LIVING WITH THE MEGAPOWER

IMPLICATIONS OF THE WAR ON TERRORISM

A report on the series of consultations held at Chatham House July 2002 – July 2003

THE ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS

Published in 2003 by
The Royal Institute of International Affairs
Chatham House
10 St James's Square
London SW1Y 4LE

(Charity Registration No. 208223)

www.riia.org

ISBN 1 86203 155 X

Cover design and typesetting by Matthew Link
Printed by Chameleon Press, London

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Introduction

Shortly after the attacks on the United States on 11 September 2001, research staff at Chatham House held a meeting to consider how the Institute should respond. The immediate reaction had involved a special issue of *The World Today*, published in October 2001, and researchers had given numerous media interviews and commentaries, but there was a strong feeling that '9/11', as it soon came to be called, demanded a more measured and analytical response.

There were many reasons for this, but among the most important was the recognition that the United States was now at war and that this would have major consequences for the rest of the world. Whether the whole world had changed was a matter that needed to be debated, but there was no doubting that 9/11 had changed the United States and that the implications of this needed to be explored. That is why we resolved to organize a series of strategic scenario-building consultations around the theme 'Living with the Megapower: Implications of the War on Terrorism'.

Why 'megapower'? During the Cold War, it had been customary to refer to the United States and the Soviet Union as 'superpowers'. The collapse of the Soviet Union did not at first lead to any semantic change, as both the United States and other countries took time to adapt to the new reality. However, the dominant military power of the United States, demonstrated in the 1990s in the first Gulf war, in Bosnia and in Kosovo, suggested that 'superpower' did not due justice to US hegemony. A new word was needed and we chose 'megapower' (in France, the word '*hyperpuissance*' was already circulating, but 'hyperpower' did not seem to be the most appropriate term in English).

The series of six consultations started in July 2002 and ran for a year. It was a collective endeavour by all the relevant research programmes at Chatham House together with the RIIA Conference Unit. The participants included senior Western Alliance government officials, representatives of multinational corporations and other key opinion-makers. A special effort was made to ensure participation by speakers from the United States on each of the themes under discussion at the meetings, which were held under the Chatham House Rule.[1]

The first consultation was entitled '*Diplomacy: Managing the Western Alliance'.* Although it was held in mid-2002, the issue of Iraq was already prominent in the discussions as participants argued over the role of the United Nations in conflict resolution. The Israel–Palestine issue also received a great deal of attention, with participants divided on the priority that needed to be given to it. The dominant theme, however, was the extent to which the foreign policy of the United States could be characterized as unilateral; several speakers argued that a multilateral strand was still very much part of US diplomacy.

The second consultation, held in October 2002, was entitled '*Military and Security Dimensions'*. Although United Nations Security Council Resolution 1441 was being debated in New York at the time, participants concentrated on the military aspects of the war on terrorism, in terms of both external power projection and homeland security. Much of the discussion also focused on the issue of capabilities and whether the European states were willing to increase military spending to match US expenditure.

[1] The Chatham House rule states: 'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

The topic of the third consultation, '*Religion and Ideology*', held in November 2002, was chosen in order to explore the notion of a 'clash of civilizations' (fashionable once again, having been previously discredited), as well as to understand more about the motivation of the terrorists who had targeted the United States on 9/11. Many of the discussants were experts on Islam and this gave a rich texture to the debate that went far beyond the usual platitudes. There was also a good debate about the role of religious fundamentalism in the United States itself. All were agreed that the media needed to address the issue of religion much more carefully if the 'clash of civilizations' was not to become a self-fulfilling prophecy.

Part IV, on '*International Law*', took place in February 2003. The preparations for war in Iraq were well advanced, but there was still an outside chance of peaceful disarmament through the work of the UN weapons inspectors backed by the authority of the UN Security Council. Much of the discussion focused on the extent to which the UN Charter could be used to deal with the issue of international terrorism and to what extent the doctrine of pre-emption was consistent with it. There was also a prolonged debate about the prisoners held by the United States in Guantanamo Bay in Cuba and the extent to which their treatment was consistent with international law.

The fifth consultation, on '*Remaking Regions: Stable or Unstable Futures?*', was perhaps the most ambitious. Held in March 2003, it could not have been more timely as the war against Saddam Hussein had been launched ten days earlier and 'remaking the Middle East' was seen as a principal objective by many of those in power in Washington, DC. However, the underlying theme of the workshop was the interdependency and interactions between countries and regions.

The final part of the consultation, held in June 2003, was entitled '*Phoenix Rising: The Rebuilding of War-torn Economies*'. Its aim was to explore past experience of nation-building and to learn the lessons of previous reconstruction efforts. The need to establish the rule of law was a dominant theme, although which institutions should receive priority was more controversial. One session was devoted to ways of refashioning the social contract; several speakers referred to the pre-war situation in Iraq to demonstrate the complexity of the topic.

For each of the six consultations a rapporteur was appointed, and the fruits of their labours have been assembled here. Because of the Chatham House Rule, no speakers or participants are identified. However, the reports capture the essence of the debates, each of which which lasted a full day. They are presented here in their entirety as a contribution by Chatham House to one of the key issues of the day: how to live with the megapower.

August 2003

Victor Bulmer-Thomas
Director, RIIA

Part I – Diplomacy: Managing the Western Alliance

This wide-ranging consultation addressed the following themes:

- Washington takes the lead;
- Coalition-building and horse-trading;
- Europe, NATO and the transatlantic alliance;
- Russia, China and the UN Security Council;
- Rogue states and failed states – expanding the 'list';
- Implications of a war on Iraq;
- Drawing the battle lines in the Middle East.

Is the US a megapower?

The first keynote speaker challenged the idea that the US was a megapower, raising a question that would recur throughout the day. Even before the attacks of 11 September, he argued, President Bush had sought to work with President Putin, in a strategic framework that had since become even more important. The immediate response to 11 September had been to focus on Al-Qaeda and the Taliban, an approach that had received support worldwide. In the longer term the US was determined to secure its interests against those who had or sought missiles that threatened the US and its allies. Russia's interests were increasingly convergent with those of the US and there had been progress in the strategic relationship with China. The bipolarity of the Cold War was contrasted with the current situation in which there were asymmetric threats from North Korea, Iraq and Iran as well as Libya, Syria and Cuba, and these had led President Bush to consider pre-emptive action. Finally, the speaker argued that the US remained committed to NATO, with the hope that it would be expanded, although capabilities remained a key concern.

Shift in transatlantic relations

The second keynote speaker perceived a shift in transatlantic relations. Since the US did not seek territory but rather promoted values of democracy and freedom, it was possible for most to live with a US megapower. American culture had proliferated in an era of globalization, a situation where terrorism too became more 'contagious'. The only solution was to treat the causes of terrorism, and that had to be done on a cooperative basis. Thus, although the US was a superpower in a hybrid multipolar system, it must work with others. The EU was the obvious ally, since it shared fundamental values with the US and was willing to take global responsibility. The Danish EU Presidency of July–September 2002 would seek to strengthen transatlantic relations. The speaker warned, however, that the US must avoid appearing to act unilaterally, and should not appear to be dominating world politics; it must be willing to take the EU's views into consideration. Despite apparent differences on international issues such as the International Criminal Court, the US and the EU continued to be more closely linked than any other regions.

What has changed since 9/11?

The final speaker in the plenary session, in attempting to define the war on terrorism, wondered what had really changed since 9/11. He noted that the immediate response from the Europeans was sympathy, despite their previous concern at what they saw as American unilateralism. At the diplomatic level, Tony Blair's actions might not have affected US policy but they gave him a line into the White House, reinforced coalition-building for the war in Afghanistan and focused on areas of instability, especially the Middle East. This had served to reverse the decline in US–UK relations. Vladimir Putin had also used the situation to diplomatic advantage, pressing the Russian case against the Chechens and building new relationships with the EU and NATO. Since 9/11 it had become clear that the US would act without inhibitions; there was no longer a Somali syndrome and the US would attack Iraq whether or not others supported it. Overall the underlying differences between the US and Europe remained, but they were in a war against terrorism together; the outstanding question was over the best method to pursue it.

The following sessions addressed shared and individual concerns, before considering whether diplomacy was a feasible way forward.

The Western Alliance: the internal concerns

Some participants in the two sessions on this topic stressed that the US was not a megapower. The US position should not be seen as monolithic since public opinion, political parties and the administration itself were all internally divided. Of course, in terms of domestic pressures it was noted that foreign policy was rarely at the heart of elections. This meant it was primarily an issue for governments, although this was more true in Europe than the US.

It was deemed important not to overemphasize the differences between the US and EU as the media sometimes did, especially over the possibility of war on Iraq. At the same time European participants in particular were keen to point out that intervention need not mean military action. Development strategies for genuine 'nation-building' were also important and there was a general feeling that more strategies and funds were needed to undertake wider aspects of foreign interventions.

It was noted that the European partners were playing an important role in Afghanistan beyond humanitarian aid, and this indicated that the alliance was working well. Nevertheless there remained questions about the appropriateness of intervention in Iraq. It appeared that the Cold War security architecture had been transformed in the 1990s, particularly with respect to Germany and Japan. There remained a fundamental question about the legitimacy of international intervention that was articulated by many of the allies, particularly those from outside the US and Europe, who stressed the need for UN mandates and oversight. Non-US participants argued that intervention, preferably on the basis of a UN mandate, would be less legitimate without an explicit 'nation-building' agenda.

The Americans did not see major differences with their allies. However, it was noted that the language of 'multilateralism' may differ on the two sides of the Atlantic. What the Americans see as consultation, the Europeans sometimes perceive as 'informing'; thus Europeans saw the ad hoc coalition as less satisfactory

than the UN or other international treaties. Moreover, the allies had hoped for more influence in Washington following their show of solidarity immediately after the attacks on 11 September. Some participants expressed concern that the primary focus was on the transatlantic allies to the exclusion of transpacific relations and other allies. They argued that it was necessary to consider other parts of the globe, especially Asia, including Southeast Asia, where the economic and political conditions could encourage the emergence of new terrorist groups; and that 9/11 had changed US relations with several Asian states and this was worth considering. Central Asia could also provide a breeding ground for new terrorist groups, and Russia, through its newly created links with NATO, might have an important role here, although it did not share the West's analysis of the immediacy of the problem. China was likely to play a decisive role in the decades to come.

Some states might feel relieved that there was now a better understanding of the problems of terrorism (terrorism was not, of course, a new phenomenon and many states had lived with it for decades). However, problems arose from an apparent unwillingness to engage in dialogue with Islamic countries. There was some concern at an apparent reluctance to (re)act against new organizations reconstituted from old terrorist groups, but a recognition that this was legally complicated and should not necessarily be seen as a lack of will on the part of the allies. The future status of the allies in the war on terrorism was raised – Pakistan could, after all, play a more important role than just providing a base for the war on Afghanistan.

Some participants from Europe and other allied countries expressed concern at the narrow focus of the US on the support received from the UK, Russia and Pakistan, which was seen as a short-sighted form of US pragmatism. The relationship between NATO and the war against terrorism was discussed. The Europeans had made a substantive contribution in Afghanistan going beyond humanitarian aid – this demonstrated that NATO was working well despite tensions over military versus non-military ways of prosecuting the war on terrorism. The Europeans recognized that they needed to strengthen their own military capabilities in order to have greater weight in the negotiations. There was a suggestion that there should be some clear burden-sharing: realistically, the European levels of defence spending would not reach US levels, and thus the efforts of Europeans might more usefully be devoted to reconstruction and development. It was noted that traditional bilateral relations could still be important, often drawing on states' colonial pasts, e.g. joint Franco-British initiatives in Africa, or the US and UK working with India and Pakistan. Thus the role of sovereign nation-states acting as such remained important, although there was also a need for the Europeans to coordinate their foreign and defence policy at the EU level.

Some participants argued for the creation of new international organizations for humanitarian intervention and development aid. Finally, concern was expressed at the US desire to conflate the war on terrorism with a wider campaign against the proliferation of weapons of mass destruction.

The Western Alliance: the external challenges

Israel–Palestine

US and European participants appeared just as divided in these sessions as over the internal concerns. It was noted that the Bush administration saw the Israeli–Palestinian issue through the prism of terrorism. Since some in the administration were seen as closely identified with Israel, it was questioned whether

the US could ever take a neutral position on the issue; a belief that the US was pro-Israeli was a major cause of dissatisfaction in Arab nations. It was notable that in both US and EU eyes it now seemed that the ideal objective was two states; this would have been unthinkable just a couple of years ago. One participant argued that it was best not to rush into negotiations with a leadership that could not be decoupled from terror. One American participant suggested leaving Yasser Arafat as a 'father figure' while having an elected prime minister and an accountable cabinet. Moreover, there was a danger that the result of excluding Arafat could be to radicalize opinion and legitimize Hamas. Overall, there was a feeling that not negotiating with Arafat was unviable and that the US would have to back down, to deal with real and not 'idealized' leaders.

European participants felt in general that the international community did not have the right to exclude candidates if the elections were to be democratic; any democratic change should come from the grass-roots. This idea was rejected by American participants, who argued that democracy did not have to come from the bottom up; it could come from the top down, as in Bahrain and Qatar. Words and leadership mattered and the people should be empowered to make their own democracy. The US wanted progress but did not think it possible with 'bad' Palestinian government.

Iraq

It was widely felt that that an Israeli–Palestinian peace process was needed before any move towards war on Iraq and possibly regime change could be made. On Iraq itself, it was argued that Saddam Hussein was a symptom rather than the cause of the problem; even without him Iraq would probably not reintegrate easily into the international community. There were no seriously different alternatives to the regime; the Republican Guard was a possibility but in practice would probably be similar to the existing regime.

