

THE AFTERMATH OF 9/11: IMPLICATIONS FOR THE EUROPEAN UNION

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The terrorist attacks on the United States on September 11, 2001 brought about the start of the “Global War on Terror” (GWT), launched by the USA and a grand coalition of the willing. But while the operations in Afghanistan and later on in Iraq have been the most visible side of the GWT, it induced a myriad of other policy changes. Diverse as these are, the ramifications of 9/11 are marked by an unprecedented trend of “securitization” of diverse policies in the light of dealing with the new kind of security threats.

This paper is aimed at reviewing particular aspects of the ripples created by the war on terrorism. Hence, the paper will examine major tendencies in the policies of the European Union as a result and response to the war on terror as well as the respective legislative and institutional changes. The second aim of the paper is to outline some hypothesis on the impact of 9/11 on the processes of EU enlargement and deeper integration. The third aim is to focus on the transatlantic rift, fueled by the military operation in Iraq, and the possible implications for accession countries, such as Bulgaria, ensuing from the EU-US disputes.

THE REFORM PROCESSES IN THE EU: WAS 9/11 A CATALYST FOR CHANGES

September 11 marked profound changes in international politics in general, but while the attention has been focused on the US as the main player, inevitably it brought about repercussions in the EU and its member states. The European countries were quick to join the international coalition against terrorism. The European NATO members initiated the invoking of the Alliances' Article 5 for the first time in its history, thereby considering an attack against one of its members an attack against all. And though their help was dismissed during the US military operation against the Taliban government in Afghanistan, the European countries - on a bilateral basis as well as in their capacity as NATO and EU members - have been instrumental in the consequent peacekeeping and reconstruction efforts in the country.

Alongside these mainly peace-support contributions, the European Union developed a set of policies in the light of the war on global terrorism by either introducing new strategies or reviving old initiatives, which in both cases reflected the need of meeting the new security threats. Taking into account all the activism within the Union, there is ground to claim that the post-9/11 period energized EU policies - both within the foreign and interior policy realms - that otherwise would have been delayed.

Europe sided with the United States on its war against terrorism, but the set of policies developed by the Union featured a different strategy. In contrast to the US strategy, which underlies military responses, the policies developed by the European Union despite sharing US understanding of the threats are based on different means to tackle them. The differences can be attributed to at least three factors. The first one is the lack of military arm to the European Union, which does not provide for the opportunities the US has at its disposal. Second comes the different perception about the immediateness of the threat commensurate with that of the US. Third, there is the predominant (self-) perception of the EU as a soft power, which results in a different policy style.

Hence, the post-9/11 EU policy proposals as a response to global terrorist threats are underpinned by two characteristics: first, they focus mostly on non-military measures to address a wide variety of security threats to EU citizens. Second, many of these policies have produced ramifications

beyond the immediate task of combating terrorism. In other words, the Europeans seized the opportunity provided by the fight against terrorism to strengthen security-related policies and practices, i.e. against organized crime and illegal immigration.

OVERVIEW OF EU'S REACTION TO 9/11

The attacks against the United States gave a priority to and energized a number of procrastinated political projects and legislative initiatives that encompass broader diplomatic, border control, intelligence, and law enforcement efforts to counter terrorism. The institutional framework of the Union assigns the burden-sharing of carrying out these policies as within the Common Foreign and Security Policy structures as well as within the so-called Justice and Home Affairs which reflects the complexity of the task to protect the EU security interests.

In acknowledgement of the seriousness the Union attaches to the new threats, the Council's Framework Decision on combating terrorism of September 19, 2001 states that terrorism is a threat to the fundamental values, underpinning the EU, and hence it is viewed as a direct risk to the "European idea". It is worth mentioning that although today's EU is pre-occupied with "structural funds and fisheries", united Europe started as a project after the devastating wars of the first half of the twentieth century for guaranteeing the peace on the Old Continent.

In concrete terms, the Action Plan for Combating Terrorism (September 21, 2001) adopted by the Council of the European Union includes more than sixty tasks in the area of foreign policy, judicial cooperation and home affairs economic and financial policies.

The distinction between internal and external policies is to a large extent blurred as the envisaged policies attribute responsibilities not only to the member states but also to third countries. This applies to a great extent to accession countries as they are expected to join soon and hence behave and act in line with the common policies introduced by the Union.

