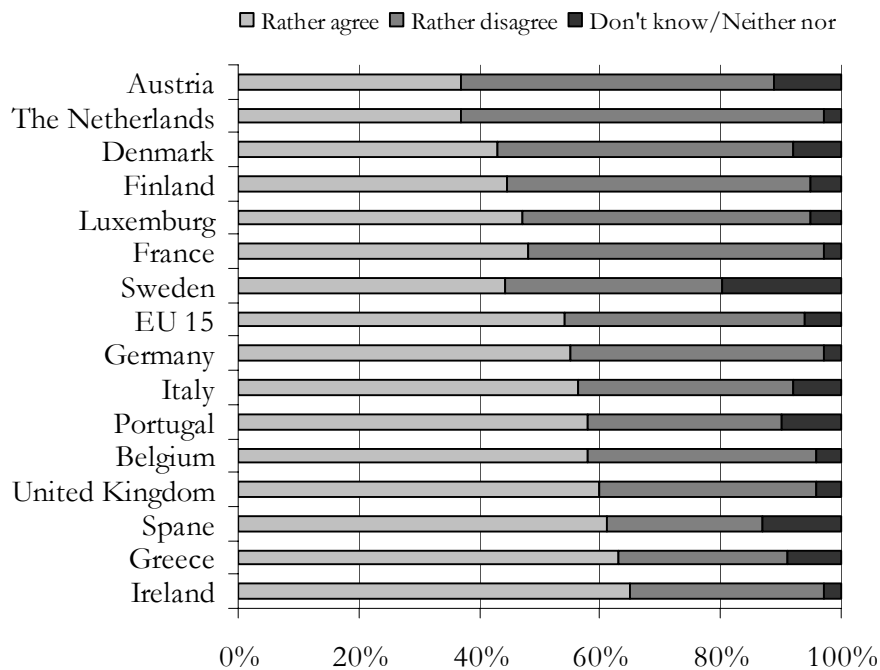


Source: Greens Research Institute for Nykredit Markets

Enlargement of the EU

During the period 21-30 March 2003 Gallup Europe, in co-operation with Eurobarometer, polled a representative sample of the EU member states' populations (15,031 respondents aged 15 or older) concerning their attitudes towards the enlargement of the EU.

Question: Please tell me if you rather agree or disagree with the following proposition: The European Union should accept other new members beyond the 13 current candidate countries.¹



¹ The 'current candidate countries' (March 2003) were Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey.

Source: Flash Eurobarometer 140.

War against Iraq

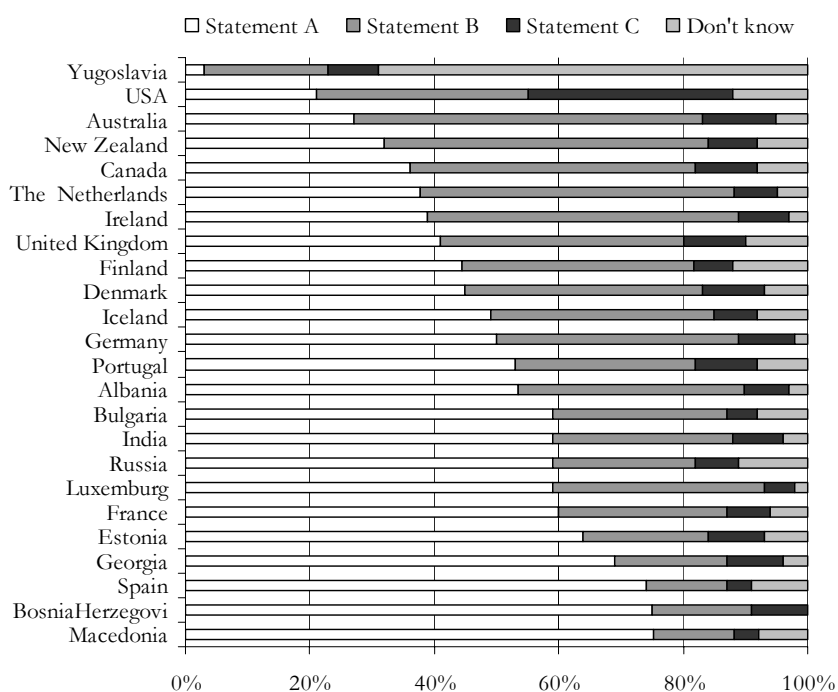
During the last part of January 2003 Gallup International, in co-operation with *Berlingske Tidende*, polled a representative sample of the population in 40 countries (28,435 respondents aged 18 or older, 1,007 in Denmark) concerning their attitudes towards a military operation against Iraq.