Nevertheless, American participants stressed that Iraq's scientific and technical knowledge threatened both Israel and the US and that an alternative regime could only be less threatening and play a more international role. It was argued that the seriousness of the situation was pushing Europe, Russia and others to respond more actively and that talking about military action could lead to progress in diplomacy. The US was serious about regime change but was open on the means for change. Letting the UN weapons inspectors back in was the best way forward. There was a sense that Iraq would not decommission because the US was committed to regime change, but that if the US let up on the pressure Iraq would not decommission anyway. Iraq was seen as enemy number one because of its determination to acquire weapons of mass destruction. The US had nearly taken action earlier in the year but given the complexity of the issue it would not go to war without consulting its NATO allies. There was a question of how to coordinate military and diplomatic options; the perception was that if the US appeared willing to act militarily on a unilateral basis the rest of the world would support diplomacy. In other words, a military threat by the US might be used to unite the allies.

Terrorism and failed states

Turning to the terrorists, it was noted that many of those involved in the 11 September attacks came from marginalized regions and that Al-Qaeda had become a transnational, deterritorialized movement with links through satellite TV, the Internet and other globalization technologies. President Bush's speeches were strengthening the movement, and removing Saddam Hussein would do this

even more. It was accepted that the US willingness to work with regimes that did not take people's freedoms seriously was a problem. However, Palestine and Iraq offered the potential for a new kind of American interaction with Arabs, involving active engagement in institution-building.

Finally, one European participant noted that the megapower appeared not to have to legitimate its actions since the EU saw it as acting responsibly and legitimately anyway. As in the sessions on internal challenges, there was particular concern about American attempts to conflate the war on terrorism and dealing with Iraqi weapons of mass destruction, not least because military intervention could create a new wave of terrorism. In reality, failed states posed a greater threat than Iraq, which was far from being a failed state. In short, global terrorism could not be managed without tackling the root causes of that terrorism across the world.

Synthesis

The final, plenary, session attempted to provide a synthesis of the discussions of the day. It was suggested that the use of the words 'living with' in the title of the series implied a problem: there were common goals but also misunderstandings, tensions and passionate disputes. The key question that had emerged during the day was 'What is the war on terrorism?'. It was noted that participants were diametrically opposed on the issue of Saddam Hussein, some arguing he was not a problem, others that he was and others again asserting that he was not alone among evil-doers.

A second major question was 'Who is fighting this war?'. Was it 'the West' even though it included Muslim and Asian countries? And what was the EU's role?

Finally, there were questions surrounding issues of legitimacy, goals and actions. The question of legitimacy came up frequently in the context of regime change, which, although unpalatable, had to be considered. The US did not want to 'go it alone' and most felt that the realities of a globalized world meant that we had to work together. Nevertheless there were disagreements on whether the US consulted or informed and over the best way of pursuing the war on terrorism.

Part II – Military and Security Dimensions

The nature of the challenge

The first session attempted to define the nature of the military and security challenge. An American view made it clear that while the United States had considerable patience, the whole security context had changed in the light of the attacks of 11 September 2001. The greatest change was in the mindset of the US people, who now had a new sense of vulnerability. There was no difficulty in seeing Iraq as part of that vulnerability problem given its record of warfare tactics, its continuous refusal to comply with the requirements of the United Nations weapons inspectors and its potential to develop and use nuclear weapons. The acute fear of terrorists eventually equipped with weapons of mass destruction (WMD) meant that proliferation needed to be dealt with. The answer to the question 'Why Iraq now?' was: 'If not now, when?'. The US did not fear conducting a campaign against Al-Qaeda at the same time as taking on Iraq. While the Afghanistan campaign had proved a great success in destroying the infrastructure and dispersing the leadership of Al-Qaeda, there was a growing recognition in the US of the need to make a long-term commitment to the stability of Afghanistan as part of the war on terrorism.

UK officials shared the US analysis. In their view, 9/11 had shown that the threshold of violence for terrorist activity had been raised significantly. WMD would offer the prospect of yet more deaths from each incident. But there was a need to address the causes as well as the symptoms. Winning the war against terrorism was about hearts and minds, and this meant that peacekeeping and stabilization remained a key aspect. While the military could only play a part in the action, it would need to play it in both the offensive operation and the stabilization role.

There was no doubt that the 9/11 attacks were not a one-off. They could be seen as part of a pattern. While chemical, biological, radiological and nuclear (CBRN) means had not yet been used, conventional forms of terrorism could still cause high casualties with relative ease. Indeed, the CBRN threat might be as much about creating a climate of terror and economic disruption as about high death rates. The lessons so far seemed to be that the military could be used to disrupt and destroy terrorism in the special case of Afghanistan, but intelligence, police and finance might be more effective counterterrorism agents in the long run.

Loose terminology and definitions were seen as very unhelpful. The political rhetoric of 'war on terrorism' made people expect military solutions. The definition of 'terrorists' also caused problems. The conflation of insurgent groups with international Islamic actors made for muddled strategy. Central Asia was likely to become a cause for concern. There was also a potential danger in taking each crisis in isolation. The situation in Afghanistan would backfire if it were not stabilized. Intervention in Iraq might worsen the situation in Iran, and give rise to further problems from radicalized Islamists.

The approaches to the problem differed on either side of the Atlantic. This was partly due to the increased feeling of vulnerability in America and, conversely, a greater sense of security in Europe since the end of the Cold War. Europeans tended to believe that global problems were best dealt with at the international level; Americans that working through international institutions was inevitably an

unwanted constraining influence on their megapower status. The disparity of military capabilities meant that the Europeans carried little weight in US decision-making.

The discussion over the first session reflected the polarized views between the Anglo-Saxon approach to new security challenges and the continental European approach. There was concern about the widening problem of failing states. Indonesia was a good example of the complexity of the new security environment. Some felt there was too much focus on Al-Qaeda as the only terrorist problem, and that it was over-optimistic to hope to defeat the threat just by taking out the leadership. The role of intelligence, particularly human intelligence, continued to be underestimated.

Nearly all participants saw the stabilization of Afghanistan as essential, but there were concerns about where the necessary resources could come from. Indeed the need for more resources in every aspect of the security provision was a recurring theme. The UK and France had put more into their defence plans. Although the US plans for defence spending increases far exceeded those of any other country, the fragility of the US and world economy might become another adverse factor to consider.

The nature of the challenge was summed up as fourfold:

- There was a need to be proactive and take the war to the terrorists and their supporters.
- A hearts and minds strategy was needed. For the military, this would include both conflict prevention and post-conflict stabilization tasks.
- Counter-proliferation of WMD must be addressed, and the US strategy of pre-emption might be necessary.
- Although the threat of mass casualties had made homeland security a major consideration, it might not yet have received a high enough priority.

Responses to the challenge

The second session defined the tasks as follows:

- punish the terrorists;
- deprive them of refuge;
- stop the financial support; and
- eradicate the root cause.

International law had not yet taken on board the implications of violent non-state actors. The developed world had great strengths, but also many weaknesses and vulnerabilities. What was lacking was a comprehensive strategy to address the new threat. Good early warning capabilities were needed, and the breeding grounds for extremist movements needed to be tackled. Arms control continued to be important as one element in the control of proliferation. While Europe might differ from the US about methods, it was vital that they worked together. Strategic alliances must be maintained.

Military force could play only a relatively limited role, for instance in deterrence against states, as had been shown in the case of Afghanistan. But military force could not deter suicidal terrorists, and indeed could fuel wider resentment and be

counterproductive. It was suggested that international organizations might have a large part to play by engaging the regions which were breeding grounds for terrorism. Perhaps those European countries with large Muslim populations should become members of the Organization of the Islamic Conference (OIC). This was seen by some as impractical and even unhelpful, given the OIC record in the UN. Even though one speaker expressed concern about the number of international organizations involved, and the resulting duplication and waste of effort, the majority view was that, for all its imperfections, the UN remained the international institution of choice.

The problems of reducing the underlying causes of terrorism exercised many participants, who were worried that the new generation of Muslims in European societies were furious about their lack of representation and opportunity. It was said that religious issues were not susceptible to the traditional forms of political bargaining which had marked other counterterrorist campaigns. Attention was drawn to the British conflict-prevention budget arrangement as a model others might follow. In this a shared pool of money was managed by defence, foreign policy and overseas aid departments to produce the best solution to particular problems. Britain had also given its military a specific task of defence diplomacy through which to promote stability more widely.

While homeland security measures were certainly part of the near-term response, some saw military involvement as a mixed blessing. More work needed to be done on how responses to attacks could be organized multilaterally, particularly given the growing threat of biological weapons.

One radical suggestion was made: to try to bring deterrence back into play against terrorists. While extremists may well look forward to death, they expect their death to be coupled with glory. It was suggested that special forces tasked with killing terrorist leaders could provide deterrence. This concept was not widely supported.

Disarming Iraq was discussed as a potential short-term task which would probably have a military dimension. Many felt that whatever the outcome, there was a risk that conflict in Iraq could generate wider support for Islamic terrorism. Much would depend on the stabilization of a post-conflict Iraq. The lessons from Afghanistan were not encouraging in this respect.

In conclusion, it was agreed that governments had to struggle to get the balance right between immediate actions and long-term strategy. The root causes of terrorism needed to be addressed, but there remained uncertainty over what were the most urgent causes: alienation of Muslim communities; the Israel–Palestine situation; lack of democracy; the gap between rich and poor; humiliation; or religious divides. The military could play only a limited role, and might make things worse. For all their imperfections, multinational institutions remained important and needed to be used in a coherent way.

Capabilities and operational requirements

Although there had been agreement so far that the military could play only a limited role in the war against terrorism, there was near consensus on the need for Europeans to improve their military capabilities. A division of labour, with the US involved in high-intensity combat and the Europeans doing the peacekeeping, was not acceptable. Although there were useful alternatives to the US high-tech

approach, European defence was still seriously under-resourced.

Attention was drawn to the new transatlantic divide. Before 9/11, the debate had been about the division of tasks between NATO and the EU. Now NATO and the EU were tarred with the same brush of European inadequacies. Without new capabilities both would be cast in the role of handling Petersberg tasks (humanitarian, peacekeeping and peacemaking tasks). The US would go to individual nations for niche capabilities, rather than becoming enmeshed in the constraints of consensus. This presented a particular problem for the UK, which was trying to ride both the European and the American horses simultaneously.

There was general agreement that role specialization and pooling were the only practical ways forward if Europe was to do better without great increases in defence spending. The US was moving to new concepts based on networks, and Europe was being left far behind. It would become impossible for Europeans to act in operations alongside the US. The proposals for a NATO Response Force might help bridge the gap in capabilities, but the proposals were modest and a long way from being delivered. Insiders agreed that the performance of the European Security and Defence Policy (ESDP) had been less than satisfactory. Even when EU members wanted to use military force, such as France in Côte d'Ivoire, the operation was undertaken nationally. If the US was failing to use NATO, so also were the UK and France failing to use EU forces.

NATO needed to decide urgently what it wanted to be: a strategic discussion group; a toolkit for coalition operations; or a proper military alliance between North America and an extended Europe. There was little agreement over whether the EU should take over its own territorial defence and leave NATO to deal with the global mission beyond Europe. Some thought this lacked reality. The future might be for the megapower always to lead coalitions of the compliant.

Should the Europeans even bother to try to match US military capabilities, given that intelligence and soft security provision were generally agreed to be more important in the campaign against terrorism? It was clear that Europe wanted to be at the table with the US, and the price for this was military relevance and hard military capability. Nevertheless, the intelligence dimension was an important one, and some of the long-term intelligence relationships were paying dividends, though more needed to be done.

Policy implications

A number of points were raised during this final session. It was asserted that many of the smaller members of the Western Alliance showed little imagination or conceptual thinking. Left to their own devices, some small nations would only look inwards. The UN, NATO and the EU each had an important role in getting everyone moving to deal with the new security concerns. Which of the international organizations was more important was the subject of much discussion. Since the US was unlikely to call upon NATO or the EU in future, this limited their utility. Both needed better mechanisms to set priorities in a rational way.

It was noted that enlargement of both the EU and NATO would also make the transformation of European capabilities more problematic. While sharing capabilities to provide more effective forces was to be encouraged, the budgetary arrangements in the EU also needed to be considered. Pooling, role specialization

and niche capabilities might just turn into further cuts in defence budgets. However, few participants thought that there would be early agreement on the establishment of an EU defence budget or pooled funding for increasing NATO's joint-owned, joint-operated capabilities.

A discussant asked whether Europeans should worry at all about trying to keep up with the US. He advocated leaving it to the Americans, and accepting where that took the rest. There seemed little support for this, and more general agreement on the need to buy influence with the US through measures which made the Europeans a more equal military partner. Reforms in current methods of military force planning were probably needed. In the burden-sharing debate, it was important to remember that the EU spent much more than the US on the overseas aid aspect of security.

All participants valued NATO, and believed it needed to be kept relevant even if this meant changes in its traditional tasks. Stabilizing Afghanistan was a big challenge. NATO had experience from the Balkans, and it could be kept relevant by moving on to this important theatre of operations. It would not be used for a conflict in Iraq, but might again find a role in any post-conflict rebuilding. The summit in Prague in November 2002 was seen as a great opportunity for new thinking. However, many feared that it would provide little real progress.

Synthesis

It was agreed that a shift had occurred into a new world of strategic terrorist threats. The current focus on Iraq seemed to some a distraction from the urgent and important task of cooperating to reduce the danger from terrorist attacks. The long-term rebuilding of Afghanistan, on the other hand, was an important piece of work still to be completed. The International Security Assistance Force (ISAF) would have to extend its mandate.

