



# Around Europe

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## European Investment Bank Board of Directors Listen to Civil Society

The European Investment Bank (EIB) clocked up a first on 17 October 2011; the Board of Directors - representatives of the 27 Member States and the European Commission - met representatives of civil society. The dialogue between the Bank and civil society is quite well established but had never taken place at this level.

The Board of Directors has the sole power to take decisions on loans and is charged with ensuring that the Bank is managed in keeping with the provisions of the Treaty. So they are key decision-makers and have significant power over substantial spending.

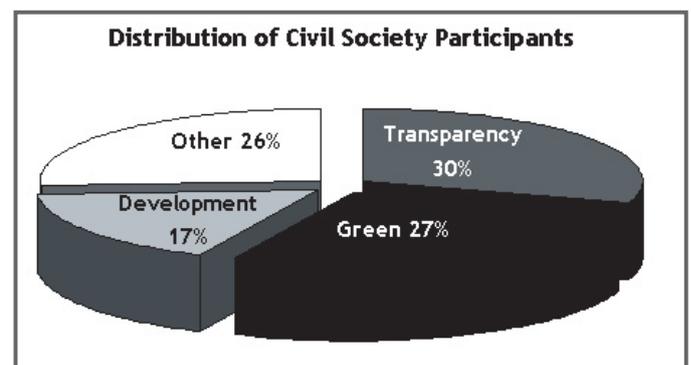
This being the first time such a meeting took place, the Board Members did not, however, expose themselves to a full day of interaction with civil society representatives; three panel discussions - each chaired by one of the Bank's Vice Presidents (they report to the Board) - took most of the day and covered issues relating to the Bank's operations in the context of climate action, support to small and medium-sized enterprises and lending to countries outside the EU.

Each panel included some representatives of civil society representing among others Transparency International, WWF, and Oxfam. There was lively discussion from a significant number of participants. Around 100 representatives from civil society organizations (and a few from public and private sector organizations) were engaged in the discussion throughout the day - in fact, there wasn't really enough time for everyone to make their point. It may be interesting to see the breakdown of the participants into the different sectors represented (see pie chart, above right).

But for most of the day (and throughout the three panel sessions) only two of the Board Members were present. In fact, the presence of the Board Members from Sweden and Austria throughout the day is worthy of particular praise as they demonstrated a willingness to hear in depth what we had to say.

The final part of the day, a 90-minute so-called 'Question and Answer' session included the Board

Members. It was chaired by the President of the Bank (who both reports to and chairs the Board Meetings). He, along with a number of Vice Presidents and the Board Member from Sweden, sat in the front row of the 'Bank side' of the rather large meeting room; we could see them and their nameplates quite clearly. The other Board Members were sitting further in the background and even though several of them spoke in



response to questions, it was rather difficult to know who they were.

What was the point of the meeting? First, the fact that the meeting took place at all is a step forward. There is a sense that a subsequent meeting next year may feature more interaction from the Board Members; this meeting has to be seen as a first attempt to open a channel of communication. Second, the meeting offered the opportunity to get some important points across to senior staff of the Bank. Key points include:

- A call for the Bank to phase out lending to fossil fuel-based energy projects and to stop lending to any such projects involving the use of coal;
- A call for the Bank to demonstrate that it will red line projects which fail to meet its social and environmental standards;
- A call for the Bank to ensure that the project bond initiative does not get sidelined into the funding of major motorway projects, simply because there is demand in the market for them;
- A call for the Bank to ensure greater transparency with regard to the intermediary institutions it works with in its lending to small and medium-sized enterprises.



These messages were made very clearly, again, in the session in which the Board Members were present. So they have been heard - whether they will be heeded is another question.

The Board Members present who spoke all agreed that this is a useful forum for discussion; several of them

invited input from civil society regarding any projects (in the project pipeline or otherwise) which raise cause for concern. Asking over a hundred active NGO representatives to contact them may provide them with more input than they had bargained for.

*Martina Weitsch*

## New Briefing Papers on EU Responses to Terrorism: The implications for human rights, democratic governance and peace-building

Over the last twelve months I have researched and written three briefing papers, updating QCEA's earlier work on EU responses to terrorism. Policies relating to counter-terrorism at EU level are numerous, technical and controversial, and the number and complexity of the papers reflects this.

