

INTELLIGENCE DIGEST

by John Laughland

Stoiber attacks European Arrest Warrant

The Prime Minister of Bavaria, Edmund Stoiber, has attacked the Government of Angela Merkel for failing to insert any safeguards into the proposed EU Arrest Warrant following the accession of Romania and Bulgaria. Stoiber has said that the justice systems of both countries should be specifically barred from being able to demand the extradition of German citizens to their countries, as the EU Arrest Warrant allows. He has said that protective clauses should be inserted to prevent this because organised crime and corruption have a considerable influence over both judicial systems. The European Union has itself said that the justice systems in both countries remain corrupt because it has inserted clauses into the accession treaties which allow financial penalties to be inflicted on the two states if their 'reforms' are judged insufficient. *"I demand that our citizens be protected from deficiencies in the rule of law, corruption and organised crime in Bulgaria and Romania by means of special clauses,"* Stoiber told *Die Welt*. The German Government says that it has inserted protective clauses but Stoiber responds that these must come into force as soon as the two countries join, i.e. in January. *"I cannot and will not accept that German citizens can be imprisoned in these countries,"* says Stoiber. [*Die Welt*, 24 October 2006]

EU-Russia meeting goes badly

The summit meeting held in Finland on 20 October between the Russian President and the heads of state and government of the European Union has not led to an agreement on energy policy. The EU has been trying to get Russia to sign an 'energy charter' since 1994 but Russia fears that it will permit foreigners to take control of its energy sector. EU leaders claimed that they wanted good relations with Russia but they did everything to undermine them, accusing Russia of protectionism and human rights abuses. Putin's patience snapped at one moment, when he was faced with a question about corruption in Russia. He said that the word 'Mafia' came from Italy and that Spain was currently facing a huge corruption crisis as mayors from all parties were being imprisoned for graft.

Prior to the summit, the President of the European Commission, José Manuel Barroso, called for the EU to adopt a unified energy policy. *"We must speak with one voice when negotiating with third parties,"* he said. This is diplomat-speak for attacking the bilateral agreement reached between Germany and Russia by the previous German Chancellor, Gerhard Schröder to build a pipeline under the Baltic Sea, i.e. bypassing Poland, a project which the Polish Defence Minister, Radek Sikorski, has likened to the Molotov-Ribbentrop Pact between Nazi Germany and Stalin's USSR in 1939. Mr Schröder, who lost last year's election, is now the head of the consortium building the pipeline. Since expressing their dissatisfaction with German policy, however, the twins who govern Poland have toned down their rhetoric, perhaps because they understand that the German presidency of the EU starts in January and that it will aim to determine the future of EU energy policy and of policy towards Russia. [*Célia Chauffour, Le Monde*, 20 October 2006]

On 25 October, the European Parliament formally requested that the EU place democracy, human rights and freedom of expression *"at the centre of any new agreement"* on future partnership with Russia. This resolution goes against what President Chirac said during the EU-Russia summit in Finland, when he declared that, *"There is no*

question of linking moral actions with economic actions." The resolution made reference to the murder of the campaigning journalist, Anna Politkovskaya, calling on the Russian authorities to undertake an independent inquiry into it. Speaking to the MEPs, the Finnish Prime Minister, Matti Vanhanen, admitted that the dinner with Mr Putin had been rather tense. *"It is true, it was very frank and open but we in Finland have a long tradition of open discussions with Russia,"* he said. (In fact, of course, during the Cold War, Finland was often excoriated for its supine attitude towards the Soviet Union.) [Philippe Ricard, *Le Monde*, 27 October 2006]

Hungarian opposition TV station fined

As 130 people were injured as police fired tear gas and rubber bullets at demonstrators during the ceremonies to mark the 50th anniversary of the Hungarian uprising against Soviet rule, the country's official media watchdog has imposed a 1 million forint fine (about £2,500) on a TV station owned by the country's main opposition party, Fidesz. This is the largest fine to date imposed by the body. According to the watchdog, Hír TV's broadcasts about riots on 18 September were biased, in particular because they allegedly attempted to *"present the incidents as revolutionary events and spoke of a new '56 and did not inform viewers objectively and factually."* During those riots, the building of the state television station, MTV, was attacked by protesters. Press freedom has been a constant bone of contention between the Hungarian parties since the end of communism. Supporters of Fidesz argue that the left-wing parties have harassed their media when in office, only to complain loudly to international organisations when the unfair advantages enjoyed by their outlets are curtailed while in opposition. [*Budapest Sun*, 19 October 2006]

