# OUT OF AREA – OUT OF SIGHT?

## What Role do Gender and Peace Policy Aspects play in the European Security Policy ?

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## Preface

What role do gender and peace policy aspects play in the security policy of the European Union?

Macedonia, Bosnia and Herzegovina, Congo – since the year 2003, soldiers have been operating in these countries under the leadership of the European Union (EU); stages on the way to make EU armed forces capable to intervene worldwide. German contingents participate in deployments abroad, in Afghanistan, Bosnia and Herzegovina, in the Kosovo, the Horn of Africa, in Ethiopia, the Sudan, Indonesia, and in Georgia. A good 6.140 troops are involved in assignments abroad, amongst them 264 female soldiers[1].

The current security concepts of the EU on peacekeeping are regarded as operational 'out of area' and are enforced by non-military threats and civilian elements within the framework of the 'expanded security concept.
"Security" in its traditional sense, on the other hand, comprised as part of the military doctrine the national security of states and the protection of their territories from outside threats. Peace missions, too, have changed drastically. By now, one speaks of the fourth generation of peacekeeping missions – starting with the traditional peacekeeping missions by the blue helmets, to peace-enforcement missions that are clearly of a military character, and ambitions in the field of nation-building, some of which lead to protectorate situations[2].

Parallel to the building-up of a new security architecture of the EU, the concept of 'human security' was developed. This concept, too, looks beyond national borders, however, its focus lies on civilian rather than military means for solving conflicts. This concept posits a 'human right to security' which is not only threatened by armed conflict but also by epidemics, organized crime, insufficient non-proliferation treaties for weapons, and more. Military intervention can, if at all, only be the last resort
When using the term 'gender mainstreaming'[3] in the discussion of gender issues in security and peace policy, it often remains unclear which security policy is actually being talked about. Reading on security-relevant topics, one notices that gender justice is demanded, however, the terminology and the concrete contents often remain foggy; particularly in the field of security and defence policy. In the discussion about gender issues amongst non-experts, the term 'security policy' is often used without any clear concept and in any context. It remains unclear which understanding of security is the underlying base for the demand of equal opportunity and/or greater participation in security policy. The result is: abbreviated theoretical and practical

[1] http://www.bundeswehr.de/
[2] Georg Elwert in : "Nation-Building – Das Beispiel Afghanistan", Jele Pilar Weiskopf, Deutschlandfunk 2001
[3] The gender concept goes beyond the feminist approach of women's support. Gender integrates constructions of femininity AND masculinity in one concept and identifies the meaning and function of gender allocations in the private and in the public sphere while asking the question of power. Typical, almost constitutive for gender roles in society, is the asymmetry of the division of power between men and women. Robert W. Connell, for instance, in 1987 in his book *Gender and Power*, developed the term 'hegemonial masculinity' and in his book Masculinities (1995) reflects about the implications of power and privileges within gender dynamics. Gender research demands a revision of the relations of power, for instance by strengthening the role of the women in the context of society and politics However, contrary to earlier feminist approaches, the focus lies on the structural and not the mainly individual influence on societal reality – taking into account and integrating male gender constructions.

strategies and arguments which at times rather represent opinions and desirable perspectives rather than facts.

A good part of this report is devoted to an analysis of the foundations of and documents on security policy. What will be the development of the European foreign- and security policy? Will gender-specific ideas be reflected in the documents? Is gender-mainstreaming taken into account? What role will women be granted in security policy? The results of this report may serve as a basis for further questions: Will security policy become more efficient and successful when gender issues are taken into consideration? Is gender supposed to play such a role, or should it rather alter the objectives of security policy? Propositions that need to be clarified before decisions are made on whether the European security and defence policy ought to be 'engendered' totally or in part, that is whether a higher participation of women is desirable and enforceable.

The former Minister of Defence, Peter Struck, is not the only one who mentions in one breath the perspectives of German security and peace policy and the necessities of a preventive security and peace policy[4]. In discussions on gender, too, a connection between security and peace policy is made[5]. However, can security- and peace policy be used unscrupulously as a terminological pair? On the web pages of the German Foreign Office, it is written: "Foreign policy is peace policy." The Foreign Office also speaks of a 'foreign- and security policy', whereas the German Ministry of Defence uses the term 'security and defence policy'. So, if foreign policy is peace- and security policy, and if security policy is also defence policy, does this mean that defence policy is also peace policy? Does Germany have an army that is moved by peace?

In how far is the European Security structure committed to peace? What do European documents say about the stance of Europe towards war and peace? Are peacekeeping missions an expression of a peace policy? And if so, peace for whom? At present, Germany's security is being defended at the Hindukush – by way of a peacekeeping mission, the International Assistance Force ISAF, under UN mandate and NATO leadership.
Peacekeeping missions as part of the military strategy in the war against terror and by no means a humanitarian, let alone a gender ideology? Do peacekeeping missions reveal the ambivalence of apparently same and yet competing goals? Do gender-oriented demands mean the same peace as security politicians and leaders of the task forces? Is a temporary co-operation between military and gender-oriented actors in case of possible joint interests, but of differing values, possible? Can gender approaches strengthen the peace-making, civilian components of military doctrines by excluding "robust" targets? During peacekeeping missions, is gender a relevant category at all, as demanded in UN resolution 1325?

In its central documents on foreign- and security policy, the European Union explicitly refers to the integration of its goals into the policy-making of the United Nations. In its resolution 1325, the UN Security Council urges its member states to ensure increased representation of women at all decision-making levels "in national, regional

[4] http://sicherheitspolitik.bundeswehr.de/1/14.php
[5] See, for instance the homepage of the feminist institute of the Heinrich-Böll-Foundation at www.glow-boell.de

and international institutions and mechanisms for the prevention, management and resolution of conflicts". In the framework of this paper, the author will examine whether these and other calls of the UN resolution have left their marks on EU security policy at all or in part.

The European security architecture seems to easily unite war and peace. However, might it possibly be that it is not a complete work of art that caters to all interests in the same way? Is the concept of 'human security' more successful in bringing together the antagonists security- and defence policy on the one side and peace policy on the other, and in formulating a more gender-suited alternative to the current security policy; an alternative through which gender activists can exert more influence on processes in security policy?

When dealing with the highly complex topic of "security", it becomes apparent that two, and even more worlds of security actually co-exist smoothly side by side and, at times, even interact. A broad field, from defence policy and the fight against terror in the European Union – and far beyond this – to peace-, development-, and human rights policy up to the protection of the climate and fight against international criminality.

This paper mainly concentrates on the kind of security policy that is favoured and quickly expanded by the EU and its member states. Keyword: Expanded concept of security.
On the other hand, it will present security policy concepts with an affinity to the gender movement and UN Resolution 1325. Keyword here: Human Security. The peaceful co-existence of such fundamentally different security concepts is surprising at first. However, it quickly becomes clear that they move in parallel worlds, both in terms of terminology and in their values with only very little points of contact, namely in the area of reconstruction and peace policy on the one hand and war as a last resort on the other.

UN Resolution 1325 strengthens resolutely the equal participation of women in peace operations. Peace sounds good – but peace operations' first objectives are of a military nature – as much as they may feel obliged to peace as a goal. Peace operations can therefore only be adequately judged on the basis of the security policy architecture which they are integrated in (just to remind the reader that Germany's security is defended at the Hindukush).

Literature on gender issues in security conveys the impression that the current security policy is not exactly part of the security policy canon of gender activists. The most interesting feature of the debate on gender and real EU security policy is possibly that there is hardly any debate in political women's circles – in favour of human security concepts. This is why the focus of this paper lies on the EU security architecture: on the periods, the bodies and institutions in which security policy processes in the EU are developed, and the dynamics they unfold by doing so. Is EU security policy oriented towards peace? How do its contents, goals and strategies change focus?

The author is turning her attention to the question whether gender and gender mainstreaming are relevant categories for security policy and in what manner gender demands can possibly be integrated.

Surely, the fact that many aspects of the security architecture in EU practical politics are ignored by many gender policy activists also shows their unease with these politics. If, however, gender activists want to take on responsibility in participating in this process and if they want to be actively and substantially involved in this process, the gap between security policy of the European Union and the gender discourses on human security must be closed.

It is the intention of this study to make a contribution to this.
The European Security Architecture with regard to the gender and peace perspective

## Gender- and Security Policy

Whereas in some areas of national and international policy-making and administration – outside of feminist circles - gender mainstreaming[6] has been recognized as a concept guiding action, it is hardly known in other areas of policy-making and society. Is gender a relevant category for the development of a European Foreign, Defence- and Security Policy? The Foreign Office writes that "Gender mainstreaming … comprises all departments, all topics, all areas of the Foreign Office and its representations abroad". Serious options for a targeted gender policy, also within the security architecture, or only empty talk?[7]

The more the current security policy is directed towards military action, the less it seems to represent a relevant category in the gender discourse. The term "security policy" is often quoted and used as a representation of the military character without, however, going into too much depth. The topic of a military security policy is often elegantly avoided by concentrating directly upon the concept of human security. With the topic of 'peacekeeping missions' in particular, many authors quickly move on to the peace policy implications of the military security strategy, which in turn are often interpreted to mainly endow it with some meaning. At least there, one is treading the – seemingly - secure ground of human rights, of constructive action and peacemaking.

[6] Gender mainstreaming is the term which defines the equal share of women and men in all areas in economy, policy and society. Contrary to empowerment, gender mainstreaming is a top-down approach. On all levels of the hierarchy, standards are determined and demanded. A simple example is the requirement that women should be adequately represented ('Quotenregelung'). Compare Uta Ruppert: Geschlechterverhältnisse in der Globalisierung. In: Globale Trends 2004/2005. Stiftung Entwicklung und Frieden, Fischer 2003

[7] Uta Ruppert writes: The implementation of gender mainstreaming in the EU concentrates on measures giving equal rights in the areas of the job market and employment, in other areas such as trade, farming, traffic or foreign- and security policy, nothing has changed. In: Globale Trends, 2004/2005. On the other hand, one can read that the question about Joschka Fischer's green and left–wing character (is) asked again, up to complaints about an excessive support of women with party- and camp policy secondary aims." ZEIT 06 April 2005.

## Gender and Peace Policy

Due to the manifold facets of reconstruction in post-conflict regions within the framework of peacekeeping missions, a picture of a "peace and security policy" arises which, however, only represents one aspect of security policy, at best.

For the Foreign Office, on the other hand, its policy is the quintessential peace policy: "Foreign policy is peace policy"[8]. The same formulation can be found in the coalition contract[9] of the former red-green governing parties. With its Action Plan "Civil Crisis Prevention, Conflict Resolution and Peace Consolidation", the then red-green federal government was doting on "Crisis prevention within the framework of an *extended definition of security*"[10]. Military threats are no longer the only dangers to security and stability. A threat to peace by economic, social, ecological and human rights aspects have become an integral part of this extended definition of security.

Dieter Senghaas defines peace as a non-violent process geared towards the prevention of the use of violence. "Through (this process), conditions for the cohabitation of societal groups, or states, or peoples are to be created that, on the one hand, do not endanger their existence and, on the other hand, do not violate the feeling of justice or life interests of individuals and groups in such a way that they believe that after having tried all peaceful remedies, they have to resort to violence."[11] But in how far does the foreign and security policy understand itself not only as a goal but also as a non-violent process? For instance, when securing the peace process in Afghanistan and "… within the framework of the operation Enduring Freedom" in which "the Bundeswehr takes part in the military operations of the international coalition against terror" (red-green coalition contract).