Briefing paper 13 looks at the European Commission's 2010 evaluation of counter-terrorism policy, the responses to it and the continued need for critical and independent evaluation. The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) has been vocal about the inadequacy of this evaluation.

At a LIBE Committee hearing, the International Centre for Counter-Terrorism presented their research on the unintended consequences of counter-terrorism measures. In particular, the effects of a type of government discourse which:

- presents terrorism as an urgent threat to which all are directly vulnerable;
- emphasizes that there is no shared cultural identity or possible overlap with the terrorist groups; and,
- is combined with prominent, large scale anti-terrorism measures.

This kind of high-visibility counter-terrorism strongly correlates with a high incidence of terrorism. But what is far more significant is that it appears, in many cases, that it is only after the introduction of this high-visibility discourse that the numbers of terrorist attacks rise, and that only after it is reduced do the number of incidents fall. Research has also pointed to the fact that a high level of urgency, mobilization and visibility has gone hand in hand with continuing radicalization of new recruits. With various theories proposed to explain this, the research concludes that reserved language and a punctual crime prevention

discourse, rather than enhancing huge discretionary powers and invoking the state of exception, are more effective counter-terrorism strategies.

Briefing paper 14a examines the relevant law and policy framework developments, including the Lisbon Treaty. Regarding the EU's Prevent, Protect, Pursue, Respond policy framework, QCEA concludes that although the Prevent strand has been repeatedly reaffirmed as a priority area where more action needs to be taken, it is still not, in reality, prioritized. The broader aspects of prevention, i.e. social, economic and cultural equality and inclusion, are still largely neglected, or relegated as a problem

only in countries outside the EU. This must be rectified for any long-term and sustainable approach to countering terrorism, especially given the likelihood of increasing pressures towards conflict in the future. Here, we refer to issues such as growing global economic inequality, increased resource scarcity, climate change and the creation of climate change-related displaced persons. These are

issues that have the potential to leave people in such dire plight, with so little stake in ordered society and facing such asymmetry of position that they are prepared to take up arms or commit acts of terrorism. The illegitimacy or immorality of an act does not mean that the issue in the name of which it is committed does not need addressing. The enormity of the task of creating a just and sustainable world does not change the fact that this is the only viable long-term solution to the threat of terrorism. No amount of surveillance, control or militarisation can fully protect us from the threat of terrorism, for it takes no more than the unpredictable act of one, armed individual. Nor is an Orwellian world of surveillance and control the kind of society we wish to live in.

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Another area where QCEA would like to see more work done is the role of restorative justice practices in terrorist crimes. Restorative justice (RJ) is ‘a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.’ Preliminary research suggests RJ practices, such as victim-offender mediation, conferencing, circles and victim impact panels, have significant potential, in some cases, to meet the needs of the different kinds of victims of terrorism. It is also clear that more research into this area is needed, and to consider how the experiences of victims of terrorist crimes could (in some cases) be brought into programmes for engagement with people at risk of becoming terrorist offenders. As one RJ practitioner in this area has noted, ‘terror is renounced not just in the refusal to endorse war, but in every act of human kindness and decency.’

Briefing paper 14b examines specific policy initiatives and our main areas of concern relating to human rights, democratic oversight and peace issues. The EU Counter-Terrorism Coordinator (CTC) has recognised that in “a number of third countries, human rights and rule of law violations and repression by government agencies in the fight against terrorism are contributing considerably to radicalization. Hence, while these policies are adopted to fight terrorism, in fact they give rise themselves to conditions conducive to the spread of terrorism.”

Following an analysis of the Terrorist Finance Tracking Programme; the Passenger Name Record; the use of Terrorist Lists; Extraordinary Rendition, Secret Detention and Complicity in the Use of Torture; and some worrying trends regarding the internet and counter-terrorism, QCEA concludes that the CTC’s identification of this problem as relating only to third countries is too optimistic. The EU urgently needs to

get its own house in order with respect to human rights and rule of law violations, so as not to undermine its own attempts at minimizing the threat of terrorism.