Turkish accession could founder on Cyprus

Experts are speculating that the negotiations between the EU and Turkey could collapse over the Cyprus question. In an interview with an Austrian newspaper, Heinz Kramer, a political scientist who specialises in the EU's foreign policy, has said that he does not think that the Finnish presidency's current proposals will succeed in breaking out of the current impasse created by Turkey's refusal to take certain measures on trade with Cyprus which would amount to a near-recognition of the Greek Government as the legitimate government of the whole island. Kramer says that he fears the latest proposals are merely a way of hiding the fact that the negotiation is not advancing, since Cyprus has said clearly that it will not allow matters to proceed until Turkey recognises it. Kramer claims that a majority of the EU Member States is against Turkish accession but that none of them dares to take responsibility for torpedoing the negotiations – not even the Greek Cypriots. [*Der Standard*, 24 October 2006]

Chirac apologises to Erdogan

The French President has telephoned the Turkish Prime Minister to present his apologies for a vote in the French Parliament calling for denial of the Armenian genocide to be criminalised. The vote, which resulted from a bill put down by a Socialist deputy, will be an enormous obstacle to Turkey's accession to the EU. Mr Erdogan said that Chirac had called him on 14 October to express his regrets and that he had promised to do all he could on the issue in the future.

President Chirac has said that he was opposed to the measure during a visit to Armenia on 30 September. Recalling that France had recognised the Armenian genocide in 2001, Chirac said that the new text resulted more from polemics than from judicial reality. Chirac had added, however, that Turkey would be “*well advised*” to recognise the genocide since that would facilitate its entry into the EU. The vote in the French Parliament criminalising denial of the genocide caused a huge outcry in Turkey, with Prime Minister Erdogan saying that it was “*shameful, a black stain on freedom of expression.*” The Turkish Foreign Minister, Abdullah Gül, said that the law would profoundly damage Franco-Turkish relations and he expressed the hope that French politicians would prevent the bill from entering definitely into law. [Natalie Nougayrède, *Le Monde*, 17 October 2006]

Dutch elections on Europe

More than a year after the Netherlands voted against the European Constitution, the country is preparing for a general election on 22 November. The various parties seem to have agreed amongst themselves not to raise the European issue during the campaign: the leaders of all the main parties campaigned for a ‘Yes’ vote. In this campaign, they are keeping quiet or calling for ‘reforms’ in the EU. They are also keeping quiet about the question of Turkish accession, since popular opposition to Turkey was one of the main reasons why the Dutch voted against the Constitution (which the party leaders presented as essential for EU enlargement). The issue of Turkish membership has nonetheless arisen during the campaign since candidates of Turkish origin from two mainstream parties have been struck off their respective party lists because they have refused to recognise the genocide of Armenians in Turkey in 1915. The issue of the genocide arose when a small Protestant party put down a bill in the Dutch Parliament which would have made denial of the Armenian genocide a crime, just as the French National Assembly has recently done. Feelings are running high in the 370,000 Turkish community in Holland, as they are among ordinary Dutch people, who shocked at the double-murders of Pim Fortuyn and Theo Van Gogh, the latter by a Muslim extremist. The Muslim issue was also at the centre of a scandal involving a Dutch MP from Somalia, Ayaan Hirsi Ali, a friend of Van Gogh’s, who was threatened with expulsion from the Netherlands after it appeared that she had lied about being persecuted by Islamists in her home country in order to obtain Dutch citizenship. [Jean-Pierre Stroobants, *Le Monde*, 18 October 2006]