In substance and in geographical scope, the EU's plan stipulates for a strategy for combating terrorism that is based on the so-called "net-war", i.e. the fact that terrorist groups act in global networks, whereby activities are being planned in one country, financed in another and carried out in a third country. The investigation of the Al-Qaida activities revealed that

several European countries were used as operational bases: including foundations in Bosnia and Herzegovina have served for financing the group, countries of Central and Eastern Europe were transit routes of terrorists.

The Plan of Action for combating terrorism, adopted by the European Council is underpinned by three points:

1. Solidarity with the United States and support to the international anti-terrorist coalition.
2. Development of a European policy for combating terrorism, which envisages mainly measures within the Union's framework. The General Affairs Council, would be entrusted with the key role in coordinating the policies, thus providing for the inter-governmental approach in the process.
3. It defines the role of the EU in world affairs, emphasizing the centrality of further developing a Common Foreign and Security Policy and Common Security and Defense Policy.

The EU's plan for combating terrorism rightfully featured a combination of external (diplomatic, external aid, etc) and internal (judicial and law enforcement) instruments, making use of the Union's relative advantages:

THE EXTERNAL POLICIES

Currently, the EU's own foreign policy has been channeled mainly through two institutions: the office of the High Representative for Common Foreign and Security Policy to the Council of the European Union and the Directorate-General for External Relations to the European Commission.

The CSFP has been established as a mechanism for achieving political influence in the world that matches EU's economic weight and has continuously being subjected to reforms as in terms of its own functioning within the different institutions and instruments of the Union (divided between the "inter-governmental Council and the "supranational" Commission) as well as in terms of prioritizing its goals.

Currently, an optimal division of labor has been achieved between Javier Solana, with diplomatic prerogatives, representing the intergovernmental dimension and the Directorate of External Relations of the European Commission, which has at its disposal the assistance and developmental

funds. The foreign policy has been preoccupied (and gained considerable experience) in two regions of the immediate neighborhood of the Union: the so-called Western Balkans and the Middle East.

The “war on terror” marked a geographic shift in US foreign policy and compelled the European Union to take over from the Americans. The policy of the Bush administration towards the Balkans has been marked by a withdrawal from the region. However, Europe has assumed the responsibility for the Balkans in the context of strained transatlantic relations and the need of a redefined agenda. Thus, the necessity for European crisis response capabilities - both diplomatic and military within the CFSP and the ESDP - are coming to the fore.

Southeastern Europe borders the most sensitive regions for the world politics - the Middle East, the Mediterranean the Caucasus and Central Asia. The Balkans have become a test case for CFSP and a new transatlantic division of responsibilities and CSFP’s specific approach that integrates civilian and military capabilities and supplements the existing economic and trade instruments of the EU.

In the Middle East, the EU has been trying for some time to play pivotal role, by participation in international Quartet, overseeing peace process and being the main donor to the Palestinian Authority.

After 9/11, the European Union reformulated and added new tasks to its foreign policy, reflecting the unfolding war on terror:

1. Military contribution. The European members of NATO responded to 9/11 by invoking for the first time in the history of the Alliance Article 5 on collective defense. Although the United States preferred not to wage war “by committee” and acted alone in Afghanistan, almost all EU members (with the exception of Luxembourg and Ireland) take part in the peace support operation in Afghanistan under a UN mandate. At the Laacke Summit, the Belgian Presidency even toyed with the idea the EU taking the command of the force.

2. Diplomatic initiatives for building up the international anti-terrorist coalition. Besides the broad network of candidate states and the participation in key international institutions, the European states develop diplomatic and economic relations with an array of key states (like Iran). Thus, they have additional leverages and hence options that are not in possession of the US, which keeps a tougher line towards the states considered rogue.

3. Aid and development assistance instruments support measures directed at what the EU considers root causes of terrorism. As such, they are intended for poor Muslim states, which are sources of terrorist and other extremist movements.

Setting requirements when signing agreements with third countries, including achievement of particular criteria, is regularly practiced by the Union. Coupled with diplomatic efforts, these instruments provide the EU with an effective mechanism for exercising influence. The EU maintains its huge contribution and for example, still is the largest donor to Afghanistan with EUR 2,3 billion pledged for 2002 –2006.

The EU's efforts in this area had their up and downs. On the one hand, intra-European divisions over US policies have demonstrated that a truly common foreign and security policy will not materialize soon: no coherent stand on Iraq was reached, the pro-US camp rejected the joint proposal by France, Germany, Luxembourg and Belgium for a planning HQ of the EU rapid reaction corps as separate from that of NATO.