The sessions had been directed at the military and security aspects of the war on terrorism, yet there was widespread agreement that the role of the military was very limited in this complex campaign. Military attempts to remove the leadership of a terrorist organization were only sometimes effective, and would not solve the current problem. Little time had been spent in discussing Iraq, as such debate was seen to be a distraction from the counterterrorist campaign. The repercussions from a military operation in Iraq, however, could be significant, and were not likely to be helpful.

Hearts and minds in the Arab world were also important. The people of this region had missed out on the benefits of democracy and market economies that had come to the communist world at the end of the Cold War. Transforming the widespread alienation would take much effort and time.

Multilateral institutions were important. NATO remained useful, but could do little as the military agent in a war on terrorism. It should take on other tasks, where quickness of response was less important. Even though Europe had a different view from the US on how to tackle the problem, it would have to meet the US half-way on military capabilities if it wanted to have a strategic dialogue. The UN, although imperfect, offered the best hope.

Part III – Religion and Ideology

The third consultation explored both the role of religion and ideology, and the importance of public opinion and the impact of the media. Were old theses like Samuel P. Huntington's 'clash of civilizations' now more relevant or were new concepts and approaches needed to better understand the growing importance of religion and ideology in the language, culture and politics of the current 'war on terrorism'? The following points were raised for debate:

- Is there a philosophical divide between Europe and the United States, or between countries of the so-called 'Nation of Islam'?
- Do the perceived differences between the Muslim world and others result from religious belief or from failed economic and political developments?
- Have religion and ideology become convenient pegs to hide deeper and more difficult problems?
- How much ignorance and distortion of religious ideas and messages is involved?
- How important is it for the protagonists to have an enemy, and what is the impact of using language such as 'jihad', 'crusade', 'good' and 'evil' in obscuring causes and possible solutions?

What is being defended and championed?

Attention was drawn to what were described as fundamentalists on both sides of the post-11 September world. On one side there was Osama bin Laden's language of religious certainties. On the other was Washington's 'obsessive pursuit' of its enemies including Osama bin Laden, the Taliban leader Mullah Omar, who was also still at large, and Iraq's Saddam Hussein. Osama bin Laden was described as a 'leader of leaderless people ' – a charismatic figure who inspired Muslims across the Arab and Islamic world by using a 7th-century Islamic idiom. Old concepts of Islamic legitimacy were carried by the new technologies afforded by a globalized world. Osama bin Laden had become a transnational inspiration, a messiah of the new media age. But he was also said to be empowered by what he perceived as the United States' binary view of the world which divided it into good and evil. Who were these evil forces in the Arab world? Were they the Islamists, the Ba'athists, or the Arab nationalists? Participants considered that Washington's policies in the Middle East appeared more concerned with whether countries were 'for or against' American policy than with understanding their cultures and promoting true democracy in areas such as the Palestinian territories or authoritarian Arab regimes. This had only sharpened people's sense of a divided world. In Saudi Arabia for example, young people were schooled in Wahhabi religious texts and loyalty to the system but they lived in societies saturated by Western materialism. There was also growing discontent stemming from political repression and economic hardship. Concern was expressed that another war against Iraq would only exacerbate this divide and deepen the alienation and anger.

Another contribution also focused on this question: what was the aim of the West? It was maintained that if the answer was to defeat the forces of extremism and fundamentalism, the West was going about it the wrong way. Fighting terrorism required heightened police action. But terrorism was also a plea for governments to listen. There had to be serious political action. Many Muslims did not fit into a

'for us or against us' categorization. This approach might only increase, not decrease, the threat. A proposal for 'a third force' was made, an alternative approach which it was believed could come from Europe. It had to be asked why so many young middle-class Muslims were attracted to fundamentalist ideas. Anger over Western policies in the Middle East, including the Israeli–Palestinian conflict as well as Iraq, might be behind this tendency. Despite the strong opposition to any military action, voiced not just in the Middle East but in Western countries, war now seemed inevitable. What would happen then? The lessons of Afghanistan were not convincing: President Hamid Karzai was now dependent on Western troops for his own protection. The alternative, it was thought, was to build on the strength of people in Muslim societies to allow them to resolve these problems themselves. Participants referred to Iran's internal struggles and the ways in which Egypt and Turkey were also addressing their own problems. A war in Iraq, in contrast, would only increase despair across the Muslim world.

Several Muslim participants cautioned that terrorism should not be defined in terms of religion and ideology lest those concepts legitimize it. They maintained that the problem of 'fundamentalism' was a creation of the Western media. The problem was not religion itself, since political ideas had always been central to Muslim belief. What had changed in the relationship between Islam and the West was the degree of polarization and the use of terror. One participant pointed out that religious and political authorities across the Islamic world were divided on the use of force. A Christian participant addressed this issue in a different way, saying that religion itself employed neutral concepts such as harmony and peace but it was now being exploited to express dissatisfaction with other issues, such as the suffering caused by a free market economy. Why was religion now being used for these purposes? Why was it now the dominant idiom, a tool to express discontent as well as deeper aspirations? Why were Islamic movements now gaining in strength? A number of participants cited political repression in Arab states, as well as Western policies, and in particular America's perceived support for Israel, as important factors. Several emphasized that there was a need to go beyond religion to address social and economic problems. One took the discussion a step further and asked for practical advice on how Western governments should deal with the social and economic issues, as well as the rise in Islamic militancy in Western societies. Why had there been there no outcry when a million Muslims were killed in the Iran–Iraq war of the 1980s? Were the ideas of Saudi Wahhabism being exported? An opposing view was, however, expressed – one participant believed surveys showed that Muslims living in the West had never had it so good and that Muslims elsewhere aspired to this higher standard of living afforded by Western societies. Another participant pointed out that Muslims should not be seen as blocks of people, but as individuals aspiring to greater freedom who also just wanted to be able to go home safely at night.

Participants agreed that a better understanding of the Islamic religion was needed. One advocated closer attention to the historical evolution of Islam. Important processes were also under way at present. Pressures were working themselves out in Islamic republics such as Iran where theological and political disputes were being openly confronted. It would also be useful to return to the writings of important Islamic thinkers. Even Wahhabism, regarded as the Islamic teachings behind Al-Qaeda, was not properly understood. One participant said it was not some coherent discourse, accepted by all in Saudi Arabia. It should not be seen as a system of Islamic classroom education associated with terrorism. This perceived lack of understanding led to calls for a better dialogue.

There was animated discussion about Al-Qaeda and Osama bin Laden. One expert insisted Al-Qaeda did not exist as an organization; it was simply a movement. There was no 'Pentagon' somewhere in a cave! Osama bin Laden should not be seen as a saviour; however, his image and ideas were certainly ubiquitous after 11 September. For example, many Muslims across the Islamic world had bought his picture. Even as a movement, Al-Qaeda had spread across many countries and in particular the Middle East. The United States might not be solely responsible for that but it had played a role in creating and keeping regimes in power, and this was causing discontent. For decades, Western policy in general had ended up promoting religious groups. Islamic organizations were backed in the fight against communism during the Cold War. Strong dictatorial regimes were kept in place, wiping out all other secular alternatives. The only doors still open were the mosques.

The role of Christian fundamentalism in current American politics should also not be forgotten. One of the participants pointed to the evangelical Christian lobby backing George W. Bush's policies. Moreover, key policy-makers including the President, as well as his Attorney General John Ashcroft, made no secret of their strong Christian beliefs.

Drawing battle lines: war, identity and the 'Other'

One group of participants considered the question: does religion help us to understand this war and define the protagonists? In other words, if the war was not about religion, what was it about? There was an acceptance that every war needs its own vocabulary, its own rhetoric. In this conflict, language was reinforced by mirror imaging, with each side feeding off the other. If, for example, all suspects rounded up in security sweeps were Muslims, it gave an Islamic identity to one side in this confrontation.

The role of political and religious authorities

Why does Islam play such a dominant role in society and politics? A discussant tried to put this issue in historical perspective by examining the position of the Catholic Church in Britain centuries ago when it was an absolute source of authority. Other sources developed gradually through the decentralization of power, social mobility, and more opportunities for individuals. This weakened the hold of religion. The question was asked: could terrorism arise from more democratic societies? If there were more democracy in many developing societies, would there perhaps be less alienation, and ultimately, less likelihood of terrorism? A concern that Islam seemed to be incompatible with pluralism was rejected by participants who pointed out that instilling democratic values took time. Institutions had to be built. A Muslim participant said Islam had to be seen as an evolving religion, capable of adaptation. He spoke of his own family's experiences in a conservative region of an Arab state. What had been ruled out in an earlier generation, such as the education of girls and wearing Western clothes, was now accepted by all members of his religious family.

There was disagreement, however, over how much of a role Islam was still playing in largely Muslim countries. One Muslim participant believed the fragmentation of authority was now beginning, bringing with it a growing fear of loss of control. For example, on the website 'Islam Online' believers could find sources of knowledge to help them make up their own minds. He also pointed to the proliferation of shopping malls in Egypt: materialism was not just on the rise in suburban Europe

and America! But there was still a general consensus that the role of Islam could not be ignored. Even if these cultures were changing, Islam was still present in many different components.

Moreover, there were different kinds of Islam. Unlike the Roman Catholic Church, the religion has no central papal authority. But attention was now being focused on the more extremist interpretations of Islam. Many moderate voices were being drowned out or ignored as a small group stole the agenda. One Muslim participant spoke of his difficulties in publishing a statement by moderate Muslim leaders in the immediate aftermath of the 11 September attacks. He felt Islam was being given a bad name. It was pointed out that in fact some of the greatest abuses committed by Arab governments had been in secular countries such as Saddam Hussein's Iraq and Hafez Al-Assad's Syria.

Al-Qaeda

What were the religious objectives of Al-Qaeda? The movement had no properly trained Islamic scholars. One speaker said he believed Al-Qaeda had turned to religion for the wrong reasons. Jihad was about gaining power in order to terrorize people regarded as non-believers. In contrast, other Islamic groups such as the Muslim Brotherhood might share some of Al-Qaeda's beliefs but had different tactics and strategies, or perhaps Al-Qaeda was now a mixture of all these different groups. Osama bin Laden had started with an obsession with the presence of American forces in Saudi Arabia and then joined forces with members of the Muslim Brotherhood and other Islamic groups. One participant even went so far as to say that Islam was a mere convenience for Al-Qaeda and so it was a waste of time to try to understand religious ideologies.

Islam and the West

It might seem obvious that religion played a greater role in Muslim than in increasingly secular Western cultures, but a participant commented that what the West regarded as democracy or a way of life, Muslims viewed as a form of religion. Was the disaffection of Muslims in Western countries a reaction to the perceived decadence and their own loss of culture and tradition? In these cases was Islamic militancy more about disaffection than about religion itself?

No agreement was reached on the importance of religion in Western societies. Several participants pointed to the increasing secularity of societies across Europe and the growing number of atheists. Another insisted that Christianity still had a role to play and was exercising an influential role. He pointed to the strong statements by leading Church figures against a possible war in Iraq. There was still a need for religion, as moral authority and critique. If religion was seen as part of the problem in this present conflict, then religion had to be part of the solution. It could help overcome this binary view of the world. Who spoke in the name of religion in the West? It was mentioned that Tony Blair tried to do so on occasion. But did he have authority in the eyes of the believer? Who was his audience? And who was listening to moral appeals, from him and from Church leaders?

What were the policy implications of couching this conflict in religious terms? One participant believed it would create problems for Western defence establishments which might be called upon to fight any war on the ground. They were not equipped to deal with conflicts framed in this way. How could they fight a war between Al-Qaeda and Christianity?

Drawing battle lines: media and mobilization

Another group of participants explored various aspects of the role of the media and public opinion, ranging from language to censorship, and prejudice to propaganda.

Reporting Islamic issues
The general view was that, in Britain, the broadsheet press had done a good job of trying to provide coverage of Islamic culture and politics in the aftermath of 9/11. It was pointed out, however, that more and more Britons were now getting their news from television, which did not have the capacity to deal with complex issues in as much depth as newspapers. Moreover, 24-hour television had its own particular difficulties. The imperative for immediate reporting and analysis often did not leave enough time to properly absorb what was happening. It was acknowledged that there was still widespread ignorance of the issues.

Some journalists attending the session pointed out that most media were not very good at dealing with complexities. There was always a search for simplicity and clarity. One participant suggested that if you had gone out on the streets before 9/11 and asked people to associate words with Islam, many would have had nothing to say, whereas afterwards they would use words such as violence, hejab etc. This led another participant to comment that this kind of coverage, known as 'vox pop', was increasing but should not be encouraged!

Despite problems or weaknesses in the press coverage, Islamic issues had been reported and discussed to a far greater degree, particularly in media with more serious political coverage. One participant pointed to the dilemma in this. Greater attention in some media and by academics provided a more nuanced view but it also led to a greater sense of the divide between the West and Islam. Muslim participants voiced concern that many in the Arab world – both Islamists and secular nationalists – believed the West did not understand their concerns. It was pointed out that George W. Bush did not speak ill of Islam but that some in the press did; it was possible that public prejudices against Islam had become stronger.

Even the better coverage of Islamic issues was still constrained by a number of factors. One participant pointed out that, in general, Muslims only appeared in the news when the story was about a 'terrorist' attack. This could give rise to Islamophobia. Hard news coverage, as opposed to features, often had to follow the lead set by President Bush and so stories were more about explaining American policy than about Islam itself. But there was resistance among some journalists present to the idea that journalists had a duty or responsibility to look at positive aspects of Islam. In trying to play a more constructive role, journalists might be constrained from saying what was really happening.