Question: Do you approve of a military operation against Iraq?

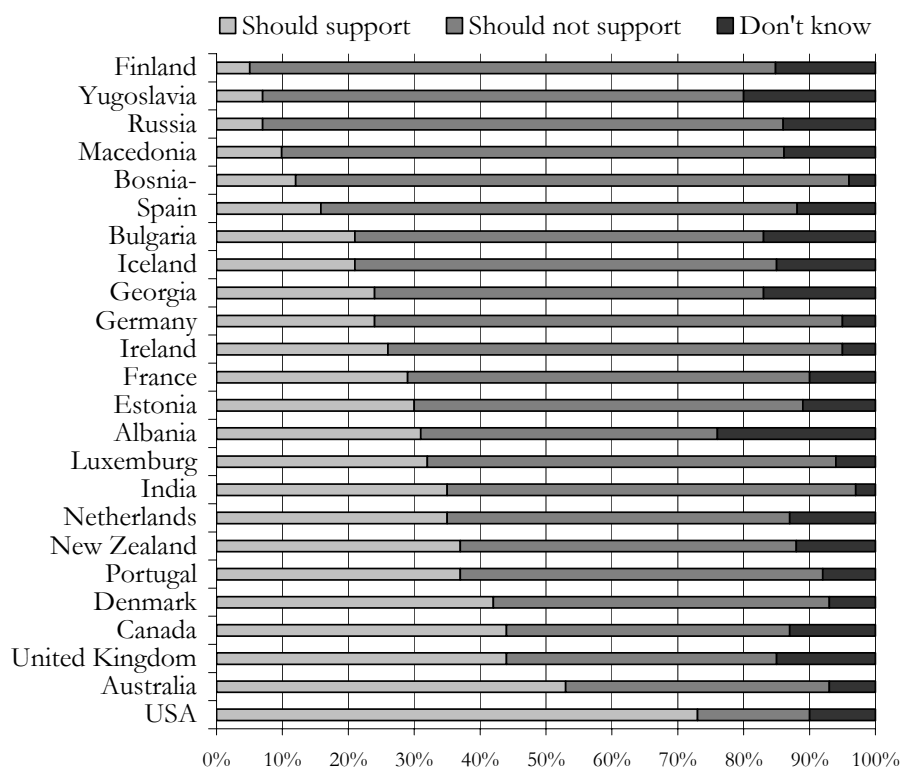
Statement A: No, under no circumstances

Statement B: Yes, but only in the form of a UN operation

Statement C: Yes, also if the operation is carried out by the US and its allies



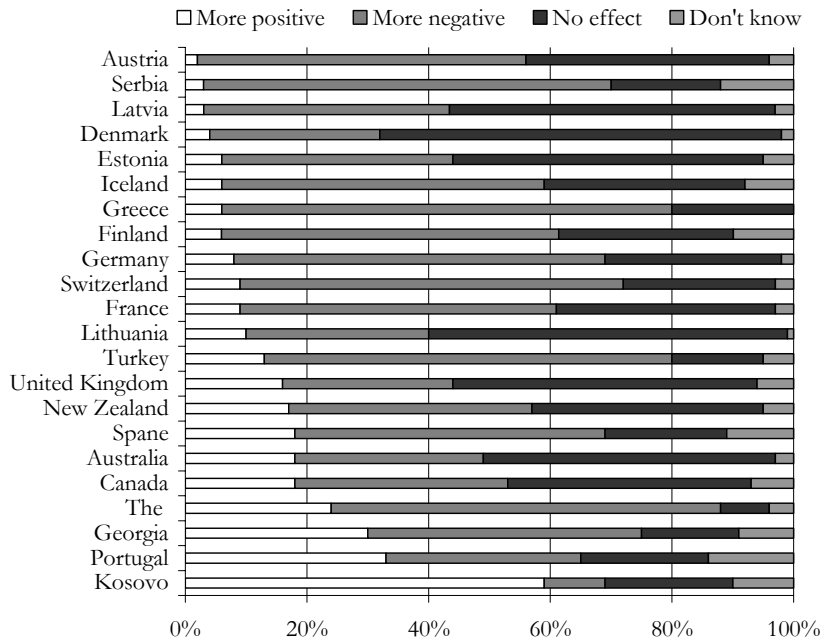
Question: Should your country in your opinion support such a military operation against Iraq?



Source: Gallup International for Berlingske Tidende

During the end of April and the beginning of May 2003 Gallup International, in co-operation with Berlingske Tidende, polled a representative sample of the population in 25 countries (25,000 respondents aged 18 or older, 1,002 in Denmark) concerning their attitudes towards the war against Iraq.

Question: Has the military operation against Iraq made your attitude towards the USA more positive, more negative or has it had no effect?



Source: Gallup International for Berlingske Tidende.

CHAPTER 5

Selected Bibliography

The following bibliography is a limited selection of scholarly books, articles, and chapters published in English, German or French dealing with various elements of Danish foreign policy.

Archer, Clive (2003), "Greenland, US Bases and Missile Defense: New Two-Level Negotiations", *Cooperation and Conflict*, 38:2, pp. 125-147.

Clive Archer & Joenniemi, Pertti (eds.) (2003), *The Nordic Peace*, Aldershot: Ashgate.

Browning, Christopher S. (2003), "Towards a New Agenda? US, Russian and EU Policies in Northern Europe", in Lars Hedegaard & Bjarne Lindström (eds.), *The NEBI Yearbook 2003 – North European and Baltic Sea Integration*, Berlin: Springer, pp. 273-289.