In security policy, peace is also kept or enforced by the use of arms, for instance in Afghanistan. Not infrequently, 'peace' mutates to peacekeeping missions. This is why one has to examine thoroughly the nature of the security architecture in the area in which peace aspects are placed. Can peace work be seen isolated within security policy or does it support – voluntarily or involuntarily - underlying interventionist ambitions with military means?

## The Definition of Security in European Policy Strategies and Documents

Foreign- and security policy, security- and defence policy, security sector reform, human security. Many variants of security. The topic of security policy embraces a huge diversity of strategy drafts, security and defence concepts, decisions in foreign policy, results of EU summits, to the temporary highpoint of the Constitution for

[8] Under the headline "Foreign policy is peace policy", one can find the key words CFSP – Common European Foreign Policy, ESDP – European Security- and Defence Policy, NATO, OSCE – Organization for Security and Co-operation in Europe, civil crisis management, current development in Afghanistan, south-east Europe, defence- and weapons control, G8 process, European council.
[9] Coalition contract between SPD and Bündnis90/die Grünen for the term of office 2002 - 2006
[10] http://www.auswaertiges-amt.de/www/de/aussenpolitik/friedenspolitik/ziv_km/aktionsplan_html
[11] Dieter Senghaas: Konstruktiver Pazifismus – eine Idee, deren Zeit gekommen ist. In: Frankfurter Rundschau of 03 April 1999

Europe[12], and last but not least the European Defence Paper[13]. These documents and decisions are integrated into national constitutions, military alliances, transatlantic partnerships, national, European, and international policy-making. A living process of concepts for the future, of set-backs and failures, of contractual agreements and new outlines. A process of courageous European visions, at times hindered by national ambitions or tactical alliances defending the interests of some, few states. A process that develops at times more dynamically, at times slowly, at times with a cooperative spirit, at times dominated by special interests. A process the concept of which is national and supranational at the same time. A constant development, characterized by strong interdependencies between foreign-, defence-, and security policy.

The collapse of the Soviet Union changed the parameters of the security architecture on a global scale and - after a period of re-orientation - also triggered off a dynamic security policy process in the EU. In the course of the following years, Europe repositioned itself both in political and military terms. The Common Foreign- and Security Policy (CFSP), the European Security- and Defence Policy (ESDP), the EU Security Strategy (ESS) as well as the Constitution for Europe crystallized into the main points of action in European policy-making. In the past 15 years, four events have shaped the development of the European Union into an intervention power: The inner turmoil and finally the failure of EU crisis diplomacy in view of the conflicts arising from the break-up of the former Yugoslavia from 1991-1999 and the successor wars, the thus resulting 'humanitarian intervention' in Kosovo in 1999 without a UN mandate and within the framework of NATO, the 9/11 terrorist attack of the twin towers in New York and its political consequences[14], and the divided European stance in view of the preventive war of the United States of America against Iraq in 2003 which was not legitimized by international law.[15]

This paper mostly deals with the European term of security, will, however, also briefly discuss German foreign- and security policy. The integration of the German foreign- and security policy into the European security architecture is, at least rhetorically, not debated. In the Defence Policy Guidelines (Verteidigungspolitischen Richtlinien, VPR[16]) of the year 2003 is written: "The achievement of the European force goals and the elimination of identified capability deficits at national and European level, as well as the commitment of reported military capabilities and means are the yardstick for the degree to which Germany and its partners are fulfilling their obligations within the framework of the EU." In his speech on German foreign policy to the German Bundestag in September 2004, Joschka Fischer pointed out the German position: "We do not pursue a national German foreign policy. On the contrary, these are our national contributions. We are involved in international decisions."[17]

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[12] "Contract on a Constitution for Europe", signed by the European Heads of Governments in October 2004

[13] "European Defence Paper" of the Paris Institute for strategic Studies (ISS, founded in 2002), October 2004

[14] In October 2001, the USA together with Great Britain started the military operation "Enduring Freedom" and launched air raids against the Taliban in Afghanistan

[15] Martin Ortega calls this reactive development of EU military policy the "Darwinist approach". See: Die Sicherheits- und Verteidigungspolitik der EU. Edited by Nicole Gnesotto, Institute for Security Studies, Paris 2005, p. 104

[16] www.bmvg.de

[17] http://www.auswaertiges-amt.de/www/de/ausgabe_archiv?archiv_id=6131

This paper will not go into the developments of NATO, seen as Joschka Fischer said in an interview: “The NATO was first of all an instrument of the Cold War, and it will only then become a proper instrument of the 21st century when the strategic dimension of Europe becomes real. I have asked myself for some time now why the growing strategic parallels between EU and NATO have only slowly led to a new approach.”[18] German former Chancellor Gerhard Schröder seconded at the Security Conference in Munich in February 2005 that NATO indeed is no longer the first address for the consultation and coordination of strategic ideas of the European partners.

## The European Common Foreign- and Security Policy – CFSP

The idea of a unified Europe has a long tradition. In 1620, at the behest of Henry IV, the Duke of Sully was the first to develop the idea of a Europe comprised of 15 states under the direction of a “Very Christian Council of Europe”. He even envisioned a common army. Today, 575 years later, it is true that we have a European Security- and Defence Policy (ESDP) but there is still no European army. Steps towards a common strategic culture and organisation were laid down in the so-called “Head-Line Goal” (Helsinki, 1999) and the “Head Line Goal 2010”[19], decided upon by the Heads of State and Government of the EU in June 2004. 60 000 soldiers of all three military branches of the armed forces are already under EU command. By the year 2007 it is planned that 13 battle groups of 1 500 special forces each can be rapidly deployed to trouble spots outside Europe and will be able to engage in high-intensity missions.

European Council (1949), European Convention on Human Rights[20] (1950) and its complement in social law, the European Social Charter (1961), European Commission for Human Rights (1954), European Court of Human Rights (1998) in Strasbourg, the Court of Justice of the European Communities in Luxemburg— keywords that prove that Europe has succeeded in developing its own profile beyond economic co-operation. Political goals were laid down for the first time in 1970 when proposals were issued for Political Cooperation in Europe. Despite its still informal nature, this European Political Co-operation anticipated many elements of the later Common Foreign- and Security Policy (CFSP). In 1987, foreign policy cooperation of the member states was laid down in the Single European Act.

But still the rigid fronts between the two world powers, the United States and the Soviet Union dictated the European foreign- and defence policy. For decades, the foreign- and security policy of western European states was defined along the conflict lines of the Cold War. The peaceful revolution in East Germany resulting in the fall of the Berlin Wall in 1989 and the thus resulting change in the geopolitical landscape of Europe (last but not least the German reunification), also changed the constellations of power in Western Europe dramatically. In the years that followed, a new (Western) European self-confidence was built up which, however, was immediately put into

[18] „Die Rekonstruktion des Westens“ – Interview with German Foreign Minister Fischer on Europe, America and the joint strategic tasks. Frankfurter Allgemeine Zeitung, 06 March 2004
[19] Doc. 6309/6/04
[20] Official name: European Convention for the Protection of Human Rights and Fundamental Freedoms

perspective by the fiasco of European crisis diplomacy on the Balkans. Consequence: New foreign policy strategy concepts were envisaged to unify the EU member states and to draw a consensus amongst them so that they could act as one, independent, self confident actor.

## Stations on the Way to a Common Foreign Policy of the EU

### The Maastricht Treaty

In the Treaty on European Union of 7 February 1992 in Maastricht, a Common Foreign- and Security Policy (CFSP) with the perspective of a common defence policy was decided upon. First kinds of common foreign- and security policy instruments were determined – subsumised under the terms "Common Positions" and "Common Actions".

Despite the fact that the European Union presented itself as an independent actor on the political arena in Maastricht, all substantial procedures on voting and decision-making were carried out on the intergovernmental level and not in the European parliament.[21]

### The Petersberg Tasks

The goals and tasks laid down in the Maastricht Treaty were constantly developed further and made more concrete in the government meetings in the years that followed. In 1992, the Council of Ministers of the WEU formulated the Petersberg Declaration[22] which was to become a synonym for European security policy. There, it was decided to include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. With this, the employment of armed forces was explicitly established as a humanitarian and peacekeeping option.

Was this merely a reaction of the members of the European Union to the changing political situation in the world with new conflict constellations or did they rather entertain power strategical ambitions that, as Jochen Hippler formulates, were embellished with an "altruistic, humanitarian 'leading ideology'"?[23] Be it as it may,

[21] Still, in the EU contract, for the first time the European Parliament is granted legislative functions and rights of control. Of course not with respect to CFSP, here the parliaments in Strasbourg and the European Commission only have hearing rights. Security policy decisions were made at first within the framework of the defence policy alliance, the Western European Union (WEU), which, according to Article 17 (1) is an integral part of the European Union. In 1948, the WEU was laid down as a collective self-defence alliance, in the so-called Contract of Brussels and its purpose at first was to defend itself against a possible German aggression. Germany became a member in 1954. The WEU contract contains, just like the NATO contract, an automatic alliance commitment. The WEU represented western European interests towards NATO. CFSP and ESDP have as a matter of fact taken over from the WEU. The WEU was integrated into the EU in mid-2001.

[22] www.weu.int/documents/920619peten.pdf

[23] Jochen Hippler: Kriterien und Rahmenbedingungen der Wehrreform- Sicherheitspolitische Herausforderungen und Interessen in: *Loccumer Protokolle*, 71/2000, October 2001, pp. 21-29

after the terrorist attacks of 9/11, the fight against terrorism was introduced into the Petersberg Tasks.

For the first time, the European stance in view of the new security policy situation became crystal clear in the Petersberg Tasks: The military and military alliances such as the North Atlantic Treaty Organization, NATO, were designed to defend, a task which, in view of so much peace, became increasingly more difficult to justify. The threat is dead, long live the threat? The threat scenario, a tradition for decades, was outdated. The Soviet Union collapsed into the GUS states, the German Democratic Republic was integrated into the Federal Republic of Germany as new Länder with the "Two-Plus-Four" Contract, the East European countries oriented themselves towards the West.[24] The report of the Bundeswehr Reform Commission[25] headed by former Federal President Richard von Weizsäcker therefore stated in 1994: "For the first time in its history, Germany is surrounded on all sides solely by allies and integration partners and faces no threat to its territory from neighbours. This new basis of German security is not of a transitory nature but will remain valid for the foreseeable future"[26]. The other then member states of the European Union, too, did not have to fear a military threat.

Still: By the rescindment of the bipolar world order, a vacuum of power was created which needed to be refilled. In this light, the Petersberg Tasks can also be seen as an experiment to balance the new fundamental asymmetrical nature of power – with the USA as single remaining hegemon – by a European weight; to make a mark as an independent actor in world politics and thus to emancipate and distance itself from the USA. In the dispute about Iraq in 2003, it became very clear that Europe did not have a common foreign policy, let alone a uniform security- and defence policy. One of the reasons why the USA succeeded in playing the 'old' Europe against the new Europe.

## The Amsterdam Treaty

The Amsterdam Treaty of 1997 formulates the objective to strengthen the security of the European Union in all ways and thus integrates the CFSP. It also incorporates the Petersberg Tasks, extended by a "common strategy". Critics see the integration of the Petersberg Tasks in the EU contract as a first step towards the militarization of Europe. With the creation of the position of the High Representative for the CFSP, who at the same time is Secretary-General of the Council of the European Union and the "Unit for Strategy Planning and Early Warning"[27], in short "Political Staff", important institutional preconditions for a common foreign policy were created. In 1999, Javier Solana was the first to take this office.