For the most part, stories involving Muslims were about political Islam. One participant believed journalists were better at drawing distinctions between Islam and the attacks of 11 September than at clarifying differences between Islamic groups. This was seen as essential. Analysis was not easy. How great a role did religion *per se* play in the motives of the 11 September hijackers? This had not been clear in many reports. There was also a concern that all Muslim voices were not being represented. One European participant cautioned, however, that the connection between religion and politics was made by Muslims themselves and therefore journalists working in more secular societies could not define the Muslim

world in terms other than what existed. This meant the Arab media had a responsibility to address these issues. This view was expressed by a number of speakers: the Muslim world also had to make itself heard and understood. However, there was a need to avoid dismissing all media as biased or superficial. Distinctions should be made between different media, including new media and good and bad websites.

Other questions were raised. Did it matter who was writing? Could journalists write about religion if they did not have a religion themselves or, in this case, were not Muslims? It was pointed out that some of the leading British newspapers did not have a single Muslim columnist. It was felt there was a need to open up the media to give more space to Islamic opinions. Language was also identified as a problem. The BBC World Service did not usually allow words such as 'extremists' and 'terrorists'. There continued to be a problem of definition. Were there Jewish as well as Arab terrorists? For example, how should one define Baruch Goldstein, who attacked Muslim worshippers at the Tomb of the Patriarch in the West Bank city of Hebron in 1994? Was there now an assumption that suicide bombers were, by definition, Muslims?

Reporters also had to exercise caution to avoid what Margaret Thatcher famously condemned as giving 'the oxygen of publicity' to terrorist groups. But there was a difference in the way events were reported and received in the Arab world. One Muslim participant pointed out that many Muslims had initially believed Osama bin Laden was not capable of organizing the 11 September attacks. He remained a hero for many Muslims and this would affect coverage in largely Islamic societies.

Censorship

Many participants pointed out that it should not be assumed that Western media were completely free of censorship and Arab media were not. There was no agreement on whether Western media were pro- or anti-Israel. But it was pointed out that there continued to be distortions in coverage of the Israeli–Palestinian conflict, with basic facts still being misunderstood. Did newspapers have 'agendas'? Some journalists fiercely denied this. Were journalists affected by a recognition that their countries were at war? One speaker raised concern that some government policies and acts in the 'war on terror' were not being challenged. This kind of self-censorship was seen as especially prominent in the United States in the aftermath of 9/11 – leading American journalists had admitted this.

The Arab media

There was also considerable discussion about the nature of the press in the Arab world. Some participants pointed to a relative lack of freedom in the Arab Muslim press, which tended to reflect government views. One speaker compared Arab governments to the Soviet Union of the early 1980s, saying they were afraid of their own people. This led to many weaknesses in coverage including a poor knowledge and understanding of events and cultures outside the Arab world. Another speaker maintained that the lack of press freedom gave rise to a lack of rationality.

Many participants mentioned the 24-hour Arabic news channel Al-Jazeera. Some felt it was an experiment in a region not accustomed to this kind of live reporting and provocative questioning. Others questioned whether it could be regarded as truly open and objective when it came to emotional issues such as the Israeli–Palestinian conflict. But the fact that a number of Arab governments had

closed down the offices of Al-Jazeera underlined how it was breaking new ground in the region. Most participants agreed it was a good, if not a vital development with important consequences for press freedom in general. Some weaknesses were still noted, however. For example, what was the impact of simply repeating images of violence in the West Bank without providing analysis?

The problems facing Arab media were not only political. Many suffered from insufficient finances and infrastructure. It was asked whether Western governments should consider providing assistance through aid programmes to encourage press freedom but it was not clear that this would be welcome. One participant pointed out that much of the discussion in these sessions was focusing on the Arab world when there were also large Islamic populations in Asia and Africa.

Influence of the media

Finally, how much influence did the media really exercise in shaping public opinion and government policy? A survey conducted in Glasgow found that the press had more influence in some continental European countries, where government policies seemed to have greater flexibility, than in, for example, the UK or the United States.

Synthesis

The final discussion raised some of the problems inherent in any discussion of religion and ideology. These included dissatisfaction with concepts such as the revived and revised theory of 'clash of civilizations' which many see as incorrect and misplaced. Even general categories such as religion and Islam needed to be more nuanced.

The need for further dialogue to deepen understanding and correct misperceptions was recognized. A number of participants suggested more contact between Muslim and non-Muslim communities. One also proposed reaching out to countries which wanted to fight terrorism, for example in Europe and South America, but disagreed with the current approach of the United States. Another participant mentioned efforts by some corporations to improve their understanding of Muslim communities. There was also a call for better press coverage of the Muslim world, even if journalists did not see their job as providing a better image of Muslims.

Part IV – International Law

The fourth consultation, held just prior to the war in Iraq, was designed to stimulate a broad debate on the role and effectiveness of international law in respect to the war on terrorism and the current challenges facing international relations. Participants were invited to develop the topic over four sessions throughout the day, in particular addressing:

- the relationship between law and force;
- the conflict between sovereignty and globalism;
- the role of the courts, both national and international;
- the role of international law in contemporary international society.

Initial comments noted that the day's agenda was an ambitious one, addressing an especially topical issue. The war on terrorism was proving a challenge to international institutions and there was considerable uncertainty as to how these bodies ought to respond to the concept of international terrorism undertaken by non-state actors. Was this a question for national laws addressing the acts of individuals, or did the magnitude and global nature of the threat require the operation of international law? Certainly the lines between state and international law seemed to have become blurred and consequently tensions were being exposed where there was disharmony between the two. Was international law capable of meeting the challenges it now faced? If so, how was it to meet them?

The relationship between law and force

A 'war' on terrorism?

The first session began by questioning whether it was indeed correct to describe the war on terrorism as a 'war'. This was a recurring concern throughout the day's debates. The term 'war' was gaining currency in popular terminology, with 'wars' often being declared on problematic social issues. However, in this popular context 'war' had none of the real and destructive connotations associated with military war. Besides, most of the work done in relation to the 'war on terrorism' was in fact routine police surveillance and intelligence work. Consequently, was the public being misled by the inaccurate use of an emotionally provocative term? To describe the attacks of 11 September as terrorism was, however, an accurate use of language, for they did indeed induce terror. But the concept of global terrorism was not a new phenomenon. The international community had responded to similar widespread and unpredictable threats during the 1970s with a series of conventions on terrorism.

One participant noted that, as well as addressing the issue in a peaceful and positive manner, the approach in the 1970s had also had the additional benefit of increasing cooperation among states. Unfortunately, the contrasting current approach of seeking a military solution was more likely to result in enmity than harmony in international relations. The global community would therefore become stronger if it adhered to principles of justice rather than relying on force in the short term.

The role of international law and the authority of the UN Security Council

The concern of the general public seemed to be that any military action undertaken in Iraq should be lawful. Hopes were expressed that the UN would manage to maintain the established order in the global society, rather than allow the megapower to abuse its dominance. Although unilateral force was technically possible under the terms of self-defence as defined in Article 51 of the UN Charter, it was submitted that authorization of force by the Security Council acting under Chapter VII was by far the better way to approach the war on terrorism. Chapter VII permitted a multilateral response to terrorism where the terror fell within the broad parameters of a 'threat to peace', and a wider range of responses was available under Articles 41–42 than under Article 51.

It was necessary to remember that the role of the Security Council was to deal effectively with those who threatened the peace. If this was ignored, as was potentially the case with the present divisions over how to deal with Saddam Hussein, then there was a real danger that dissatisfied states would increasingly take unilateral action that was not conditional on authorization from the UN.

However, the doctrine of self-defence did have an important role to play in the war on terrorism. Nobody would deny that states had a natural right of self-defence. The difficulty was in the application of the principles of Article 51, especially over whether there existed a right to pre-emptive self-defence in the context of the threat of highly unpredictable global terrorism. A common-sense approach was advocated for the interpretation of the ambiguities of Article 51, rather than blind adherence to the words of the Charter. However, it was stressed that pre-emption could not be used to justify past transgressions. It was not a reactive doctrine and so it could not be invoked to justify enforcement of past Security Council Resolutions in any future war with Iraq. It was suggested that a thorough debate on the scope of self-defence in this new context would be welcomed by both academics and governments.

Several participants identified the role of law in maintaining human rights, especially in situations where force was being used. Any military action would have to be compliant with international humanitarian law. One speaker proposed that if greater efforts were made to encourage more states to observe basic human rights from the outset, then the likelihood of having to resort to military intervention as a solution would be reduced. Unfortunately the international community's current approach with regard to which states were pressured over their attitudes towards human rights was too selective. One speaker put forward the view that even if states operated outside the UN, the 'media echo' accompanying any use of force would encourage states to comply with humanitarian law for fear of generating politically damaging negative publicity if they did not. The Kosovo campaign was cited as an example of this phenomenon.

One speaker asked whether the existing body of international law was appropriate for dealing with modern conflicts such as the war on terrorism. Most participants concluded that although terrorism challenged international law, this did not mean that the law would not be capable of withstanding it. The current legal framework was the result of many years of diplomatic effort. There was no other system on offer, nor was there any indication that a better one would materialize if it were sought. Consequently practitioners needed a legal mechanism that they could apply today and there was a risk of never finding a replacement if the established framework were scrapped rather than adapted to meet contemporary needs.

Sovereignty and global considerations

Session two examined developments in current policies that were threatening state sovereignty more than was necessary. States were pursuing intervention as a means of rooting out suspected sheltered terrorists or discovering concealed weapons of mass destruction. Clearly this was creating a tension between the will of the megapower and principles of sovereignty, but this was not new.

Intervention and its authorization

If an attack on Iraq was to go ahead, then from the point of view of sovereignty it was regarded as highly desirable that the Security Council should authorize it. However, this was not to say that Security Council authority was a *sine qua non* before action could be taken, and there were important reasons why this might not be possible, or why states might seek to circumvent the Security Council. For example, it was not always the case that the Security Council would agree on a course of action, especially if one of the five permanent members chose to exercise its veto. When it did act it had shown a preference for stating the ends to be achieved rather than the means for doing so. If states threatened not to seek Security Council authority, then the effect might be to galvanize the Security Council into taking action. A question recently raised by the UK Prime Minister led to the identification of a grey area: if there was a substantial majority vote undermined by the use of a veto, could the use of that veto in fact be disregarded? Were states now getting to the position of developing legal principles on top of pre-existing institutional procedures? If so, the legal basis for this progression seemed scant.

The US National Security Strategy was considered to have addressed a real and pertinent question concerning the use of pre-emptive force against terrorist non-state actors. The danger was that other states would take up the same reasoning to justify further unilateral uses of force. Although many had focused on the attention the Strategy gave to the concept of pre-emptive self-defence, one participant stressed that the US was not intent on warfare rather than nation-building, asserting that readers of the document in its entirety would conclude that nation-building and military concerns in fact received equal consideration.

Another speaker looked at the increasing scrutiny that the US executive was under when it came to questions of foreign policy. In the build-up to the first Gulf War President George Bush Sr had obtained Senate authority for his actions only at the last minute and in a very close vote. This time, President George W. Bush had sought authority from the US governmental institutions much earlier; the former approach would not have succeeded. This was taken as evidence that democracy was becoming an increasingly influential force behind domestic considerations of foreign policy in the US.

It was suggested that although states were much more closely interlinked today than ever before in their international relationships, this interdependence had not generated any new legal rules. However, it did encourage increased cooperation which, on a purely theoretical level, stood in direct conflict with principles of sovereignty. Nevertheless the reality was that states did cooperate with one another in a broad sense, while simultaneously reserving the ability to exercise unilateral power through the doctrine of sovereignty if cooperation failed them.

Humanitarian intervention
One participant said that it was difficult to conceive a right of humanitarian intervention being accepted by states that respected the fundamental principles of sovereignty. Questions of humanitarian intervention ought not to be approached from the stance of whether such a right existed, but rather from the perspective of whether the use of force in such a situation was justified.

Although some commentators had predicted the collapse of the principle in Article 2(4) of the UN Charter if humanitarian intervention were to gain recognition, this prophecy was doubted. It would be possible to develop a doctrine of humanitarian intervention without seeing the demise of the prohibition on the use of force, and for that reason its advent should be accepted. Sovereign equality and human rights were on a level of parity and it could not be said that state sovereignty was the ultimate value within the international order. If human rights were gravely threatened then it must be possible for willing states to act outside the Security Council to address the issue, for if the individual institutional duty was not met then international values must be met in another way. However, any recourse to humanitarian intervention had to be a remedy of last resort and reserved for situations where the reason for its invocation was very severe, as had been the case in Kosovo.

Caution was urged, however, in that any development of humanitarian intervention ought to be carefully monitored. If unchecked it could develop into a means whereby an unscrupulous megapower could resort to intervention using 'humanitarian grounds' as a cloak of legitimacy for an otherwise illegal act of foreign policy.

The environment and global trade
These topics were included briefly, to ensure that the megapower was seen in its wider context, rather than in purely military terms. A participant suggested that humanitarian law would need to develop in the environmental field if the life of the planet became so endangered that states were obliged to enter into treaties to protect their future existence. As for trade, it was noted that the global small arms market played a considerable role in conflicts and had specific relevance to the war on terrorism.

