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Torture, terrorism and the rule of law in International security and cooperation

**Part I: The vulnerability of the rule of law in the fight against international terrorism.
The Al Masri / CIA case and equivocal US positions on the use of torture**

**Part II: World security situation , global World order after the Sept. 11 attacks and
after the US-led wars against Afghanistan and the Iraq –
the United Nations´, NATO´s and the European
Union´s role in international security and cooperation**

*Global risks and new risks to Europe´s security situation.
Dilemma problems of collective international security policy ,
revival of the nation state   in strategic doctrine and foreign
policy and the impact on NATO´s and the European Union´s role*

**Part III: Conclusion : a new design of international security and cooperation
in USA - EU transatlantic relationship under the rule of law and human rights**

Table of contents   Pages

Torture , terrorism and the rule of law in International security and cooperation

Part I: The vulnerability of the rule of law in the fight against international terrorism.
The Al Masri / CIA case and equivocal US positions on the use of torture

Introduction: The Al Masri / CIA case - international security and the rule of law in turmoil?

The rule of law at stake by human rights violations ? This is the issue currently discussed inside and outside the USA about the respect for the anti-torture Geneva convention. Using torture is the counter productive instrument in the fight aigainst international terrorism. This is the commonly shared opinion in the civilised world. The civilised world is fighting for universal values of human rights. Human rights cannot be protected by violating human rights. Violating human rights by pretending the vioation is a legitimate instrument against international terrorism will help terrorism to achieve its criminal goals. Will the world order build coalitions and sustain multilateralism against terrorism under the rule of law ? If the world will be policed collectively or not at all , then , what is the civilized world´s contribution   to international security through cooperation ? Does a security policy include   cooperation policies and instruments reaching bejond a mere military and Central Intelligence Agencies` oriented approach to international security?

   1. The Al Masri case put on the transatlantic agenda:

A storm like discussion about torture in the fight against terrorism came up at the eve of Condoleeza Rice´s December visit to Europe.
US interrogators were banned from using torture of terrorists suspects both at home and abroad and the US respects principles of the Geneva Conventions on the treatment of prisoners of war, US Secretary of State, Condoleeza Rice was reported to have clarified questions regarding alleged secret CIA   prisons overseas and the socalled retention

practice at a working dinner on the eve of NATO`s Foreign Ministers at NATO Headquartes on 8 December 2005. 1)

Condoleeza Rice´s comments came on her final day of meetings with European leaders on a trip that had raised a storm of questions about secret CIA prisons in Eastern Europe and U.S. policy on torture-like practices. On her trip she made before to Germany, meeting the new Chancellor Angela Merkel, to Rumania and Ukraina, Condoleeza Rice had faced a barrage of questions about whether the U.S. is obliged to prevent abuse of detainees only on U.S. territory. Rice did assure allies that their airports or airspace were not used to facilitate torture.

However, she gave no explicit guarantees that detainees would not be abused again. Rice said, that any abuses would be investigated and violators punished. "That is the only promise we can make," Rice said. 2)   "I'm perfectly happy to continue to have the discussion, because I happen to think that great democracies have an obligation to remain a standard of the rule of law." 3)

In the meantime, December 15,2005, President Bush reversed course and accepted Sen. John McCain's call for a law banning cruel, inhumane and degrading treatment of anyone in U.S. government custody, regardless of where they are held as suspects in the war on terror, after he had first opposed his veto against McCain`s Bill, saying that the nation`s security runs first in the fight against terrorism. 3a) Whether the practice of US interroga-tors handling with persons suspected of terrorism, inside and outside the USA,will respect the anti-torture Geneva convention, is a still open question.

Just to try to allow   evidence of the US standard   of the rule of law, the German citizen Khaled el-Masri on December 6 ,2005, filed a lawsuit against the CIA. The lawsuit is filed in U.S. District Court in suburban Alexandria, Va. Al-Masri claimed he was held captive and tortured by U.S. government agents after being mistakenly identified as an associate of the Sept. 11 hijackers. 4) The suit names as the main defendant former CIA Director George Tenet. In addition to torture, he claims his due process rights were violated and that he was subjected to "prolonged, arbitrary detention." He is seeking damages of at least $75,000.

Al-Masri said on New Year's Eve 2003 he boarded a bus in his hometown of Neu-Ulm for a holiday in Macedonia. 5) At the border he was stopped by Macedonian authorities , his passport was confiscated and he was arrested by local authorities for 23 days and then

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1) see NATO update 08 Decmber 2005, http://www.nato.int/docu/update/2005/12-december/e1206a.htm.
2) see reports Associated Press Dec. 8,2005,http://www.msnbc.msn.com/id/10384058/ Washington Post Friday, December 9, 2005; Page A16 http://www.washingtonpost.com/wp-dyn/content/article/2005/12/08/AR2005120800995.html.
3a) Associated Press, Dec.15,2005,http://www.msnbc.msn.com/id/10480690/ Washington Post, December15, 2005; Page A01 http://www.washington-post.com/wp-dyn/content/politics/adminsitration/index.html.
3) see reports Associated Press Dec. 8,2005, http://www.msnbc.msn.com/id/10384058/.
4) see: NBC news Washington,, dec. 6, 2005.
5) see: Wrongful Imprisonment: Anatomy of a CIA Mistake German Citizen Released After Months in 'Rendition'. By Dana Priest Washington Post,Sunday, Decem-ber 4, 2005; Page A01   http://www.washingtonpost.com/wp-dyn/content/ /article/ 205/12/03/AR200512001476.html.

handed over to what he believes was a team of CIA operatives.
He then was flown to Afghanistan where he was subjected to "torture and other cruel, inhuman or degrading treatment," he said, during four months in captivity In late May 2004 he was flown to Albania and then put on a plane back to Germany.
"Throughout my time in the prison, I asked to be brought before a court but was refused. Now I am hoping that an American court will say very clearly that what happened to me was illegal and cannot be done to others."
What happened to Al-Masri might have been part of the CIA led socalled " rendition" programme:Amnesty International claimed Monday 05,2005, that six planes used by the CIA for renditions had made some 800 flights in or out of European airspace, including Frankfurt Air Port and Ramstein US-Air Base, Germany, including 50 landings at Shannon International Airport in Ireland.
Using the diplomatic channel ,the CIA via the then-US Ambassador Coats admitted to Germany's then-Interior Minister Otto Schily that it had made a mistake. The CIA had labored to keep the specifics of Masri's case from becoming public. As a German prosecutor works to verify or debunk Masri's claims of kidnapping and torture, the part of the German government that was informed of his ordeal has remained publicly silent, until the former Interrior Minister Schily confirmed the fact that he had been informed in confidence.

The current discussion about the use of torture in the fight against international terrorism is part of the world security situation after September 11, 2001 and the issue of how to stabilize international security by international cooperation under the rule of law:

- What does it mean " international security " ?
- which are the threats to international security ?
- which are the instruments to protect international security against terrorists´
   attacks – including or excluding respect for human rights ?

Part II: World security situation , global World order after the Sept. 11 attacks and NATO´s and the European Union´s role in international security and cooperation

Global risks and new risks to Europe´s security situation.
Dilemma problems of international security in the cases of Afghanistan and
Iraq , revival of the nation state in strategic doctrine and foreign policy and
the impact on NATO´s and the European Union´s role

A. The world security situation,global world order after September 11

I.   The notion „ international security and cooperation „

1. Article 51 of the Charter of the United Nations :
the right of individual or collective self- defence and the notion „ international
security „

International security and cooperation are abstract notions that require definition .6)
In international law , there is no explicit definition of both terms . Article 51 of the Charter of the United Nations (CUN) contains the term „ international security „ , but does not explicitly define it.

Article 51 stipulates the right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations , until the Security Council has taken measures necessary to maintain international peace and security .
Text of Article 51 CUN :
„ Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain inter- national peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibity of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security. „

Attempting to interpret Article 51 , in order to understand the notion of `international security ` we look at the linkage between the terms `international security` , ` international peace ´ and violence .
„Containing violence has always been the key to security", says Delpech . 7)
International security is the situation in which an individual person or a collectivity of individuals organized as states and thus being Members of the United Nations realize that they are safe because the absence of any violence : use of force to impose other peoples´ or other states´ will upon them is guaranteed . They expect that their surviving in freedom , on this fast-shrinking globe , is bound up with the freedom of all people to achieve their objectives and to settle international disputes only by peaceful means , by means of diplomacy .

Achieving freedom by peaceful means does include , if necessary , international cooperation and does exclude any use of force other than the use force for the exercise of the right of individual or collective self-defence.

As to the linkage between security and peace , Henry Kissinger ,in his famous book
„ Nuclear Weapons and Foreign Policy „ , still convincing today , describes peace , considered by a national psychology , as „ the `normal `pattern of relations among states and which has few doubts that reasonable men can settle all differences by honest compromise .“ 8)

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6) Stefan Verosta on the term " international security " in the Charter of the United Nations ,in:
Internationale Festschrift für Alfred Verdross, München 1971,
pp. 533-547 (text in English) .
7) Thérèse Delpech (2001): The Imbalance of Terror,in: The Washington Quarterly, Winter 2002, pp. 31 – 40 (39) .
8) Henry A. Kissinger (1957): „ Nuclear Weapons and Foreign Policy „, p. 4 .

And as to the correlation existing between peace , security and use of force , Kissinger points out :
„ The motive force behind international settlements has always been a combination of the belief in the advantages of harmony and the fear of the consequences of proving obdurate. A renunciation of force , by eliminating the penalty for intransigence , will therefore place the international order at the mercy of its most ruthless or its most irresponsible member .“ 9)

2. Strategic doctrine´s definition of ` threats ` and the notion   „ international security „

We look at the correlation existing between international security and the strategic doctrine´s crucial test of defining the kind of threats(planned or pending actions putting security at risk) that require taking defensive action. Looking at the Strategic doctrine´s objective deepens the understanding of what international security means :

The objective of strategic doctrine is to use power to achieve political objectives . Strategic doctrine must define what objectives are worth to strive for and define the means and the extent of the use of force necessary to achieve the objectives of the state – whether to achieve or to prevent a transformation of political , economic , social , military stability of a nation . Strategic doctrine is to make clear what kind of strategic transformations a state is prepared to resist   and what to define as a threat .Strategic doctrine describes threats as pending   acts of aggression that are unambiguous acts that substantially   harm , destabilize or even destruct a nation . 10)

The strategic doctrine of the USA , in the Cold-War-period as well as in the Post-Cold-war period , counted on US allies that had to hold the first line until the USA could realize if threats to national security or international   balance of powers were becoming unambiguous .After the collapse of communism , the US strategic doctrine had underestimated the   challenges to international security . It was already in the very early stages of the Cold-War period , that already Kissinger described what is the kind and nature of threats to international security, and it is still valid today. Kissinger pointed out that
„ we have confused the security conferred by two great oceans with the normal pattern of international relations; we have overlooked that concepts of aggression developed in a period of relative safety may become dangerously inadequate in the face of a new type of challenge. A power favored by geography or by a great material superiority,...,can afford to let a threat take unambiguous shape before it engages in war . And the most unambiguous threat is overt military aggression against its territory. „ 11)

3.   New threats to international security and new concept of "human security "

By the end of the last century,hopes concerning a "new world order " had vanished.
Delpech recalls that the strategic literature defines a full range of "new threats." 12)
The comprehensive human security concept   integrating a full range of new threats not only against the national security of states, but including threats against individuals contains military aggression by states and against states, violations of human rights,

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9) Kissinger,pp.4,5.
10) Kissinger on the term „ unambiguous acts „ , p. 10 .
11) Kissinger, p. 8.
12) Delpech,Thérèse (2001): The Imbalance of Terror , in: The Washington Quarterly, Winter 2002,p.31.

suppression of minorities, national sovereignty and right of self-determination in conflict, proliferation of weapons of mass destruction , biological and chemical weapons , environmental devastations , environmental catastrophes like   shortages in natural resouces, namely in water supply, terrorists´attacks   and dangers in wealths gap . 12a) Dangers in wealth gap is a long standing danger that is threatening international security, the internationally widespread weakness in spending to battle poverty :

The UN general-secretary , Kofi Annan, in a speech held on the World Economic Forum in New York on Febr. 4,2002, making reference to the terrorist attacks of Sept. 11, had warned that some poor countries will collapse into conflict and anarchy and become a threat to global security and international business. He warned international business and political leaders that globalization risks a devastating boomerang effect if the world´s elite fail to increase spending to battle poverty and desease in developing countries and act quickly to open up markets in rich countries: the main issue of   the World Trade Organization´s minimum compromise achieved in favour of poor countries by the Conference held in Hong Kong in December 2005.   13)

II. The Sept. 11 terrorist attacks   and the impact on the world   security situation and   on global world order

An introductory remark on the use of the terms „ world security situation „ and global world order :
The term „ world security situation „ means the facts that prove the existence of lethal threats affecting one or more countries in the world . The term global world order means the existence of at least one state or more states that have the power to impose their will on other states , acting either   independently from each other or acting as collectivity to set the rules of international power politics.