[24] See: Jochen Hippler ibid
[25] Official name: Commission for a Common Security and the Future of the Bundeswehr
[26] http://sicherheitspolitik.bundeswehr.de/12/3/1.php
[27] This staff of the High Representative is responsible for foreign- and security policy analyses from all areas relevant to the CFSP and gives advice to the European Council.

**Excursion: Gender and the Amsterdam Treaty**

The Treaty of Amsterdam: For some a harbinger of an unparalleled militarization, for others herald of the gender idea as mainstream within European policy-making[28]. If one looks at the Treaty more closely with respect to gender relevance, one will find the word "woman" 7 times (on approx. 300 pages) in connection with demands, that today may not be commonplace but taken for granted – at least in theory[29].

There are no substantial new rights for women in the Amsterdam Treaty, and certainly no gender requirements in the sense of an integration of men in the fight for gender equality. Already in the Basic Law of the Federal Republic of Germany, it is written in Article 3 (1), that all men are equal, and, in more detail in the following paragraph, that men and women have equal rights. Furthermore, it is written, that "the state fosters the de facto equality of women and men and works towards the elimination of existing disadvantages." In Paragraph 3, it is pointed out that nobody may be disadvantaged "because of their sex, their background, their race, their language, their home and origin, their belief, their religious or political opinions."

Apart from the Basic Law, the Federal Republic signed the UN women's rights Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979 in 1980, and ratified it in 1985. The Facultative Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, in force since December 2000 was ratified by Germany two years later. With this, women have a human rights instrument at their disposal on the basis of which, even individual complaints can be lodged if rights are violated.[30]

Seen, however, that the full enforcement of women's rights is usually lacking (one single member of the board of directors of DAX companies is a woman. Just below 10 percent of German top managers are women. Wages for women in Germany are still lower by one-third that those of the men, be it controllers, engineers or consultants[31]), it is welcome that these claims are laid down in the Treaty of

[28] On the web pages of the German Foreign Office, one can read: "The Amsterdam Treaty binds the EU to adhere to this principle (gender mainstreaming) when fulfilling their tasks (Art. 3 para. 2 EGV)". Ilse Lenz, in her contribution to "Human Security = Women Security" that women's networks were able to achieve "important regulations, such as gender mainstreaming with its legal binding character for the EU contract in Amsterdam"

[29] The Amsterdam Treaty says: "The Community shall have as its task by establishing a common market and an economic and monetary union and by implementing common policies or activities referred to in Articles 3 and 3a, to promote throughout the Community … (the) equality between men and women. In Article 3, Paragraph 2, the Community binds itself to "eliminate inequalities, and to promote equality, between men and women". Article 13 speaks against "discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation", and in Article 119, each member state is asked to "ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied."

[30] One can find other examples for laws governing the equality of men and women, such as in the Social Security Code (Sozialgesetzbuch), Children and Youth Services Act (Kinder- und Jugendhilfegesetz), in insurance law, in employment law, etc. Furthermore, the principle of equality and its implementation is anchored in the constitutions of most federal states of Germany. The controversial German bill of an anti-discrimination law hardly goes beyond already existing laws punishing discrimination – however, tightens measures for control and sanctions, and reverses the burden of proof, thus strengthening the rights of anti-discrimination associations. In the Charter of Fundamental Rights of the European Union, one can also find an anti-discrimination clause.

[31] In the *Süddeutsche Zeitung* of 11 February 2005, Jeanne Rübner quotes the result of a studies commissioned by the *Stern*.

Amsterdam. However, it still does not give rise to news of success within the gender discussion.

## Summits in St Malo and Cologne

The European foreign policy gained practical relevance in the tightening of the Balkan crisis. Without credible armed forces, the negotiation strategies of the Europeans were left without results. This impotence experienced on the Balkans (were they finally had to resort to the help of the Americans) led to new courses on the French-British summit in Saint Malo in 1998. There, a new European Security architecture was decided upon with the target to create European armed forces. One year later, during the European Council meeting in Cologne it was decided to establish a European Security- and Defence Policy (ESDP).

This so far is the overview of the conceptional level of the foreign- and security policy of the European Union. In reality, this foreign- and security policy is mainly determined by the national governments. Critics say mockingly that it is true that the CFSP with Javier Solana has gained a face, but no profile. However, on the military level, new facts have been and will be created which are in the process of unfolding their normative force.

## The European Security- and Defence Policy (ESDP)

The Petersberg Tasks that were defined in 1992 by Heads of State and Government of the WEU for the civilian and military crisis intervention, as well as measures for the prevention of conflicts became the central elements of the European Security- and Defence Policy after the decision of the European Council in June 1999 in Cologne. Was this the beginning of the end of Europe as a civilian power? Hardly. But the greatest focus on military capabilities to enforce policy measures is certainly a change in paradigm of the security- and defence policy of many European states. The Council declared that the European Union ought to be capable of autonomous acts, based on credible military abilities. The Union not only ought to have the means but should also be prepared to implement military operations, if necessary, to be able to react to international situations in crisis, notwithstanding NATO activities.[32]

## Helsinki Headline Goal

In the Helsinki Headline Goal of 1999, these demands were put into concrete terms. By the year 2003, the members of the European Union were to establish a “rapid reaction force” (European Rapid Reaction Corps). Member states should be able to

[32] Javier Solana writes: “But if the ESDP is only one more means and no purpose, it must still enable us to develop military and civil faculties that are both rigorous and flexible at the same time that they finally … widen the political freedom of action of the European decision-makers”. In: Die Sicherheits- und Verteidigungspolitik der EU. Edited by Nicole Gnesotto, Institute for Security Studies of the European Union, Paris 2005

deploy 15 brigades, that is up to 60 000 soldiers, within 60 days for deployment for at least one year. This, however, was not the start of a European army. Instead, member states were to make available national forces for these crisis reaction forces. In the year 2000, the EU member states promised to make available 100 000 soldiers, 400 aeroplanes and 100 ships. “Imaginative figures”, criticises Karl-Heinz Kamp[33]. “In the year 2003, the EU will then state that the Headline Goal has been reached even though the rapid reaction forces in their planned form only existed on paper. In June 2004, half recognizing the failure, another goal was decided upon – called Headline Goal 2010 this time, with Battle Groups being an integral part of it[34].

## The Treaty of Nice

On the summit in Nice, in the year 2000, the decisions of Cologne and Helsinki on the European Security- and Defence Policy (ESDP) were taken up into the contract of the union and confirmed to be an integral part of CFSP[35]. However, despite the commitment to the common defence policy, Great Britain was not yet prepared to develop a standing European army from the now officially deployed rapid reaction forces of the Europeans – even though they themselves, together with France, had launched the idea of a European army and initiated it at the French-British summit of St Malo in 1998.

## Battle groups

In the time that followed, the world and Europe were shaken by a number of events: the terrorist attack of 9/11 2001 against the twin towers of the World Trade Center with succeeding military operations under the leadership of the US in Afghanistan. With Resolution 1386, the UN Security Council created the precondition in international law for the deployment of an International Security Assistance Force (ISAF) for Afghanistan, on the basis of a UN mandate, according to Chapter VII of the Charter – with this not a peacemaking blue helmet operation but furnished with a robust mandate. In September 2002, the United States published their new National Security Strategy[36], in March 2003 the USA started the war against the Iraq.

In the same month, the EU took over its first military assignment “Concordia”, to take over the operation “Allied Harmony” in Macedonia, hitherto led by NATO; a milestone in the political and military integration process of the EU. In early 2004, during the Summit in Berlin, Germany, the leaders of France and Great Britain suggested to build up such battle groups, a suggestion which was approved in April during an informal meeting of the EU defence ministers. Beyond the “rapid reaction forces”, flexible, highly efficient, national or multinational units were to be made available,

[33] Karl-Heinz Kamp: Europäische "Battle Groups"– ein neuer Schub für die ESVP? In: Analysen und Dokumente. Konrad-Adenauer-Stiftung 15/2004
[34] Karl-Heinz Kamp: ibid.
[35] This common defence policy however, only leads to a joint defence if the European Council decides as such and when the member states accept and ratify a decision accordingly. See also: Stefanie Flechtner. Neue Impulse in der europäischen Außen- und Sicherheitspolitik. Internationale Politikanalyse, Friedrich-Ebert-Stiftung, December 2003
[36] The National Security Strategie of the United States - http://www.whitehouse.gov/nsc/nss.pdf

enforced by navy and air force, ready for deployment within 5 – 10 days. The order of these troops is not clearly defined; however, one thing is clear: they are not bound to a UN mandate alone. Battle groups can "rescue civilians from civil war situations, intervene against fighting parties to the conflict or put a stop to murdering gangs, such as in Rwanda in 1994. They can also operate in 'regional conflicts to defend European interests'[37], as it says in the European Defence Paper of the Paris Institute for Security Studies[38]. This study on security strategy was commissioned by the EU. Many reacted to the Defence Paper with outrage. The Informationsstelle Militarisierung (Information office militarisation, IMI), for instance not only criticised the concept of battle groups but also the statements concerning future war scenarios of the EU, "in which the national nuclear capacities of European member states (Great Britain and France) could either explicitly or implicitly be incorporated into planning activities".[39]

[37] Friedensgutachten 2004, Edited by Ulrich Ratsch, Reinhard Mutz, Bruno Schoch, Corinna Hauswedell, Christoph Weller, p. 21

[38] Institute for Security Studies ISS (http://www.iss-eu.org/): Europäische Verteidigung: Ein Vorschlag für ein Weißbuch.

[39] Quoted from: Informationsstelle Militarisierung -IMI-Analyse 2004/038: "Die Blaupause für Europas Kriege der Zukunft: Das European Defence Paper. p. 5 www.imi-online.de

## Civilian Crisis Prevention and Conflict Management

In May 2000, the EU established a committee for the civilian aspects of crisis management. One month later, concrete targets for civilian nation-building activities were laid down in Santa Maria da Feira. 5000 police officers, 1000 of whom deployable within 30 days, and 200 experts on the rule of law were to be made available for nation-building. Additionally, it was decided to train civil service experts for post-conflict regions. “Substitution missions” were developed to build up broken down local structures and institutions in the area of police and the rule of law, just as “strengthening missions” were developed to support them. Furthermore, a drastic improvement of the civil protection of humanitarian helpers in the areas of crisis was decided upon.

On the European Council Meeting in Göteborg in 2001, it was agreed to make available further civilian resources for the support of acute crisis prevention and conflict management. A “Programme of the European Union on the prevention of violent conflicts” was adopted.

## Conclusion

Despite progress in the development of a common foreign- , defence- and security policy of the EU it remains difficult to synchronise the various national interests. Be it for differing political opinions, as seen in the varying stances taken by the Europeans concerning the crisis in Iraq in 2003, be it financial reasons, as with the rapid reaction forces. The ESDP remains an unruly instrument which, really, is not surprising, as security policy belongs to the core of national sovereignty. Still, throughout Europe there is consensus on the fact that the Union ought to make its mark as an actor in security policy worldwide. The democratic legitimisation of the ESDP is still under debate. Authors like Hauswedell/Wulf[40] criticise the deficit in democratic control of the ESDP as the European Parliament lack any competencies in the security policy, something which will not be levelled out by the planned Constitution. The parliament is merely to be “kept up to date on important aspects and fundamental changes in the Common foreign- and security policy”. Up to now, the ESDP is, as Mawdsley rightly comments, a project of the EU élites.[41] And even though the European citizens generally signal their consent to a European security- and defence strategy, polls suggest that the majority of the citizens of Europe are not sure about the purpose of the ESDP.[42]

With his paper on a European security strategy, Javier Solana tried in 2003 to close this gap. He put onto paper what the desire for and idea of a power- and military-oriented Europe was to look like. His security policy course signals which position Europe is planning to take in world politics, namely: “A vision of global security … that apart from the priority of civilian means also includes the recourse to military

[40] Corinna Hauswedell/Herbert Wulf: Die EU als Friedensmacht? Neue Sicherheitsstrategie und Rüstungskontrolle. Friedensgutachten 2004, Edited by Ulrich Ratsch, Reinhard Mutz, Bruno Schoch, Corinna Hauswedell, Christoph Weller, S. 122
[41] Jocelyn Mawdsley in Friedensgutachen 2003, p. 156
[42] Jocelyn Mawdsley, ibid. p. 154

measures", as Jocelyn Mawdsley voices her opinion[43]. Whether civilian means are really the priority remains to be examined.