Prisoners of war
Finally, the session examined the situation of the detainees at Guantanamo Bay. Many participants found the detained suspects' position indefensible, and it was pointed out that for anyone to be left without the protection of the law was an abhorrent concept for lawyers. The doctrine of habeas corpus was regarded as a very precious asset of the rule of law and it should never be abandoned lightly. One participant suggested that the terms 'lawful/unlawful combatants' should be replaced by Baxter's concepts of 'privileged' and 'unprivileged'. Others doubted whether the Baxter paradigm was either applicable or appropriate. Nonetheless many participants considered that the US should have applied the principles stated in Article 75 of the Additional Protocol to the Geneva Conventions of 1949 on the Law of Armed Conflict and considered that the failure to do so was to be regarded as an opportunity missed.

Other participants sought to rationalize the US approach. Just as the law was struggling to come to terms with the dilemma between the concepts of humanitarian intervention and the use of the veto in the Security Council, so here the US was experiencing the dilemma of arguing the unprecedented war on terrorism using existing human rights law. Was it possible to limit such a fundamental right as habeas corpus in largely exceptional situations? In response it was suggested this might be possible on a temporary basis, but the detainees in the US were facing an indefinite suspension of the right and this clearly was not appropriate. A considerable difficulty with the concept of a war on terrorism was that it would not be immediately clear when it was over, and this would have serious implications for those detained as unlawful combatants and the calculation of their release.

The role of national and international courts

The third session assessed the challenges facing these courts and whether their proliferation was to be seen as progressive and helpful or misdirected and inappropriate. The fact of proliferation was not doubted; it was noted that the establishment of such courts had grown significantly, and at an unexpected rate, over the past decade. Generally, however, their development was taken to be an encouraging sign.

The doctrine of universal jurisdiction
The operation of this doctrine in both national and international courts came under scrutiny as offering a potentially valuable tool in the legal fight against terrorism, but it was not without difficulties. Criminal law had developed the concept further than civil law in what was noted as 'a creeping process', but although human rights lawyers advocated that all crimes should be universally judiciable, those criminal courts that had adopted universal jurisdiction had not done so in such a broad manner. The Belgian approach was the exception and not the rule. Some participants predicted that a doctrine of universal arrest would develop in due course, as a necessary complementary mechanism to universal jurisdiction. It was also felt that guidelines on how universal jurisdiction was to operate alongside principles of diplomacy would strengthen its application. As long as these guidelines were lacking there existed a danger either that universal jurisdiction would suffer from insensitive operation or, at the other extreme, that it would not be employed at all for fear of undermining delicate political agreements, for example with peace accords that were structured around amnesty concessions.

The point was reiterated that although in principle it was attractive to have terrorist crimes adjudicated by international courts because of the expression of international condemnation and disdain that these generated, the reality was different. Because of the politically sensitive nature of the task, the UN was not comfortable with addressing the types of hard decisions prosecutors needed to make to achieve international condemnation. The International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were regarded as having been successful and educational in demonstrating how international law and national justice could operate together, but one speaker noted that significant concerns remained over the political suitability of recourse to international courts as a solution to extraordinary problems.

Another speaker expressed doubts about the implications of the use of international courts to encourage compliance with international legal rules. It was suggested that the role of the Security Council, non-governmental organizations and public opinion was potentially more important than that of the courts in promoting legal conformity. International courts did have a positive role to fulfil, however, and one speaker recounted from personal experience the rehabilitative effect they could have in the aftermath of conflict. However, it was felt that to achieve the greatest rehabilitative effect such trials needed to occur in the territory concerned. But how capable were international courts of providing restitution as the ultimate conclusion of justice following determination of criminal liability? Did they only offer a partial package?

One participant chose to look at the political functions that were served by the operation of justice on the international plane. Four areas involved in considerations of accommodation and appeasement in international relations were identified:

- moral equivalence;
- economic detriment;
- marginal use of force;
- marginal use of justice.

Law played a role in all four areas; however, justice was not to be regarded as a panacea for rectifying international conundrums. It was merely the start of the process.

The ICC

Participants were reminded that it was meaningless to talk of international justice when many courts throughout the world were not independent. In such a situation the weak were afforded no protection from the strong and so resort was often had to the use of force. However defective or rudimentary the International Criminal Court (ICC) might be, at present this seemed to be the only available solution which offered independent adjudication of individuals for international crimes, and therefore it was important it was afforded every possible support by the international community. One principal difficulty it faced, however, was that it was limited to adjudicating three specific crimes, and the crimes that the international community was trying to fight (such as terrorism and indiscriminate murder) were outside its scope. Its scope should therefore be broadened. The concern was expressed that should the ICC fail, its statute or alternatively the current crimes would need to be reinterpreted; otherwise there would be no alternative save reliance on the megapower – and this was not always suitable in the case of crimes such as terrorism. One participant noted that judges were being asked to exercise political rather than judicial skills, which they had not been trained to do.

Support for the ICC in its fledgling state was also voiced by another speaker, who agreed that the Rome Conference represented a tremendous diplomatic failure. Blame for this rested with those whose enthusiasm outran their sense of reality. But it was necessary to appraise the ICC correctly. The measure of its success would not come from a large number of prosecutions, but instead from its deterrent effect. This was a more difficult measure to calculate, so identifying its success or failure would not be a straightforward task. It was pointed out that the US and the ICC had identical values and for that reason the US, despite its current rhetoric, must be in support of the ICC. If the US chose to remain outside then it should not snipe

from afar and destroy the ICC before it had even started. The ICC deserved the chance to succeed and hopefully the US would be able to participate in it at a later date.

However, the ICC did not have unanimous support among participants. It was suggested that US concerns over the ICC stemmed from the court's perceived encroachment on the domain of the Security Council. Proponents of the ICC were generally countries whose political influence on global affairs was significantly less than that of the US. Perhaps, therefore, they could not relate to the concerns of the US government. Although the US was committed to promoting the rule of law around the world, the qualification was always that this would not be pursued to the exclusion of political considerations. It was not envisaged that the US would adopt the position of a friend to the ICC any time soon, let alone ever becoming a party to it, but it was suggested that it might leave the court alone for a while and see how it coped.

The role of law

The final session asked whether law had a role in the major challenges facing international society and, if so, whether that role was positive. One participant talked of the 'schizophrenic' nature of the Security Council when it came to questions of law enforcement, whereby legal decisions were heavily influenced by political considerations. It was suggested that if a complementary approach to enforcement could be created rather than the current 'with us or against us' stance adopted by the US, then the present political difficulties within the Security Council could be avoided. States that were against the pursuit of war might find it easier to accept measures pursuant to enforcement action even if they were one and the same in reality.

One participant asserted that in its historical context the role of law was inherent in the decline and fall of civilizations. It was at its most important when populations were on the brink of catastrophe. How we ought to perceive international law was also queried. Was it a tool of policy or rather a mechanism to restrict the freedom of action of the mighty? One area where the law clearly had to develop was in the sphere of pre-emptive self-defence. Universal jurisdiction too merited attention. Although it could lead to judicial double standards, as some participants had already stated, this was not seen as a strong enough argument to discount its development. In short, international law did have an important role to play in establishing the ground rules and procedures for international relations. But whether it could work in a situation where one state was a megapower depended on how far-sighted that megapower's policies were. Typically states were more interested in the short term, whereas the remit of law was long-term. It was for that reason that the law valued peace so highly.

Another participant focused on the importance of words in international relations. On one level they were used as tools of propaganda and antagonism, but within the law they were employed for their ability to convey rational ideas. It was therefore not appropriate for the law to be used for political or crusading purposes.

One participant asserted that the global community's response to terrorism would be the measure of its humanity. The law was a positive force and had demonstrated itself to be so in its achievements in protecting the individual. This was a lasting achievement and it should be properly recognized.

Law and the megapower

One speaker rejected the view that international law was abused by the megapower. It was not necessarily true that the United States enjoyed dominance across all areas of international relations, so the concept of 'megapower' had to be limited to questions of security. Law was made by a broad consensus of opinion, and the United States did not enjoy greater prominence in legislating than other states. Its influence stemmed from the application of the law, and whether or not it abided by international law was ultimately its own decision. It would be odd behaviour for it to uphold the rule of law in the domestic context but not on the international stage. It was noted that if the megapower were perceived by the international community not to be conducting itself correctly and in accordance with the law, it would become very difficult for NGOs and humanitarian organizations to hold other nations to a higher standard.

Synthesis

It was noted that despite the insightful and intelligent comments from the floor throughout the day, the question of what should happen with respect to Iraq remained extraordinarily difficult. Although answers had not been forthcoming, many pertinent issues had been identified. As to the concept of living with the megapower, the test might be to consider whether the United States would be happy to apply to itself the laws it applied to other states. If it did, then that would suggest it was acting reasonably and not abusing its position.

Whatever the answer to the suggested test, however, there was no alternative to living with the megapower. All nations had to live together, and though some states might be tempted to believe otherwise, that reality could not be avoided. Had that question been asked prior to 9/11 the answer might have been different. In the immediate aftermath of the attacks in New York the world had seen unparalleled cooperative behaviour between states within international institutions, with unanimous decisions taken in the UN and NATO. However, the fact that this consensus had now dissolved was to be regarded as little short of a tragedy. The threat of terrorism remained as strong as ever, yet the international community could not gather to face the threat as it had once done. It was suggested that much of the tension over US policies was overstated. There was no evidence that the US wanted to take unilateral action, nor that European states wished to shy away from the issue of terrorism and not confront it. There were differences in approach, however, so it was important to get dialogue going in order to try to smooth them out.

In conclusion, one speaker considered that, although it was tempting to try to counter new problems through the adoption of more legislation, this was not the solution. For the good health of international law it would be better to live within current limits and find the necessary answers within already identified parameters. More effective enforcement measures should be worked on with much greater care before dissatisfied people turned to resolve the issue through new laws. The UN Security Council was now making much more important resolutions than it had ever done before; however, adoption of a resolution was not to be regarded as the final act. The authority of the Security Council and the maintenance of international peace and security were ultimately dependent upon the willingness of those states that voted for resolutions in the Security Council to enforce them.

Part V – Remaking Regions: Stable or Unstable Futures?

The fifth consultation, held at the end of March 2003, examined efforts by the US and the West to 'remake' unstable regions, such as the Balkans or the Middle East, in ways which promoted peace, security, and development. In the context of the war on terror, unstable regions were seen as major sources of threat to international peace and security. Part of the rationale for the invasion of Iraq was precisely to remake the Middle East by first establishing a democratic Iraq. The purpose of the consultation, therefore, was to reflect on the historical and contemporary experience of region-remaking as well as its strategies and pitfalls. Questions for discussion included:

- How are regions defined? Do locals define the region differently from outsiders? What significance do such different definitions have?
- What are the various advantages and disadvantages of the instruments of intervention, ranging from diplomacy through covert action to military force and 'nation-rebuilding'?
- What role should democracy and human rights be accorded in region-remaking? Should the UN have a role?
- What are the potential unintended consequences, or 'blowback' effects, of region-remaking? Are outsiders always doomed ultimately to fail in their efforts or can they effectively ally with sympathetic insiders?

Different views of the US position: 'law' vs 'empire'

The keynote speaker began with an account of the debate in Washington over the most appropriate way in which the United States should engage the world. On the one hand were those who favoured a new US empire, with the United States maintaining unquestioned dominance in military terms over all other countries. While it would not directly 'colonize' other countries, it would seek to arrange their internal affairs – through intervention and war if necessary – to ensure compatibility with US interests. In this way, the United States would become a worldwide hegemon and ultimate guarantor of an open world order based on democracy and free markets. On the other hand were those who favoured a US approach based on support for international law, the equality of all states before the law, and the strengthening and deepening of the network of international laws and institutions in which the United States had played such an important founding and supporting role in the decades after 1945. This school of thought argued that it was precisely the United States' willingness to adhere to law and participate in international institutions that made its hegemony palatable to the Western allies and others.

The speaker regarded both of these positions as profoundly flawed, and as evidence of a lack of imagination on the part of the US policy-makers. The core problem with the empire view was that US assertions of dominance led to non-cooperation, something very evident in the failed US diplomacy leading up to the invasion of Iraq. Moreover, the empire view failed to understand that while the military power of the United States would gain from the 'Revolution in Military Affairs', so too would its enemies, who were no longer 'territorially based'. As a result, imperial efforts to control territory – even indirectly – would not be sufficient to counter the multiple threats the US faced. The empire view lacked any other mechanism for preventing a rogue state from developing a weapon of mass destruction other

than invasion, which would of course prompt such a rogue state to deploy such weapons and increase the likelihood of their use. Finally, the idea of a US empire and the costs in blood and treasure it would entail would not find support among the American public.

But if empire was a flawed approach for the United States, so too was adherence to law. The keynote speaker pointed out that the fiasco over Iraq in the UN Security Council was proof that the UN could not be relied on to make the US and the world secure. This was just the latest failure by the Security Council; it had been unable to deal with Bosnia or the Balkans, or the Israel–Palestine issue. He welcomed the recent crisis in the Security Council in the hope that it would end its role as the primary international security forum. The speaker argued that the US clearly needed to move beyond these two approaches, but that the ridiculous debate between them was preventing imaginative, new thinking. In particular, he argued that US support for pluralist values was inconsistent with both the exceptionalism of empire and the relativism of law, and that the US needed to find a new way to support its preferred values in world politics.

The EU position

The respondent began with the question of whether or not the EU could develop a coherent foreign policy, one that would pose a realistic alternative to Washington, rather than just criticizing what the US did. He pointed out that the threats to the West arose from the increasing gap between rich and poor in world politics. While the 1990s had been a period of increased growth and affluence for the West, huge portions of the world had got poorer. There was a consequent rise in organized crime, especially in those poor areas which abutted more affluent areas, such as the Balkans.

It seemed, in the 1990s, that the US and the EU had worked out a division of labour to respond to such threats. The US would take care of the security aspects and the EU would come in afterwards to 'nation-build', to reconstruct and develop. But this division of labour had come under considerable strain in Kosovo and had become further fragmented during the US war in Afghanistan, before finally collapsing over the issue of invading Iraq.