On the other hand, there are positive developments that in the longer run will help shape the European foreign and security identity: the EU will completely take over peacekeeping in the Balkans, it undertook peacekeeping in Congo, Europeans are in charge of peacekeeping in Afghanistan. By doing this, the Europeans have recognized that they either lose credibility or move forward and prove they are up to their ambitions to be counterpart of the US in global affairs.

Moreover, the case of changing the EU's strategic thinking has been made by two remarkable foreign policy documents. The first one announces the New Neighborhood policy, considering the implications of an enlarged Union. The second document, presented by J. Solana at the Thessaloniki Summit in June 2003 is the first of its kind a strategic concept for Europe. Dubbed the "Solana doctrine" it outlines four major goals: a) expanding the security zone around Europe through stabilization instruments such as those employed in the Balkans; b) the documents stipulates for pre-emptive action in addressing the security threats of today and tomorrow (but unlike the G.W. Bush doctrine, emphasizes current international law bindings; c) identifies the threats- terrorism, proliferation of weapons of mass destruction, organized crime; d) broadens the scope of action of the Union - it acknowledges the first line of defense might be well beyond Union's border.

ANTI-TERRORIST MEASURES IN THE AREA OF INTERNAL POLICIES

Despite the fact that the European states have been facing terrorist threats on behalf of radical and separatist groupings for longer periods in comparison with the United States, only six EU members have a special anti-terrorist legislation. After 9/11 the EU itself considered the legal instruments of the United Nations and the Council of Europe insufficient and went for developing common actions on the Union level.

The policy development in that respect is a direct function of the European perception of current security threats. The anti-terrorism documents of the EU emphasize the direct relationship between global terrorism and transnational organized crime. In effect, terrorism has been identified as a form of organized crime and for that reason a myriad of anti-terrorist measures have been ascribed to the internal affairs of the EU and its members. Three areas have been identified within the proposed policy priorities:

- Police and judicial cooperation;
- Further development of the international legal instruments;
- Suppressing the financing of terrorism.

The elaborated Action Plan underlines specifically the following priority areas and measures for combating terrorism:

1. Adopting a common definition of terrorism and related activities.
2. Drafting a common list of terrorist organizations and persons connected with terrorist activities.
3. Adopting a common arrest warrant.
4. Strengthening the role of Europol and creating a special anti-terrorist unit within Europol.
5. Enhanced role for the newly established Eurojust agency.
6. Enhancing the air transportation security.
7. More active exchange of information between the national security agencies.
8. Measures to suppress financial sources of terrorism.

These measures require corresponding legislation and adequate institutional development for their application. The political goal of achieving

internal security is being pursued through “defensive measures of the external borders of the European Union as well as through imposing additional measures of control within the EU – in short, building a “fortress Europe”.

EVOLUTION OF MEASURES: A “COMMON MARKET” FOR JUSTICE AFFAIRS

Another major implication of the aftermath of the 9/11 events for the internal developments within the Union is related to the transformation of institutions and the decision-making process. The trends date back to the Nice Summit in December 2000, when the main goal was to reform the Union to make it capable of meeting the current and future challenges and to have a comprehensive system for task sharing, democratic division of competencies and simplified treaty system. The Belgian Presidency intended to present relevant policy proposals during the Laaken Summit of December 15, 2001, but the program was altered dramatically, the 9/11 events ranked high on the agenda the combat against international terrorism. Nevertheless, the Belgian Presidency succeeded in accommodating the security and institutional reform agenda and in offering a report with sixty issues concerning the future of Europe.

A comprehensive definition of security, required by today’s challenges, requires the CSFP/ESDP project to draw upon other pillars within the European treaty framework. Hence, there is a certain need for closer coordination – even merging – between the prerogatives within the three pillars and this came even more to the fore after September 11, when the Justice and Home Affairs became a central issue in the security debate. The proposal for a Framework Decision, developed by the Commission (September 19, 2001) is based on the Article 34 of the TEU (Treaty of the European Union), which serves as a mechanism for approximating laws and statutes active in the different member states. Thus, further bridging the gap between the inter-governmental and the community/supra-national approach will require the accommodation of conflicting national and political interests for the sake of the common interest.