12a) "human security" , this notion came up with the United Nations´ Development
 Programme Annual Human Development Report 1993,see: Mark Malloch   Brown,2001:
http://www.undp.org/dpa/statements/administ/2001/october/25oct01.html;
and was discussed by the Human Security Net- Work ,founded at Ministerial
Meeting in Norway, 1999, http://www.humansecuritynetwork.org/network-e.php;
used   by Mary Kaldor discussing global civil society, globalization and
international rule of law and values,in: Global Civil Society Yearbook 2002;
see also: Lloyd Axworthy,"A New   Scientific Field and Policy Lens",in:Security
Dialogue, Vol. 35,. No. 1, Oslo 2004, pp 62–78 ; Gerd Oberleitner, "Human
Security :A Challenge to International Law ",in:Global Governance, , vol. 11,
2005, pp. 185-203 , 2005, describes "human security " a " bridging principle in
the UN Charter : state centered security and respecting human rights: state
security goes alongside with human security", ; Timothy Donais," A Tale of
Two Towns:Human Security and the limits of Post-War Normalization in
Bosnia-Hercegovina",in: *Journal of Southern Europe & the Balkans*. 7, 2005,
pp19 , focuses on the security related need of socio-economic stability by
local self-government as human security concept not as alternative but
integrative to traditional security concept.

    13) World Trade Organization Hong Kong Conference December 2005,results,
http://www.msnbc.msn.com/id/10492241/; Annan,   Febr. 4,2002,pp.1, 8, report on post-
Sept. 11 threats, World Economic Forum ,New York ,in: IHT ,Febr.4,2002,pp.1,8;
Annan on "Larger Freedom",September 2005:
http://ochaonline.un.org/DocView.asp?DocID=3803.

1. The Sept. terrorists´ attacks :

**A traditional threat or a new kind of threats reaffirming or changing
the notion of   „international security " ?**

1. 1   Terrorist attacks: a new phenomenon ?

Terrorist attacks are no new phenomenon in history : throughout history , individuals used force to impose their will upon others to achieve objectives by other than peaceful means . Even in literature the terrorist issue does exist :   e.g Albert Camus´ „ Les Justes „ is dealing with the ancient anarchists´attacks against   members of the former Russian emperors and raising the ethical question whether humanitarian oriented political objetives justify the use of inhuman means of bombing assaults.

Terrorists´ attacks as a threat pending on the USA and as threats that in fact become true as it did on Sept. 11,2001, and later on in Madrid´s railway trains and in London´s underground and buses in 2005   did not really surprise . Terrorists´attacks as a threat pending on the USA had been discussed by the US government long before the Sept. 11 attacks happened :

The father of the atomic bomb , J. Robert Oppenheimer, in the spring of 1946 , answering questions in a congressional hearing whether small units of men could smuggle an atomic bomb into New York and blow up the whole city , he said it could be done and people could destroy New York. Mr. Oppenheimer´s secret study on the dangers of nuclear terrorism, known as the „ Screwdriver Report „ caused political U.S. leaders to realize that there was no defence against such an attack and , believing to be defenseless, had chosen „ to play down its possiblility „ . 14)

Long before the Sept. 11 attacks occurred , apart from specific questions about terrorists´ threats, the USA was basically aware of the security situation , that the USA   was not invulnerable due to speedy modern weapons of mass destruction that had reduced the „ traditional margin of safety „ so that the USA could not hope for other powers to hold a first defensive line while the USA was analyzing „ whether a threat has become unambiguous „. 15)

1. 2 Terrorists´ threats in recent times, before Sept. 11

**It was not the first time that terrorists had attacked the World Trade Center in New York.
Terrorists` bombs in the hands of Islamic extremists had shattered the basement garage of the World Trade Center in the early 1990íes.
And as to terrorists´threats in recent times , it was already US President Clinton who is reported to have authorized a limited and covert war on Bin Laden .
Being reluctant to mount a major attack on the Taliban , US President Clinton , during the last two years of his presidency,long before the events of Sept. 11, is reported   to have authorized a covert war on Bin Laden and confined planning for lethal force within the**

**14)   Kai Bird   and Martin Sherwin : „ A fair foreign policy is the best defense „ ,in:
         International Herald Tribune (IHT)Dec. 13,2001,p.7.
** 15) Kissinger,in: Foreign Policy and Nuclear Weapons,1957,p.9.**

boundaries to use weapons aiming from distance at an enemy that would be defined as individual terrorists , and not against those who provided sanctuary for terrorists targeting the United States. President Clinton is reported to have authorized killing instead of capturing Bin Laden. 16)

The US Central Intelligence Agency (CIA) is reported to have paid a team of about 15 Afghan agents for four years ,before Sept. 11 ,to regularly track Bin Laden in Afghanistan. Reports have indicated that the US search for Bin Laden was more concentrated and aggressive than previously disclosed, but having never the necessary high level of confidence about their information without confirmation from other intelligence. 17)

2.   What did not change since the terrorist attacks of Sept. 11 , is the basic national and international security situation   : lack of traditional margin of safety

2.1 Global World order before Sept. 11

Thérèse Delpech interpretes   the „ post-Cold-War „ 10 years from December 25,1991, until September 11,2001,   „ may become known as the interwar years „. 12 She calls the Sept. 11 terrorists´ warfare „   a new phenomenon : the „ asymmetric warfare „ : „Such an extraordinary attack, in real time and real space,gave asymmetry a horrific shape.Those who planned the attacks seem to have operated from a list detailing the striking differences between the United States and themselves and to have played on those differences as much as they could.“ 18)

We will try to find out what does Delpech understand by   „ a n e w phenomenon :
the „ asymmetric warfare „ ? To see what is the change in symmetric warfare to
understand Delpechs notion of the   terrorists´ asymmetric warfare , we
turn to the „ interwar years „ :

Ten Years before Sept. 11, in December 1991, the Soviet Union collapsed .With
the collapse of the Soviet Union collapsed a a fifty years´old global order of world security
that was based on the two pillars of world powers – a two powers´system of checks and
balances : Moscow and Washington.

Two world wars had created that system of global governance for the 20th century , a
system of maintaining world peace and order .

That system of Cold-War global governance was held together , in the field of foreign and
security policy , by a strategy of deterrence oriented balance of powers policy .
Deterrence policy was based on   threatening to keep the option up to wage a nuclear

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16) International Herald Tribune (IHT) , Dec. 20 , 2001, pp. 1. 4 .IHT, Dec. 24-25, 2001, p. 3 .
17) Thérèse Delpech , The Imbalance of Terror,in: The Washingtom Quarterly, Winter 2002, p.31 .
18) Delpech , p. 32 .

all-out war . 19)

The deterrence strategy ruling the Cold-War-period was the roof under which the multilateral framework of the United Nations´ system of attempting to achieve collective security developed and enhanced the Security Council´s role as forum of veto-playing powers USA, Britain ,France , Soviet Union ,China in matters of world peace and security .

Since the collapse of communism , the US is the only world power to be left over , alongside with a number of other powers having the potential of gaining world power status :
Europe , Russia , China , the ambitious India as well as the economic giant Japan , even if fallen sick as an economic power.

Hopes existed ,in the short period , after the collapse of communism until the Sept. 11, attacks ,to ensure collective international security through bilateral and multilateral cooperation. Delpech says that „ major actors —the United States,Russia,and China — worked with a curious mix of cooperation and confrontation. „. 20)

In addition , in the period after the collapse of the Soviet Union , it was the phenomenon of the globalization which gave the impression that the role of the nation state had become obsolete due to transnational crossbordering effects of transnational flows of capital and data communications and international investments going bejond reach of nation states´ powers to influence the transnational movements of financial flows and the global reach of globally acting international companies . As to that role of globalization , there was the belief that
" conditions of globalization made a major, sustained conflict most unlikely. The terrorist attacks, however, have altered those comfortably held assumptions." 21)

2.2 The role of international security and the global World order after Sept. 11 :
Hopes for collective security and multilateralism cooperation ?

Sept. 11 had , for the moment , smashed the vision of a multipolar balance of powers
system. The hegemonial power USA had not been challenged by states , but by private individuals , adherents to the Al Qaeda terrorist network aiming to defend the weak peoples against the hegemonial superpower. They failed .And the states, mainly acting outside the institutional structures of NATO and EU , were the victors led by the superpower USA forging and leading an international coalition that had got the unanimous endorsement by the UN Security Council .
The lead by the hegemonial power USA seemed to continue to accomplish the Post-Cold-War vision of collective security within a multilateral system of international security and cooperation .

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19) Kissinger , The notion of all-out war and the notion of a surprise attack ,
in: Nuclear Weapons and Foreign Policy,1957 , p. 30 .
20) Delpech , p. 31 .
21) Campbell , Globalization´s First War ? in: The Washington Quarterly ,
Winter 2002, p.8 .

2. 2 1   The strategic impact that the Sept. 11 attacks do have on the national and international security : globalization of technologies and terrorists´ attacks as „ asymmetric warfare „

The security situation of the USA apparently became clear   that the USA   was not invulnerable. This was due to the existence and the use – by terrorists - of speedy modern weapons of mass destruction that had reduced the „ traditional margin of safety „ .

The USA , therefore , was , in fact , before and when the terroritsts´attacks occurred , not in the position to hope for other powers to hold a first defensive line while the USA was analyzing „ whether a threat has become unambiguous „ . 22)
Exactly by the time the Sept. 11 terrorists´   attacks happened, they immediately became unambiguous in their lethal nature and it was too late to resist it so that the traditional margin of safety had fallen down to zero .

Terrorists´ threats immediately becoming unambiguous is exactly what Delpech describes : ".. the most effective missile shield provides no protection against this type of attack .... If no consistent strategy is recognizable,if no anticipation can be expected,preparation is almost impossible. „
This is what Karmon describes to be the crucial nature of the war on terrorism:
„Who is the Enemy and What is the Coalition?" 23)

This „ down-to-zero" impact the terrorists´attacks did have on the US national
security (margin of safety) is   similar to the strategic impact speedy modern weapons of mass destruction do have on the security situation of a nation as well as on the international security. For   ,the national security of any civilized nations in the world is affected :

The terrorists   were   using modern technology devices   that   caused   tremendous devastations and thousands of lethal casualties deeply shaking the USA nation´s sense of national security and psychological stability. Campbell desribes „ the terror attacks and the damage done „ , the „ incalculably negative impression on the U.S. psyche „ . 24)
The extent of the losses of lives and the extent of the devastations , this was believed ,in previous times ,to be a traditional pattern of state-to-state aggression .