What was needed, the respondent argued, was a forceful and coherent EU foreign policy that posed a clear alternative to the US approach to security and development issues. He suggested that the key to this new policy was to be found in the great success of the EU in integrating Portugal, Spain and Greece into the EU; in so doing it had ended militarism in those countries and prompted the growth of a European-oriented middle class with democratic politics not dissimilar to those of other EU members. This policy of integration should be applied to Southeastern Europe. The Balkan states should not be treated as a problem of external or foreign policy, but as prospective members of the EU. This would amount to a new form of conflict resolution, driven by the motivation to be received into a coherent, well-functioning, stable EU. However, for this to come about, the EU would have to abandon its 'fortress Europe' opposition to immigration. Instead, it should welcome immigration for providing a pool of labour in countries with ageing populations – with all that that implied for the demographics of the social welfare state. Immigration could regenerate Europe's economic base, but for political reasons it was being opposed.

Overall, the respondent argued, the key to peace and stability was to accelerate the integration of Southeastern Europe into the EU. The EU held the key to successful conflict resolution, unlike the US, which had no idea what to do after the fighting was over. The problem was that the EU lacked the institutional capacity and the political will to put its approach into practice.

Challenges for the US and EU

The ensuing discussion considered the difference between the EU approach to the Balkans – which were in the same 'civilizational zone' as the EU – and trying to remake a region that was outside it, such as the Middle East. EU-style conflict resolution could not be generalized outside Europe. However, the Balkans were never sure whether they were considered European or not.

A question of the preferred US policy was raised but it was thought that while the war was ongoing in Iraq, the debate was likely to be put on hold. The debate between law and empire was notable chiefly for the imagination deficit on both sides. It reflected a mentality mired in the end of the Cold War, one which could not cope with new security threats. US leadership was required, but so too was the cooperation of Europe and other regions.

How sustainable was US dominance in the long term? One view was that because the United States was currently a target for so many different groups, it was possible a wounding attack on Washington or New York could end US dominance in an afternoon. However, demographics were on the side of continued dominance, as the US had a large number of young, fertile immigrants. Thus, unlike some other developed countries, it did not suffer so much from the problem of an ageing population.

It was argued that Europe's 'no' to the second UN resolution on Iraq was not sufficient and did not amount to a policy; the EU must develop a policy response appropriate to its strengths, otherwise it would always be playing second fiddle to Washington.

One participant challenged the support of pluralist values, seeing this as just another term for American values, which the US was seeking to impose on the world. Forcing such a democratic model on other countries would be aggravating, not liberating. However, democracy was a very broad concept and the US had a complicated democratic system which was appropriate to its context. All countries were suitable for democracy but each would have to develop its own kind.

A concern was expressed over the suggestion that territorial integration into regional institutions was the right path; it was pointed out that that the resultant exclusion and division between those inside and those outside the regional institution was a recipe for conflict. Regionalism was the wrong direction to go in because the new security threats were not territorial in the old-fashioned sense. It was argued that territoriality was still important; for example, the UK lost £5 billion per year in revenue owing to illegal cigarette smuggling.

Territorial familiarity and contiguity had made EU integration possible in the first place. However, although territory was indeed still important, the exclusivity of territorial arrangements was a poor recipe for dealing with security issues.

It was noted that the EU had been building up its conflict resolution capacity in the Balkans quite considerably and would soon be taking over in Sarajevo. Was American security inversely related to stability abroad – that is, might the US be most secure when other regions were unstable, as was perhaps the case after the attack on Afghanistan?

In the Balkans, a major problem involved their dependency on international aid, especially in the quasi-protectorates of Bosnia and Kosovo. People needed to be convinced that it was safe to invest again. Moreover, the West needed to learn to listen better to what people in conflict-ridden countries said about their needs, instead of always thinking it knew best.

On the question of open immigration into the EU, it was pointed out there was high unemployment in many EU countries and that only further reform of labour market laws would allow immigration to play the role the respondent had suggested it could.

Recent experience of 'remaking regions'

The chair opened the session by reminding participants of what the series of consultations was about: the realization, after 9/11, among the closest allies of the United States that they would have to find new ways of dealing with the megapower. The transatlantic row over Iraq involved more than just Iraq and so now it was necessary to address more broadly the relations between the regions and world politics. For the neo-conservatives in and around the Bush administration, the way to combat terrorism was to remake the Middle East. The discussion would therefore centre not only on specific regions, but also on the whole concept of regions, as well as on contending conceptions of how to proceed in Iraq and the Middle East.

The perils of using military force and war

The first speaker addressed the dangers of using war and military force as instruments for remaking regions. Much of the knowledge brought to bear on 'regional security crises' was in fact 'regional knowledge', or area expertise. But adequate understanding of and response to 'regional security crises' required sensitivity to the multiple and complex interconnections and interrelationship between the various regions of the world. Moreover, in intervening to shape a region, a great power might find itself 'remade' as much as it was itself a remaker. The histories of regions of the world were all intertwined, shaping and affecting one another.

The speaker suggested that war was an important form of interconnection between regions and that an important aspect of this was identity. In particular, in the Balkans, the West saw itself as a civilized and humane intervener. Consequently it was unable or unwilling to see that it had played a role – through its neo-liberal response to the collapse of the Soviet-bloc countries – in creating the conditions that led to war in the Balkans. Moreover, by regarding the antagonists in the Balkans as ethnically motivated 'barbarians', the West came up with peace plans that essentially accepted the logic of the ethnic paramilitaries – the Dayton plan broke up Bosnia into ethnic fiefdoms, for example. Finally, in Kosovo, the West was naïve about the KLA and unable to see that in 'liberating' the Kosovars from the Serbs, it was unwittingly participating in the project of a 'greater Albania'.

On Iraq, the speaker argued that America's perception of itself as a liberating power blinded US decision-makers to the depth of anti-American feeling in Iraq and the Arab world more generally. This was why the US had been unable to predict accurately the degree of resistance its forces would encounter when they invaded Iraq. The speaker drew an analogy between Saddam Hussein's Iraq and Stalin's Soviet Union in 1941. In both cases, a foreign invader allowed a murderous, illegitimate regime to recast itself as the defender of the motherland, and through its party apparatus to generate sufficient resistance to give this notion substance. The result might well be a 'liberated' and certainly revivified Iraqi nation, but one constituted through resistance to the US invasion – not by greeting the US as liberators.

Finally, the war on terror had already had profound domestic effects in the US, including an assault on civil liberties and President Bush's ability to push through an extreme domestic agenda under cover of war. One could only speculate what effect reverses in the Gulf would have on US politics. Initially, this would certainly be a redoubled war effort. A protracted war might well lead to a political backlash at home, but if there were further strikes on the US homeland this backlash might drive US politics further to the right rather than back to the political centre, as had occurred after the Vietnam war.

Regionalism in Central Asia

The second speaker pointed out that regions were 'conscious groupings' and not simply the result of geographic proximity. Outside states could influence the definition of a region. This was particularly the case in 'top-down' instances of region-making based on functional links, such as the notion of the Caspian region, which was primarily fostered by external actors trying to develop energy resources in the area.

In Central Asia, security issues were not addressed through regional security forums. Moreover, the sub-regionalism created in the world by the deregulation of the international community had not led to regional economic cooperation – levels of economic cooperation had been very poor and as a result, unlike in Europe, it was not seen as a source of regional empowerment. Equally, there was very little normative architecture in the Central Asian countries, only a little left over from their past common incorporation in the USSR. There were no shared values or security identity; in fact sub-national identities were stronger than national or regional identity. Countries inside the region allied with outside powers rather than cooperating with one another.

The bottom-up conditions for developing regionalism in Central Asia also did not exist. They had been inhibited by the suppression of civil society by local authoritarian regimes, which would not invest real content in regional institutions nor surrender any sovereignty to them. Their focus was on regime security, rather than seeing security as a public good.

Some functional cooperation would continue in Central Asia but only in limited areas. There was no sustained higher-level cooperation. External agents, primarily the West, had not overcome these problems despite their programmes, wish lists and the conditionality of their aid.

Lessons from the European experience

The discussion began by exploring the dynamics of regional institutions such as the EU and the nature of processes of regional integration, on the one hand, and, on the other, ways in which internal and external actors might set out to reshape and remake a region, or even create new regions.

Defining regions
Some suggested that there were 'natural' regions (Scandinavia was cited as the best example) that had common geography, culture, language, and history. A Scandinavian participant pointed out, however, that it had taken ten centuries for the countries of this region to solve the problem of war between themselves. Others suggested that regions were created by conscious political action, and that the key issue was 'geopolitical imagination' which could envisage new regional possibilities. In this way 'Europe' could keep expanding to include Eastern Europe, Cyprus, Turkey, and even areas further east. Another participant suggested that areas were referred to as 'regions' when there was instability and conflict there – North America, being stable, was never called a region.

Encouraging regional integration: instruments of change
What could encourage regional integration? It was felt that 'common values' were not sufficient and that outside pressure to integrate could be counterproductive. The best way was to offer 'carrots', inducements to integrate, particularly the economic gains from increased cooperation.

The ways in which internal and outside actors perceived events in a region, especially a conflict-torn region, were very different. Because of their power, it was often the views of the external, Western actors which inspired and drove policy. One example given was the EU's very technocratic conception of how to reconstruct the Balkans, one that was not actually very effective on the ground. International actors located in the Balkans remained separate from the locals, living in their own compounds and associating primarily with one another. Another participant noted that the peace process in Sri Lanka was being driven primarily by outside powers, quoting a recent Sri Lankan newspaper headline: 'Peace is Happening to Us'. A related question was the issue of how 'big' and 'small' players in a region perceived and viewed one another. To Sri Lanka, India was a megapower, while to Estonia, Finland was; thus there were many other cases of having to 'live with the megapower'. Relations between big and small countries in the region – the 'David and Goliath' problem – was the key to whether or not integration and cooperation were possible.

The nature of the United States as a megapower meant it could claim membership of a number of regions in which, in strictly geographical terms, it was not located. Through NATO, it claimed membership of Europe. (The question of whether or not the US remained committed to NATO was raised later on.) Through the Organization of American States, it claimed membership of Latin America. This 'myth' that the United States was a member of these regions was an important source of its power. However, some of the Americans present pointed out that they were very uncomfortable living in the megapower and were worried about how the war on terror would affect American democracy and civil liberties.

The experience of European integration and the expansion of the EU was considered unlikely to be of help in the Middle East. One participant noted that

through détente and *Ostpolitik*, relations between Western and Eastern Europe had been improving long before 1989, whereas in the Middle East there had not been such a period of détente. A related problem was that Europe or Scandinavia, where some common values and culture existed, were not useful models for other regions of the world lacking these attributes. As a consequence, plans to integrate regions should focus on overcoming differences in values and identity through economic cooperation, which could be encouraged from the outside. The Nordic countries had helped to encourage cooperation in the Baltic states through trade and investment, even though those countries shared no common language or culture.

South Asia was culturally speaking a region but did not function like one. To the degree that it did, it was the small powers in the region that kept it together, not the local hegemon, India. Kashmir was treated mostly as a bilateral issue and Kashmiris felt forgotten by the international community.

One participant said that in the only area of foreign policy where the EU had real power – trade – it was just as selfish as the US towards the developing countries. Another said that the so-called old and new Europes would have to harmonize their identities and positions if Europe was ever to counter the US effectively. One possible path for regional integration in the Middle East was for countries there to join together so as to be better able to resist US policy and intervention in the region, a kind of counter-hegemonic regional integration.

In considering post-conflict reconstruction, it was pointed out that justice meant prosecuting wrongdoers, while peace might mean past wrongs had to be ignored. Successful conflict resolution, peace, reconstruction and development in one main regional country could lead other countries along the same path, as South Africa was doing for Southern Africa.

Geographic definitions of regions might not be sufficient, as countries in a given geographic area did not necessarily have a common political culture. Rather, regions could be defined in three ways – through common values and identities; through common political institutions; or through powerful outside actors 'imagining' an area as a region and acting accordingly. One participant said that in Europe, a common identity was being fostered through the exclusion of immigrants. Another pointed out that all regions of the world were subsumed by a larger global interdependence.

The Middle East

It was noted that the neo-conservatives in the Bush administration regarded regional change in the Middle East as the best way to deal with terrorism. The question was whether there were other visions for Middle East peace, and a European strategy for Iraq.

One discussant argued that defining regions was a simple matter of similarities in geography, culture, language and economics. The Middle East and Southeast Asia were not, in fact, regions, but 'shatter belts' between other regions. In the Middle East shatter belt, the United States was not the problem; what was happening inside was the problem, and the US was obliged to sort things out. Fortunately the megapower was not the USSR or China. Since the enemy had attacked the US, the only thing the US could do was go and kill the enemy, so force had an important

and legitimate role in US intervention in the Middle East. This discussant believed that a flawed orthodoxy governed discussion of the Middle East. Its elements included the idea that stability was good (when in fact instability might be what the Middle East needed); the notion that the Palestinian issue must be addressed first (when it had been addressed first to no good effect for a long time); and that democracy was unsuitable for the Middle East (this was racist). Before the Middle East could be rebuilt, what was there now must be demolished. Then the Iraqi population had to be thoroughly and comprehensively 'de-nazified', and Arab countries must be made to accept the existence of Israel. The Middle East had to be brought into the World Trade Organization. All of this must be underpinned by military security; given European reluctance to increase military spending, this meant it must be American troops. It was necessary to concentrate on what was best for the Iraqi people, not what was best for Western institutions such as the UN Security Council. The discussant concluded that what was best for the Iraqi people was probably what the Americans were doing.