The example of the development of the Petersberg Tasks shows that what was formulated first as a definition of tasks in 1992, then became the pillars of the ESDP, is now, 10 years later, part of the Constitution for Europe. For the gender perspective, this shows the necessary of integrating gender demands as early and as concretely as possible into policy processes. Merely six months later, after acceptance by Heads of State and Government, the security paper of Solana, too, became the official European strategy. Unspecific demands, such as gender mainstreaming in security policy, neither make sense as a concept nor as a vision, and certainly not as real policies. The topic 'gender' ought to be anchored in the concrete policy processes themselves if one does not want to draw the conclusion that gender has not been taken into account once again.

The development of CFSP and the ESDP shows that important developments and contractual regulations have resulted from the government conferences of the Heads of State, or the Ministers of Defence. However, amongst Heads of State there are just as few women as there are amongst Ministers of Defence. This does not make it easy to anchor ideas on gender in the processes of the foreign- and security policy, even if 'gender', at least theoretically, is not only an issue for women. Leading positions in the convent for the drawing up of the European Constitution, too, are 'manned' by men: chair Valérie Giscard d'Estaing, his deputies Giuliano Amato and Jean Luc Dehaene. It is unacceptable that the foreign- and security policy, something that affects all citizens of a country in their existence, is still being decided upon – mainly- without the participation of women.[44]

The political developments briefly mentioned here show that gender mainstreaming in security policy is not an option for the actors, because it is simply not mentioned – exception being the Treaty of Amsterdam. This is not surprising as security policy and the military have always been a male domain. This is why one has to reckon with the fact that, in the near future, women will only be marginally involved in shaping the security policy. Even so, there is some movement. In March 2003, for instance, the European Court of Justice decided that the German prohibition, that women "may by no means serve their time with a weapon" (Art. 12a GG) violates European law. Since January 2001, women may serve with all weapons, and on 1 January 2005, the law on the equality of female and male soldiers in the *Bundeswehr* entered into force. The law determines quotas, 50 percent of women in the medical corps, 15 percent in all other areas. The new role of the female soldier has the potential to change the political culture, the gender culture and with it the gender discourse and to thus to upheave the traditional relations of power. However, the aspired quota of 15 percent lies below the 30 percent mark as of which minorities actually do influence the majority. A revision of the gender constructions is therefore not to be 'feared' for a

[43] Jocelyn Mawdsley: Die Europäische Sicherheits- und Verteidigungspolitik in einer kooperativen Weltordnung. In: Friedensgutachten 2003, P. 151

[44] Uta Ruppert states: "The implementation of gender mainstreaming in the EU focuses on equal rights in the areas of the job market and employment; in other areas, such as … foreign and security policy, nothing has changed." In Globale Trends 2004/2005. Stiftung Entwicklung und Frieden, Frankfurt a.M. 2003

long time to come. Up to now, the military has reacted by "drawing up military pictures of women that do not endanger the order of the sexes"[45].

Besides the enforced assertion of gender mainstreaming in the area of security policy, one needs to examine whether in the short run there are more effective and efficient ways and means to influence security policy in a lasting manner. Shadow reports, such as the one of the Women's Security Council to the "Report of the German Federal Government on the implementation of UN resolution 1325" are a good way of controlling, commenting and documenting feminist positions. Another step out of the shadow would be the direct influencing of current processes of the security policy. For this, a visible institutionalisation of informal participation is necessary, just like NGOs have been practising with great success. Non-governmental organisations, have, for instance, played an important and recognised role in the formulation of the statutes for the International Penal Court.

## Solana's Security Strategy "A Secure Europe in a Better World"

In June 2003, when the debate in Europe about the war in Iraq was still virulent, Solana reacted to the current challenges in world politics and published his "Draft for a global security strategy – A secure Europe in a better world". With this, Solana succeeded in swearing EU member states to a common position. Solana presented the European foreign-, security- and defence policy in one joint concept and integrated civilian and military instruments into a joint strategy, based on the condition that Europe has to articulate its own interests towards America. The security strategy was adopted as early as in December 2003 together with the strategy for the fight against the proliferation of weapons of mass destruction by the European Council, and is considered by the German foreign ministry to be a "milestone of CFSP"[46].

## Threat Scenarios

Solana developed his strategy against the background of new European responsibilities and interests, and on the basis of new, oppressive, threat scenarios which are no longer characterized by rivalling, warring states but by the worldwide fight for natural resources, transnational terrorism, the proliferation of weapons of mass destruction, organised crime, the effects of regional conflicts and last, but not least, by the failure of states accompanied by the privatisation of violence. With this scenario, he is referring to the expanded security concept which is no longer based on a purely military threat. Solana does not pay much attention to the fact that the expanded concept of security is targeted at the structural reasons of violence where civilian means and not military action are the favourable alternative for a de-escalation of such threats.

The integration of these threats into a modern security strategy is new, the phenomena themselves, however, are not. Civil wars, organised crime, failed states,

[45] Bettina Engels: Gender in der Analyse und Bearbeitung gewaltförmiger Konflikte. Diplomarbeit 2004
[46] Deutsche Außenpolitik 2003-2004, German Foreign Office, p. 65

poverty, epidemics, and natural catastrophes are not an invention of the 1990s. What is new, however, is the international terrorism and the so-called 'new wars'[47]. In how far Europe can be affected by the effects of regional conflicts remains unclear in the strategy paper. What becomes clear is that obviously not only Germany but all of Europe is defended in the Hindukush[48]. But why?

The threats described are simply added in the paper, not analysed. Another deficit is the fact that no resources are mentioned to counter the threat scenario described therein. Such dangers have long since been countered with civilian procedures, such as for instance with the creation of international organisations and regimes as authorities for peaceful conflict management.[49] With this, an analytic balance between destructive and constructive forces is missing in the Solana paper, thus intensifying the climate of threat. Instead of a balanced judgement of the real, not yet 'better' world, Solana comes up with the utopian target of "a world that is taken for real as a place of justice and with chances for everyone". In this strategy, everything is somehow interwoven with anything; one tries in vain to find analyses based on clear conditions and logical conclusions. After the introductory remarks by Solana – according to which almost four million people have died in wars, 90 percent of them civilians, and some 45 million people die every year of hunger and malnutrition (not to speak of AIDS), the reader will scarcely have any choice but to agree with the final strategy deliberations.

**Development with Security?**

There's no development without security and no security without development. A correlation that is widely accepted. The question on its implementation remains. One does not find an answer to this in Solana's paper. He remains vague. The reader learns that the European Union is particularly well equipped to react to such complex situations like operations abroad. However, it remains not certain what role the military can and should play with respect to the new risks, of which none is "purely military" (Solana). How can the military contribute to such heterogeneous difficulties such as the fight against drugs and terrorism and the build-up of civilian governments in post-conflict regions? Solana merely states that the threats emanating from non-state actors and failed states cannot be tackled by purely military means, but require a mixture of political, military and civilian instruments[50]. A combination which both the military and actors from development policy and gender experts need to get used to.

For the army, this new role of the soldier from the "expert on violence"[51] to the military peacekeeper represents a totally changed, opposite identity. The new 'humanitarian' profile of a soldier is the total contradiction of the hegemonial

[47] „New Wars", a term that Mary Kaldor coined in 1999 for non-state wars, and which Herfried Münckler took over in 2002.
[48] The then German Minister of Defence, Peter Struck, coined the sentence: „The security of Germany is defended in the Hindukush".
[49] See Michale Zürn: Vom Nutzen internationaler Regime für eine Friedensordnung. In: Frieden machen. Editor: Dieter Senghaas, Frankfurt a.M. 1997
[50] Solana demands a mix of the instruments, however, not the primate of civil means.
[51] „expert on violence", a provoking term by Charles Moskos, quoted from Jörg Keller: "Küß die Hand gnäd'ge Frau.....- oder: Ist die Soldatin möglich?" in: Ruth Seifert, Christine Eifler „Gender und Militär" Königstein/Taunus 2003, p. 254

construction of manhood that "in the military finds its most patriarchic and androcentric expression"[52]. According to Eifler, the military concept of manhood finds its expression in the experiences the soldier has made with violence, authority, readiness for combat, strength and fearlessless[53]. Eifler points out that in society the position of a soldier of peace turned into the ironic picture of the soldier as a 'social worker' which, however, was quickly replaced by the more manly "specialist in the fight against terror"[54]. This shows that a change of paradigm not only has to take place in the military culture but also in parallel in civil society, if the development of peacemaking potentials within the military is to have a chance in the long term.

Despite the demanded mixture of military and civilian instruments, development politicians and –aid workers fear a massive loss of meaning of development policy by Solana's strategy, to combine foreign- and security policy with development policy. Development policy could successively lose its independence –and worse – could be used by the foreign- and security policy without gaining any freedom of activity[55]. Fears that gender activists don't need to have, as gender ideas are simply not foreseen for operations abroad in the security policy. In numerous interviews that the author conducted with high-level representatives of the *Bundeswehr* in Germany and Afghanistan in November and December 2004, it became clear that even the term "gender" was mostly unknown, not to speak of its contents. On the other hand, many interviewees displayed great openness, as the need for new concepts is obvious: Both military and development policy traditional strategies have not been designed for regions in crisis and post conflict and thus are not effective. The new orientation of the security- and development policy opens up the chance to get some light into the black box "gender". The military and civilian helpers ought to be confronted with the results of the research on gender in international relations[56]. Some scepticism is appropriate on what concerns the passing on of studies as they would hardly find any readers in the army and in defence policy. More suited for a forum would be, for instance, the *Akademie für Krisenmanagement, Notfallplanung und Zivilschutz* (AKNZ)[57] and the Centre for International Peace Operations (CIP)[58] of the German Foreign Office. In the seminars and analyses of both institutions, gender is only marginally represented. Still, it is these centres that train the civilian peace personnel that later on will shape the civilian and military reconstruction process. Therefore it

[52] Patricia Albanes, zitiert nach B. Engels: Gender in der Analyse und Bearbeitung gewaltförmiger Konflikte. Master Thesis (Diplomarbeit) 2004, p. 14

[53] Compare Christine Eifler: „Militär, Gender und Peacekeeping – zu einem widersprüchlichen Verhältnis". In: femina poliitca 9/1 2000, p. 37-47

[54] Christine Eifler „Sozial sensibler High-Tech-Krieger" in FREITAG, 10.12.04

[55] Compare Dirk Messner, Jörg Faust „Entwicklungspolitik als ein Kernelement der europäischen Sicherheitspolitik." In: DIE, Deutsches Institut für Entwicklungspolitik, Analysen und Stellungnahmen (3/2004)

[56] Research on gender deals with international relations in the framework of conflict studies, armed conflicts and gender sensitive reconstruction in post-conflict countries, and countries marked by organised crime, lack of government functions, violation of human rights, etc.