What is new, therefore, about the Sept. 11 terrorists´attacks and the attacks made after , is the ambiguous correlation between globalization and terrorism :

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22) **Kissinger , p. 9 .**
23) **Delpech , pp. 33 , 34 : And Karmon ,Ely(2001): The War on Terrorism, Who is the Enemy and What is the Coalition ? The International Policy Institute Counter Terrorism-ICT,October 15,2001; http://www.ict.org.il/.**
24) **Campbell , p. 8 .**

for the first time in history , it was individuals who used devices of mass destruction;
. Campbell indicates the „comlex connections and comparisons between terrorism and globalization „ 25) ;
and the terrorists used non-sophisticated tools to make globalization and modern technology operative for mass destruction , and terrorists are determined to sacrifice their own lives and thus achieving a high degree of devastating , lethal success.

Kai Bird and Martin Sherwin pointed out that „ on Sept. 11 Islamist terrorists used knifes and box-cutters to turn commercial aircraft into weapons of mass destruction. .....The globalization of technology has reached a point where weapons of mass destruction can be wielded by a handful of individuals . In such a world , the United States ` military prowess is its very last line of defense .. To Americans peril in this interdependent world ,they are foolishly squandering their first and strongest line of defense : their reputation for fair play. In this sense Sept. 11 was the ultimate failure of a foreign policy that has systematically sullied the reputation of the United States .“ 26)
And Delpech calls the Sept. 11 terrorists   to be   „ something different,something unrecognizable,something irreconcilable with concepts inherited from past experiences of either war or terrorism has come into being.This new phenomenon, however,does have a name:asymmetric warfare .“ 27)

Demonstrating the impact the Sept. 11 attacks did have on the international security , there was and still is a widespread , even worldwide feeling , that the terrorists´ attacks against the
US nation were , at the same time , attacks against any other civilized nation .The attacks were felt they might happen to any other nation . The attacks were felt to indicate an impending danger to harm or devastate other people at any other place in the World representing , in the eyes of the terrorists , the Western way of life the terrorists were lethally opposed to.

2. 22 Strategic doctrine , collective security and alliance policy after Sept. 11

Alliance policy of the USA is described to be based on the same assumption as US strategic doctrine does :
The strategic doctrine`s task is to design and implement military deterrence by
„ assembling the maximum force „ tending   „   to equate deterrence with a system of general collective security which gave rise to the notion that , unless all allies resisted aggression jointly , no resistance was possible at all .“ 28)

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25) Campbell , p. 10 .
26)   Bird / Sherwin : „ A fair foreign policy is the best defense „ ,in: IHT Dec. 13,
       2001 , p.7 .
27)   Delpech , p.32 .
28)   Kissinger , on „ The dilemma of American security „,in : „
       Nuclear weapons and foreign policy“,   p.51 .

„ ...the greater the force , the greater the reluctance to employ it. Both our military and our coalition policy tended to make it difficult to understand decisive action against peripheral threats : the former by posing risks disproportionate to the objectives in dispute, the latter by causing us to limit our actions to what could gain allied support . „ 29)

The strategic doctrine is achieving collective security through the design and implementation of alliance policy. US alliance policy performed coalition building preparing the warfare against the Taliban and the Al Qaeda network of terrorists.

3. USA alliance policy implementing US-led coalition building :
   NATO`s and EU´s response

Alliance policy of the USA was at stake , as USA´s NATO allies demonstrated reluctance to join US efforts in extending the war on terrorism in Afghanistan to the states `of the evil ` Iraq , Iran and North Korea (as they were called by President Goerge W. Bush).
Involving allies already had the same problems in times of the Korean war in the early 1950ies when the USA facing the opposition of the US allies refused any expansion of the Korean War .
The USA had forged a coalition including traditional friends like Britain , former enemies like Russia, and including China that is not challenging the USA yet . „ A new ,closer relationship might emerge between the Cold War adversaries .", says Delpech .
On Sept. 12,the day after, the US were considering an immediate response. But US President Bush and PM Blair , both speaking on the phone on Sept. 12, agreed not to retaliate with an immediate military strike. Many Europeans believed that hasty military action not only would be ineffective in deterring future terrorism but also would shatter any hopes of building an international coalition.

President Bush , in the fight against terrorism, had set up his doctrine of
„ either you`re with us or against us „ , a rhetoric that Miller called not to be „ the stuff of a new multilateralism „ . 31)
President Bush was reported to assure that he did not want to „ pound sand with millions of dollars in weapons „ . 32)
Bush and Blair ,therefore , aimed first at moving fast to coalition building , using the diplomatic front to capitalize on international outrage about the terrorist attack. They wanted support from NATO and the United Nations so that they would have the political , diplomatic and legal framework to permit a military response afterward.

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29) Kissinger, p.52 .
30) Delpech , p.35 .
31) Miller, Steven E. ,"The End of Unilateralism or Unilateralism Redux ?,"in:The Washington Quarterly,Winter 2002,p 19 .
32) President George W. Bush , in: IHT Jan. 29, 2002 , p. 1 .

Accordingly , building up an anti-terrorism alliance , the US government paid up debts to the United Nations, made concessions to Pakistan , Russia and Central Asian republics. The USA needed bases in Central Asia and endorsements from NATO and the Security Council to give legitimacy to US military actions :

3. 1   Invocation of Article 5 Washington Treaty: demonstrating the principle of collective defence by NATO

The NATO information sheet headlines were:
" Sept. 11,2001 : NATO´s and EU´s response : Article 5 NATO Treaty invocation :
Terrorist attack against USA an attack against the Alliance. "

The invocation of Article 5 Washington Treaty demonstrated <u>the principle of collective defence:</u> assistance is not necessarily military and depends on the material resources of each country. Each individual member determines how it will contribute and will consult with the other members, bearing in mind that the ultimate aim is to restore and maintain the security of the North Atlantic area .

NATO interpreted the principle of collective defence by presenting the following NATO positions :

3.11   Statement by the Secretary General of NATO Lord Robertson,Sept. 11, Brussels,NATO

„   I condemn in the strongest possible terms the senseless attacks which have just been perpetrated against the United States of America. My sympathies go to the American people, the victims and their families. These barbaric acts constitute intolerable aggression against democracy and underline the need for the international community and the members of the Alliance to unite their forces in fighting the scourge of terrorism. „   33)

3.12   <u>Sept. 12</u>: Invocation of Article 5 Washington Treaty ;

<u>Statement by the North Atlantic Council - 12 September 2001</u>   34)
„ What is Article 5?

The decision :
"If it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty," stated NATO Secretary General, Lord Robertson, after a meeting of the North Atlantic Council on the evening of 12 September.
This is   the first time in the Alliance's history that Article 5 has been invoked.

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33) NATO Press Release , PR/CP(2001)121 , Sept. 11, 2001 .
34) NATO Press Release (2001)124 , Sept. 12, 2001.

Article 5 of the Washington Treaty:
„The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by <u>Article 51 of the Charter of the United Nations</u>, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.
Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security. „

What does Article 5 mean ?
Article 5 is at the basis of a fundamental principle of the North Atlantic Treaty Organisation. It provides that if a NATO Ally is the victim of an armed attack, each and every other member of the Alliance will consider this act of violence as an armed attack against all members and will take the actions it deems necessary to assist the Ally attacked.
This is the principle of collective defence.
Article 5 and the case of the terrorist attacks against the United States:
The United States has been the object of brutal terrorist attacks. It immediately consulted with the other members of the Alliance. The Alliance determined that the US had been the object of an armed attack. The Alliance therefore agreed that if it was determined that this attack was directed from abroad, it would be regarded as covered by Article 5. NATO Secretary General, Lord Robertson, subsequently informed the Secretary-General of the United Nations of the Alliance's decision.
Article 5 has thus been invoked, but no determination has yet been made whether the attack against the United States was directed from abroad. If such a determination is made, each Ally will then consider what assistance it should provide. In practice, there will be consultations among the Allies. Any collective action by NATO will be decided by the North Atlantic Council. The United States can also carry out independent actions, consistent with its rights and obligations under the UN Charter.
Allies can provide any form of assistance they deem necessary to respond to the situation. This assistance is not necessarily military and depends on the material resources of each country. Each individual member determines how it will contribute and will consult with the other members, bearing in mind that the ultimate aim is to *"to restore and maintain the security of the North Atlantic area".*
By invoking Article 5, NATO members have shown their solidarity toward the United States and condemned, in the strongest possible way, the terrorist attacks against the United States on 11 September.
If the conditions are met for the application of Article 5, NATO Allies will decide how to assist the United States. (Many Allies have clearly offered emergency assistance). Each Ally is obliged to assist the United States by taking forward, individually and in concert with other Allies, such action as it deems necessary. This is an individual obligation on each Ally and each Ally is responsible for determining what it deems necessary in these particular circumstances.

No collective action will be taken by NATO until further consultations are held and further decisions are made by the the North Atlantic Council.

Lord Robertson will now officially inform the UN Secretary-General Kofi Annan, that the North Atlantic Council has agreed this statement.

During a press conference, Lord Robertson reaffirmed that NATO allies will take such actions as deemed necessary, including the use of force, adding that members shall respond commensurate with their judgement and resources.
Earlier in the day, Lord Robertson, had consulted with EU High Representative for Common Foreign and Security Policy, Javier Solana, and Ambassadors from partner countries had joined NATO allies, within the Euro-Atlantic Partnership Council, to express their deepest sympathy to the American people. They condemned yesterday's terrorist attacks and made a pledge "*to undertake all efforts to combat the scourge of terrorism.*" They added: "*We stand united in our belief that the ideals of partnership and co-operation will prevail.*"   „

3.1 3   Invocation of Article 5 confirmed , Oct. 02, 2001

Frank Taylor, the US Ambassador at Large and Co-ordinator for Counter-terrorism briefed the North Atlantic Council - NATO's top decision-making body- on 2 October on the results of investigations into the 11 September terrorist attacks against the United States. As a result of the information he provided to the Council, it has been clearly determined that the individuals who carried out the attacks belonged to the world-wide terrorist network of Al-Qaida, headed by Osama bin Laden and protected by the Taleban regime in Afghanistan. 35)

At a special press conference, NATO Secretary General Lord Robertson announced that since it had been determined that the attacks had been directed from abroad, they were regarded as an action covered by Article 5 of the Washington Treaty . When the Alliance invoked the principle of Article 5 of the Washington Treaty on 12 September, it stated that it needed to know whether such actions had been conducted from abroad before the Article could become fully operative. This has now been determined, but Lord Robertson explained that, at present, it was premature to speculate on what military action would be taken by the Alliance, be it individually or collectively.

3. 2   NATO implements invocation of Article 5

The Supreme Allied Command in Europe (SACEUR) Statement to the Media on October 09, 2001, confirmed the implementation of the invocation of Article 5 :

„ Today marks a historic first for NATO. Today, for the first time in the organization's 52-year history, assets are being made available to the continental United States, on their request, in support of Article 5 operations. Two of a total of five NATO Airborne Warning and Control Systems aircraft   - the AWACS - began deploying today to the United States from our base in Geilenkirchen, Germany. The remaining aircraft will follow in the next few days.

35) NATO press release on briefing by US Ambassador to NATO Council,Frank Taylor, Oct. 02,2001.

These NATO aircraft, manned by multinational crews from 12 NATO nations, provide a critical air surveillance and early warning capability in operations. This deployment will directly support those aircraft under the command of the North American Aerospace Defense Command, or NORAD for short, by providing assets required to support the global campaign against terrorism.

In addition, NATO naval assets presently on exercise off the coast of Spain were re-assigned today to a new mission.Effective immediately, the Standing Naval Force Mediterranean (STANAVFORMED), consisting of nine ships from eight NATO countries, will set sail to provide an allied military presence in the eastern Mediterranean and to demonstrate our resolve.