Another discussant opened with the maxim that the first rule of intervention should be 'do no harm'. The neo-conservatives could not see that the region would resist their vision. In the Middle East, there were long-term cultural memories of Western imperialism, exploitation and war, memories made all the more relevant by fears that what the Americans really wanted was their oil – and cheaply. The solution was for the West to make a military-style, massive investment in alternative fuel technologies such as fuel cells. At a stroke, this would benignly transform and defuse Western relations with the Middle East. In this discussant's view, in a globalized world the concept of regions was obsolescent. One response to this was that globalization did not make the concept of a region obsolete, rather one needed to attend to the interplay between regions and 'the global'.

Another discussant argued that the concept of region was difficult to apply to the Middle East, partly because local community feelings of solidarity were stronger than national feeling and always would be except when the state was under threat. In the Middle East, there was great concern over apparent double standards in the Western commitment to human rights. It was difficult to predict the long-term consequences of the current intervention – the 'blowback' from supporting Islamic fighters in Afghanistan during the Cold War had been a long time in coming. The negative effects of the current intervention were likely to come first, and if they were too powerful, any long-term positive consequences might simply not happen or be overwhelmed. Above all, we should be modest in our assessments and wary of those who were sure they knew best.

Specific challenges in the Middle East
Participants considered a number of points in the discussion section.

Would democracy necessarily be a good thing in the Middle East? Transitions to democracy could be fraught with conflict. The Arab street was more radical than Arab leaders – so should the street have more of a say? Moreover, democracy could not simply be imposed; it required a variety of social preconditions that were not necessarily being met in the Middle East.

Outside powers were not welcomed with open arms in the Middle East. Iranians and others were very suspicious of Westerners. Democracy could not be created in the Middle East by force, but had to come from within. The invasion of Iraq would cause more terrorism in the short term but things might settle down in the long

term. By increasing the amount of cultural engagement and other non-military kinds of intervention in a region, the negative effects of military intervention could be balanced out.

What kind of democracy was to be implanted in the Middle East? In Bosnia, the West had implanted a kind of democracy that worked to safeguard ethnic power bases. This should be avoided in Iraq, where 'one person, one vote' rather than ethnically based federal solutions should be pursued. However, in discussions about democracy in the Middle East, the word was being used in a very loose fashion. There had to be some positive political changes in the region, even just towards enlightened autocracy if not fully-fledged democracy. Moreover, in fostering democracy, the importance of economic development should not be forgotten (see Part VI). In addition, water resource issues were very important in the Middle East, as well as oil.

The 'do no harm' principle was questioned: sometimes the unwillingness to do some harm became more harmful than doing nothing. For example, NGOs delivering food aid in West Africa knew that warlords would get some of it, but that harm caused was the price of getting food to those who really needed it.

Given that the US was now in Iraq, it was generally agreed that one needed to accept this and work from there. The discussion about ideal plans could be regarded as redundant because the war was ongoing and shaping the region.

Turkey sought peace and stability with the regions around it through networking and creating relations of interdependence. A major issue for the Middle East was the need to help create a positive self-image for the Arabs.

In both Central Asia and the Middle East there were different histories of imperialism, and different memories of it in the respective regions. Unlike in Europe, the experience of imperialism shaped these regions more than the histories of individual nation-states. Soviet imperialism in Central Asia had reached more deeply into society, disrupting local, traditional identities in creating ethnically based Soviet Socialist Republics – the 'stans'. European imperialism in the Middle East had tended to rely on, and so leave relatively intact, traditional authorities; thus the newly independent Middle Eastern states had to create their own 'national' identities out of the populations on the territories allotted to them. A long-term view of the impact of the imperial and colonial legacies would be key to assessing how these regions would assert themselves and reach out to the world.

There existed formally democratic countries that did not work. The Middle East needed to accept and work out basic problems, including establishing ground rules for regional cooperation, agreement on what was fair, and a measure of participation for their populations.

Individual state-building had to come before region-building. However, the states, societies and conflicts of the region were all interdependent.

One of the discussants concluded with the following points. The US and the West could not turn their back on the Middle East because of oil, terrorism and Israel. The Clinton administration had allowed a number of issues to drift and now something had to be done. The Caliphate and the mandates had not worked, so now democracy must be tried. Arabs needed to stop sending their money abroad

and start investing it in the Middle East. There was a real need to get the 'thieves' (certain Arab leaders) out of office and start proper economic development. Most important, Saddam Hussein must be stopped from controlling such a large percentage of the world's oil reserves. Oil was the West's lifeblood and there was no shame in saying so and acting accordingly.

Synthesis

A number of additional points were made before the day's discussions were summarized.

Although some 'ideal' plans for remaking regions, involving democracy and development, had been discussed, the view among the neo-conservatives and others in the Bush administration that the US was interested in maintaining 'full spectrum' dominance needed to be taken seriously. This neo-conservative project fed on instability in the world and would constantly require region-remaking projects. The desire for dominance and projection of American hegemony fed on danger and instability, needing a permanent and evolving sense of danger in the external world to justify itself.

An American citizen present expressed frustration at the political situation at home and asked whether the US had a democracy. The government depended on the American people's lack of knowledge and sense of insecurity. Those who disagreed with the current policies felt frozen out and those who expressed anti-war views were subject to prejudice.

The importance of protecting minority populations in regions where democracy was being built was emphasized – political, religious, ethnic and racial minorities all had to be protected, otherwise they become destabilizing. The US response after 9/11 included more than a military approach – social and economic projects and aid were set in train to win 'hearts and minds' and the US aid budget was increased dramatically.

The social and economic instruments of intervention had to be professionalized to the same degree as the military ones. Just as London could not be run with just the SWAT team (police), but needed all the social services, so interventionary 'packages' should include professionalized social services.

A key problem was how the UN could enforce its own resolutions. Now there was no alternative to US engagement in the region – the UN and the EU were not engaging. Current policies had to be allowed to run their course.

It was hard to conceive what the US exit strategy in Iraq would be. It did not seem to exist, and there was the potential to get bogged down for years. An attack now on the US homeland would lead to further frustration. A contrary view was expressed, however: given the seriousness of the terrorist threat, one should not worry about exit strategies. This had not worried Britain or the US during the Second World War.

The US would remain involved in the Middle East no matter what, because of oil, Israel and terrorism.

It was very important that CNN had lost its monopoly in the region. Public diplomacy (as opposed to secret negotiations) might now be more of a problem than a benefit. After the First World War it was argued that secret diplomacy had helped cause the war, but now it might be necessary to go back to secret diplomacy, because public diplomacy generated too much heat and became propaganda for domestic consumption.

The whole notion of the American dream, or America as a 'City on the Hill' – an ideal that the world should emulate – depended on the sense that the world outside America was dangerous and unstable, and that therefore America must go out and fix it. First Indians, then Germans, then Communists and now terrorists were represented as the main source of danger.

In discussions about implanting democracy in other regions, one needed to be aware of the complex social and political conditions that made democracy possible. In the West, it had only become possible when property was made 'private' and not subject to the will of the people, and when civil and political rights were protected – 'liberal democracy'. This democracy arose out of complex relations between unions, business and other elites, and the state. It was very difficult to see how such a system could simply be 'transferred' to other regions. Much more thought must be put into this question

Many participants had suggested it was a waste of time to come up with ideal plans for remaking the Middle East when the only ideal plan that mattered was that of the neo-conservatives in the Bush administration, who were now in the driving seat. But this view was faulty. The Bush plan for Iraq would run into multiple sources of opposition, inside and outside Iraq. When it did, it would be very important that the EU and others had alternative realistic approaches. If all the EU did was to criticize the American approach, it would not have any real chance of influencing policy. But if it put forward its own plan at the moment the American one faltered, there might be a chance.

It was important to understand that although military instruments and 'hearts and minds' or social instruments for remaking regions were both very important, they were also potentially contradictory. In the Vietnam war, the US had tried to fight a big military campaign and a 'hearts and mind' campaign simultaneously. But one stray bomb on a village could undo months of careful 'hearts and minds' efforts. In Iraq there was a very real danger of something similar happening to the Coalition's attempt to win over the Iraqi people.

Part VI – Phoenix Rising: The Rebuilding of War-torn Economies

The final consultation in the series was designed to stimulate a debate on the methods for and issues surrounding the reconstruction of war-torn economies. Participants, including economists and aid monitors, were invited to develop the topic over four sessions:

- Lessons learnt from past reconstruction efforts;
- Political will and sustainability of aid;
- Refashioning the social contract;
- The rule of law and development.

The Chair said that while the growing number of case studies to draw upon might improve our understanding of post-war development, this was not an encouraging prospect for the international community. There were many instructive parallels between the challenge of reconstruction in Iraq and those in Afghanistan and the Balkans. There was disagreement over post-conflict priorities. In Afghanistan donors seemed to focus mainly on short-term humanitarian aid rather than planting the seeds for long-term development prospects. Donor countries should concentrate on funding a full reconstruction plan along the lines of the Marshall Plan, targeting the entire region. The channelling of financial support through the IMF and World Bank (with the standard conditionality attached to such support) undermined reconstruction assistance; rich countries should commit themselves to substantial long-term financing of reconstruction needs in the form of grants, targeted mainly at infrastructure projects and administered by a UN-led international presence in the country in question. The most cost-effective way for donors to address the serious challenge of corruption might be to support local institution-building and provide technical assistance for better internal regulations, especially with regard to the misuse of domestic revenues. Finally, it needed to be acknowledged that development which failed to reduce extreme poverty contributed significantly to perpetuating conflict.

Lessons learnt from past reconstruction efforts

The keynote speaker outlined three major issues related to post-war reconstruction:

- the definition of the term 'conflict';
- the future role of civil servants;
- the form and legitimacy of transition governments.

Finding solutions to these issues was said to be difficult because there was no model for post-war reconstruction. There were, however, certain benchmarks and conventions used by international organizations in a post-war context, such as measurements of good governance and the development of 'roadmaps'. Most transition governments also adopted some universal policies, such as the opening up of airspace, the protection of national heritage, determination of the scope of privatization and the fight against organized crime and corruption.

The Balkans

An important lesson from the Balkans conflict was that 'harmonization' of a society could not be attained if post-war economic policy rested solely on 'neo-liberal' principles. In former Yugoslavia a combination of neo-liberal economic policies and large numbers of internally displaced persons had led to economic grey areas and the ascendancy of warlords. A call was made for partnership among the various international actors involved in the Balkans before a new instability threatened the area. Completing the establishment of sustainable, democratic institutions was seen as a priority, a useful spin-off being that this would aid future accession to the EU. Vocational training, housing projects and (most crucially) labour-intensive industries should all be developed to keep young ex-soldiers out of rebel militias. Such policies took time and money to implement, however, so the authorities needed to be honest about people's prospects, rather than projecting false hopes. The speaker warned that international organizations must soon begin to reduce their influence in the area since resentment among the local population was growing. Finally, the pejorative term 'the Balkans', with its connotations of 'the backyard of Europe', should be replaced by a more appropriate and respectable name for the region, namely 'Southeastern Europe'.

Afghanistan

In Afghanistan the success of the Loya Jurga was applauded. With the establishment of elections, a number of armed factions had been brought into the political arena. However, the civilian leadership was weak and some warlords had been driven away to the provinces following the failure of their leadership bids. Free and fair elections coupled with the establishment of a national army were the most important policies to pursue, although in over two years and 60 meetings no significant progress had been made on this front.

Challenges for Iraq

Iraq posed a number of different challenges, many of which were discussed in later sessions. History held the key to an understanding of Iraqi society. Iraqis lived with the legacy of the Ottoman Empire and the perception of threat from Iran. They were also traditionally dominated by the Sunni Muslims, who ran the education system in a manner that ignored the beliefs and sensibilities of the Shiites, causing them to refuse to attend the country's schools. As a consequence Ba'ath party officials were poorly educated when the party came into power – a significant factor in the country's economic decline. In terms of social structure Iraq was composed of a network of tribal relationships which must be respected, as the British had found after the collapse of their colonial model of governance in the region.

The two most important priorities for the reconstruction of Iraq were (a) the creation of a political elite through job creation and local ownership programmes, and (b) sustainable development aid to increase the country's attractiveness for foreign investors. These two policies, the speaker asserted, must be adopted and implemented immediately, before the international community began to suffer from 'Iraq fatigue'. Regrettably there did not yet seem to be any cohesive post-war strategy for reconstruction, particularly in the field of governance and leadership. Thus there was a power vacuum waiting to be filled. Only the Kurds were currently self-governed, and successfully so, although any speculation that they were after independence was, in the speaker's view, untrue. Given the heavy reliance on trade with Turkey and no coastline, an independent Kurdistan would depend on external benevolence for its survival. Iran could be said now to be bordering the United

States, not Iraq. If a secular democracy were set up in the region, then the balance of power between the two countries might change permanently (putting pressure on Iran to implement democratic reforms).

Another participant warned that the transition government must be cautious in imposing political reform, given that Iraq had a relatively short history of nationhood and could easily slide into disarray. For the same reasons as in Afghanistan, it was essential to form a national army as soon as possible. In the search for future leaders it should be remembered that not all former Ba'athist officials were pro-Saddam Hussein and some of them were very capable administrators.