The anti-terrorist policies, however, besides being a function of the political responsibility to guarantee the security of EU citizens, have serious implications for an array of fundamental questions regarding the nature of the Union. The practical problems, ensuing from developing and implementing these policies, coincide with the debate about the elabora-

tion of European constitution and are influencing the decisions on the make-up of the EU, its membership, the decision-making mechanism, the balance and relations between national governments and the common institutions like the Commission, the Court and the Parliament.

The measures of the Justice and Home Affairs areas are assigned within both the first and the third pillar of the EU. The control over the external borders, immigration and asylum matters, judicial cooperation on civilian matters are contained in the first pillar, where the intergovernmental component is predominant. Hence, the role of the supranational European Parliament and Court of Justice is limited and the important decisions are taken by full majority. The police and judicial cooperation on criminal matters are contained in the “third” pillar. Framework decisions, prepared with the third pillar, are a primary legal instrument, for approximation of national legislation and have been used to prepare the European arrest warrant and the common definition of terrorism.

By becoming members of the Union, the European countries gradually give up sovereignty and, albeit the interior policies remained relatively uncoordinated. For example, the different national standards for border controls are taken for granted and anti-terrorist policies are being carried out on national level. It was the Maastricht Treaty of the European Union of 1993 which stipulated for transforming the so far informal cooperation in these areas and turning it into the “third pillar” of the European architecture. The TEU of Amsterdam of 1999 envisaged the establishment of *a zone of freedom, security and justice* for the citizens of the EU.

The Action Plan for combating terrorism was based on Article 29-31 of the TEU with Article 29 providing for guaranteeing a high level of security for the citizens of the EU. Article 29 defines terrorism as one of the most serious crimes and identifies three main countermeasures: 1) closer cooperation between police and customs agencies, including enhancing the role of Europol; 2) closer cooperation between justice and similar competent institutions; 3) approximation, whenever possible, laws on criminal matters. Article 30 and 31 define the functions and competencies of Europol, as well as the legal assistance between the member states, including extradition rules. The Laaken decisions, besides confirming those of Tampere of 1999 introduce new measures for combating terrorism and judicial cooperation through the establishment of Eurojust.

The changes in the extradition rules are critical for the policies in the

justice and home affairs and the European Council of Tampere claims it is the cornerstone of judicial cooperation. The major goal of the changes in the procedures are that in case a judicial institution of one member states requests the extradition of a person, convicted or under investigation, from another member state, that decision will be in force throughout the European Union. At the same time, the principles of double criminal responsibility and the exemption of own citizens would be abolished and the procedures will be accelerated by providing a three-month term for carrying out the request.

The enhanced role of Europol, as well as of the newly established Eurojust agency determine the institutional framework of a more integrated European Union, with the Eurojust probably (although in the distant future) becoming “European prosecution office”.

It is clear that through the trend of “securitization” of policies, Justice and Home Affairs issues will essentially become more integrated in the agenda of the European Foreign and Security Policy. The implication of establishing a zone of freedom, security and justice until 2004 will resemble a sort of “a common market” for justice and home affairs. The further integration of the European Union will be facilitated by the introduction of common guidelines for the immigration, asylum and visa policies. Additional initiatives such as the creation of common European border control forces, the future transformation of Eurojust into “European prosecution office” with the right of undertaking investigations in the member states and the broadening of Europol’s operative rights will undoubtedly follow the logic of a united zone of internal security.

However, the process of further integration in the area of security, accompanied by more “centralized” control, raises the issue of democratic legitimacy. In case the EU is taking on the transborder consequences of the free movement within the common market, it has to ensure democratic oversight, including a greater role for the European Parliament and the Charter of Fundamental Rights, which will safeguard the European citizens from undue influence on behalf of the Brussels institutions. In addition, the European Court of Justice will have to guarantee the necessary legal oversight. As this set of issues directly affect the citizens – both on national and supranational level, the counter-terrorist policies should not infringe on the basic values and rights. These considerations are being taken into account by both the Convention which drafted the European Constitution and the upcoming inter-gov-

ernmental conference in 2004 focusing on the establishment of a zone of freedom, security and justice through a democratic process of ongoing communication to the public.

IMPLICATIONS FOR THE EASTWARD ENLARGEMENT

During the 1990s, the European Union approached the “enlargement to the East” quite hesitantly and ambiguously. On the one hand, it recognized the strategic value of the transformation processes, which would inevitably shape the future of the whole continent. On the other hand, the EU failed to produce a long-term integration strategy for the former communist countries after the fall of the Berlin wall, which otherwise would allow for enhancing the stability of Central and Eastern Europe through their incorporation along the lines of their western neighbors. What Europe really needed was a strategic plan for enlargement, based on the most critical issue for the continent - its stability.