These two actions underline the unwavering commitment of the 19 NATO nations to fight terrorism. Of course, we stand ready to provide any additional support requested by the United States, on order of the North Atlantic Council. „.   36)

3. 3   The European Union`s immediate response to Sept. 11

3.3 1 Individual European Governments immediately made their statements of solidarity and the EU collectivity of EU Member States

In adddition to the individually made and published European Governments´ statements on solidarity with the USA , in   a   Joint declaration by the heads of state and government of the
European Union, the President of the European Parliament, the President of the European Commission, and the High Representative for the Common Foreign and Security Policy,Friday ,declared (Sept. 14, 2001) :

„...an expression of solidarity with the American people, Europe has declared 14
September a day of mourning. We invite all European citizens to
observe, at noon, a three-minute silence to express our sincere and
deepest sympathy for the victims and their families.

On 12 September, the European Union condemned the perpetrators,
organisers and sponsors of these terrorist attacks in the strongest
possible terms. The European Union announced that it would make
every possible effort to ensure that those responsible for these acts of
savagery are brought to justice and punished. The US administration
and the American people can count on our complete solidarity and
full cooperation to ensure that justice is done........“

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36) Supreme Headquarter of the Allied Powers in Europe (SHAPE)
    News Release, Oct. 10, 2001.

3. 32 The EU´s response to Sept. 11 was a bunch of   measures going bejond merely military matters :

-The European Central Bank took steps , including an interest rate cut, to maintain confidence in the markets .
-The EU agreed on counterterrorist agenda,including a common legislative framework on definitions of terrorism and a European arrest warrant to replace national extradition procedures.The EU agreed on new legislation to dry up sources of terrorist finance.
-The EU launched a trade deal with major implications for Pakistan´stextile industry and new external assistance programs.
-The EU redoubled its humanitarian aid eforts in and around Afghanistan.
-The EU decided to establish a EU presence in Afghanistan to plan the massive reconstruction work in which the EU wants to be a key player in the years ahead.

-<u>EU Rapid Reaction Force</u> :
The EU had started to set up military capacity: The EU started building a Rapid Reaction Force that is planned to be able to mount certain peacekeeping and crisis management operations, as well as humanitarian missions involving troops. This was in the very early stages. While a number of E'U member states   contributed to the force which Britain started to lead in Afghanistan under United Nations auspices,this was not and could not be called an EU operation. 37)

IIII. US- led warfare against the Taliban and AL Qaeda network of
International terrorism and US led warfare on Iraq :
a „ war in the computer age „, a military breakthrough in the
US reliance on foreign military bases and the impact on
US Alliance policy : emerging US unilateralism ? or revival of transatlantic cooperation ?

1. The Taliban being deposed : The Afghan model a template for American military action against Iraq or other terrorist-supporting states ?

After effective coalition building , did the USA ,actually , return to unilateralism ? The USA , basically , waged the Afghanistan war on their own : with US long-range bombers performing global reach without depending on bases close to the war theatre and thus demonstrating the global reach of the imperial like military superpower USA.

The coalition built up by the US government to back the US led military actions had given political and diplomatic legitimacy to the USA warfare in Afghanistan. The coalition building was , insofar , helpful , but it was no militarily decisive action to influence the course of US-led warfare in Afghanistan . „ Military contributions from others are in general neither sought nor needed.", said Miller commenting on President Bush´s „ with-us-or-against-us „ approach to terrorism , and adding: „ More than any other state, the United

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37) **Chris Patten , European commissioner for external relations, made comments**
on the EU's potential of the common foreign and security policy, see:
IHT, Jan. 02, 2002, p. 8.

States is able to operate militarily as lone ranger ." And Miller adds : „ Washington is likely to view the coalition as a source of support and an instrument of U.S. policy, but others are likely to see it as a mechanism for influencing U.S. decisions or restraining
U.S. action—„, 38)
The USA has run the whole warfare in Afghanistan , and did not admit others to US war councils : Even British SAS soldiers were expected to follow US command .
The experience made in the Kosovo , when the US had to discuss tactics and operational decisions with NATO allies , the US military command said :" Never again ". 39)

The effectively US-led war in Afghanistan, starting in October 2001, after coalition building ,had , within weeks , crushed the Qaida militant network in Afghanistan. The fugitive Taliban leaders are not yet caught. The US faces practical necessity of letting peace take hold.
The US president still insits that his goals are unchanged- a broad war against all terrorists with a global reach. The US maintains a presence and continues its aid while Afghanistan strives for stability and a semblance of normality .

On Jan. 03,2002,Defense Secretary Rumsfeld described the U.S. effort in Afghanistan as successful, citing the end of Taliban rule and the installation of an interim government publicly committed to ridding Afghanistan of terrorists. And he acknowledged that the war in Afghanistan would not be over until the fugitive top leaders were found.

The U.S. government had decided to rely , for the search of fugitive top leaders ,on local militias. This decision, not to insert large numbers of US forces for the manhunt,
 is reported to have been driven less by a fear of US casualties than by a determination to avoid the mistakes made during the Soviet occupation of Afghanistan in the 1980s. The US didn´t want to be perceived as an invading force, the US wanted to gain the trust and confidence of Afghans and others in the Muslim world. 40)

The US early success was routing the Taliban from Afghan cities, the Taliban being deposed and has now given way to a frustrating search for Taliban and Qaida leaders. The ability of Afghan local forces to complete the task set by President Bush of bringing the top fugitive leaders to justice remains uncertain.
The ultimate success of the proxyforce approach is carefully being watched because of the implications bejond the war in Afghanistan since the Afghan model is being considered as a possible template for American military action against Iraq or other terrorist-supporting states.

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38) Miller ,Stephen E. , The Washington Quarterly,Winter 2002, pp.19 , 20 ; 25 .
39) Pfaff ,William : " In its quest for supremacy, US may squander partnerships ",
       in: IHT Dec. 15-16,2001,p.6); see also Clark, Wesley K.,(2001).Waging
      Modern War : Bosnia, Kosovo and the Future of Combat ,
      (New York : Public Affairs) .
40) IHT Jan.07,2002, p.6 .

**2.   New US military strategy of using new configuration of forces
 causing the early military success in Afghanistan : the „ war in the computer age „, reducing US reliance on foreign bases**

In Afghanistan , initially, at the ouset of the US led strikes against the Taliban , small numbers of the US Special Operations forces worked closely with CIA agents . Both were organizing   offensive operations by the Northern Alliance and other opposition groups and to direct the US air strikes that shattered the Taliban army.   41)

The US warfare in Afghanistan shattered the Taliban with   permanent high-altitude air strikes in which bombs came out of the blue with uncanny accuracy. The US warfare demonstrated the „ War in the Computer Age „.   42)
The „ war in the computer age „ is described to be the new style of US warfare using high-tech weapons changing the dynamics and the scope of battle the long-term impact of which is still uncertain for foreign policy , especially alliance related foreign and security policy :

The US coordinated small US combat special forces teams operating on the ground and high-performance aircraft – very-long-range B-2 and B-52 bombers with precision-guided weapons , digital communications underpinning the US forces and a new battlefield weapon: small , expendable unmanned predator drones . 43)

Pilots and special forces teams on the ground communicated directly with air force pilots patrolling overhead and practiced an highly improved cooperation inventing new tactics. With target coordinates going directly to pilots via satellite, the US airforce often cut its response time to less than 20 minutes between the moment a Taliban target was spotted and its destruction.

This new configuration of forces – a few hundred men scattered in roving teams, a dozen heavy bombers rotating over the country , accurate target spotting, fast transmission of complex data and precision-guided bombs as well as improved combat power by unmanned aircraft , drones, monitoring the vast and remote airspace with no nearby bases for US strike aircraft, the drones seeing potential threats and discretly operating from neighboring countries:

this new combination of forces is reported to mark a breakthrough in reducing US reliance on military bases in nearby countries close to or surrounding the warfare theatre. 44)

41)   see comment by The New York Times on " Special Operations " , in :IHT Jan. 28, 2001,p.6 .
42) Fitchett,Joseph (2001) :"War in the Computer Age „ , in: International Herald Tribune,Dec.28,2001, p. 1.
43) IHT ,December 28,2001, pp. 1 and 4 .
44) IHT Dec. 28, 2001,p.4 .

3. US military success backing peacekeeping in Afghanistan .
Peacekeeping a matter of international security and credibility , international legitimacy :

The EU heads of state and governments had decided on their summit on Dec. 14-15,2001, in Laeken , to send 3,000 to 4,000 peacekeepers to Afghanistan to serve as stability force for the new government in Kabul .
The deployment of peacekeepers was and is an effort done by individual EU member countries and not an effort done by the European Union as Union. 45)

Britain contributed 1.500 soldiers to the force, limited to Kabul and the immediate vicinity, a soft profile mission of patrol and of support, agreed by NATO and operating distinctly from the US effort to hunt down Taliban fighters and members of the Qaida terror group.

The US force offered the peacekeepers „ essential enabling support to deploy and sustain the force",and is providing airpower , special forces and Marines , as British Defence Secretary Hoon reported to the House of Commons. 46)

Among the countries to make up the rest of the force initially were France, Germany, Jordan and Turkey, subject to an overall command by the United States.
A small British contingent 200 soldiers arrived in Kabul by December 22 for the induction of an interim government. They operated on the basis of rules worked out with the local authorities.Objective: supporting the induction of an interim government, then to settle on an military technical agreement with the newly installed local political leaders that would outline the force´s powers before the rest of the troops could take up position.

On December 19, UK had sent a letter to the UN secretary-general ,Kofi Annan, outlining Britains plans in an effort to obtain a Security Council´s resolution by December 21 that would authorize the force and give it international legitimacy. Britain led the force for three months and is expected to turn that role to Turkey.

4. US military troops and other nations´ troops exposed to guerilla assaults in Iraq : Iraq´s reconstruction at stake, political and economic stability of the region at risk , dangers to international security by a growing sense of insequrity in Baghdad and across the country

At present time,it is impossible to say how long the US military presence in Iraq will be. The US Government has not yet presented any plausible long-term exit strategy.
Since the war on Iraq began last March,after having smashed Saddam Hussein´s military troops´ structure within weeks ,the USA are still challenged by the open question of how to win the peace in Iraq. The US Congress gave final approval , November 3, to the US President ´s request for a further $7o billion in military and civil spednding on Iraq, and the USA appear to settle down for what the US Defence Secretary Rumsfeld acknowledged will be " in a long,hard war we are going to have tragic days, as this is. 47)

45) IHT Dec. 15-16,2001 , pp. 1, 5 : " European Union plans a peace force for Kabul"
46) IHT Dec. 20, 2001,p.1 .
47) See: IHT Novemver 3,2003, p.9:" Attack in Iraq puts Rumsfeld on the defensive " .

Following a truck bombing of the UN compound on August 19, daily attacks on American soldiers in Iraq continued to mount. The missile attack followed by uncountable attacks using   missiles, suicide bombing and mortars later on throughout the country, launched November 02, on an Chinook   military transport helicopter,shooting down it over Ameriya,near Falluja, a city where Anti-American residents clash almost every day with American soldiers. 48)

The killing of 16 US soldiers and wounding of 20 others, was a demonstration of the growing numbers of American casualties.The helicopter downing was the deadliest attack on American troops since the war began. American soldiers have continued to be killed in Baghdad and across the country ,at least 2000 American soldiers have been killed in various incidents over the last years until automn 2005.
Iraqi guerillas opposed to the American occupation have been and are using mortars with great effectiveness across central Iraq, US soldiers are killed by roadside bombs planted by insurgents in Baghdad and across the country, the area known as the Sunni Triangle and the heart of the resistance, mortar attacks on the headquarters of the American civilian authorities in Baghdad, explosions are shaking buildings in Iraq, suicide bombers are striking targets across Baghdad : all those actions are adding to a growing sense of insequrity in Baghdad and across the country.
Exposed to Iraqi guerilla,as well, are Spanish , Dutch and Bulgarian troops, Spain having about 1.300 troops based in Iraq in a mission,that the Spüanish Government called humanitarian, while other countries recognize that Iraq is still at war.The Netherlands has 1.198 and Bulgaria about 500 soldiers.