The second speaker questioned whether the term 'megapower' was a suitable description of the United States. He justified his scepticism by comparing the relative global economic dominance of the UK in 1900 and the US in 2000. The UK in 1900, he argued, had had far more economic outreach across the globe than the United States now, allocating 5–10% of GDP annually in outward foreign investment. The US economy was basically a self-sufficient, enclosed system and not a major capital exporter. Like any other country, the US did not have unlimited resources and was faced with ever-increasing budgetary commitments to the Medicare system. Coupled with a lack of enthusiasm amongst the electorate for grand 'nation-building' projects, this meant a question mark hung over the commitment of America to reconstruction in Iraq and Afghanistan.

The speaker asserted that the main cause of Iraq's present economic crisis was not the war – which had only lasted 21 days – but thirty years of despotic rule. The country had gone into steep economic decline after the UK left in 1958 and had never recovered. Post-war reconstruction might in fact be a stimulus for economic activity, giving the people immediate issues around which they could mobilize. Lessons for reconstruction could also be found in the past, particularly in Japan and Germany after the Second World War. The UK's experience in Egypt in the 1880s might also provide an interesting insight – specifically the colonial administration's annual promise to leave. This ensured that Egyptian society geared up for independence and made provisions for self-determination.

In the opinion of this speaker the list of priorities for Iraq were:

- *The rule of law* – See below.
- *Currency stabilization* – Establishing an independent bank was not a cure-all. The question of which currency to adopt (dollar/euro or other) and the importance of foreign investment and fiscal stability were equally important. The best solution might be a venture like the Marshall Plan (in which the equivalent of $470 billion had been transferred to Germany for post-war reconstruction).
- *The transition to democracy* – This could be a recipe for disaster if it were simply imposed; democracy certainly should not be implemented before economic liberalization and institution-building had been completed, otherwise historical precedent showed that a slide into dictatorship was likely.
- *Privatization* – Using lessons from Europe and Asia, it seemed that the oil industry would prosper better if it were not in state hands and that the United States needed to win bids since it was the most efficient oil producer and exporter in the world.

It was asked who should be responsible for carrying out these priorities – Iraqis or donors. The speaker was criticized for recommending blanket privatization of the oil industry in so far as the oil belonged to the Iraqi people, not the United States. The speaker agreed with this comment, pointing out that a balance needed to be found between the rights of the people and US oil. Iraq was poor and its people needed and deserved to prosper from oil revenues; otherwise the country risked becoming the 'black sheep' of the Middle East. Other participants, however, flatly disagreed that Iraq was poor, claiming that its social system was healthy and that in the 1980s its wealth had been equivalent to that of the Asian Tigers. A claim was made that donors only wanted to help Iraq for internal reasons when really it was in no need of financial assistance.

On currency stabilization, it was said that Argentina's experience of dollarization held a warning for financial policy-makers in Iraq. The dollar was also a foreign currency (as well as being that of the occupying force) and would probably prove unpopular for that reason alone. It might be better to link currency to oil revenues.

On more general economic stability issues, it was suggested that the best economic system for Iraq was probably the Northeast Asian model since it was very heterogeneous and reactive to the market. Lastly, a long-term US military presence in the area might be an important incentive for potential investors in Iraq.

Unlike in Afghanistan, it was asserted, capital markets in Iraq were actually quite healthy, owing to years of economic sanctions. There might even be scope for contacting members of Iraq's business elite and persuading them to reinvest some of their capital.

Political will and the sustainability of aid

This second session came at the issue from the angle of aid and aid management. The first speaker on the topic stated that since the end of the Cold War aid had mostly been put into peacemaking, not into proxy wars. This was a welcome change; however, dispersal of aid should always be informed by an analysis of need, not by political will. In conflict/post-conflict situations the structure of aid was often seen as being divided into apolitical, humanitarian 'aid of last resort' and partisan development aid embroiled in geopolitical considerations. Furthermore, there was a dramatic shift in the meaning of aid post-conflict from state-averse to state-building, from temporary to sustained and from palliative to curative. There was, however, disagreement as to when this change occurred, mainly because there was no continuum from conflict to humanitarian aid to development aid. Many of the decisions about reconstruction were made before a conflict. The label 'post-conflict' was also problematic. The Balkans, for example, were so tense that the area could still be described as being in a conflict situation. In Iraq, too, the security situation was now worse than before the war.

One major problem that was identified was the lack of an established framework for thinking about post-war development aid. Aid meant different things to different people (to make money, for evangelical purposes, as a bribe not to fight, or to make a country rich enough to trade with). Unfortunately there was a tension between the needs of states and the desires of their citizens in the giving of aid. But one thing was certain: that it was an expression of humanity to strive toward security. To this end it was justifiable to concentrate aid in particular regions, finding a balance between need and progress towards stability. The line between

foreign policy, defence and aid became very blurred at this point, raising the question of who made decisions about the prioritization of regions.

Sometimes the giving and sustainability of development aid was determined by the degree to which governments trusted each other. Aid could bypass governments and go directly to the people (e.g. in Somalia). In a similar fashion, donors might question the legitimacy of transition governments and attempt to bypass their controls. Donors would thereby become unaccountable and their contributions often unsustainable. Sustainability of new infrastructure was the most commonly overlooked side of post-war assistance, with donors failing to take into account the affordability of their projects in the long term.

Coordination of post-war reconstruction actors

A participant mentioned that conflict was new territory for the development community; previously, any country under so-called 'stress' would not be touched. There was consequently a great deal of non-coordination between development agencies and other actors in the area of conflict, especially in Washington. It was argued that integration was crucial for aid to be accountable and to have a commonly understood purpose; partnership between the US and the UN was the crux of any coordination efforts, not only because the UN had an enormous amount of expertise but also because it would give reconstruction a significant amount of legitimacy. One participant, however, saw integration between development agencies and coalition forces as the best approach, given that this would eliminate the 'middle-man' and that confidence in the UN had declined dramatically in recent times. Such a set-up would by its nature have to be conducted on a trial and error basis.

A participant then asked whether improved coordination was intended to aid people or to consolidate the power of Western governments. There was a danger that integration with the military during a conflict would reduce the access of aid agencies to those citizens most at risk in conflict zones. There was a danger of creating a false dichotomy between improving overarching coordination structures and poor/badly targeted development and humanitarian assistance. Coordination might therefore be better undertaken after a peace process had been established. If the bureaucracy of these institutions allowed it, the peace negotiations themselves should also include World Bank and UN representatives because there was a developmental outcome to any agreement.

If post-war development was, as suggested above, led by the coalition alone, a number of participants objected that this would amount to hegemonic rule from outside. It was also unclear whether coalition and other Western governments were at all committed to or even capable of giving sufficient assistance to Iraq. The collective target of 0.7% of GDP in overseas aid had not been met by most OECD countries and in the EU the military was already overstretched in policing and peacekeeping elsewhere. One participant asserted that there was a strong temptation to adopt a 'statist' view of aid when in fact 95% of the finance for reconstruction projects around the world came from the private sector. Another participant, however, added that a vast majority of this money went into transition economies and not into those countries most in need.

Refashioning the social contract

The first speaker considered the title of this session to be rather ambiguous. He decided instead to focus on contrasting two case-studies: one resource-poor country (Kosovo) and one resource-rich country (Iraq). Their one commonality was that during their previous administrations neither had been orientated towards maximizing social capital. In the post-war era, Kosovo state enterprises had performed poorly, with fiscal decisions taken by external actors. Iraq, however, with its immense oil wealth, faced the dilemma of how to change management in the least politically turbulent fashion. Some had proposed putting assets from privatization into a national pension scheme, thus creating a perception of public ownership and responsibility for the country's oil assets. The scheme would also provide a peace dividend, sorely needed in Iraq as part of the legitimacy of the 'peacemaker'. This would improve both standards of living and security in the region. Resource wealth was described as a double-edged sword, frequently leading to balance-of-payments problems through appreciating exchange rates (the so-called Dutch Disease). Lessons here might be learnt from the reconstruction of Saudi Arabia.

Might privatization be a transitional policy rather than a blanket one? The speaker's view was that the legitimacy of the US position was the main issue in this regard since it was questionable whether the US could sell off public assets without either popular consent or a UN mandate. Such actions would also be unpopular and leave the US open to 'Texan conspiracy theories'. Others had suggested selling to management (as in Russia) or joint ventures, but this would only lead to elite control, rent-seeking and corruption. It was in any case unlikely to occur in Iraq since the elite managerial class had been so discredited for its behaviour during Saddam Hussein's regime.

One participant feared the issue of legitimacy could easily crowd out all other concerns. There was a need for resources now in order to help private businesses flourish and get the economy going again. A better policy might be to focus on 'simultaneity', rather than a linear sequencing of reconstruction priorities beginning with one potentially thorny issue. New thinking on the process of reconstruction also suggested that 'escape velocity' (where change must occur at a certain rate to be truly productive) and 'critical mass' (where capacity and institution-building must reach a certain level before the government becomes sustainable) both needed to be attained before the transition government came to an end.

Risk factors in civil conflicts

The session's second speaker explained that despite some doubt as to whether they could be analysed scientifically, most modern conflicts were civil ones, and caused by both 'greed' and 'grievances' among the people. The main risk factors were male unemployment combined with an abundance of natural resources (NRs) and with little redistribution of revenue. Governments in control of large amounts of NRs were unlikely to spend on public services because very little government revenue had come from the people; thus there was a weak social contract and this could lead to (civil) war. After a conflict, resources were often concentrated in rich, safe areas and hence were anti-poor. Distribution of government/donor spending must include measures to ensure that intra-group inequality was considered alongside vertical inequality so that aid was not all consumed by one head of household/elder/manager. In addition, aid absorption rate was crucial – the World

Bank system for giving aid peaked at 3–4 years post-conflict, much as the Marshall Plan had done.

Commenting on the speaker's analysis, one participant asked whether establishing stability was really as simple as equality = good; inequality = bad. Perhaps 'degree of democracy' was another crucial factor here. Another asserted that while the economy was in crisis the social contract in Iraq was quite healthy, with Sunnis, Shiites and Christians living in relative peace side by side. In conclusion it was agreed that potential conflict situations needed to be analysed, so that after a conflict, a checklist of tensions could be consulted to ensure they had all been resolved.

The rule of law and development

The first speaker on this final topic described peacekeeping forces as 'the elephant in the room' when it came to reconstruction. Military forces were involved in this area only because they were the ones on the ground. Those in favour of their participation had suggested that military commanders could be given 'fast dispersing funds' for walk-around, quick-fix reconstruction of infrastructure (roads, bridges, telephone lines, etc). Others argued that although this might be possible, it would blur the line between army and development/aid workers, jeopardizing the safety of the latter. Further, commanders of US forces in particular were reluctant to spend cash 'post-conflict' on anything other than demobilization of opposition forces and clearing of landmines – other humanitarian activities were perceived as 'soft' and not in accordance with the military's philosophy of high-end strategy and 'full-spectrum dominance'.

Problems of nation-building
To understand how best to assert the rule of law one must first look at the wider picture. For example, in Iraq, it was not just the war that destroyed the economy; even if it was, there were wider issues involved. Secondly, it was crucial to get a grip on organized crime and corruption. For this an FBI equivalent was probably the best solution. Setting up such an institution required partnership between development professionals and military/intelligence specialists.

The extent to which the rule of law, policing and institution-building to this end would be implemented, and the shape these would take, depended largely on how the USA viewed 'nation-building'. Unfortunately, Washington had been singularly unforthcoming on this important issue during its involvement in Bosnia, Afghanistan and Iraq. There was also often a difference between what the US thought, said and did.

Concerning the provisioning of police, the speaker stated that one must differentiate between military police ('gendarmerie') and civilian police. The US would not send civilian police because they were independent of the military, and it did not have a gendarmerie. It should therefore fall to other countries to provide proper policing in the long term. As in Bosnia, 'quality control' was always an issue but policing in Iraq was unlikely to be a serious problem as long as the army continued to provide basic protection in accordance with the Geneva Convention.

Establishing good interim laws was a challenge that had yet to be met. Some said the UN should assist here since it was mandated to do so, but the EU had a ready 'stock' of laws which it could put into place. However, the development community

was becoming increasingly concerned that the EU was muscling in too much on foreign post-war situations.

Law and order in a post-war reconstruction context
The second speaker put forward the three most pertinent questions:

- How can one make sure that the basics are right?
- Does one work most on the enforcement or framework of law and order?
- What are the economic preconditions for making law and order systems sustainable?

In this speaker's view, the answer to the first question lay in consulting lobby groups and vested interests to establish the initial political climate. Next, the nature of consensus-building needed to be found and estimations made of the risk factors surrounding political reform.

The solution to the second question was long-term commitment to law enforcement, providing assistance beyond the development/reconstruction stage. The framework of laws (i.e. the Constitution) did not have to be 'short, firm and forever'; however, it did need a critical mass of support for it to be successful.

The last question related to the wider issue of economic growth and sustainability. Many of the problems here lay in agriculture and the availability of rural opportunities. Adequate (and sustainable) public transport and property rights could help such opportunities emerge.

Benchmarks of success
Finally, the question of a metric for evaluating the success of reconstruction was raised. One reply was that success was reflected by whether 'a self-sustaining peace and security' was achieved. Another was that each country had its own objectives; the Sierra Leone government, for example, aimed to achieve enforcement of its laws in all of its provinces.

Synthesis

In summing up, the Chair listed the key ingredients of successful post-conflict reconstruction:

- Early and coordinated involvement of main reconstruction actors.
- Reconstruction should be multi-dimensional and multi-sectoral.
- The need for explicit economic and political linkages.
- Donors should consult and involve all stakeholders.
- The need for new kinds of donor coordination mechanisms and procedures.
- Multilateral donor coordination, rather than fragmentation, was paramount.
- Peace dividends – these were not guaranteed, but depended on good aid coordination, the strength of the political and military pillars of the peace process, and the revitalization of the local economy.