



Statewatch EU reaches for global role?

This analysis by Tony Bunyan appeared in Statewatch bulletin, vol 6 no 1, 1996

A series of "Summits" and meetings at the end of 1995 showed the EU has started to bid for a global role. Two "Summits", partly based on economic agreements, EURO-MED and EU-US, contained important implications for "third pillar" issues and accountability within the EU. These were followed by a, largely unreported, meeting in Ottawa, Canada, initiating a globe-trotting counter-terrorist initiative.

The ideology running through these meetings is a familiar one - the linking of terrorism, the threats of immigration and drug trafficking, and consequent organised crime and money-laundering - except this time the focus is global as well as European.

Nor do the issues raised contain any surprises. They are the "threats" to European and global "security" that have "emerged" in the post-Cold War era. The "threats" which internal security agencies - who previously countered the threats of espionage and subversion - have used to increasingly take on policing roles in Europe.

Madrid European Council, 15-16 December 1995

The Conclusions of the Madrid Summit in December, which marked the end of the Spanish Presidency of the European Union, noted:

"with some satisfaction some significant achievements... in which the European Union has played a decisive role".

The Summit Conclusions go on to list:

1) the "new Transatlantic Agenda and the Joint EU-US Action Plan" which would "revitalise and strengthen our association.. moving on from a stage of consultations towards a new stage of concerted and joint action.. It hopes that other Atlantic democracies will share the goals of the New Transatlantic Agenda."

2) the "Barcelona Declaration", which came out of the Euro-Med Conference, "a new, comprehensive Euro-Mediterranean association which will promote peace, stability and prosperity throughout the Mediterranean through a permanent process of dialogue and cooperation".

3) the "Inter-Regional Framework Agreement between the European Union and Mercosur, the first agreement of this type... the final objective of which is to achieve political and

economic association." ("Mercosur", is the new acronym for Latin America).

4) the signing of an Agreement on "precursors" signed on 18 December between the EU and the five countries of the Andean Pact to combat drugs. No more information is given in the Conclusions of the Summit except on drugs (see below).

For more detail of these "significant achievements" the reports on other meetings have to be examined.

EURO-MED Summit, Barcelona, 27-28 November 1995
"the Barcelona Declaration: a new, Euro-Mediterranean association"

The Euro-Mediterranean Conference resulted in the "Barcelona Declaration which, while offering economic aid and a "free trade area", is not a precursor to membership of the EU - unlike the Association Agreements with the countries of central and eastern Europe (CCEE) (see *Statewatch*, vol 5 no 4). The Conference was attended by the Maghreb countries of north Africa, Cyprus and Malta, and Egypt, Israel, the Palestinian Authority, Jordan, Lebanon and Syria. US officials were deliberately excluded, even as observers, for this was to be one initiative run by the EU. The *European* newspaper summed up the purpose of the Conference:

"Above all, the aim of the rich EU is to hold back the millions in north Africa, a tide of illegal migrants waiting to percolate through the thousands of kilometres of the frontier of the Mediterranean coast" (30.11.95)

Another commentator, Sajid Rizvi, of the UPI press agency, said: "For Europe, the whole thing is about buying security. Even immigration is not a political issue; it is a security issue."

The Declaration is, of course, nowhere near as explicit, speaking of:

"the will to give their future relations a new dimension, based on comprehensive cooperation and solidarity, in keeping with the privileged nature of the links forged by neighbourhood and history."

The clauses on immigration were amended at the insistence of the Maghreb countries. Where the draft Declaration spoke of "facilitation of readmission" of nationals "illegally" in the EU - in plain language an agreement to send back migrants to the Maghreb countries - the final text said:

"in the area of illegal immigration they decide to establish closer cooperation. In this context the partners, aware of their responsibility for readmission, agree to adopt the relevant provisions and measures, by means of bilateral agreements or arrangements, in order to readmit their nationals who are in an illegal situation. To that end, the Member States of the European Union take citizens to mean nationals of the Member States, as defined for Community purposes"

The long-term effect of the Barcelona Conference may depend more on the regular meetings of K4 Committee officials (police, customs and immigration officials, security experts and officials from internal ministries) and their counterparts than the high sounding phrases of the Declaration itself. These ad hoc meetings will cover terrorism, policing, drug trafficking, customs controls, "combating illegal immigration", "stepping up exchanges of information and improving extradition procedures" with a view to "strengthening cooperation" and reaching bilateral agreements.