[57] The AKNZ does not offer any seminars on gender contents in the year 2005. On the web pages of the CIP, one does not find any information on gender. The main focus of the work of the AKNZ are research support, evaluation and implementation of research projects, holding seminars on civil-military co-operation, participation in the conceptional work of the highest federal agencies responsible for the respective issues and participation in federal – state – committees and in European committees. See: www.aknz.de

[58] The CIP's task is the training of civilian personnel for international peace operations and observation missions that have been decided or that are carried out by the United Nations, the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU) or other international organizations. http://www.zif-berlin.org/

would be particularly relevant to practice, to integrate gender contents into peace work via the work of these two institutions.
Interestingly, in security strategy, equal rights for and the involvement of women does not play a role for the international security, despite the fact that Solana explicitly speaks in favour of strengthening the values and goals of the UN. The UN Security Council in its Resolution 1325 emphasizes "the important role of women in the prevention and resolution of conflicts and in peace-building", and stressing the "importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security", and urges the member states to "ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflicts". Due to the fact that there is a massive presence of the armed forces in which women are extremely underrepresented, the percentage share of women in peace security operations is drastically decreasing rather than being strengthened. One would have at least wished to have heard some ideas on how Europe is planning to implement the above-mentioned demands by the UN.

One look at the development of the gender discourse with regard to conflict transformation in post-conflict regions would have given valuable advice. At the world women's conference in Peking in 1995, the role of women in the prevention of violence and the peaceful conflict transformation in peace processes was discussed. In the adopted action platform, a stronger participation of women in all processes of peace consolidation is demanded. Since then, international documents of the EU, the OSCE and the UN point to the peacemaking potential of women the full potential of which has not yet been exploited[59]. A particular turning point in the fight for more influence of women on peace processes was UN Security Council Resolution 1325. With this Resolution, the Security Council follows in the footsteps of the conference in Tokyo, the Windhoek Declaration and the meeting of the General Assembly "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century", with particular focus on women in armed conflicts. Contrary to frequently published comments, the character of the Resolution is not legally binding[60] but expresses recommendations. In Resolution 1325, the Security Council speaks in favour of the participation of women during the peace consolidation processes – on the part of the helping nations on the one hand and on the part of the countries marked by conflicts on the other. Women in post-conflict countries are actors in conflict settlement and addressees of aid at the same time[61]. Literally, it says: "… recognising the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations."

[59] Examples: Document of the European Parliament, 2000, on the participation of women in the settlement of conflicts, Gender Action Plan of the OSCE, 2000. Windhoek Declaration of the United Nations Transitional Assistance Group UNTAG, 2000: The Namibia Plan of Action On 'Mainstreaming a Gender Perspective In Multidimensional Peace Support Operations', Report of the Secretary-General on women, peace and security, 2000
[60] Often one reads this differently, such as in the cfd Newsletter *Gender und Friedensentwicklung* 1/03 of the SR, where it is written: this "gave it (Resolution 1325) with its direct reference to the UN Charter a binding character in international law."
[61] The frequent change in perspective makes reading the Resolution quite laborious

## Military Strategy

In the last chapter, Solana presents his ideas of a European "strategic culture" to be developed. It is about practical levels of security policy and its instruments: From the entire range of civilian policy instruments to preventive commitment. With this, Solana goes beyond the picture of the classic, purely military-oriented security- and defence policy. "We need to develop a strategic culture that fosters early, rapid and, when necessary, robust intervention." And he adds: "Preventive engagement can avoid more serious problems in the future"[62]. He chooses not to mention details on the legitimation of robust intervention, that is the use of the armed forces, and on the kind and scope of the threat that is to be countered by military means.

Instead, Solana points to strategic partnerships between the EU and NATO, and to the integration of the EU into the United Nations[63]. The strategy paper, however, does not make it clear that military action is only the last resort. Preventive military action, however, is not covered by the UN Charter.[64] One often finds the tendentious term "line of defence" in Solana's text, which "will often be abroad". A "line of defence", however, is clearly a military term.[65] One asks oneself what a robust military intervention on foreign territory is supposed to mean?[66]

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[62] Solana leaves open what is to be understood as "preventive engagement". The parallel to the concept of prevention of the US American National Security Strategy (NSS) (www.whitehouse.gov/nsc/nss.html) that is certainly to be understood as military and that postulates the right to self defence against security risks that cannot be foreseen, forces itself on the reader. See also Hans-Joachim Heintze : Interventionsmacht EU. Unpublished manuscript, 2004

[63] Solana feels bound to the keeping and development of international law. The Charter of the United Nations is the basic framework for international relations. The UN Security Council has the main responsibility for the keeping of world peace and international security. The strengthening of the UN is the main goal. However, military operations without a UN mandate are not explicitly excluded. And this is not all: According to Article 41 of the UN Charter, the "Security Council decides what measures not involving the use of armed force are to be employed to give effect to its decisions ... ." Should the Security Council consider that measures provided for in Article 41 would be "inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."

[64] The fact that "all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered" determines that all members have to refrain in their international relations from the threat or use of force. (Article 2 Para.3 and 4 UN Charter).

[65] See Hans-Joachim Heintze: Interventionsmacht EU. Unpublished manuscript, 2004

[66] According to Article 87a of the German Basic Law, the state raises armed forces for the defence of the country. Defence today, however, comprises more than the usual defence against a conventional attack at the country's borders. It includes the prevention of conflicts and crises, the joint coming to terms with crises and post-conflict recovery. Correspondingly, defence can no longer be restricted to geographical terms but contributes to the keeping of or security wherever it is in danger. It continues: "Due to the broad concept of contemporary security- and defence policy and its requirements, future operations can neither be restricted in their intensity nor in their geographic scope. The political purpose determines goal, place, duration and kind of operation. A participation of the *Bundeswehr* in multinational operations can become necessary worldwide and with little time to prepare, and can embrace the entire spectrum of operations up to operations with high intensity". It is obsolete to point to §87a, as §87a only allows the use of armed forces in cases of defence. If, however, the term 'defence' is eroded in so far that an attack is the best form of defence, this kind of defence of the country is no longer covered by the Basic Law. In the preamble to the Basic Law, on the other hand, one can read that the German people is filled with the will to serve peace in the world. – Up to now, the federal government has not written down the new strategic course in a White Paper, which would then carry the signature of the Chancellor. The Defence Policy Guidelines are 'only' a departmental document.

A similarly uninhibited stance towards military violence can be found in the Defence Policy Guidelines (*Verteidigungspolitischen Richtlinien VPR*) of May 2003 of the former German minister of defence, Peter Struck. A defence policy strategy without borders which Mutz characterizes correctly with the words "anything goes"[67]. At the same time, Mutz warns about the Orwell' manner of disfiguring language to manipulate the consciousness, as any military task could be named very precisely, there might be persuasive, politically justifiable and legally permitted reasons for many of them, however, none of them have anything to do with classical defence – contrary to the term Defence Policy Guidelines.[68]

The civilian policy instruments the employment of which Solana demands, too, remain without contours. "And we have to work with others. More active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities". Without giving any reasons, he comes to the conclusion, that military intervention, too, or so-called "robust intervention" could be a legitimate reaction to non-military threats out of area.

The addressees of such interventions are not involved in the strategy. After all, most of these above actions in areas of conflict are interventions in principal internal affairs of states. The Eurocentric view and the unpreparedness for dialogue are another shortcoming of this strategy, which, in reality wants to work towards a 'better world'. One person, who sees all this very differently, is Ramesh Thakur, Vice Rector of the United Nations University (UNU) in Tokyo with his field of research "Peace and Governance". He warns urgently against "humanists in war".[69] "The balance of western colonialists as peace-makers is the worst imaginable … The relentless advance of colonialism and imperialism was never explained with banal commercial or geopolitical calculations. The issue was never the conquest of land and the increase of wealth. No, colonialism and imperialism were pushed ahead with far greater goals: proliferation of Christianity, teaching of the democratic values, human rights, rule of law – and finally peace. … This is why we are suspicious of military actions that are led by the continual belief that they are a virtuous power. This is why we are looking at the ugly reality of geostrategic and commercial calculations that disguise themselves with pathetic rhetoric.

## Conclusion

The security strategy has been designed by a former NATO Secretary General. This is why the focus is not really surprising. It is also understandable that the EU does not want to counter US actionism with civilian competencies alone. Without military ability to act and the demonstrative staging of power, European states won't be in a position to put their mark on international relations. This is also a lesson learned from the foreign policy disaster of Europe in Bosnia. Only by US intervention and its credible threat to enforce peace, if necessary, did the Dayton Treaty come to be. But Solana still favours military means of a scope not yet imagined for the joint Europe

[67] Reinhard Mutz: Verteidigung am Hindukusch? in: Friedensgutachten 2004, p. 253
[68] Reinhard Mutz; ibid
[69] taz Nr. 7472 of 27 September 2004

and thus endangers Europe with this. The philosopher and religious scholar Horst Kumitzky describes civilisation as a history in dealing with violence. He warns against lifting the ambivalence of the cohesion forces, love and aggression, in favour of one side, as this would necessarily lead to acts of violence.[70]

The greatest strength of the Solana Paper is also its greatest weakness. Solana has succeeded in tying together foreign-, security-, and defence policy in an integrated concept which is worth a compromise – however, at the cost of analytical depth. The result is nothing more but a collection of theses; just as broad as it is vague. As such, it may do without precise and subtle analyses in favour of the broad overview. Still in the same year, this draft was signed as "European Strategy" by Heads of States and Governments. As a strategy, it is too populist and undifferentiated. The applause of the American ambassador, Daniel R. Coats in his speech of February 2003 may give cause for thought. He points out that "the United States and Germany to a large extend still pursue the same strategic goals. These goals are reflected in the National Security Strategy of the United States, the Security Strategy, adopted by the European Union in December 2003, and – the most important – in our daily close co-operation in a great number of projects".[71] In view of the policy-making of the USA à la pax Americana which does not even attempt to distract from its imperial ambitions, unilateralism and ignorance towards international law, it is a compliment that evokes ambivalent feelings.

It is true that Hauswedell/Wulf judge this strategy as "a coup de force" (*Befreiungsschlag*)" and a "remarkable political compromise"; however, they also establish that it contains a "vague definition of security, insufficient analysis of the reasons for conflict and differentiation of contexts". They also criticise the serious suggestions for disarmament and arms control policy. "The new EU strategy as well as the expansion of the ESDP instruments within the framework of the Constitution has the result of a *de facto* militarization in the reaction to international conflicts."[72]

In view of these results, gender and peace activists, should they ever reach a participation worth mentioning, are likely to be faced with the same dilemma as development aid workers. They too, face the danger of being "used by the foreign- and security policy without themselves gaining any more impact"[73] if they engage themselves only in parts – mainly the area of re-construction – rather than the entire range of the discussion about and measures for security on all levels. In the Petersberg Tasks that have entered into the European Constitution it is written that that those missions "in the course of which the Union may use civilian and military means, shall include ... humanitarian and rescue tasks, ... conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation."[74] This quote makes clear that peace missions must be seen in conjunction with the military, security policy targets and guidelines

[70] Horst Kurnitzky in the Deutschlandfunk, 23.09.02
[71] http://www.us-botschaft.de/germany-ger/rede_02_03_04.html
[72] Corinna Hauswedell/Herbert Wulf: Die EU als Friedensmacht? In: Friedensgutachten 2004, p. 125
[73] Dirk Messner, Jörg Faust: Entwicklungspolitik als ein Kernelement der europäischen Sicherheitspolitik. In : DIE, Deutsches Institut für Entwicklungspolitik, Analysen und Stellungnahmen (3/2004).
[74] EU Constitution, Art. III-309 (1)

up to fighting operations. Today, the 'classic' peacekeeping blue helmet operations are an exception.[75]

It remains to be seen in how far one can get involved in peace missions without supporting the respective logic of security policy at the same time. It must be investigated in how far the operations abroad have their priority in conflict prevention, termination of wars and civil war- like conflicts, and peacekeeping, and which means are taken to achieve these goals. If the UN Resolution and gender activists depart from the often read assumption that missions will be more successful when taking gender issues into account[76], the discussion on a participation and support of such operations cannot be neutral. For by helping it succeed, one supports the American and European security policy, which want to introduce democracy and rule of law with the force of weapons, be it in Iraq or Afghanistan. In Afghanistan the combination of the various instruments – constructive re-construction work as well as still ongoing anti-terror operations that include air raids – is particularly obvious.[77] Gender-sensitive peacekeeping has to take into account these implications of peace missions and develop clear positions within the security discourse if gender work was to make a sustainable contribution to peace.