There is a lot going on under the umbrella term of ‘counter-terrorism’, both at Member State and EU level. The number of concerns in QCEA’s three new briefings provides a strong rationale for what the LIBE Committee has demanded in a recent report: a full assessment of the costs, effectiveness and impact on civil liberties of counter-terrorism policies. Yet the European Parliament recently (13 September) postponed a vote on a resolution to pass this report and its recommendations. The postponement was a reaction to the view of many centre-right MEPs that the LIBE Committee’s report was too critical, and it was postponed to avoid possible rejection. Yet, if the report is too critical, then a thorough evaluation would demonstrate this. So why fear an evaluation? Genuine scrutiny and accountability can only come about through greater transparency and democratic oversight. Without this, there is a real concern, in the words of a 2007 Council of Europe report, that ‘governments are taking advantage of the fear generated by the terrorist threat to impose arbitrary restrictions on fundamental freedoms.’

QCEA calls on MEPs to vote in line with the need for democratic oversight and independent and critical evaluation of counter-terrorism policies. QCEA also calls on citizens of European nations to demand no less than this from their parliamentary representatives.

You can read QCEA’s new briefings and our full recommendations to policy-makers, on our website and blog.

*Rachel Tansey*

## We are victims of ourselves, yesterday, today, and tomorrow

After a period of isolation, Poland is determined to present a different image of itself. But you can’t help but get the impression that, either it is still in transition, or it is rather uncertain as to what different image that may be. Poland’s energy ambitions are a case in point.

Nearly 90 per cent of Poland’s electricity generation is from coal, at a time when coal is a major liability to the wider European Union’s climate and energy

policies. Poland’s alternatives are renewables, nuclear power and natural gas, and it is simultaneously pursuing all three, but not equally.

According to a report published by the Polish Wind Energy Association in November 2009, thirteen gigawatts (GW) of wind energy could be installed in Poland by 2020, but as of 2010, Poland was languishing with less than ten per cent of that value, and it is consistently one of the worst EU performers for



renewable energy production.

Alternatively, and on the first day of its rotating presidency in July 2011, Poland announced it was pressing ahead with its plans for nuclear power, and its first-ever commissioning of nuclear plants at two sites. Its plans however remain vague, and the government recently backtracked by admitting that there may only be one actual commissioning. Maybe.

One thing that is more certain is Poland's determined ambitions regarding shale gas. ConocoPhillips, Chevron, ExxonMobil and Marathon Oil are just some of the oil and gas majors to have received the hundred-plus concessions handed out so far by the Polish government. Yet, as of 2008, there were more than twelve times the potential, cumulative CO<sub>2</sub> emissions by 2050 from unconventional gas in known reserves, to exceed the 2 °C threshold that scientists regard as the limit of safety, beyond which climate change becomes catastrophic and irreversible. 2008(!), several years before Poland handed out its first concession in 2010.

What's more, the International Energy Agency has calculated that if this year's global emissions rise by as much as they did in 2010, our annual energy-related emissions budget by 2020 will be exceeded nine years ahead of schedule, making it all but impossible to hold warming to a manageable level.

That's not to say Poland has completely turned its back on its past, with the government actively encouraging the tapping of new lignite coal deposits - deposits thought capable of providing energy for

hundreds of years, and pressing ahead with plans to build new coal-fired installations. This is madness!

For long-time observers of Poland, it is perhaps the government's reaction to the Nord Stream project, that best explains such bewildering displacement activity and passive-aggressive recklessness. Nord Stream, which opened last month, is an undersea gas pipe linking Russia and Germany. Even at the drawing board stage in 2006, it was loudly protested by Poland, and was notoriously compared to the 1939 Molotov-Ribbentrop non-aggression pact between Nazi Germany and the Soviet Union, which paved the way for the invasion of Poland. Thus, it is only through the prism of continued, perceived insecurity that Poland's actions can be properly understood.

That doesn't excuse it, but rather than, say, regulating shale gas, active efforts to reduce Poland's existential fears would go much further towards improving our well-being and social equity, while significantly reducing the environmental risks. While our inability to come to terms with ourselves has the potential to cost us dear, we are not born with our values - they are shaped by our social environment. By altering our perception of what is normal and acceptable, not only do we change our circumstances, we also change our politics. And it is not just in Brussels where this needs to be done.

**Paul Parrish**

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