Lepper back in government

The anti-EU Self-Defence Party has been reintegrated into the governing coalition in Poland twenty-five days after leaving it. On 21 September, the Prime Minister, Jaroslaw Kaczynski, sacked the head of Self-Defence, Andrzej Lepper, who had protested against the 2007 budget and against sending 900 extra Polish soldiers to Afghanistan. But on 16 October this decision was rescinded and Lepper has been brought back into the fold. Thus early elections have been avoided. [Célia Chauffour, *Le Monde*, 18 October 2006]

EU Constitution on track

The chairman of the European Parliament’s Constitution Committee, the German Socialist, Jo Leinen, has suggested that France and the Netherlands vote again on the European Constitution, which they both rejected in referenda last year. Citing the precedents of Denmark and Ireland, both of which voted again (respectively, on Maastricht and Nice) after having got the answer ‘wrong’ in 1992 and 2001, Leinen says that the same approach could be adopted for France and the Netherlands. “*It could be,*” he says, “*that the price which will have to*

be paid will be that the new treaty is not called ‘a constitution’ any more but ‘a Europe treaty’. The goal of having an actual constitution may have to be postponed and we may have to be satisfied with a basic treaty instead.” Leinen claims that the absence of this treaty or constitution is the reason why Europe is under-performing in energy policy, the war on terror, the fight against illegal immigration, the fight against organised crime and many other areas. He says that the upcoming German presidency should work towards a consensus in 2007 and that corrections and amendments to the old text should be agreed upon by 2008, by which time a new ratification process could begin. Leinen says that he wants the new treaty to be ratified by referendum – but by a single referendum taking place simultaneously across the whole of Europe, and that the ‘majority’ should be of voters as well as of states. (This would be tantamount to destroying national sovereignty before the vote had even taken place.) Leinen said it was quite wrong for the will of “*the majority*” to be thwarted by ‘No’ votes in “*one or two states.*” Asked whether he thought there should be a referendum in Austria, where anti-European feeling is among the highest in the EU, Leinen said that there should be no popular vote since the Constitution had already been ratified by the country’s Parliament. [*Der Standard*, 20 October 2006]

At a meeting of the heads of Socialist parliamentary groups in Europe, the French Socialists were in a minority of one when they said that the Constitution had to be abandoned. Whether they had been in favour or against it at the time, they all agreed with Jean-Marc Ayrault, President of the French Socialist group in the National Assembly, who said, “*It is not possible to make our citizens vote again on the same text.*” By contrast, all the representatives of all the other Socialist groups, especially those from countries that have actually ratified the Constitution, said they want to press on. They refuse to accept that the Constitution is now a dead letter. Leinen said, “*It is very dangerous to say that the treaty is dead*” – even though Germany itself has not ratified the Constitution since, although it was approved by the German Parliament, it has been successfully stalled by an appeal by anti-Constitution campaigners to the Federal Constitutional Court. One Spanish socialist, Carlos Carnero, shouted at his French colleagues, “*You cannot impose your national debate on the rest of us in Europe! This is not the 1950s!*” A Portuguese MEP said that the third part of the Constitution was the most important, even though it was this part, its political content, which was most hotly contested by the opponents of the Constitution in France. Robert Badinter, the French constitutional expert, reminded the audience that the Constitution’s own text stipulated that, subject to ratification, it would enter into force on 1 November 2006. “*That is the Day of the Dead!*” interjected a Luxembourg deputy. [Jean-Dominique Merchet, *Libération*, 20 October 2006]

Hans-Peter Martin’s battle with OLAF continues

The battle between the anti-corruption MEP, Hans-Peter Martin, and the EU Commission’s so-called anti-corruption unit, OLAF, continues. Although OLAF is supposed to fight corruption, it has in fact been persecuting Hans-Peter Martin ever since he took up his one-man battle against institutionalised graft in the EU. OLAF has accused Martin of misusing €190,000 of money from his secretarial budget and it has sent its claims to the Austrian authorities with a view to encouraging them to investigate the matter further. Martin, who has legal immunity as a Member of the European Parliament, has virulently rejected the claims of any irregularities, accusing OLAF of conducting a witch-hunt against him and denouncing its accusation as “*a joke*” and “*a farce*”. [*Der Standard*, 12 & 19 October 2006]