When developing gender-sensitive and security policy concepts that are oriented towards peace policy, the cliché of the woman as a peaceful being *per se*, ought to be put into perspective. Peaceful women, according to the thesis of Ulrike C. Wasmuth "contribute to the preservation of everything military and the international war system by their classification "'war-like man', 'peaceful women'."[78] This dualism, in fact, leads to socially defined role expectations of the brave, war-like man here and the integrating, peaceful woman there and perpetuates these expectations. "Therefore, whoever takes the model of the peaceful woman emphasises the peaceless man as social construction, as rule, as standard".

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[75] The classic UN peacekeeping missions were decided upon after the end of fighting in agreement with the warring parties to monitor armistice agreements or to protect demilitarised areas. The use of violence was limited to mere self defence of the UN blue helmets. These peacekeeping operations were extended later on to civilian tasks – Key word: Nation-building. After the traumatic experiences in Somalia, 1992, Kigali 1994 and Srebrenica 1995, the use of violence based on Chapter VII (Art. 49, 42) of the UN Charter was legitimized for certain missions – Key word: Peace-enforcing missions. Later on, the military, supported by civilian helpers, took over more and more political and administrative responsibility – Key word: Peace support and governance operations.

[76] UN-Resolution 1325: "reaffirming the important role of women in the prevention and resolution of conflicts, and in peace-building..."

[77] In Afghanistan, at present, various international operations are running in parallel: Enduring Freedom under the leadership of the USA (together with Great Britain - that fought three wars with Afghanistan between 1838 and 1919!) as well as the civil-military reconstruction of the security sector again under the leadership of the USA, Germany, Great Britain, Italy and Japan. This reconstruction in turn is supported by the International Security Assistance Force ISAF under NATO command, where again the USA and Great Britain take part. America keeps demanding that ISAF and operation Enduring Freedom are pooled together – most recently at the meeting of NATO defence ministers in Nice in February 2005. Politically, this would not be enforceable in Germany, however, one agreed on the use of synergy effects of the separate mandates, which looks like this: In November 2005, the new Bundestag extended the mandate for the participation of German soldiers in the anti-terror mission 'Enduring Freedom'. With this, the *Bundeswehr* still participates in the fifth year after the attacks on the United States in the US-led mission. In the framework of operation Enduring Freedom, 250 men are serving in the Horn of Africa and 100 members of the German crack force at the Afghan-Pakistani border.

[78] Ulrike C. Wasmuth: Der Krieg hat auch ein weibliches Gesicht. In: Sowi-Arbeitspapier Nr. 100

## Contract on a Constitution for Europe

The contact on a Constitution for Europe was signed on 29 October 2004 by Heads of States and Governments. It will enter into force when all member states have ratified the contract. Following the negative vote in France and the Netherlands, however, it is more than uncertain when the Constitution will enter into force. In the referenda in both countries that are amongst the founding states of the EU, a clear majority has expressed its "No" to the Constitution; 70 percent in France, 62.8 percent in the Netherlands.

The European Constitution is an equivalent to the Strategy Paper by Solana that, even though it only talks about the civilian and military objectives in a stereotype fashion and gives military options a great meaning. It is true that the goal of the Union is to "foster peace, its values and the well-being of its peoples" (I-3 (1))[79] and to "make a contribution to peace, security and global sustainable development …, to the protection of human rights … as well as to the strict adherence to and further development of international law, in particular the keeping of the principles of the Charter of the United Nations." The question, however, remains by what means these peace policy goals are intended to be achieved. Gerald Mader asks provocatively: Peace as the goal – Militarization as the way?"[80]

Indeed, there are peace policy elements in the strategic thoughts and goals.[81] However, they remain vague and acclamatory.

## Peace Policy Strategies

Nation-building, state-building, peacekeeping – terms that sketch the new civilian and military challenges of today. Beyond quick humanitarian assistance in emergency and development assistance, the task is to build up new state structures in post-conflict regions or failed states. As there is neither a legitimate nor factual power that could protect the population in its own country and that could build up and enforce new societal, political and administrative structures, these tasks are also taken up by peacekeeping forces within the framework of peace support and –governance operations. This can go so far as the creation of protectorates, like in the Kosovo, for instance.[82]

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[79] This sounds more impressive in the preamble of the German Basic Law: "In the awareness of its responsibility towards God and mankind, inspired by the will …. to serve peace in the world …

[80] Gerald Marder: Europäische Verfassung und Friedenspolitik. In: Friedensforum, Magazine of the ÖSFK-Österreichisches Studienzentrum für Frieden und Konfliktlösung, December 2003/7-8, p. 11

[81] In Article I-41 (1) it is written: "The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter." Article III-309 (1) lays down these missions detailed in the Petersberg Tasks: „The tasks referred to in Article I-41(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation."

[82] Georg Elwert: If more than half of the state budget comes from development aid, then one will have to ask oneself: who really has the political power here? To a large extend, it is the donors of

To be able to do justice to such complex situations of nation- and state-building, a military concept is simply not enough. One needs a wide range of sensitive and knowledgeable instruments. It is quite astonishing, therefore, that the European Constitution hardly goes further than formulating general peace policy goals. Concrete options of action, institutional support and the development of civilian instruments remain vague. To implement humanitarian aid, a European Volunteers Corps for humanitarian aid is planned (III-321 (5)). By far not sufficient and without profile for an institutional measure, but exemplary for the contract of the Constitution. "Despite repeated mentioning of 'civilian means', non-violent means and forms of conflict management remain practically outside the entire draft – again in contrast to the military means that unconditionally are mentioned and dealt with in detail[83] as an option of the ESDP, and by no means as a purely "last resort".[84]

## Military Strategies

Contrary to peace policy, military strategies are regulated in a more precise manner, going as far as rearmament, foreseen in the Constitution. Duties of the European defence architecture with the European Council in charge of it, are clearly defined.[85] Fuchs points out that in real policy terms, armament policy belongs to the 'normal' business of most states. In the civic-democratic history of constitutions, only members of the EU convent or the EU Heads of State or Government would have had the cheek to lift up reactionary armaments policy onto the level of a constitution. By the *de facto* missing common foreign policy, political guidelines are lacking for the security- and defence policy. Instead, military policy concepts determine the practice of foreign- and security policy of the Union.[86]

The military-policy statements in the Constitution do not find any clear base in UN policy-making. Particularly after the numerous discussions about the "humanitarian" operation not legitimised by the UN, the NATO attack on the Kosovo, people generally miss an unequivocal stance on the mandate. Instead, one can read in

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development aid. However, they do not admit this. So you have a situation of a protectorate which is not named as such. An unofficial protectorate. In: Jele Pilar Weiskopf: Nation Building – das Beispiel Afghanistan. In: Deutschlandfunk 26.06.03

[83] Albert Fuchs in „Wissenschaft und Frieden – Dossier Nr. 47" 4-2004, p. 3

[84] Even as a 'last resort', military operations are highly controversial. "Within ten years, from the turn of the year 1991/92 to the turn of the year 2001/02, the world community has witnessed three wars under the leadership of the USA within various alliances, and all three have been conducted and legitimized with the claim of the 'last resort': The Gulf War, the war in the Kosovo, and the war in Afghanistan. War, is indeed the last resort, the Americans might say again when they start to throw bombs on Baghdad in early March. However, the formula of 'last resort' is an empty formula. One does what one wanted to do anyway and says, to cover it up, that it was the last resort: Here I wage war, there's nothing I can do… The word of the last resort is: hypocrisy. Hidden behind it is mostly the defeat of rational logic, i.e. of common sense." Heribert Prantl in the Süddeutschen Zeitung of 24.02.03

[85] Tasks are to identify and formulate the individual member states' military capability objectives, and the evaluating observance of the commitments, promote harmonisation of operational needs and the adoption of effective, compatible procurement methods, ensure co-ordination of the programmes implemented by the member states and management of specific co-operation programmes; support defence technology research, and co-ordinate and plan joint research activities; strengthen the industrial and technological base of the defence sector; institutional integration of the armament agency as well as administrative procedures and financial regulations (Art. III 311-313).

[86] Compare: Hauswedell/Wulf: Die EU als Friedensmacht. In: Friedensgutachten 2004, p. 130

Article I-41 (1) tersely that the Union can resort to “civilian and military means when carrying out missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter.” Here one can see that it is not missions under UN mandate alone they are talking about but about merely an agreement with the principles of the Charter.[87] This opens the door for interpretation and speculation which by no means take place in national, nor European parliaments but in the small elitist circle of the European Council, and thus remain left to its “creative EuroReason”[88] instead of being discussed in the respective parliaments and instead of obtaining an additional mandate to the one of the UN.

[87] The Federal Constitutional Court in its judgement of 1994 decided that the participation of German soldiers of the Bundeswehr in international peacekeeping missions and – under certain conditions – combat operations is legitimate. Precondition, however, is a UN mandate.
[88] Following Robert Christian van Ooyen: Die Notwendigkeit einer Regelung von Out-of-Area-Einsätzen. In: International Politics and Society 1/2002, Friedrich-Ebert-Stiftung.

## The European Parliament and the Mandate

Article III-257 assures all member states of the European Union the safeguarding of the basic rights and the rules of law and –tradition as an "area of freedom, security and justice". However, what is not assured explicitly to the member states is the safeguarding of parliamentary democracies. Not accidentally. The national parliaments lose influence without any proportional gain of influence for the European Parliament. "The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy." and it determines "the strategic guidelines for legislative and operational planning within the area of freedom, security and justice." (Art. III-258) The European Parliament in Strasbourg shall be "regularly consulted on the main aspects and basic choices of the common foreign and security policy. It shall be kept informed of how it evolves." (I-40 (8)), it will also be kept up to date concerning all other issues. This means nothing less than the fact that the democratic principle of a division of power for security policy is disregarded. In security policy, the European Council is to unite the legislative and executive within itself, the judicative remains outside. For there is no threat of supervision of the European Council from the part of the European Court of Justice, the jurisdiction of which is explicitly excluded for security and defence policy.[89] With this, the democratic principle of a division of power is totally repealed.