Browning, Christopher S. & Pertti Joenniemi (2003), "The European Union's Two Dimensions: The Eastern and the Northern", *Security Dialogue*, 34:4, pp. 463-479.

Carlsen, Per & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 2003*, Copenhagen: DIIS.

Friis, Lykke (2003), "An Emperor Without Clothes?", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 283-290.

Haahr, Jens Henrik (2003), "Our Danish Democracy: Community, People and Democracy in the Danish Debate on the Common Currency", *Cooperation and Conflict*, 38:1, pp. 27-47.

Hansen, Lene (2003), "Domestic Opinion and Identity Politics", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 311-317.

Harhoff, Frederik (2003), "All Dressed up and Ready to Go: Sovereignty Revisited in the North Atlantic", in Per Carlsen & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 2003*, Copenhagen: DIIS, pp. 99-116.

Jacobsson, Bengt, Per Læg Reid & Ove K. Pedersen (eds.) (2003), *Europeanization and Transnational States: Comparing Nordic Central Governments*, London: Routledge.

Joenniemi, Pertti, (2003), "Norden Beyond Security Community", in Clive Archer & Pertti Joenniemi (eds.), *The Nordic Peace*, Aldershot: Ashgate, pp. 198-212.

Joenniemi, Pertti & Marko Lehti (2003), "The Encounter between the Nordic and the Northern: Torn Apart but Meeting Again?" in Marko Lehti & David J. Smith (eds.), *Post-Cold War Identity Politics. Northern and Baltic Experiences*, London: Frank Cass, pp. 128-156.