Merkel online

The German Chancellor, Angela Merkel, has used the internet to present her policies for the German presidency of the EU which starts on 1 January 2007. Since June, she has been posting a brief video message on www.bundestkanzlerin.de and in her message of 7 October she devoted the podcast to the EU. She listed five priorities for bringing Europe closer to its citizens and, referring to the 50th anniversary of the Treaty of Rome, said that Europeans had to rally around their 'common values'. However, she remained coy about the politically sensitive issue of Turkish membership, saying only that there would be no further enlargement for a while. She said that Europe needed a constitutional treaty, confirming thereby that she remains attached to her well-known goal of reviving the defunct text. She also repeated a lot of bromides about improving Europe's competitiveness.

Italian spooks 'knew about CIA kidnapping'

Not only did the Italian secret services know about the CIA's plans to kidnap the Egyptian cleric, Abu Omar, in a hit which occurred on the streets of Milan in 2003, but they also participated in the operation. This is the firm belief of the prosecutors who concluded their investigation into the affair on 7 October. The report names eight agents of SISMI, the Italian security services, including the chief, Nicolò Pollari, and his deputy. The prosecuting magistrates claim that Pollari knew about the operation and agreed to help out. Abu Omar, an imam in a Milan mosque, was suspected of links to Al-Qaida and was kidnapped on 17 February 2003. He was taken to the American air base at Aviano and on to Ramstein in Germany, another US base, from where he was flown to Egypt. He claims that he was tortured there. Four other Italians are under investigation for complicity in the affair: two journalists from the daily, *Libero*, and two SISMI agents who tapped the phones of journalists from *La Repubblica*.

Claudio Scajola, chairman of the committee which controls the secret services, has said that Enrico Micheli, the Deputy Minister with responsibility for the services, declared the matter 'a state secret' in response to the committee's questions on whether the Italian authorities knew about the kidnapping plan. By making this declaration, the Prodi Government is continuing the policy of state secrecy imposed by the Berlusconi Government which it succeeded. [*Corriere della sera*, 25 October 2006]

Spain & Portugal for common immigration policy

Lisbon and Madrid have said that they want to see the EU adopt a common policy on immigration. Both countries are under pressure from a huge influx of refugees from Africa, more than 23,000 of which have landed on the coast of Spain since January. Speaking on 20 September at a joint press conference in Lisbon, the Spanish and Portuguese Europe Ministers said that solidarity and cohesion were 'fundamental' EU values and that this meant that all EU states had to share the burdens their countries were carrying. The same appeal had already been made by the French Interior Minister, Nicolas Sarkozy, who on 15 September said that the unanimity rule had to be abandoned where immigration was concerned, i.e. that the national veto had to be dropped, but he criticised the decision of Spain in 2005 and Italy in 2002 to legalise hundreds of thousands of illegal immigrants, saying that this had only encouraged the traffickers. [*Le Monde*, 21 September 2006]

Yushchenko? Who's he?

Following the victory of his rival, Viktor Yanukovich, in the recent general election, the Ukrainian President, Viktor Yushchenko, 'hero' of

the 2004 'Orange Revolution', has been marginalised from Ukrainian politics. At the height of the crisis, indeed, the West pressurised Ukraine into a radical change to its Constitution. The result of the change was that most of the President's powers were taken away from his office and given to the Prime Minister instead. Now that Yanukovich has become Prime Minister, it is he, not Yushchenko, who really runs Ukraine. The result is that the man whom the Western media pushed forward as the most popular politician since John F. Kennedy has in fact slumped into the nobody he always was. And the result of that is that few Ukrainians even care any more when he turns up at public functions. On the occasion of a visit to Kiev by the American film director, Steven Spielberg – who is making a documentary of the massacre of Jews by the Nazis in 1941 – Yushchenko turned up unexpectedly for the première – and few people even recognised him. [*Agence France Presse*, 20 October 2006; *Le Monde*, 23 October 2006]