In the European Constitution, there is no such thing like a requirement that the Parliament is informed and consulted (*"Parlamentsvorbehalt*") as there is in Germany at the moment for operations of the German *Bundeswehr*. Up to now, the Parliament has to give its constitutive, not merely a declaratory, accord to each operation of the *Bundeswehr*. Exceptions can be made only in 'clear and present danger'. Then, the government may decide in advance, however, ought to get the mandate of the German parliament later – and in case of rejection ought to call back the soldiers. In the future EU, there won't be any more parliamentary army.[90]

One wonders whether the German government has actually got the legitimation to deconstruct its democratic basis for policy-making and to put at the disposal its fundamental principles such as state sovereignty, democratic constitution and the

[89] It is true that in Article III-325 (11), it is written that "A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Constitution. Where the opinion of the Court of Justice is adverse, the agreement envisaged may not enter into force unless it is amended or the Constitution is revised." However, security policy is a different matter. The Court of Justice has no jurisdiction to review the validity or proportionality of operations with regard to the safeguarding of internal security and with regard to Articles I-40 and I-41, the Common Foreign- and Security Policy and with regard to Article III-293 as far as the Common Foreign- and Security Policy is concerned.

[90] For instance, in October 2003, the *Bundestag* approved the motion of the government to send off up to 450 soldiers to the provincial town of Kundus. The *Bundestag* also had to give its approval for a lengthening of the mandate for German participation in the International Security Assistance Force in Afghanistan. In September 2004, too, the Bundestag agreed after a broad public discussion with an overwhelming majority to extend the mandate for yet another year. – Operations of the *Bundeswehr* in Somalia, 1992, for instance, and in the former Yugoslavia, 1993, raised questions on the constitutionality of these operations. 10 years ago, the German Federal Constitutional Court confirmed the legitimacy of out of area operations of the *Bundeswehr* to keep peace within NATO and UN missions, including combat operations. One can still read on the pages of the Federal Ministry of Defence: "The judgement (1994 on the operations in Somalia) has strengthened the character of the *Bundeswehr* as a parliamentary army" (www.bmvg.de).

rule of law of the Federal Republic of Germany with the Contract on the European Constitution.

## Constitution and Gender

Missing institutional and democratic control however, has consequences/ repercussions on the female sex that has hardly or never been represented in leading positions in general and the military in particular. On the other hand, women are over proportionally represented with the voters that could exercise democratic control. Therefore, they could shape security- and defence policy in a gender-sensitive manner through their vote. According to the EU Constitution, however, they are excluded from power by its structure. This fact goes against all statements on the allegedly demanded and fostered equality of men and women. Even if it says in Article III-292 (1): “The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy ...(and) the principles of equality ...".

However, this sweeping canon of values about equality without commitment is it. The Constitution ignores the gender issue or gender mainstreaming.[91] Not one thought about gender mainstreaming, and even less on Resolution 1325 can be found in the Constitution. Not even in the sections that deal with humanitarian aid. Not one single sentence refers to the contents of the Resolution. It merely explains that “humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.” (III-321 (2).[92] For humanitarian aid operations, a European Voluntary Humanitarian Aid Corps is planned.

In Resolution 1325 however, the Secretary General urges the member states to seek to “expand the role and contribution of women in … human rights and humanitarian personnel”. No word of this in the Constitution.

Neither in those passages of the Petersberg Tasks where peace operations are explicitly mentioned. The Common security- and defence policy shall provide the

[91] The equality of women is determined in articles 1-2 and 1-3(2) with the following words: “... These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.“ The Union shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men....“ Additionally, the constitution deals with the equality between women and men that must be ensured in all areas, including employment, work and pay (Article II-83) and the equal treatment with regard to labour market opportunities and treatment at work (III-210(1)). The Union declares furthermore that it shall aim to eliminate inequalities, and to promote equality, between women and men (III-116) and the goals of the European Social Charter (III-209). In article III-267, the EU binds itself to to combat illegal immigration and trafficking in human beings (which in the field of prostitution will be of benefit to women in particular). Finally, article III-271 points to European Framework laws that may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime which are terrorism, trafficking in human beings and sexual exploitation of women and children, etc. – And this was it!

[92] Measures of humanitarian aid are determined by the European laws or framework laws (III-321 (3)) Framework decisions of the Council of Ministers are binding for member states. This means that the ministers deliver the guidelines. All national parliaments can do is to merely acknowledge them.

Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter" (I-41 (1). There, one would have wished not only for a reference to the principles of the UN Charter but also to UN Resolution 1325. In particular, as the Security Council stresses the "important role of women in the prevention and resolution of conflicts and in peace-building … and the need to increase their role in decision-making with regard to conflict prevention and resolution."[93] In the European Constitution, however, one does not find any sign to the significance of women in peace processes.

Article III-309 describes these missions abroad in more detail[94], without, however, going into the specific use of women in peacekeeping, and within the framework of peace-building. In Resolution 1325, one would have found plenty of ideas. The Security Council "*requests* the Secretary General to provide to Member States training guidelines and materials … on the importance of involving women in all peacekeeping and peace-building measures, *invites* Member States to incorporate these elements … into their national training programmes for military and civilian police personnel in preparation for deployment ." To reach these targets, the Security Council *urges* Member States to "increase their voluntary financial, technical and logistical support for gender-sensitive training efforts … ." Nothing of all this can be found in the European Constitution. Neither something that concerns the taking into consideration of European women in peacekeeping operations, nor the taking into consideration of the special situation of women in regions of conflict.

One could continue with this list forever. The obvious conclusion seems to be that one has not simply forgotten to take the specific issue of women in peace operations on the one hand and the conflict resolution potential of women on the other as a special theme by pointing to Resolution 1325. On the contrary, one could get the impression that the entire gender discussion has left the 'fathers of the Constitution untouched.

## To Sum Up

The convent was not that successful in the drawing up of the new Constitution. On the contrary, it gives testimony of a missing commitment to democracy and the rule of law, and of a lack of visionary power. Ambitions in the field of peace policy as well as gender suffer from this. Civilian peace policy targets, as formulated in UN Resolution 1325, neither take shape in security strategy nor in the Constitution. Concrete peace policy aspects take second place to a military-oriented strategy. Peace policy declarations of intent and civilian means do not develop their own strength, neither in a normative nor in an operational sense. The question posed at the beginning, whether peace policy and humanitarian work within the security architecture tend to support military ambitions must be answered with 'yes' on the level of concept and structure. One first example for this was the "humanitarian

[93] UN Resolution 1325

[94] These tasks "shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation."

intervention" in the Kosovo, where the protection of human rights provoked the far from humanitarian war. "The humanistic counterpart" to the "War against terror", this is what a studies of the Informationsstelle Militarisierung (IMI) calls it.[95] Nothing much has changed – high goals that should justify the use of military means, the reconstruction to justify the destruction. In Afghanistan it was about the liberation from terrorism and the liberation of the woman. In Iraq, it was, amongst other things, about the liberation of the Iraqi population from dictatorship. The great turnout of the Iraqi population, partly under life-threatening conditions, gave Bush an apparent legitimation of the war in arrears in terms of human rights, a war that had not been legitimated by international law. Has the United States been able to "spur on the right (democratic, *remark of the author*) trend with the wrong war?"[96] Is it possible that the security architecture can be a part of the power that wants the military but creates the civilian? Many human rights organisations are of a somewhat different opinion in view of the escalating violence in Iraq. They turn against the military "human rights protectionism", against the use of the human rights to achieve military and political goals.[97]

But who defines targets and instruments for the enforcement of human rights? If one takes the concept of hegemonial manliness, especially in military circles, one will find the male power of definition to which women can only react – agreeing, disagreeing, rebelling – but which is not inherent to them. In this Constitution, military maxims and values will increasingly define both discourse in and the reality of society and, as hegemonial power of definition, increasingly shape our models in the future.

At the beginning of 2005, the *Süddeutsche Zeitung* started a series of articles in view of the observation that in both in policy-making, in one's job and in the media, the battle about gender returns under changed conditions". It seems that there are signs of protest in society. In the short term, gender mainstreaming cannot influence security policy elements of the Constitution. However, there is still time to get gender and peace initiatives to network outside of parliament and all over Europe, to exert pressure via public debate.[98] A German referendum about the Constitution, would also contribute to a public debate. Strategic alliances between gender activists and actors from development and peace policy as well as other areas that want to achieve a revision of the Constitution would be desirable.

[95] http://www.imi-online.de/2005.php3?id=1133
[96] Josef Joffe in: Die Zeit 31 March 2005
[97] Compare: Venro-Positionspapier: Streitkräfte als humanitäre Helfer? Möglichkeiten und Grenzen der Zusammenarbeit von Hilfsorganisationen und Streitkräften in der humanitären Hilfe. May 2003
[98] In the *Süddeutsche Zeitung*, Heribert Prantl writes on 25 March 2003 on the European public: The European public constitutes itself in the shadow of the Iraq war. There are many experts in constitutional law that assert that there is no such public as there are no European media and thus no European discourse, therefore there can be no European democracy. However, now it becomes apparent that this is wrong. The European public has been articulating itself for weeks at the top of their voices, it protests in the large and small cities in Europe. It is true that this public does not speak the same language. It speaks Spanish, French, Italian, English, German or Polish. It does not discuss a common European Pension scheme or tax policy; it might never do that. But it discusses a fundamental problem, it discusses war and peace. It represents the same values and with a large majority comes to the same result: The war in Iraq both started and led by America is illegal and dangerous.

## Human Security – More than Rhetoric in Security Policy?

### The expanded Security Concept

The conventional security definition takes the security of states against outside threats as a basis. Guarantees for security are the state and the military. After the end of the Cold War, the conventional security definition was replaced in the 1990s by the term 'expanded security'. New, non-military threats – such as natural catastrophes, over-population and poverty, organized crime – came to the fore and were integrated into the concept of security. It was reasoned that stability can only develop where there is democracy and human rights, where there is economic welfare and social justice, where the keeping of natural foundations for living is secured and where neighbouring states cooperate peacefully and successfully.[99]

However, the states remained main actors as well as addressees of security. The expanded security concept therefore remained centred on states and "mirrored particularly the fears of the OECD-world, for instance their fear of migration from and conflict potential in development countries."[100] Feminist and gender-oriented security experts welcome the extension of the state-centred security concept by the perspective of human security, as in this expanded concept there would be more room for the integration of gender issues.

### Human Development Report

The concept of Human Security, first mentioned in the Human Development Report in 1994, is particularly popular in security policy gender discussion. The United Nations Development Programme, UNDP, and the Commission on Global Governance, CGG, recommended to extend the protection of the expanded security concept to the individual. The individual person moved into the centre of attention and was intended to be protected from potential conflicts, in particular from those that provoke violence in return. The UNDP Report took up an issue that was totally new to the discussion about security, namely the interaction of individual, cultural and structural violence. According to the report, actors were no longer the states alone with their military, but also international, civilian and private sector organizations.

As a consequence, development co-operation (DC) with its Human Development Report claimed its share in the financial resources of the privileged military budget. Additionally, DC competed with the military for the claim of the more successful enforcement of the universal human rights and the better protection of the citizens. "New reasoning contexts for old institutions"[101], Claudia von Braunmühl comments

[99] German Ministry of Defence, quoted after Michael Brzoska: Human Security – mehr als ein Schlagwort? In: Friedensgutachten 2004. Editors Christoph Weller, Corinna Hauswedell, Ulrich Ratsch, Reinhard Mutz, Bruno Schoch, p. 157

[100] Compare Birgit Mahnkopf: Zum Konzept der human security und zur Bedeutung globaler öffentlicher Güter für einen gerechten Frieden. http://www.petra-kelly-stiftung.de/sites/va_texte/Mahnkopf.pdf

[101] Compare Claudia von Braunmühl in.Human Security=Women's Security, Feministisches Institut der Heinrich-Böll-Stiftung, April 2004

the conflicting opinions. As trend that was continued in the Human Security Now concept.