Currently, with the enlargement well underway, the EU faces the debate on including predominantly Muslim states and entities. The debate includes not only Turkey, the “thirteenth candidate” after the European Council of Helsinki in 1999, but also the so-called Western Balkans and their pending candidate status. The 9/11 events introduced further complications for the concept (and identity) of Europe between an open union and the “fortress of the West”. Along with the issue of the geographic confines of Europe (European *finalite*), the challenge of destabilization also requires redefining the balance between “speed and quality” of enlargement and the conditionality in the twin processes of enlarging the EU and NATO.

Before the war in Kosovo, no one would dare to predict that Bulgaria and Romania would be invited to start membership negotiations so soon. The two countries assisted NATO’s operations and the European countries “rewarded” them with the opportunity to start negotiations with the EU. In parallel, the war on terror could influence the parallel processes of EU and NATO enlargement. The European Union undertook a big-bang step by inviting ten candidate countries to accede in 2004, but left Bulgaria and Romania for better times in 2007 and the rest of the Balkans countries were offered “a European perspective”.

At the same time, the international community and its regional partners faced the risk of terrorism on the Balkans and will continue to counter

terrorism and its structural causes – weak states, corruption and organized crime. The global political priorities will be incorporated into the international strategies for the region. Hence, the justice and home affairs will be a key policy area in the differentiated integration approach towards Southeast Europe, as Europe will not tolerate an area of instability, providing a safe haven for terrorist operations in its immediate surroundings.

As an immediate reaction to the 9/11 tragedy, the European Commission and national governments underscored the critical importance of enlargement to the security and stability of the continent. Despite these claims, there were serious doubts that the war on the terror would overshadow and slow down the enlargement process by putting it down on the EU priority list. Security concerns and the economic recession would negatively influence public opinion, as in crisis situations people are more reluctant to large-scale projects.

Despite these concerns, the enlargement process remained on track. The Belgian Presidency during the second half of 2001, although overwhelmed by the emergency counter-terrorist agenda was able to fulfill the goals set in the Road Map of the Commission, which was adopted by the European Council of Nice in December 2000. Most of the candidates were able to conclude the negotiation talks and thus will be able to take part in the European Parliament elections in 2004.

THE BULGARIAN POLICY

In November 2002 British authorities arrested suspected Al-Qaeda members for plotting gas attacks in London's subway system. The investigation confirmed the sophisticated network nature of the terrorist activities, planned in one country, financed in another and carried out in a third country. Thanks to the enhanced cooperation, the police in Germany, France, Spain, Italy and other European countries made a series of arrests, and two CEE countries – Bulgaria and Slovakia were identified as transit routes for terrorists, which intended to establish cells in Western Europe.

These claims back the efforts of the EU to “export” the whole set of anti-terrorist policies – border control, visa policies, immigration and asylum – to the candidate states. Within an enlarged EU, they will form the

“first line of defense”, a claim that has been supported by the proposal to establish a common border policing force for the EU.

Besides the obvious concern of possible attacks from the global terrorist networks, the European union was quick to recognize the relationship between terrorism and transborder crime. Even more, the terrorist threat served as an impetus for advancing policies against organized crime, illegal immigration, trafficking in drugs and arms. The proposed measures acknowledge the links between terrorism and organized crime and go that far to encompass other transborder crimes as violent crimes, public property assaults, Internet crimes, illegal trade, sexual exploitation of children and child pornography.

In this case, the EU members adopt a broader definition of security in order to meet current challenges to security, safeguard their citizens and not least – respond to public concerns. Although neither terrorism nor transborder organized crime are new for Europe, the 9/11 experience imposed a revision on security policies and introduced “securitization” in an array of policy areas. Moreover, the new policies – such as border controls - are likely to increase the popularity of the EU among rising public concerns of illegal immigration and crimes.

In the case of Bulgaria, the policies that are being adopted, result not so much from threat assessments, despite that the national security documents take account of terrorist threats. In fact, the initiatives undertaken by the country are induced by membership requirements of the EU and NATO as well as the participation in the international anti-terrorist coalition. These measures range from diplomatic support and military peace support contribution to justice and home affairs – police and judicial cooperation, freezing assets of terrorist organizations, civil protection, etc.