It is an open question of what will be the impact the mounting American casualties and the approach of next year´s presidential election might have on the US public creating pressure for a military withdrawal.
On the one hand, the US supreme military commander in Iraq claimed, last November 01, that the attacks were " strategically and operationally insignificant " .
On the other hand,if American casualties continue to happen, a US rush for the exits would leave Iraq chaotic and a danger to neighbouring countries and the international security as a whole.
An American voice , David Brooks(New York Times), was expressing the difficult mood the USA realizedto live in already in 2003. Brooks said :
" Somehow ,over the the next six months ,until the Iraqis are capable of their own defense, the Bush administration is going to have to remind us again and again that Iraq is the Battle of Midway in the war on terror, the crucial turning point where either we will crush the terrorists´spirit or they qwill crush ours.
The President will have to remind us that we live in a fallen world,that we have to take morally hazardous action if we are to defeat the killers who confront us. It is our responsibility to not walk away. It is our responsibility to recognize the dark realities of human nature, while still preserving our idealistic faith in a better Middle East. " 49)

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48) see: IHT ,November 3,2003,p.1,9.
49) Brooks,in: IHT, Wednesday.November5,2003,p.8 "Why the U.S: can´t walk out of Iraq yet", written by David Brooks, New York Times).

B. Collective international security policy facing dilemma problems
   after Sept.11, the revival of the nation states´ behaviour and the impact
   on NATO`s and the  European Union`s role in international security
   and cooperation

I.   Introduction:

 US military unilateralism demonstrated by waging the wars on Afghanistan and Iraq endangered the cohesion of the Western anti-terrorist alliance. US military unilateralism, a growing tecbnological gap in armament and a new US military strategy and security strategy of how to deal with human rights of detainees had an adverse impact on the US Alliance policy risking the splitting of the alliance.

After Sept.11 ,2001, the core question in the field of international security and cooperation was and still is whether it took only an attack against the United States to arrive at a new foreign and security policy of maintaining peace and order . Miller raised the question whether the Sept. 11 attacks have led to „ „The End of Unilateralism or Unilateralism
Redux ?" 50) Delpech underlined : „ U.S.security will depend increasingly on its ability to keep alliances alive,to build coalitions, and to sustain multilateralism." 51)

US foreign and security policy is still facing two different issues of military strategy oriented dilemma :
- The one issue is the question whether   the US foreign and security policy might cause a split in the Alliance , a split caused by the ever faster growing technological armament of the USA , while the NATO Members fall too far from being on an equal technological level with the USA.
- And the other issue of dilemma facing collective security policy is the possible impact the new US military strategic doctrine as well as the CIA practice in terms of the rule of law and human rights   may have on the future Alliance policy of the USA :

Due to the US´s use of high-tech weapons ,long-range transport aircrafts , satellite based communication systems , small groups of special forces teams operating on the ground and cooperating with local forces , the US military strategic doctrine is focussing on waging wars on own account and mainly outside the scope and institutional framework consultation procedures of NATO : :The US   does   not depend any longer on bases in countries neighbouring the war theatres , it may count on coalitions that may be flexible and changing in composition and thus reducing the need for counting on support given by NATO alliance .
Counting on own military power ,US military strategic doctrine might further destroy any hopes that existed in the Post-Cold-War period , after the collapse of Communism , to strenghten multilateralism . What is practised right now is the US tendency towards unilateralism, towards being not limited by the rule of law and the respect for human rights while claiming to defend Western values against terrorists: the conclusion of which is that the USA „ should move from unilateralism to multilateralism „ 52) . And what is practised , too , is   a revival of the nation state behaviour as proved by individual EU and NATO Member States as far as joining the wars on Afghanistan and Iraq is concerned.

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50 Miller , Stephen E. , in: The Washington Quarterly,Winter 2002,pp. 15 – 29 .
51 Delpech , p. 39 : „ The World will be policed collectively or not at all „.
52 Miller , p. 26 .

II. Security dilemmata

1.   US military unilateralism through a growing technological gap in weapons – risking a split alliance

The US lead in military technologies risked   a split alliance waging the war on Afghanistan. „ This coalition will not be easy for Washington to preserve or manage.", said Stephen E.Miller . 53)

The US lead in military technologies ,growing faster , as proved by the US performance in the war in Afghanistan , risks a split alliance , with US forces fighting wars aided by local allies and the Europeans confined to peacekeeping and other infantry roles. The unchanged   US lead in military technology risks that the USA will fight alone in major battles , such as it was feared and then happened to be an attack on Iraq .

New dangers to multilateralism are emerging through scientific research on biological weapons: absolutely dominating US military power isn´t a mere vision yet, but reaching close to reality . According to reports on TV transmitted in November 2003 ,
USA scientific research institutes are developing genetically manipulated biological weapons aiming at destroying any existing weapons belonging to potential adversaries. Genetically manipulated weapons are supposed to destroy.e.g. the protective plastic material covering the anti-radar protective shield of aircraft bombers , or they may be capable of destroying the concrete layers of airfields thus keeping off the enemies´ aircrafts from taking off and getting airborne. 54)

2. Fears about US unilateralism – a blueprint for global governance in the 21st century ?

Risto E.J. Pentilla pointed out what we see, concerning the war against terrorism ,   " may well be a blueprint for global governance in the 21st century ."   55)
Pentilla compared the unity proved in the war against terrorism to the 19th century Concert of Europe, including the victors of the Napoleonic Wars(Austria,Britain,Prussia and Russia maintaining, on the basis of the Vienna Congress in 1815 , peace and prosperity in Europe .

Another serious observer , Thomas L. Friedman , warned that the role of NATO is at stake and that Europeans will have no credibility when they complain about US unilateralism , but keep on being reluctant to better invest in the planes and equipment needed in modern warfare. 56)

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53) Miller, p. 25.
54) German TV, Monitor report ,November 29,2003.
55) Pentilla, Risto E.: " The Concert is back , and it seems to be working ",in:
     IHT ,December 28, 2001,p. 8 .

Friedman recalled the four key assets needed to fight a modern war:
-     many large transport aircraft to deploy troops to far-flung battlefields;
-   precision-guided bombs and missiles that can hit enemy targets with a high degree
     of certitude, thereby shortening the war and reducing civilian casualties ;
- large numbers of Special Operations teams that can operate at night using night-vision
   equipment; and
- secure, encrypted communications so that ground and air units can be knit together in
   a hightech war without the enemy listening in . 56)

56) Friedman, Thomas L. : " The End of NATO ? Europe had better catch up ",in: IHT
Febr.04,2002,p.6 .

The reason why other NATO countries than the USA fall short of these technological
assets , is , as Friedman does recall , the fact that Europeans don´t feel threatened by
America´s enemies , particularly Iran , Iraq and North Korea and therefore are reluctant to
spend much on defence .

The result is that US allies fear growing US tendency for   military unilateralism. As
Friedman has put it : " ...we are increasingly headed for military apartheid within NATO.
America will be the chief who decides on the menu and cooks all the great meals, and the
NATO allies will be the busboys who stay around and clean up the mess and keep the
peace – indefinitely. " 57)

„ Those who join the U.S. team are clearly expected to follow the U.S. lead ;", says
Miller .58)

3. US military unilateralism enhanced through new US military strategy
     and   impact on US Alliance policy

**3.1 The US military strategy´s success in Afghanistan and the impact on the US Alliance
policy - bypassing NATO ?**

Widespread fears expressed in Europe are focussing on the political risk that US military
unilateralism might bypass NATO and diminish the hopes of getting multilateral political
backing for US antiterrorist actions . The US government is reported to have decided that „
there will not be a single coalition but rather different coalitions for different missions „ in
which US units will hope to work with local forces againts terrorists or regimes that back
terror. 58)

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56) Friedman, Thomas L. : " The End of NATO ? Europe had better catch up ",in:
      IHT Febr.04,2002,p.6 .
57) IHT,Febr. 4,2002,p.6 .
58) Miller , Stephen E. „ The End of Unilateralism......"in: The Washington Quarterly,
      Winter 2002, p. 19 . Fitchett,John, report „ Pentagon in a League of its own",
      IHT Febr. 04,2002, pp. 1,3 .

The US lead in military technologies growing faster , as proved by the US performance in the war in Afghanistan , risks a split alliance , with US forces fighting wars aided by local allies and the Europeans confined to peacekeeping and other infantry roles. The US lead in military technology risked ands still risks that the USA will fight alone in major battles , such as USA allies feared US government´s military action against Iraq and other countries of the " axis of evil ".

The secretary general of the North Atlantic Alliance , Robertson, had warned in 2003 that trans-atlantic solidarity was threatened if „ the Americans do the cutting edge while the Europeans are stuck at the bleeding edge, if the Americans fight from the sky and the Europeans fight in the mud .", he was reported saying that in a conference on international security held in Munich on February 03,2002. 59)

The 2002 Munich conference on international security and the following conferences raised an continue to raise concern about Europe´s failure to spend more and put more political push behind reshaping and modernizing the NATO member countries´ armed forces along lines compatible with US-style warfare. NATO General Secretary Robertson and his successor warned and are warning that Europe risks being reduced to the status of a marginal role , to a " military pygmy " and Europeans could not expect to have political influence on Washington if they had no effective military power to bring to a coalition .

What is meant about the transatlantic relationship became frankly apparent when a German participant in the Munich conference was talking about his uneasiness about US threats against Iraq , US senator John McCain from Arizona was reported to have snapped back :
" I would tell our German friend to go out and buy some weapons before questioning US intentions or power ." 60)

3. 2 Additional danger to US alliance policy credibility -
uncertainties about the security situation in Iraq being a new resource of new generations of terrorists motivated by human right violations and a tendency of the US administration to practice an arbitrary commitment to the rule of law

Alliance policy of the USA were at stake , as USA´s NATO allies demonstrated reluctance to join US efforts in extending the war on terrorism in Afghanistan to the countries Iran , Iraq and North Korea, countries called by US President Goerge B. Bush as an „ axis of evil „ that could provoke preemptive US action .   61)

The US lead in military technologies and risks about a US split alliance policy added by newly arisen risks about the disastrous security situation in Iraq thus being a new resource of new generataions of extremists and young terrorists as well as risks about the US approach to human rights of persons suspected of terrorism are endangering international security, endangering the prospects of effective containment policies against terrorists´ threats.

59) IHT report February 04,2002, pp.1,3 .
60) IHT February 04,2002, pp.1,3 .
61) IHT February 04,2002, pp.1,3.

European political leaders in Britain,France ,Germany and Russia ,initially, in the course of the war on the Taliban regime in Afghanistan, had expressed concern about the three countries´ (Iran, Iraq and North Korea) depiction as " axis " intent on developing weapons of mass destruction. At the conference on international security matters, held in Munich on February 02-03,2002, European security officials were reported to have expressed alarm about what they saw as the US president´s " aggressively unilateral stance " . 62)

The involving of allies had already faced the same problems in times of the Korean war in the early 1950ies when the USA facing the opposition of the US allies refused any expansion of the Korean War .

II.   Security dilemma : revival of nation states and alliance consistency, sustainability of coalition building

1.   The anti-terror coalition in the case of Afghanistan : revival of nation states

The hegemonial power of the US ,had , in the course of the events after Sept. 11 , sent a politically decisive signal :   the revival of the nation states joining the anti-terror coalition in self-defence and avoiding the ire of the United States.