### Human Security Now

In 2003, Amartya Sen, bearer of the Nobel Price for Economy, and the former UN High Commissioner for refugees, Sadako Ogata, presented their final report on human security[102], which was financed by Japan. The report describes the sources of misery extensively and in detail and defines human security as freedom from want and freedom from fear: Human beings have the right to freedom from bodily and spiritual harm. What needs to be fought are threats, often cause of conflicts and wars, be they military or others, brought about by poverty, epidemics or terrorism. Ogata and Sen count on the instruments of development policy and civil conflict prevention. They consider military interventions – under whatever label – to be counter productive.

### Human Security Report

In the Canadian version of human security, the issues are mostly threats by state and non-state violence, for instance by wars and human rights violations, or by the absence of state authority which manifests itself in a rise in criminality and in the undermining of state authority that human beings are subject to. Human security is to be achieved by means of differentiated instruments based on human rights and civil rights …. The "Human Security Report 2005"[103], of the Liu Institute for Global Issues, Vancouver, and the Human Security Center was commissioned by Canada, Great Britain, Switzerland, Sweden and Norway. The study establishes a decrease in victims from violent conflicts and human rights violations. They see the reason for this decrease in the greater number of UN missions, better governance, in peace policy work of NGOs, in the international penal justice system, etc.

The Human Security Report, just like Security Now, counts on a broader policy approach that is to be determined and developed not by state politicians alone but also, in a substantial way, by international organisations, lead by the United Nations. However, should these efforts fail, the Canadian version – contrary to the Japanese Secuity Now concept – does not exclude military intervention as 'last resort'. If states themselves can no longer protect their citizens, the international community has to intervene and take over this task – if necessary by military means. This approach holds the danger of opening up all doors for a policy of intervention without borders.

### To Sum Up

Both concepts of Human Security seem to come from the repertoire of classical development policy. The Japanese model in particular is more of a rhetoric security

[102] www.humansecurity-chs.org/finalreport/index.html
[103] http://www.humansecurityreport.info/

policy, led by a descriptive empirical view, strong in its normative reasoning, weak in analysis and strategy.[104]

Human Security only succeeds in part, just like the European Security Policy, to merge security-, development- and peace policy discourses[105] and strategies. There, development- and peace policy options remain without colour; here military elements are only of secondary importance.

The scholar Roland Paris writes: "Human Security seems to be able to support any hypothesis and its opposite, depending upon the prejudices and interests of the respective scholar."[106] This is also due to the fact that the concepts of Human Security – just like the European Security and Defence Policy- are extremely vague in their definitions. One does miss clear definitions. Thus, the goal of an integrated strategy turns to a mixture of very different aspects, which, in the final consequence could lead to a military intervention for the protection of human rights, as seen in 1999 in the war of NATO in the Kosovo.

In security policy gender discourses, the term security policy is used imprecisely and ambiguously. One example for this is the documentation of the conference of the *Feminist Institute of the Heinrich-Böll-Foundation* with the title: "Human Security=Women's Security – No sustainable security without gender perspective". Contributions that deal with the military aspect cannot be found even though even the preface refers to Peter Struck (the former German Minister of Defence) and his statement "the security of the Federal Republic of Germany is also defended at the Hindukush" – neither contributions dealing with the Solana Paper or the Defence Policy Guidelines of the Federal Republic of Germany.

[104] Compare Michael Brzoska: Human Security – mehr als ein Schlagwort? In: Friedensgutachten 2004
[105] Mahnkopf, quoted after B. Engels, Master Thesis (Diplomarbeit)
[106] Roland Paris: Human Security. Paradgm Shift or Hot Air? Quoted after: Michael Brzoska: Human Security – mehr als ein Schlagwort? In: Friedensgutachten 2004, p. 161-163

## Résumé

### The Security Policy Concepts of the EU

The analysis of the basic security policy goals and means of the EU suggests that peace policy goals are of secondary importance to power policy goals. If one takes the definition of Dieter Senghaas for peace as a peaceful process, geared to the prevention of the use of violence as a basis, the current foreign- and security-, and defence policy of the EU cannot be equalled to peace policy. It explicitly affirms the use and expansion of military means, and not, to be precise, mainly for national defence of the territory in case of an attack, but for out of area operations that do not always rightly carry the name *peace mission*.

What seems to be alarming is the ignorance towards basic democratic principles, be it that the process of a formulation of objectives in society and parliamentary decision-making processes find far too little attention, be it that the division of power of the legislative, executive and judicative in the European Constitution, as far as the security- and defence policy is concerned, is excluded.[107] Just as alarming is the insufficient legitimation of some operations and the only brief discussions on humanitarian interventions and preventive defence. In June 2005, a judgement of the German Federal Administrative Court made the headlines. It supported the claim of Major Florian Pfaff of the *Bundeswehr* who, by pointing to the fact that the war in Iraq is unlawful under international law, had refused to participate in the support of the American war. According to the reasoning of the judges, neither NATO contract nor statute "provide for an obligation of the Federal Republic of Germany to support actions that violate international law of NATO partners against the UN Charter and valid international law.[108] Typically, the European security architecture leaves little leeway for such thoughts. The *Bundeswehr*, too, did not show any understanding of the Major's decision but had his mental condition checked first instead.
As questionable as democratic decision-making processes may be, and as much as is necessary to discuss the instruments used to achieve peace, the more noteworthy is the fact that the Human Security Report 2005 concedes that violent conflicts are in fact solved more quickly and claim less victims with the intervention from outside. "Interference has become very popular"[109], and the success of the UN in solving armed conflicts and in securing peace seems to justify the greater commitment of EU member states in missions abroad.[110] At the same time, the report warns of instrumentalizing terrorism and human rights issues for putting through national interests by military means.

[107] A small circle of power comes into being, the European Council, whose decisions are removed from parliamentary control and creative power.
[108] BVerwG 2 WD 12.04 of 21.06.2005, www.bverwg.de
[109] Corinna Hauswedell: Der nordirische Friedensprozess – ein Modell? In: W & F Wissenschaft und Frieden, Dossier Nr. 45. Editors. Wissenschaft & Frieden and Bonn International Center for Conversion (BICC), p. 2
[110] One must, however, bear in mind that the history of UN operations is not only shaped by success but also by many failures in terms of human rights – Rwanda and Srebrenica being only two examples.

The development of the security- and defence policy is dynamic – without much comment by the media[111] – and far-reaching decisions are made. Decisions by which civil societies in and outside of Europe are directly affected. The cautious discourse in society can be taken as a sign for the complexity and the dynamics both of which are difficult to keep up with. It may, however, also have its reason in the fact that the terminology of the security concepts is vague and partly misleading. If wars are redefined as 'humanitarian' interventions, peace as peace missions, military attacks as measures of defence abroad, when operations with the force of weapons and, at times, great losses in civil society are played down and called 'robust', and carry bizarre names, such as "enduring freedom" or poetic names such as "desert storm", the babel of languages has arrived. Without clarity in the terminology, clear thinking is impossible. A 'liberal culture of deliberation' is of not much use either. Wilhelm von Humbold spoke of the language as "the organ of thinking", for the language theorian Edward Sapir, language constitutes thinking processes[112]. The mixture of information and disinformation makes a reception of these concepts difficult and prevents confidence-building. Peace policy approaches also suffer from this, a perfect example for this being the headlines to Bush's inaugural speech at his second term: "Bush threatens with even more peace". The taz (left-wing daily newspaper) characterizes the success of Joschka Fischer, as follows: "This combination of aggressiveness and worry about the world has finally turned him into the most popular German politician".[113] A combination that is obviously not only beneficial to the reputation of the departed German Foreign Minister but also seems to be a successful recipe for foreign- and defence policy concepts.

## The Concepts of Human Security

The all-embracing approach of the Human Security model may be complex, peace-oriented, multi-layered and integrated at the same time, however, becomes arbitrary by its great scope and loses most of its strategic relevance and security policy dimension. Human Security therefore certainly does not offer a counter approach to a security strategy that follows a totally different logic of power, but excludes it

The target for security (in particular of the Japanese model: freedom from want, freedom from fear) of the Human Security concept is totally different to that of security policy; however, the ambivalence in terms of language, however, is comparable. The term 'security' is borrowed and is furnished with a new definition; however, in further discussions and in the political context, it is often used in the same sense as the conventional or expanded term of security.

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[111] In the dossier of the *Neue Züricher Zeitung* on the European Constitution in the time frame of April to October 2004, that is the last six months before the contract was signed by the Heads of Government, the word ‚security policy' does not even appear in the headlines. The same can be seen in an overview article in Die Zeit on 'Arguments and Analyses on the new Contract' after the votes on the EU Constitution in France and the Netherlands of May/June 2005 in which 35 Articles are summarised.

[112] According to the linguist Edward Sapir, thought processes of men and women are structured and controlled by the peculiarities of the language that they speak. Ways of thinking and attitudes of certain groups are the results of their specific way of speaking. Language is a mirror of social reality. Vice versa, language patterns are of an imperative character for thinking.(compare Sapir-Whorf-Hypothesis)

[113] taz 15.02.05

The expansion of the term security to individuals is surely a valuable addition to the security discourse; the extreme focus on the individual, however, is not. By expanding and re-defining the term of security in the sense of human security, and by thus bringing it near to development- and human rights policy, a connection is made between security policy and peace policy – however, with hardly any points of contact with military, increasingly interventionist, strategies. Like this, the concept of human security can hardly represent a corrective to the military security doctrine. It is neither a gender specific concept even though it does not exclude gender as it doesn't really exclude anything, anyway.

## Gender Discourse and Security Policy

The so-called re-framing of the term security, as is also the case in the gender sensitive literature on human security, not only hypothetically, opens up new options. However, with a new definition of security the main focus of which lies on civil instruments for the cessation of conflicts and the solution of other regional and global threats, real military options and targets of the 'expanded security concept' are circumvented but not resolved. Like this, one runs the risk of leaving the definition of security again to the military men and the foreign and defence ministers and of withdrawing into the human rights discourse. Thus two parallel worlds of security are being created which have little in common, where one runs the risk of speaking in favour of security policy in the gender discourse but actually meaning something totally different. From the gender perspective, according to Tickner, the state and the military do not guarantee but rather have the potential to endanger security[114] – with this the military policy term of security is fully turned upside down.

However, it is not the use of the term security alone that must be met with scepticism. One will always have to check on the concrete case whether security politicians and leaders of the task forces speak of the same peace as gender and peace activists. On the other hand, the question remains unanswered whether gender inevitably has to correlate with peace ambitions. On one side, it is considered to be a success of gender mainstreaming – and rightly so - that women can serve in all arms of the army, on the other side, Resolution 1325 which binds women to the peace perspective, is seen as a success. This contradiction is hardly ever discussed. Gender mainstreaming demands equal rights for women and men in all areas and levels of society. This includes areas in which peace can be made just as much as areas that have the potential to endanger peace. At the same time, one can certainly not assume that women will only take subversive roles in combat operations. The author is of the opinion that this still has to be clarified even though feminist research stresses that women are not only peaceful, not only victims but also perpetrators and fighters. However, in the political gender discourse on the perspective of peace- and security policy, like at the Fourth World Women's Conference in Peking and in Resolution 1325, women will quickly move back to the 'good' side of conflict prevention and the shaping of sustained peace processes and not to the side of combat operations with whatever legitimation.

[114] Ann J. Tickner quoted after B. Engels: Gender in der Analyse und Bearbeitung gewaltförmiger Konflikte. Master Thesis (Diplomarbeit) 2004, p. 30