**EU-US Summit, Madrid, 3 December 1995:
"the New Transatlantic Agenda and the Joint EU-US Action Plan"**

The Joint EU-US Action Plan, signed by President Clinton and Felipe Gonzalez, President of the European Union, is an attempt to redefine the "Atlantic Alliance" in the post-Cold War era. The Plan, drawn up by the EU-US Senior Officials Group is an insight into the global ambitions of the two power blocks (it does not cover defence or propose a transatlantic free trade area).

One of the four main areas set out, "Responding to global challenges" says:

"We are determined to take new steps in our common battle against the scourges of international crime, drug trafficking and terrorism. We commit ourselves to active, practical cooperation between the US and the future European Police Office, EUROPOL. We will jointly support and contribute to ongoing training programmes and institutions for crime-fighting officials in Central and Eastern Europe, Russia, Ukraine, other new independent states and other parts of the globe."

The full-text of this section of the Plan is reproduced below.

It is subsequent meetings and reports which show that cooperation between the EU and the US on "third pillar" issues may be more than rhetoric and pose substantial questions of accountability.

New P8 group declaration, Ottawa, 12 December 1995

The P8 Ministerial meeting in Ottawa on 12 December agreed a Joint Declaration to combat international terrorism following parallel meetings of Ministers and officials. This new group takes its name from the G8 group which meets to discuss economic issues. G8 is described as "the Group of seven most industrialised nations - USA, Canada, UK, France, Germany, Italy and Japan - plus Russia." The "P" of P8 denoting the political rather than economic nature of the meetings. The meeting was also attended by the EU represented by Mr Belloch for the Spanish Presidency.

The declaration says the group had agreed to step up cooperation against terrorism in the following areas:

- the international and domestic legal framework
- the exchange of expertise and information
- the taking of hostages
- new terrorist threats
- preventing the movement of terrorists
- transportation security
- the protection of public facilities
- terrorist fundraising

Home Office Minister, David Maclean, proposed that "Centre of Excellence" (following in the footsteps of Mr Howard's similar proposal to the Council of Justice and Home Affairs Ministers in November 1995) to combat terrorism should be created and:

"immediately offered to share British expertise by training other countries in":

- bomb searches
- the handling of continuing terrorist incidents - such as hostage taking and hijackings
- fraudulent document detection
- border control techniques
- video surveillance"

Mr Maclean said: "the specialist skills could then be made available on request to relevant organisations in other P8 countries." The UK's response to the problem he told the meeting included the forthcoming review of counter-terrorist legislation and the importance of frontier controls.

According to the communique on the meeting the French officials called for the expansion of Europol to cover terrorism and for legislation to deal with "those who made propaganda calling for violence". The latter statement sounded very similar to UK's concern at the meeting:

"not just about those engaged in terrorist activities but about other political activists who promoted unconstitutional change or destroyed the good relations enjoyed by the UK with other governments."

Interregional Cooperation Agreement (Mercusor), 15 December, Madrid

This trade agreement between the EU and the countries of Latin America (Mercusor) has 22 points. Point 15 reads:

"The Parties will also promote other areas of cooperation such as cooperation regarding training and education, communication and culture and *cooperation in combatting drug trafficking and its many ramifications, including those of a financial nature.*" (emphasis added)

Report of the Group of Experts on drugs, adopted at the Madrid Council

The Madrid Summit adopted a report of the Group of Experts on Drugs and "invites the incoming Italian Presidency, in collaboration with the future Irish Presidency" to consult with Member states, the Commission, the European Monitoring Centre for Drugs and Drug Addiction, and the *Europol Drugs Unit* [emphasis added] to prepare a "programme of activities" based on the above report. A priority in this context will be to "establish a mechanism for cooperation between the European Union and Latin America, including the Caribbean, to combat drugs". The Summit Conclusions go on to "welcome the Franco-British initiative on the Caribbean" for regional action "which is also included in action under the Transatlantic Agenda." The Council and the Commission are asked by the Summit to prepare a report for April 1996 through a new "ad hoc Working Party on drugs".

The report prepared for the Madrid Council by the third pillar's Group of Experts on Drugs sets out specific policies which include: surveillance, new roles for the Europol Drugs Unit, liaison with "third countries" (eg: the US), and the creation of a new structure to deal with drugs in the EU.