In the period after the collapse of the Soviet Union, it was the phenomenon of the globalization which gave the impression that the role of the nation state had become obsolete due to transnational crossbordering effects of transnational flows of capital and data communications and international investments going bejond reach of nation states´ powers to influence the transnational movements of financial flows and the global reach of globally acting international companies .
And as to the role of the nation state in security policy of war prevention and warfare in the times of globalization , Campbell says : „Perhaps we have unintentionally sub-scribed to the persistent optimism of the prophets of globalization who either inferred or explicitly stated that conditions of globalization made a major, sustained conflict most unlikely." 63)

The events following the Sept. 11 attacks have proved the five hundred years old nation state to be still alive :

The Al Qaeda terror while attacking   actors and symbols representing globalization did use the instruments of globalization as well as devices of modern technology as weapons : long-range yets , the mobile phone , anonymous orders given for transnational cash-flows.

But the nation states´ effective response   detected hidden cash-flows , orbit based satellites detected terrorist strongholds, intelligence agencies detected the commanding key-people of the terrorists.

62) IHT February 04, 2002, p.1 .
63) Campbell ,Kurt M. „ Globalization´s First War ?
„,The Washington Quarterly,Winter 2002, p.8 .

Due to American bombs, Russian supplies in weapons delivered to the Northern Alliance , support given by Pakistan and due to consent given by China , the Taliban had been defeated.

The states did become members of the coalition because they had instantanously realized that the global reach of the terrorists were threatening the dominant role of the nation states to set up the basic rules of the international actors in power politics . And it , basically , was not
friendship with the United States that the respective states wanted to join the coalition club,
they were   „ avoiding the ire of the United States „ , Miller comments .   64)

The nation states also strenghtened their role of being the master within NATO and the European Union ,both trying to pool nation states´sovereignties in the field of foreign, security and defence policy . The NATO , after having invoked Article 5 of the Washington Treaty declaring the attack hit against the NATO member USA to be an attack against   the collectivity , against the alliance, NATO, then, had played rather a marginal role in the field of decisive contributions made to the warfare theatre . NATO as organization was no
decisive actor . Individual member states of NATO made the decision and took action to contribute to the US led war in Afghanistan : the big member states were the actors: USA,Britain,France and Germany .

2.　　Anti-terror coalition of nation –states :
　　the European Union experienced its own limits

The European Union, trying hard since the EU Maastricht Treaty to set up a Common Foreign and Security Policy, as a matter of fact , in the course of the events following the Sept. 11 attacks , had to experience its own limits .
The leading people of the European Union , neither the then- President of the Commission Prodi, nor the High Representative for the common foreign and security policy of the EU , Solana , did   take decisive action in matters of military contributions to the US led war in Afghanistan. The heads of state and government , individually and not as members of the European Council did take action . The nation states´ democratic , directly elected sovereign Parliaments were and still are the ones to decide on matters of life and death , war and peace .

It were individual European Union member states (here: the Netherlands , Germany etc)) and it was not the European Union´s Rapid Reaction Force- which still remained to be set up - that took command over the peacekeeping forces in Afghanistan .

The high-tech weapons´ performance in Afghanistan has changed the dynamics and the scope of battle and influences the strategy of NATO and EU : a Rapid Reaction Force of 60.000 soldiers appears not to meet the requirement of NATO and EU for an independent

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64) Miller ,Stephen E. „ The End of Unilateralism or Unilateralism Redux „
　　„,The Washington Quarterly,Winter 2002, pp.15 – 29 (22) .

strategy design and strategic capabilities for strategic military actions on an own account and on the basis of own access to strategic high-tech devices of long-range aircraft transport facilities , teledetection and satellite based data communication systems .

Democratic societies fear losses of lives , they fear T.V. reports on dead soldiers arriving home . If democratic societies want to avoid their soldiers to come into close contact with the enemies , the consequence must be to increase the national defence budget for the purchase of expensive military facilities far beyond the German defence budget of 1,5 percent share in grossnational product .

3. The war on Iraq coalition :

the Iraq coalition of nation-states: USA and the case of   Great Britain´s joining the war outside the European Union´s policy making framework : The EU again experienced its own limits

In the case of the US led war on Iraq, the European Union had to experience its own limits again. As a matter of fact , the US Government , on the eve of the war on Iraq , failed to push the UN´s Security Council to endorse a strike on Iraq, and felt free to act unilaterally, launching a US led coalition mainly held by the USA and Great Britain.   The leading people of the European Union , neither President of the Commission ,Prodi, nor the High Representative for the common foreign and security policy of the EU , Solana , did take decisive action in matters of military contributions to the US led war on Iraq. It was Great Britain , individually and not as member of the European Council that took action joining the USA, without the endorsement by the European Union Council . Germany, under chancellor Schröder expressed its clear unwillingness to join any military envolvement in Iraq which the German government believed was a violation of international law. Other Member Countries of the EU shared and still share this view as well as a growing opposition inside the USA to the US-led war on Iraq.

III. Security dilemma : consistency ,sustainablity of coalition building -
Western values and Islamic World clashing ?

General :

Perceptions in the Islamic world let the fight against international terrorism appear to be a clash between Western values and Islamic world . Bin Laden declared war on the Western world. AL Qaeda terrorists were and are claiming they were defending the Islam against Western aggression and humiliation .

There are those in the Islamic World who judge   the terrorist attacks to be a just revenge for real or imagined injustice,even if they do not approve of terror tactics. Growing numbers of suicide bombers killing thousand of people in Iraq are claiming to defend Islamic values and want to be understood to pursue one single goal to throw foreign soldiers our of Iraq. Whereas the USA is calling those suicidebombings as terrorists´ actions .

There appear two points demonstrating that the US-led coalition is facing a substantial security dilemma in Iraq and also in Afghanistan, alongside with growing numbers of attacks made by undefeated Taliban fighters in Afghanistan.

-The one dilemma issue is that the US and the US led international coalition claim that they don´t fight war against the Islam , but that they   fight Islamic extremists to defend common universal values .

Since the Sept. 11 attacks,launched by non-state terrorism,we can no longer   examine terrorist violence for traces of good, utopia or even the folklore of national , cultural or religious liberation .Terrorist violence is to be characterized as mistaken and wrongful, but nevertheless understandable response to hardship and oppression .

Western values , however , appear to be in conflict with religion oriented defenders of an absolute truth .

- The other security dilemma issue is the danger of a   conflict between the US-led fighting against terrorist extremists and , within the US-led coalition as well as within the Islamic world , different perceptions of US domination of international societies.

Fighting Islamic extremists within Iraq and Afghanistan, the USA are risking to extend their war against terrorists and to have created end enforced a new generation of terrorists made in Iraq while the USA has been forging there a coalition between moderate and extremist Islam people unless the US-led anti terror coalition takes comprehensive actions   to enhance credibility of unconditional US commitment to common universal values of human rights – bejond military actions – and thus enhancing international security . On the contrary, Iraq prisoners found to have been tortured inside the Ministry of Interior in Baghdad in 2005, as well as the criminal acts of humiliation done by US soldiers in US-led prisons in Iraq, have severely damaged Western values the US wanted to save by the US-led invasion in Iraq.

The substantial security dilemma for the Western world , however , is that any efforts to discredit bin Laden and his pseudo-Islamic program asl well as his fellows in Iraq appear to create little opposition against the pseudo-ideas of bin Laden in the Islamic states. Governments and state media in the Arab Middle East blamed and are still blaming Israel and the USA for all the troubles of the Muslim world and they have done little to counter bin Laden´s message by improving their own peoples economic and social situation .

1. <u>Security dilemma</u> – coexistence of people with different world views

The crucial international security question is : Defence of universal values of freedom and religious oriented defenders of an religious „ absolute truth „ : can they coexist ?

„ The strength of an absolute ideology against our moderate societies", Delpech comments. 65)   Western values are in conflict with absolute truth oriented positions held by extremists and who are sacrificing their own life by committing suicide bombings on a daily basis.

1.1   The security dilemma is that , on the one hand , as respect of different opinion is at the core of Western values , civilized people in Western societies duly respect those of other faiths or different views at the world.

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65) Delpech,Thérèse , The Imbalance of Terror, The Washington Quarterly,
     Winter 2002, p.38

Western values defended by response to Sept. 11 attacks is the ethic of individual freedom   and tolerance that opportunities for all do exist in the country , that is the source of a nation´s unity and strength.

Western civilization , western values believed and still believe that its new ideas about human rights,   individual freedom and (in US formulation) the individual pursuit of happiness - through `opportunities do exist for all ` - were valid for all the rest of the
 world .

The security dilemma for the USA, however, is the growing and deepening gap between the abstract concept of western values, on the one side, and the practice of commitment
to human rights, on the other side, and thus opening a credibility gap if , and whenever and whereever US-authorities claim   their own military and intelligence actions   were demonstrating a   lawful approach to international   security   by justifying the use of unlawful means by the legitimate end : the defeat of terrorists.

1.2   But people in the Western world have, on the other hand , expressed doubts as to whether Islam in general can be reconciled with Western form of society , fundamental   rights , individual freedom and tolerance, pluralism.
They wonder how people with different world views will coexist in Western societies in the future .

For, if it is true that Islam is primarily a way of life handed down in religious laws , a way of life whose authority comes from the undiminished , unquestioned word of God , then a sort of coexistence appears to be unthinkable :

The theocratic order , which Islam as a whole still appears to be, holds up divine law against mere human law . Sovereignty of the people , an idea of the European rooted Enlightenment , conflicts with divine sovereignty and an order laid down in law for all situations and all time .

The claim to absolute truth of the Koran collides with the farewell to absolute truth that charcaterizes the West, including any religious claim to truth . Truth is something to be discovered , and not something fixed once and for all. Democracy is open to truth in the sense that all views and beliefs are supposed to take part in peaceful discourse .

Many in the West doubt about whether both ends can meet . Whereas Mahathir bin
Mohamad , prime minister of Malysia , in his comment , adapted from an address on the World Economic Forum meeting in New York , underlines that " the real Islam is not about extremist politics ". 66)

It is in that sense true to speak of a clash of cultures . But it is not a matter of „ the West against the Rest „, as Samuel Huntington puts it. It is a matter of Islamic claim to an absolute truth. Respect of different opinion is at the core of Western values . But fundamental rights , freedom of opinion cannot accept a position that denies tolerance and the pluralism of different views.

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66)   see IHT , Febr. 08,2002,p. 4.

1.3 The due respect of a sovereign nature of Islam would be a solution to the security dilemma .

A sovereign Islam would be characterized as an Islam that is duly to be respected for the historical corpus of religious law, whose conceptions guide the Muslims´ lifelong daily routine ,presenting no problems in the field of religious rites and that would be compatible with democracy.

And as to the evolutive effect of the individual´s pursuit of happiness , according to William Pfaff " immigration changes the face of the West ", sheer numbers of immigrants had decided the matter of adaptation to values in the USA by the American society adapting to the immigrants , implying continued evolution of American society away from its Western European origins . 67)

This evolution may be a perspective for getting solutions to the security dilemma facing western values by demonstrating how Islamic religion oriented way of life may well coexist with Western values of pluralism and tolerance , in a way   to see an Islamic enligthenment that ends religious intolerance , as Thomas L.Friedman underlines .   68)

Difficulties , hoewever , may still arise where , in Islamic practice and rites , principles of self-determination and individual rights to freedom are restricted in favor of collective rules of behaviour, including Islamic penal practice.