Public support for Yushchenko has now fallen to 9.5 per cent in the opinion polls. Five of his allies in government have resigned. At the same time, Mr Yanukovich seems to be repairing his country's damaged relations with Russia. On the occasion of a visit to Kiev by the Russian Prime Minister, Mikhail Fradkov, Yanukovich indicated that the two countries were on the way to resolving their differences over the price of gas. Yanukovich said that the events of winter 2005-2006 (when the gas supply was temporarily cut off because Ukraine refused to pay the bill and was accused of siphoning off transit gas) had brought the question of gas supplies to "a high level of politicisation" but that things had now stabilised and that this stability was what the Ukrainian economy needed. He also gave guarantees that transit arrangements would be respected. "We will certainly guarantee stable volumes and look to it that the gas transportation system should be operating and our partners in the European Union should not experience the discomfort they experienced last winter," Yanukovich said. For his part, the Russian premier said that gas price rises were not on the agenda in their bilateral discussions. The prospect of a continuing gas war seems therefore to have been averted. [*Itar-Tass*, 24 October 2006]

Peacekeepers

The German Foreign Minister, Frank-Walter Steinmeier, has said he was deeply shocked by the "disgusting" photographs published in the German press which show German soldiers in Afghanistan desecrating human skulls. Germany has a large contingent of soldiers in Afghanistan as part of the international military force there and their presence has been a matter of considerable controversy in a country unused (since the end of the Second World War) to sending its soldiers into active combat. The pictures were taken in early 2003 during a patrol in the Kabul area and published in the mass circulation *Bild* newspaper. The soldiers in question have been identified and are being prosecuted. The pictures show a soldier about to stick wire through a skull as if to hang it up; another shows a soldier with his penis in his left hand and the skull in his right; a third shows the skull on a tank. It is not clear whether the skull is of an Afghan or perhaps a Soviet soldier from the 1979 occupation. The German Defence Minister, Franz Josef Jung, said that this kind of behaviour was totally unacceptable and that it represented the direct opposite of what the German army in Afghanistan is supposed to stand for. [*Bild-Zeitung*, 25 October 2006]

Lustration in Poland

On 18 October, the Polish Parliament voted for a new law on lustration. According to the new law, an affidavit (or denunciation)

can be submitted to the Institute for National Memory against members of Parliament, members of the Government and of the civil service, executives in state companies, local politicians, prosecutors, head masters and mistresses, university rectors and journalists, if they collaborated with the Communist secret police. A successful denunciation can lead to a person losing his job. The law also enlarges the definition of 'agent' by referring not to 'secret collaborators' but to 'personal sources'. This new definition could include people who were approached for information by the secret police but who did not necessarily work for them. The Kaczynski twins are opposed to opening all the Institute's archives; the law has to be signed by the President, Lech Kaczynski, for it to enter into force. He has fifteen days to sign it or send it to the constitutional court for review. [Célia Chauffour, *Le Monde*, 25 October 2006]

French judge their politicians severely

60 per cent of French people – according to a poll – think that their politicians are 'generally corrupt' but only 24 per cent firmly condemn their dishonesty. In other words, they are more intransigent about their politicians in theory than in practice. The 60 per cent figure contrasts with the 38 per cent who thought their politicians 'generally corrupt' in 1977. In 1991, the figure was 65 per cent. 78 per cent say that their ministers are corrupt; 69.1 per cent think that the President of the Republic is corrupt; 68 per cent for deputies to the National Assembly. 84.9 per cent think that the courts are too soft on ministers and 78.1 per cent think that they are too soft on national deputies. 56 per cent think that mayors are treated too lightly. 96.5 per cent say they would not vote for a politician who had been implicated in a financial scandal even if he was very effective. However, this apparent severity in their judgements contrasts with the answers to other questions. 72.3 per cent say there is little or nothing wrong with going to see a deputy to obtain a place for one's child in a crèche; 70.2 per cent say there is nothing wrong soliciting a deputy to find a job for a friend. Even taking out membership of a political party only in order to obtain social housing is considered all right by 49 per cent of those asked. [*Le Figaro*, 20 October 2006]