FOREIGN POLICIES

As a non-permanent member of the Security Council, Bulgaria had the opportunity to play a role in formulating the international positions on a number of issues like the Middle East policy with Israel and the Palestinian issue, Afghanistan, the International Criminal Court and the Balkan policies. Their critical importance both shaped and was influenced by the dynamics of the relations between the major global players. It could be claimed that on nearly every issue the positions of the US and the EU were differ-

ent. In this sense, Bulgaria's foreign policy conduct ran the risk of being assessed only in the light of the strained transatlantic relations.

This raises the question: Does Bulgaria have to constantly take sides by choosing between America and Europe? Until recently, the "West" as a concept was something quite cohesive for the Bulgarians (and the CEE nations in general), a monolithic block. The occurring tensions between the EU and the US in the last years, in the case of "trade wars" for example, did not impress the central and eastern Europeans that much and were regarded as family quarrels. One year after the 9/11 attacks much more radical disagreements surfaced in the "West-to-West" relations that made some analysts predict the inevitable drift between them. William Kristol, editor of the *Weekly Standard*, argued that "We in America think about 9/11 as an event that changed the world, while the Europeans tend to think about it as an event that changed the United States. Robert Kagan's comments that for the US policy makers it is hard to believe that the Europeans are more worried about a potential US failure in Iraq after a unilateral action has been taken rather than about Iraq itself.

The logical question is why Bulgaria should be interested in and take into account these differences? One of the reasons is that, in contrast to the situation several years ago for example, Bulgaria has already transcended the phase of tentative declaration regarding a possible membership in the two major institutions of the "West" – NATO and the EU. Currently, with Bulgaria's full membership pending, and its conduct is being monitored and assessed in view of its new function and responsibilities. The transatlantic drift has all but put prospective NATO and EU candidates in limbo, demonstrated by the EU's forthright admonishment of Romania when it signed an agreement with the US exempting US citizens from the ICC mandate.

THE INTERNAL POLICIES

On January 17, 2002 the EU associated countries joined officially the EU Council's Common Position of December 27, 2001 on the counter-terrorist policies and undertook the commitment to approximate its national policies with those of the European Union.

Several months later, the EU published its annual report on the candidates' progress towards EU membership. The country report on Bulgaria assessed Bulgaria's performance on a range of policies reflecting the new security priorities of the EU: however, the general account was that there

were deficiencies as in adopting the required legislation as well as in implementing the existing one.

The chapters in the negotiation process which concern these policies and their implementation are four: Justice and Home Affairs, Common Foreign and Security Policy, Customs Union and Democracy and Rule of Law.

In the Justice and Home Affairs chapter there are twelve areas where Bulgaria is expected to adopt EU requirements: protection of information, visa policies, the Schengen agreement and external border control, migration, asylum and refugees, police cooperation and combating organized crime; combating terrorism, combating frauds and corruption, drugs, money laundering, customs cooperation, judicial cooperation on criminal and civil matters.

The problem areas that concern the development and implementation of these policies are four:

- The first factor is the technical one, referring to the capacity of the state administration to function effectively.
- Second, there is the undisputed ability of the EU to generate legislation and the accession countries find it difficult to keep pace.
- The third problem relates to the concrete forms and mechanisms for implementing the discussed policies, as there are no common European blueprints for regulating certain activities, for example border control, crisis management, control over the security services, etc. Hence, a common practice is borrowing models from other member states without a guarantee that this particular model could be successfully adopted.
- The fourth, and probably most troublesome issue in the longer run is that the introduction of tougher security measures by western countries and institutions could endanger the balance between providing more security and guaranteeing civil rights.

Protection of information. Regulating the protection of information brings in the following dilemma: if the regulations are too rigid it might violate the right of access to information, if too relaxed, the country might be considered an unreliable partner. Both extremes would bring about disqualification for the country in the accession processes.

Visa policies, implementation of the Schengen agreement and control over the external borders. Assenting to the Schengen agreement will be carried out in two stages.

Due to legal, technical and political reasons Bulgaria and the other candidate countries will fully join the Schengen Information System (SIS) only after becoming EU members, i.e. after they have completely adopted EU legislation in that area and proved that they are capable of effectively implementing it. Before that, the candidate countries have to bear the responsibilities of the regime, without enjoying all the rights accompanying it.