The security dilemma facing the Western world , however , even if there might emerge perspectives to reconcile , in Islamic practice and rites , individual rights and collective rules of behaviour , the security dilemma still will be :

any efforts to discredit bin Laden and his pseudo-Islamic program of his fellows in Iraq appear to create little opposition against the pseudo-ideas of bin Laden in the Islamic states. Governments and state media in the Arab Middle East are still blaming Israel and the USA for all the troubles of the Muslim world , and the Islamic states have done little to counter bin Laden´s message by improving their own peoples economic and social situation . 69)

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67)   Pfaff ,Wilhelm ,in: IHT,Febr. 7,2002,p.7 .
68)   Friedman Thomas L.,in: IHT,Dec.17,2001, p.6 .
69)   see on western values and Islamic religion: IHT,Dec. 24-25,2001,p.6 ;
       " The war on ideas ", editorial comment IHT Dec. 29-30,2001,
        p. 6; see:Friedman on: Islamic religion,: IHT , January 07, 2002;
        William Pfaff : " Will the new world order rest solely on American
         might ?", in: IHT Dec. 29-30,2001,p.6 .

2.   Security dilemma : conflict between fighting against terrorist extremists and different perceptions of worldwide US dominating powers

The crucial security issue of how to contain the suicide bombing terrorists in Iraq as well as terrorists bombing in trains of Madrid or in the underground and buses of London is whether the US-led anti terror coalition will be in the position to take comprehensive actions to make common values to be accepted as convincing driving force behind the anti terror fight .

It is a dilemma facing international security and the global role of the USA that fighting against terrorist extremists is in conflict with perceptions of worldwide US dominating powers :

Americans always believed that American society including Americanization of global popular culture represents what is best and most advanced („ the Best against the rest „).
That is the background for the common, even mistaken , American notion that other peoples hate the USA because they envy it. Before Sept. 11 , the USA had a sort of universal influence and domination of international society uncomparable to any empires in history.

After Sept. 11 , the question is , as raised by Pfaff , " Will the new world order rest solely on American might ?", how the US will , in the next two or three decades , make use of its power and whether the US will , without imposing itself , be intellectually and culturally dynamic enough to induce,in the society , a consent on values to be of identity –shaping ethic and moral orientation 60 including a new cooperative role of the USA in the fight against climate change under the Kyoto Protocol as well as in the US perception of the role of the International Criminal Court of Justice ?

Western values are described by Robert Hunter to be USA´s " empire rules " dominating an unbalanced world . 70)
Hunter is insisting that the structures dominated by US rules and that replicate a grossly unequal world should have to be redesigned so that markets working within a new framework were to produce more equitable results and thus to avoid , in the long run , that more cohorts of partly educated young people grow up in anger and despair and to feel justified to act as vengeful fundamentalists that feel entitled to attack the USA or other industrialized Western countries directly.

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70) Robert Hunter Wade´s article on the Roman empire like dominant
        role of the USA in world economics and world politics, in: IHT Jan. 3 ,
        2002,p. 7 .

What is meant by Hunter´s description of Western values to be „ empire rules „ is called „ the new Roman empire" role of the USA : under the headline „ Wir und die anderen", an US American writer, Jedediah Purdy , had published in the German weekly " Die Zeit " ,August 2001, before the Sept. 11 attacks happened . She raised the question why the USA was hated and why Islamic people , even if abhorrent of war , could not help but have a sense of humiliation when thinking of the US dominant role in foreign policy , international law , economics and culture throughout the whole world. Her answer is that the US had no understanding of what Islamic religion means . 71)

A stable relationship between the anti terror coalition and the Islamic world requires comprehensive actions to ensure international security. Kai Bird and Martin Sherwin may be interpreted in that sense :
Bird and Sherwin call for a „ smart foreign policy that addresses the underlying grievances that foster suicidal rage ." Referring to U.S. policymakers , who , since the collapse of the Soviet Union , have pursued a „ triumphalist „ stance based on Amerika´s belief in unvulnerability and invincibility as the world´s only superpower, Bird and Sherwin call for a „ radically new foreign policy „ committed to „ sound moral principles „ and based on human rights , a foreign policy „ to encourage the weak and afflicted to take their grievances to the United Nations , the World Court and the new International Criminal Court . „ , thus calling for a new design in political culture in the conduct of foreign and security policy . 72) It seems as if Bird and Sherwin had foreseen,prophecy like, the present worldwide discussions about the US position on and practice of human rights.

Bird and Sherwin recall Oppenheimer´s insistence „ that the purposes of this country in the field of foreign policy cannot in any real or enduring way be achieved by coercion. „ , I would add that foreign policy should not be reduced to the use of force , but should include comprehensive integrated actions of diplomatic , economic ,cultural and political dialogue and technical and financial assistance policy under the rule of law including an unconditional respect for human rights: any violation of human rights namely by
afflicting torture, by doing physical and psychological harm to people: this is damaging and never ever saving international security.

3. Security dilemma : consistency of the anti terror coalition and the role of the Israeli – Palestinian conflict

There is still another specific issue characterizing the security dilemma in the light of Western positions conflicting with positions held in Islamic countries : the Israeli – Palestinian conflict .

Abhorrent of terrorism , there is a growing feeling of confusion in the Arab world about the US role after Sept. 11 , and there is a growing criticism of US bias toward Israel . The Israeli-Palestinian conflict has become a core issue for the international security policy including the anti-terrorist coalition building policy .

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71) Jedediah Purdy , Fellow of New America Foundation,Washington:
" Wir und die anderen" ,in : DIE ZEIT , Nr. 35 , August 23, 2001, p. 3.
72) Kai Bird and Martin Sherwin : „ A fair foreign policy is the best defense „ in: IHT Dec. 13, 2001 , p. 7.

Many in the Arab world hoped that Sept. 11 was a turning point in the way the USA deals with terrorism , in a way that would also move US policy toward bridge-building with the Arab world by better taking care of the Israeli-Palestinian conflict , which many in the Arab region view as central to US-Arab relations.

The Arab world appears to be disappointed that the USA could live through Sept. 11 and not move more forcefully to resolve a dispute that has inflamed suicide bombers and increased the popularity of radical groups in the Islamic Resistance Movements,known as Hamas.

The war on terrorism , according to the then- Crown Prince Abdullah ibn Abdulaziz, Saudi Arabia´s de facto ruler , was being undermined by what he called , in an interview , the indefensible position of the United States in the Israeli-Palestinian conflict : " In the current environment , we find it very difficult to defend America, and so we keep our silence. Because, to be very frank with you, how can we defend America ?" 73)

Increased by the human right violations and humiliations of Iraqi prisoners held in Iraqi prisons, which were war crimes and crimes against humnaity committed by US soldiers, It is a growing sort of feeling of humiliation expressed by Arab commentators and officials who say it is as if the marginalization of the Palestinians and of muslims had become a metaphor for the region as a whole. " Everybody is baffled, including the leadership in the Arab world. Nobody understands the US policy. They don´t know how to deal with it. If they tried to convince the public that by following a pro-American stance they can exert some influence,it is now out in the open that their influence is near zero .", a Jordanian political scientist,Radwan Abdullah is reported to have expressed his deep concern . 74)

4. Security dilemma : long-term fight against terrorists and the danger of violating the universal values and basic principles of protection of human rights

The Bush aministration being under public opinion´s pressure doubting the legitimation of the US-led war on Iraq still continues to claim to fight a long-term war against terrorists. Ambiguous interpretations inside the USA of what torture means were believed to be legitimate in the war against terrorists: the end justifies the means. The legitimation of fighting against terrorists, however, requires the revitalization of credibility of western values which claim to be universal values. Universal values are human rights. Human rights require to be respected , basic principles in the name of which the US-led coalition had started the war against terrorists :

the notion „ terrorism „ is ambiguous and risks being abused to cover any even unlawful measures against minorities all over the world. Minorities not being in a political line with the political main stream in their countries risk to be prosecuted under the pretext of fighting against terrorists. There is a need for creating a convention on what terrorism is.

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73) IHT report Jan. 30, 2002, p.1: "Saudi Leader Reaffirms Alliance with US"
74) IHT report by Howard Schneider, Febr.4,2002,p.5.

The due respect for the rule of law , the due and unconditional respect for human rights
In the fight against terrorists should cover a minimum standard including:

-   any fights against terrrorists as individuals should respect the rule of international
law to have a Court to decide whether the detention, retention or rendition of prisoners is
lawful and whether prisoners are entitled to treatment under the Geneva Convention on
Prisoners of War;

-   any fights against terrorists as individuals should respect the laws of the anti-torture
Geneva Convention: no prisoner is allowed to be subjected to torture as   severe physical
pain or mental anguish as a means of punishment or coercion.

4.1   Security dilemma : Consistency in the anti terror fight and the ambiguity of the term   „ terrorism „

The security dilemma in the conduct of   a US policy against terrorism is that   the
ambiguous notion of terrorism may have an ill effect on attempts to contain terrorism
and to stabilize international security:

International cooperation on international peace and security are challenged by the fact
that the term " terrorism " is ambiguous . A legally binding common precise definition of
the term does not exist .

The war on terrorism is allowing governments to use the term terrorism to seek the
protection of national sovereignty against any attempts made on behalf of national
minorities to claim their rights of self-determination. This is why the coalition´s efforts to
free Afghanistan from bin Laden´s Qaida organization are becoming a diffuse campaign of
global reach. As e.g. the conflict between Pakistan and India about Kashmir
demonstrates, it is the ambiguity of the term terrorism that each of the longtime rivals
accuses the other of state-sponsored terrorism and threatens cross-bordering retaliation.
At present time, it is only due to the devastating earthquake in the Kashmir area that
occurred in automn 2005 that the region is no military hot spot, but enjoying a sort of
humanitarian oriented cooperation between Pakistan and India in the earthquake stricken
areas.

Consistency in the war against terror needs to recognize the difference between legitimate
democratic movements from rogue groups using violence to promote their objectives.
What is needed for   holding the international anti-terrorist coalition together is a
Convention to define and fight terrorism. 75)

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75) David L.Philipps " Wanted , a Covenant to define and fight terrorism",
        IHT Jan. 4 ,2002, p.6 .

4. 2   Security dilemma : Security issues in cases of emergency -
terrorists´attacks prevention   and
respecting the rules of international law in the
treatment of Taliban and AL Qaeda
detainees suspected of terrorism

The US were risking international credibility and consistency in the war against terror as the US,initially , refused to apply the procedural protections of the Geneva Convention on the Treatment of Prisoners of War to former Taliban and Qaida fighters to be or not to be prisoners of war .

Claims of prisoner of war status cannot be decided by a government but must be resolved by the kind of legal hearing by a " competent tribunal " that the Convention requires , and that detainees shall remain protected under the convention until their status has been decided – concerning the 158 suspected terrorists held captive at the U_S Navy base at Guantanamo Bay in Cuba. 76)
The initial decision of the US administration that Taliban and AL Qaida fighters were not entitled to the procedural protections of the Geneva Convention had alarmed most of US allies . 77)

The allies called for applying America´s standards of justice in the name of which and for the purpose of defending the Western standards of values and of the rule of law the US led coalition had fought against the terrorists . The allies reasoned that lack of due respect to the rules of the Geneva Convention would endanger international security by undermining the credibility of the USA and also potentially endangering future Western troops who may fall into enemy hands. 78)

The US government, actually, responded to the allies´ pleas and excluded AL Qaeda terrorist network detainees from the protection under the Geneva Convention, but encluded detainees who had fought for Afghanistan´s Taliban.

As the Al Masri case has demonstrated, it is remarkable that the US government has caused public discussion about an equivocal or unequivocal interpretation and practice of the anti-torture Geneva Convention as far as the CIA practice is concerned.
The US government´s equivocal position on the interpretation of torture have caused that the credibility of the US government is at stake,   the credibility of its commitment to International Law , on the one hand , and its commitment to international security , on the other :

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76) IHT Jan. 29,2002,p.3 on dispute over detainees ; US government
     split on detainees´status and the applicabilty of Geneva Conventions
      see IHT report , Jan. 28,2002,p.1,3 .
77) IHT Jan. 30,2002, p. 8 , editorial comment " Prisoners of War ".
78) see also Lee Dembart´s article " A law –abiding America is safer", in:
      IHT,Jan. 30,2002,p.8).