The report, uncritically, lumps all drugs together - heroin, cocaine, cannabis, amphetamines, LSD and XTC (Ecstasy) - and says a "global and integrated response" is required. The only reference to the argument over the legalisation of "soft drugs" is: "It is obvious that all forms

of legalisation of non-medical use of drugs are incompatible with these efforts"; a footnote is appended: "The Group did not reach consensus on this last sentence". Overall the report assumes the criminalisation of all forms of drugs, soft and hard. To combat trafficking it calls for:

"the necessity for cross-border observations, controlled deliveries and undercover activities.. and improved international cooperation between law enforcement agencies, such as for.. hot pursuit or the use of undercover operatives or informants.. "

At the EU's external borders it proposes enlarging the scope on the "future exchange of intelligence between law-enforcement authorities actually being prepared by EDU with Member States, [which] should be studied and possibly coordinated, among others, with the Customs Information System" - suggesting the linking of computer systems. It goes on to call for "improved exchange of intelligence between... intelligence units of Member States as well as Third Countries' authorities."

The report concludes by mandating COREPER (the Permanent Representatives Committee representing EU governments) which "coordinated the activities of the Three Pillars" to create a "permanent mechanism of cross-pillar coordination on drugs issues, possibly consisting of national drugs coordinators."

K4 structure to effect the plans

The grand-sounding objectives set out in the "Declaration" and "Joint Plans" examined here would be just that unless there was in place a mechanism to put them into practice - and there is. Back in September 1994 the K4 Committee put up a report to COREPER (the Committee of Permanent Representatives from each EU government) on "relations with third countries in the fields of Justice and Home Affairs". The report was adopted by the Council of Justice and Home Affairs Ministers (JHA) at its meeting on 30 November 1994.

The preamble to this report recalls the "tradition of contacts with certain third countries in the earlier context of intergovernmental cooperation" (a reference to the ad hoc Trevi Group) and sets out "flexible general principles" to be applied in this work.

The Council of 30 November 1994 instructed the K4 Committee to act as the "Presidency's special partner in organising contacts with third countries" by organising meetings as it sees fit. The "third countries" to be considered are "those with which, under Trevi, such contacts were traditional: the United States, Canada, Switzerland and Morocco", plus the countries of central and eastern Europe (CCEE), applicants for EU membership, the Baltic states. The list is not intended to be exhaustive (point II). These meetings could, the report says, take place at Ministerial level - at JHA Council meetings, informal ministerial meetings, meetings of Association Councils. They could be meetings of the whole JHA Council, the "Troika" (present, past and future Presidencies) or:

"organised at Article K4 Committee or at Steering Group level... meetings of experts may also be organised." (point III)

The K4 Committee is given carte blanche to organise meetings with third countries on "all the topics covered by Title VI." The same report decided not to make any changes in membership of the "Dublin Group" which handles assistance to drug producing and transit countries - the members are; the EU member states, US, Canada, Japan, Australia, Sweden, Norway and the UN.

Draft conclusions of the JHA Council on relations with third countries in the fields of Justice and Home Affairs, K4 Committee, ref: 8808/94, Restricted, CK4 64, 1994.

It was a report from the Working Party on Drugs and Organised Crime - part of Steering Group I on police cooperation - which fed in the police perspective. This speaks of: "a global coherent approach, covering activities with the remit of the Three Pillars". More specifically:

"there is a need to exchange so-called hard and sensitive data between Member States for operational use by the various law enforcement agencies involved in the fight against illicit drugs... The continuous and better organised collection, exchange and coordination of information and intelligence, nationally and internationally, is therefore essential... "

The report, which is part of the part adopted by the Council, proposes the "use of satellites to monitor the situation in the producing countries" and notes the measures in the Barcelona Declaration planned for November and the meeting with the Andean countries of 26 September.

"Specific priorities" it says should be set out in the following areas:

"exchange of intelligence (EDU and neighbourhood EU countries) and operational (cross-border) cooperation of neighbourhood countries of transit." ("neighbourhood countries" = countries bordering on the EU through which drugs have to pass to enter)

Draft report on the combatting of drug trafficking - the Third Pillar contribution, ref: 8941/4/95, REV 4, ENFOPOL 79, Confidential, 8.11.95.

JOINT EU/US ACTION PLAN

This Action Plan for expanding and deepening EU-US relations reflects a framework with four shared goals:

- Promoting peace and stability, democracy and development around the world;
- Responding to global challenges;
- Contributing to the expansion of world trade and closer economic relations;
- Building bridges across the Atlantic.

II. RESPONDING TO GLOBAL CHALLENGES

We are determined to take new steps in our common battle against the scourges of international crime, drug trafficking and terrorism. We commit ourselves to active, practical cooperation between the US and the future European Police Office, EUROPOL. We will jointly support and contribute to ongoing training programmes and institutions for crime-fighting officials in Central and Eastern Europe, Russia, Ukraine, other new independent states and other parts of the globe.