However, the effective implementation of the Schengen agreement will require overcoming not only technical (such as the functioning of the integrated information system between the ministry of interior and the national visa center), but also domestic and foreign policy concerns. The introduction of visas for Russian citizens, for example, became a domestic political issue for some time, because of the vocal opposition of political parties, nostalgic for the “good times” of intimate relations with Moscow.

The third, most serious impediment to the introduction the Schengen agreement is that EU rules run against the Bulgarian interests of developing relations with the neighboring Balkan countries. The whole set of requirements within the Schengen agreement would require imposition of visas for Western Balkan countries on behalf of Bulgaria. In fact, this also would be in contradiction with the very EU policies of enhancing Balkan cooperation. So far, the question has not been raised. Hopefully, as the so-called Western Balkans advance in their closer relations with the EU they will gradually adhere to the common policies and catch up with the other candidate states.

Migration, asylum and refugees. The conclusions of the European Council in Seville of 21-22 June 2002, dwelled on the relations with third countries with respect to migration, asylum and refugees. There is a reference to third countries, which are either a source or transit route of illegal immigrants and do not adequately address the management of migration flows. It is explicitly stated that the relations with these countries will be reconsidered with the respective consequences. However, the Annual Report from 2002, summarizing the results in the chapter Police Cooperation and Combating Organized Crime, concludes bluntly that Bulgaria is a source, transit and to lesser extent - final destination of trafficking in human beings. This has been a long-standing problem and is likely to surface regularly in the relations between Bulgaria and the EU member states.

Judicial cooperation in civilian and criminal matters. The functioning of the judicial system has been a concern to Bulgaria and its European and American

partners. Malfunctioning as it is, the problem is becoming more grave in the light of the enhanced measures on judicial matters on the transatlantic scale.

ALTERNATIVE IMPLICATIONS OF 'GWT' FOR THE EU

HYPOTHESIS: The Global War on Terror will accelerate the process of European integration.

FACT: After 9/11 the European Union adopted an array of measures which would otherwise have been delayed for years. The common arrest warrant, elevation of the role of Europol are cases in point along with other measures within the Justice and Home Affairs (JHA). In fact, the JHA has become one of the most dynamic areas of cooperation among the "three pillars" of the EU, after the Maastricht Treaty of 1993 marked its establishment in the third pillar and the Amsterdam Treaty "allocated" JHA within both the first and the third pillar of closer integration of the EU.

In short, the measures adopted in relation with the war on terrorism are likely to bring about the furthering of both the institutional make-up of a more federal Europe, as well as the partial harmonization of the legal systems.

FACT: The necessity of boosting the Common Foreign and Security Policy has come to the fore. Although the row over Iraq has shaken up seriously the European unity, the consensus between the EU members on other foreign policy issues is intact. After the US significantly decreased the number of its peacekeepers from the Balkans during the late 1990s, it is now considering a complete withdrawal from the region. Europe is taking over - first in Macedonia, then Kosovo and BiH. Along with the European leadership in civilian administration of these missions, the EU's nascent "military arm" - the European Rapid Reaction Forces will face a test case for its operability in the Balkans.

HYPOTHESIS: The "securitization" of both domestic and foreign policies after 9/11 will slow down or significantly impede the European integration. In the case of foreign and security policies, the Iraqi crisis demonstrated once again the "nationalization" of these policies by capitals of the individual countries.

Moreover, the drifts between the US and big European states as well as between European countries over Iraq, although not definitive, have added to the disputes on the future and nature of the EU and prevent reaching an agreement on other, internal for the EU, problems.

HYPOTHESIS: The enlargement will be accelerated.

FACT: The terrorist threat emphasized the need for security, hence the establishment of a *common zone of security*, aspired to by the EU will provide additional arguments for enlargement. Commissioner Guenther Ferheugen confirmed this argument publicly shortly after 9/11.

A Commission Report from 17 October 2001 on the assessment of the EU actions in response of 9/11 specified in article IV.5. “Building confidence, including economic cooperation, in the international sphere” that: “Determination in enlargement. The enlargement of the European Union is a powerful instrument for establishing a zone of stability, security and prosperity on the European continent. The efforts of the candidate and member countries for creating an expanded union should be sustained, as during the negotiations as well as during the pre-accession period. The solidarity of the candidate countries with the Union after the attacks against the United States is a proof that they are ready to cooperate in the international efforts to combat terrorism.”¹

Notes

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