Karlsson, Gunnar (2003), "Denmark's Peaceful Release of Iceland", in Clive Archer & Pertti Joenniemi (eds.), *The Nordic Peace*, Aldershot: Ashgate, pp. 45-65.

Laatikainen, Katie V. (2003), "Norden's Eclipse: The Impact of the European Union's Common Foreign and Security Policy on the Nordic Group in the United Nations", *Cooperation and Conflict*, 38:4, pp. 409-441.

Lagerspetz, Mikko (2003), "How Many Nordic Countries?: Possibilities and Limits of Geopolitical Identity Construction", *Cooperation and Conflict*, 38:1, pp. 49-61.

Lyck, Lise (2003), "The Faroe Islands: The Birth of a New Microstate?", in Clive Archer & Pertti Joenniemi (eds.), *The Nordic Peace*, Aldershot: Ashgate, pp. 66-80.

Lyck, Lise (2003), "Greenland and the Challenges for the Danish Realm", in Clive Archer & Pertti Joenniemi (eds.), *The Nordic Peace*, Aldershot: Ashgate, pp. 81-87.

Marcussen, Martin & Mette Zølner (2003), "Monetarism and the Masses: Denmark and Economic Integration in Europe", *Cooperation and Conflict*, 38:2, pp. 101-123.

Mariager, Rasmus, (2003), "Political Ambitions and Economic Realities: Britain, Denmark and the US in the Early Cold War", in Jørgen Sevaldsen, Claus Bjørn & Bo Bjørke, *Britain and Denmark: Political, Economic and Cultural Relations in the 19th and 20th Centuries*, Copenhagen: Museum Tusculanum Press, pp. 535-573.

Miles, Lee (2003), "Evaluating the Danish EU Presidency", in Per Carlsen & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 2003*, Copenhagen: DIIS, pp. 47-68.

Miles, Lee (2003), "Filling in the Gaps", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 318-321.

Miles, Lee (2003), "The 'Fusion' Perspective Revisited", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 291-198.

Mouritzen, Hans (2003), "Stifled by her Own Success?: A Geopolitical Perspective", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 305-310.

Mouritzen, Hans (2003), "Facing Human Globalisation: the Divergent Cases of Denmark and Sweden", in Jan Hallenberg, Bertil Nygren & Alexa Robertson (eds.), *Transitions. In Honour of Kjell Goldmann*, Stockholm: Department of Political Science, Stockholm University, pp. 163-179.

Olsen, Gorm Rye (2003), "'Annus Horribilis' for Danish Development Aid. Has Denmark's International Influence been Reduced?" in Per Carlsen & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 2003*, Copenhagen: DIIS, pp. 69-97.

Pedersen, Thomas (2003), "Questions of Leadership", Symposium on the Danish 2002 EU Council Presidency, *Cooperation and Conflict*, 38:3, pp. 299-305.

Rynning, Sten (2003), "Denmark as a Strategic Actor? Danish Security Policy after 11 September", in Per Carlsen & Hans Mouritzen (eds.), *Danish Foreign Policy Yearbook 2003*, Copenhagen: DIIS, pp. 23-46.

Smith, David J. (2003), "Nordic Near Abroad or New Northern Europe? Perspectives on Post-Cold War Regional Cooperation in the Baltic Sea Area", in Marko Lehti & David J. Smith (eds.), *Post-Cold War Identity Politics. Northern and Baltic Experiences*, London: Frank Cass, pp. 50-77.

Stepputat, Finn & Ninna Nyberg Sørensen (2003) "Denmark's New Terror Focus", *Development Today*, 2003:15, p. 11.

Thunø, Mette (2003), "Channels of Entry and Preferred Destinations: The Circumvention of Denmark by Chinese Immigrants", *International Migration*, 41:3, pp. 99-133.

Wiberg, Håkan (2003), "The Hesselø Episode", in Clive Archer & Pertti Joenniemi (eds.), *The Nordic Peace*, Aldershot: Ashgate, pp. 105-111.