II. RESPONDING TO GLOBAL CHALLENGES

We share a common concern to address in an effective manner new global challenges which, without respect for national boundaries, present a serious threat to quality of life and which neither of us can overcome alone. We pledge our actions and resources to meet together the

challenges of international crime, terrorism and drug trafficking, mass migration, the degradation of the environment, and nuclear safety and disease. Together we can make a difference.

1. Fight against organised crime, terrorism and drug trafficking

We will cooperate in the fight against illegal drug trafficking, money laundering, terrorism, organised crime and illicit trade in nuclear materials.

We will enhance bilateral cooperation and institutional contacts.

We will also enhance the capabilities of criminal justice and investigative systems and promote the rule of law through international training programmes at regional institutions such as the International Law Enforcement Academy in Budapest, the Italian Judicial Training Centre, the Middle and East European Police Academy and a similar administration of justice institution for the Western Hemisphere.

We will take steps to establish an information exchange mechanism on cooperation between US and the EU and its member States in the law enforcement and criminal justice fields, especially regarding activities in providing training, technical assistance and equipment to other nations.

We will foster the exchange of law enforcement and criminal justice expertise between the US and the EU in three areas:

- scientific and technological developments;
- exchanges of experts and observers between appropriate institutes and agencies;
- the sharing of information such as studies and analyses of emerging trends in international criminal activity.

When mutually agreed, we will jointly prepare reports to include recommended courses of action.

We will discuss the possibility of establishing interim cooperative measures between competent US authorities and the European Drugs Unit and begin implementing the possibilities provided for in the convention on EUROPOL, to facilitate relations between EUROPOL and the US Government.

We will examine possibilities for cooperation in support of the UN Drug Control Programme marine interdiction initiatives.

We will coordinate alternative development programmes to counter drug production.

We will jointly support the establishment of cooperative links between appropriate EU institutions such as the European Monitoring Centre for Drugs and Drug Addiction and the Comisión Interamericana para el Control del Abuso de Drogas.

We will coordinate our counter-narcotics assistance programmes and projects in the Caribbean.

We will take action to strengthen the Dublin Group by reinforcing and supporting its members' counter-narcotic measures.

We will work to conclude an agreement in order to exchange, among other things, sensitive information for the pre-clearance of shipments of essential and precursor chemicals used in the production of illegal drugs and cooperate in joint training programmes in chemical diversion control.

We will cooperate on assessing and responding to terrorist threats.

2. Immigration and asylum

We will:

- strengthen information exchanges on illegal immigration and on asylum taking into account, inter alia, the work of the Geneva Intergovernmental Consultative Group;
- cooperate in the fight against the traffic in illegal immigrants;
- cooperate in the fight against the traffic in women;
- exchange information on asylum trends and on successful asylum system reform;
- establish common responses to refugee crisis situations, notably by early-warning mechanisms and coordination;
- develop a common stance on temporary protection in United Nations High Commission for Refugees;
- coordinate positions on the Conference on Refugees and Migrants in the Commonwealth of Independent States;
- improve existing arrangements and exchanges of intelligence in areas of mutual concern, for example, forged identity documents and transport carriers' liability;
- convene seminars in 1996 and compare the results of our respective studies on migration flows both into the US and into the EU.

3. Legal and Judicial Cooperation

We will:

- identify means of strengthening international judicial assistance and cooperation in the obtaining of evidence and other relevant information;
- cooperate on judicial seizure and forfeiture of assets;
- identify means to strengthen and improve international mechanisms for extradition, deportation, mutual legal assistance and other cooperative action to ensure that international fugitives have "nowhere to hide";
- cooperate in promoting the work of the Hague Conference on Private International Law and the International Institute for Unification of Private Law (UNIDROIT).

Sources

Draft report of the Group of Experts on Drugs to the Madrid European Council, ref: 10979/2/95, REV 2, Restricted, CORDROGUE 46, 22.11.95; *The Transatlantic Agenda (and Joint Action Plan)*, European Council, 3.12.95; *Guardian*, 2.12.95; *Presidency Conclusions, Madrid European Council*, 15 and 16 December 1995, ref: SN 400/95; *Euro-Mediterranean Conference, Barcelona Declaration, Final Version 2*, 28.11.95, European Commission; *European*, 30.11.95; *Home Office*, press release 12.12.95; *Final communique, Ottawa meeting*; *Independent*, 28.11.95; *Interregional Framework Cooperation between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part*, press release, 8.1.96; *Statewatch*, vol 5, no 4.

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