France implicated in Rwanda genocide

A committee has been set up in Kigali, Rwanda, officially charged with "collecting proof about France's role in the genocide" which took place in 1994. Composed of historians and jurists, the committee is supposed to hear the testimony of 25 witnesses in the first week. It will then pursue its investigations abroad and produce a report in six months' time. According to the committee chairman, Jean de Dieu Mucyo, a former Minister of Justice, "the report will determine whether or not a judicial procedure should be undertaken at the International Court of Justice." Situated in a room near to the office of the Prime Minister, the committee's first witnesses were Jacques Bihozagara, one of the leaders of the RPF rebellion (the RPF is the party which currently holds power in Rwanda) who was Ambassador of Rwanda to France after the genocide, and Augustin Iyamulemye, a Senator who was a senior officer in the Rwandan secret services from 1993 to 1994.

It will also hear testimony from people who lived in the zone where the military-humanitarian operation 'Turquoise' was launched by France three months after the genocide started. In his hearing, Ambassador Bihozagara attacked France for having "organised a campaign to denigrate and demonise the RPF" and for then having "protected those who committed genocide." He then attacked France for having "preached the existence of a double genocide" (i.e. of Hutus by Tutsis as well as the other way around). The Quai d'Orsay has said that

it has not been approached by this committee and that France will cooperate with the International Criminal Tribunal for Rwanda. There are cases currently before the French military courts alleging complicity in genocide and a senior judge is conducting an investigation into the attack in April 1994 against the aircraft which was carrying the Rwandan President, Juvenal Habyarimana. [*Le Figaro*, 25 October 2006]

German immigrant workers in Ireland

An association of German builders has been created in order to promote their services in Ireland. The 'German Crafts Association' has been set up by builders in Hessen and the Rhineland Palatinate to market the skills of German carpenters, painters and builders in Ireland. The construction industry has been booming in Ireland for ages but, according to the Germans, many of the builders there are not qualified. The Germans are intending to market their reputation for high quality work, and to ensure that, when a builder puts in a cupboard, the door shuts or when a wall is painted it is done so smoothly. The German builders had a stand at the recent Irish Building Exhibition and they claim that there was huge interest. One of the specialities that the Germans are marketing is in building houses which are economic in their consumption of energy. This is expected to be popular in a country in which energy prices have doubled in recent years. [Laura Stoll, *Frankfurter Allgemeine Zeitung*, 25 October 2006]

Russia reluctant on Kosovo independence

Russia is in disagreement with the other Western members of the Contact Group on Kosovo about whether the province should be made formally independent of Serbia. The USA, France, Italy and Germany want to suggest to the Security Council that Kosovo be made independent, even though Belgrade is strongly opposed to this. Moscow, however, wants to continue negotiations so that a result is found which is acceptable to both sides. In the middle of September, Russia had indicated that it would veto a resolution on independence. [N. Mappes-Niediek, *Frankfurter Rundschau*, 26 October 2006] Many Russians resent the Western pressure for independence for Kosovo, especially when those same Westerners are opposed to independence by Transnistria, a secessionist province of Moldova which has fewer historical ties with Moldova than Kosovo does with Serbia. The issue is further complicated by the fact that the Bosnian Serbs would like to declare independence from Bosnia-Herzegovina. The Western-backed High Representative who governs Bosnia, however, has said that any referendum on independence would be null and void. Other politicians in Bosnia who have campaigned for more autonomy, for instance the former Bosnian Croat leader, Ante Jelavic, have been imprisoned for anti-constitutional activities.

EU decides not to legislate on alcohol

The European Commission has abandoned plans to force alcohol producers to label bottles with health warnings similar to the ones they have imposed on cigarette packets. It has decided instead to encourage the Member States to take their own measures against alcohol abuse. It had been suggested that the EU would require beer and wine bottles to carry health warnings, or that the EU should introduce its own system for licensing alcohol outlets. These proposals met with a storm of protest, not least in Germany. The health Commissar, Markos Kyprianou, expressed frustration and anger at what he said was "the aggressiveness of the lobby campaign waged by part of the alcohol industry against our strategy." [*Frankfurter Allgemeine Zeitung*, 24 October 2006]