International Security may , in specific cases , require to interrogate detainees held inside or outside the USA in order to get informations on pending terrorrorists´ plans to further launch attacks. Interrogating , under the rules of the Geneva Convention , on other issues than name , rank and military unit , is not allowed , but appears to be justified if , in cases of apparent emergency , interrogating is the only option to prevent severe damages to lives of the people targeted by terrorists.

Interrrogating on other issues than name, rank and military unit never ever has to use torture. The US position and practice of interrogating detainees , prisoners has to be unequivocal, open to no doubt or misunderstanding that the US authorities and all agents inside and outside the USA acting on behalf of the USA and/or acting in their own name but on US demand are committed to the rule of law, the respect for human rights and the exclusion of any use of torture

5. Security dilemma : winning the war and winning the peace

5.1   Winning the war on Taliban and peacekeeping for reconstruction in Afghanistan

The security dilemma is: The installation of political, social and economic stability in Afghanistan still requires long-standing responses of a successful containment policy to the challenges by the   unsurgence strategy of the still existung Taliban. Successful US-led military campaign to smash the Taliban in a first wave of the battle had generated the long-term problem of suicide bomber´s attacks and road-side bombing attacks against foreign peacekeepers. . „American credibility in attacking the next state sponsor of terrorism would be compromised „ without a minimum level. 79) .
For, winning the war on Taliban still continues to take not to ignore the reconstruction work while peacekeeping is not easy, requiring the presence of international peace-keepers.   What was commented on winnning the peace challenge after the start of the war on the Taliban, 80)   is still an unresponded challenge at the end of 2005 :

The war on Taliban is –even now end of 2005 - not won yet. The general elections were successfully held without major numbers of casualties   killed by Taliban generated terrorists attacks in Afghanistan in 2005. Two years before there had been at least five southern provinces with security problems because of a suspected Taliban insurgency. And this was why it appeared that it would be unabale to plan elections any time soon in these provinces : a draft constitution for Afghanistan had been unveiled November 3,2003, the document was one of the required steps for rebuilding the state under the United Nations´sponsored Bonn Accords. The draft paved the way for presedential elections, which came six months from the date of approval of the Constitution.The draft, drawn up

79) see IHT, Dec. 13, 2001, editorial comment.
80) see IHT ,Dec. 13,2001, editorial comment,p.6):

over eight months by a 35-member constitutional commission, was publicized nationally before going to the 500-member grand assembly for a vote in December 2003. It was said to be a model for future democracies. 81)

The successful performance of the then planned electoral procedure can be called a decisive step for stability , peace and security in Afghanistan. The outcome of secured peace and democratic stability, however, will depend on a successful reconstruction in Afghanistan. Successful reconstruction work in Afghanistan is still ungoing,but not achieved yet. An international coalition of military units coming from various countries including Germany are rendering peace keeping support. These military units are not free from being targeted by suicide bombing attacks and road bombing attacks committed by Taliban guided asssaulters as it recently had been demonstrated by an roadside bombing attack against a German Lt. Colonel who had been killed in November 2005.

The core requirement for success is peace .And as to the intentions of the still existing Taliban groups , as well as to the intentions of the different powerful warlords ruling in Afghanistan, there is still uncertainty about restoring stability and peace and securing a sustainable peace in Afghanistan.

5.2 Winning the war in Iraq : winning the peace through reconstruction ?

The case of the Western coalition`s efforts of performing a successful anti-Taliban containment strategy in Afghanistan clearly demonstrates that winning the peace does depend on successful reconstruction.In the case of Iraq, however, a winning the peace strategy appears to be different to be designed and implemented. As the course of the events of daily suicide bombers´attacks shows, the overall security situation in Iraq is still unstable and is to be called disastrous in view of thousands of civilians killed in daily attacks in Baghdad and througout the country. Wiinning the peace in Iraq requires even more than successful " mere " economic and social reconstruction works, requires moral credibility of the occupation forces, while economic and social reconstruction works being obstructed by suicide bombing attacks and by foreign relief aid and long-term reconctruction experts taken hostage : this situation requires to win " " the Iraq War III " :

The USA thought it won the first Iraq war in 100 hours, but lost the peace to Saddam Hussein and his Baathist followers. The USA thought America won the second Iraq war decisively in one week, but Saddam Hussein´s murdering Baathist party and his imported terrorists chose to run away from the open battlefield and to fight from underground. The world , obviously, is watching the present war theatre of Iraq War III. The US led coalition is fighting on three war fronts. It was in 2003 already that Time magazine reporters showed, the people of Iraq´s Shiite south and Kurdish north – 80 percent of the population of 23 million – were making progress toward reconstruction and self -governance. 82)

The battle within the Sunni triangle,however, -the area around Baghdad,where Saddam Hussein´s sons and secret police long victimized other Iraqis, is not yet won. One of the terrorists`objectives

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81) see: IHT , November4,2003,p.5 " Afghans´blueprint for future".
82) Time Magazine , Monday, October 27,2003.

is to increase suffering by driving out the United Nations amd Red Cross relief workers. Another is to assassinate Iraqi leaders and police officers as well as the lawyers defending Saddam Hussein who is sued and who dare courageous enough- even if killed as twoof the Saddam Hussein Lawyers had been killed- to cooperate with the liberation forces of the US led coalition. The terroists´ key goal appears to be to kill enough Americans and enough Iraqis to cause the US public to want the US withdrawal from Iraq that is showing more and more the pictures of an Iraqi civil war.

It is true, the first free and democratic Parliament elections held in Iraq on December 15, 2005, are a success due to more than 70 % electorate voting, if the estimates hold true,
and due to the absence of major violent acts against voters.The large number of voters is an expression of their joy and willingness to make use of their right to a free vote for the first time in their life and to show signs of proud and not of fear of risking to be living targets of suicide bombers while going to cast the ballot. 83)

In the still disastrous security situation in Iraq, however, a US retreat would be premature before federal democractic structures take root. A premature US retreat would lead to the outbreak of a large Iraqi civil war risking Iraq to split totally apart : Shiites in the south would resist a return of repression by Hussein´s Sunnis and set up a nation under the protection of Iran. And as to the present days´ public comments the President of Iran is launching on Israel , as well as to the unresolved issue about the danger of Iran´s ambitions about the use of nuclear energy whether or not to build atomic weapons, the stragegic situation in Iraq and Iran would deteriorate and increase the danger of unforeseeable developments. Kurds in the north, fearing the return of Saddamism., would break away into an independent Kurdistan. That would probably induce Turkey,worried about separatism among its own Kurds, to seize the Iraqi oil fields of Kirkuk One of the results could be a re-Saddamed Sunni triangle. Baghdad would then become an even worser resource of terrorism, importer and exporter of nukes, bioewapons and missiles than it started to develop after the US-led invasion had started. The deadly outcome would be the one which once the Bush administration wanted to prevent when it tried hard to convince the world and namely the UN Security Council about the security guided need for and the legitimation of the war on Iraq.
The stretagic question to be answered by the USA and by all those concerned with international security is what are the alternative options to be chosen in order to prevent an even worse situation as described above ?
Either the US troops stay in Baghdad until winning the Iraq war III and winning the peace by fulfilling the prerequisites for Iraq´s political and economic stability including an undoubtedly new credibility to be earned by a transparent and convincing commitment to the rule of law, to the respect for human rights, as well as including the creation of stable federal structures guaranteeing the rights of minorities.
Or the USA withdraw too soon, thereby encouraging and strengthening terrorism even more than it does prove its deadly existence already right now by daily and deadly assaults.

83) see: " Sunnis join big turnout in Iraq vote ",By Dexter Filkins The New York Times. Friday, December 16,2005,
ttp://www.iht.com/articles/2005/12/15/news/iraq.php.
http://www.iht.com/pdfs/frontpagepdf/europefrontpage.pdf.

The strategic objective of a cooperative alliance approach that should be agreed upon on both sides of the USA – EU transatlantic relationship is:

any actions to be taken by the military and civilian autorities of the US led coalition to win the Iraq War III and to win the peace in Iraq should not encourage terrorism.The open question is how to achieve this strategic objective? What are the adequate tactical actions and instruments? This issue should keep the present momentum of enhanced and deepened discussion initiated right now by the Al Masri/ CIA- case . And discussion forum should be   a USA-EU partnership which is out of any doubts about the unconditional commitment to common universal values, the unconditional commitment to the rule of law in unequivocal respect for and protection of human rights.

III. CONCLUSION:

1.   The still ungoing international security policy response, given under the leadership of the USA to the Sept. 11 terrorists´ attacks,   is facing , at present , under the Bush administration´s equivocal interpretation and   practice of torture while interrogating detainees by CIA agents in prisons outside the USA , a new crucial period of uncertainties about the further development of the USA foreign and security policy . In the light of the anti-torture discussion , it is a still open question whether

> ➢ the US administration will strenghten its international credibility by an unequivocal declaration and practice of an unconditional   commitment to the rule of law forbidding any torture , and thus contributing to international security and helping international security policy to build coalitions and regain and sustain credibility and multilateralism, in other words
> - whether the world will collectively police international security under the rule of law
> ➢ or not at all.

2.   This new stage in the conduct of international security policy is the European Union´s chance to contribute to influence the further policy making in international security politics

The findings in Part II   demonstrated   that Europe´s contribution to the international military response of the anti terror coalition in the case of Afghanistan as well as in the case of Iraq was individual nation states´ contribution , the European Union as well as NATO as organizations of their Member States´ collectivity had been bypassed , no political consultation   within the institutions of EU and NATO had taken place . NATO´s military contribution –surveillance AWACS aircrafts to help secure US territory – did not play any decisive role in the Afghanistan theatre . Nor did NATO´s anti-terrorist (AL Qaeda) surveillance operations run by NATO navies deployed around Somalia play any decisive role for the outcome of the Iraq War II. And the bilateral military contributions made by NATO Member States ,in the cases of Afghanistan and Iraq, did play a marginal role only .

3.   This role the European Union and NATO as organizations had played , as well as the uncertainties about the next stages in international security politics do leave , for both institutions , in the light of the present discussions about interrogations of people suspected of terrorism and about the use of torture, a substantially new political chance has emerged for the EU and NATO :

Both institutions are newly challenged to influence the policy making in international security politics , especially to influence the strategies on winning the wars on Taliban and on Saddam Hussein`s followers as well as to influence the strategies on winning the peace in Afghanistan and in Iraq, and , actually, to influence any decisions on options for further extending anti terror actions to other theatres ( Iran ? ). The European Union will have that chance if an European Union`s identity in international security and cooperation policy does exist , an identity that is not limited to military actions only .

What Europe , bejond military contributions , could contribute to international security is , after the experiences made in World War II , the basic idea of cooperation : It is the experience that international security cannot be achieved a g a i n s t each other , but through cooperation only .

4. The European Union , therefore , is challenged to define h o w it is in the position to contribute to international security and cooperation while focussing on a strengthened commitment to the rule of law and respect for human rights.

Did the EU develop political objectives and instruments to implement a security policy that is including cooperation policies and instruments reaching bejond a mere military oriented approach to international security? The European Union´s contribution to international security and cooperation:
Does it reflect the objectives and instruments of the identity of the European Union : common values , common objectives and actions demonstrating a variety of political , diplomatic , economic and military policies under the rule of law and namely human rights, policies that are implemented by interdependent and complementary cooperation of Union level and Member States´ levels ?

These are –in the light of the CIA`s torture issue and the substantial concerns about international security - the new questions about international security and cooperation that will have to be answered in the near future.

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