

**NEW CHALLENGES FOR EUROPE IN A GLOBALIZED WORLD:
TERRORISM, TRANSNATIONAL CRIME AND ILLEGAL IMMIGRATION**

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1. INTRODUCTION AND GENERAL APPROACH

- The expression “Historical vertigo” would try to describe the feelings that citizens, statesmen and experts alike might have experienced over the last decades.
Various events have suddenly taken place within a short period of time, the genocides of Rwanda and Yugoslavia, the war of Afghanistan, the invasion of Iraq and its complex post-war (a way to call what looks more like the continuation of the war with different scenes and tactics), the fateful attacks of September 11, 2001 in New York, those of March 11 in Madrid, or July 7 in London.
- These and many other events, important by themselves, incorporate substantial changes in international politics; we have been talking, for years, about the configuration of what we have come to call a “**new international order**”.
- During this transitional period, there have been some processes of change that deserve our attention.
 - a) We are witnessing the threshold of a “**new regionalism**”. At the end of the 90’s, almost every country in the world, save for exceptional situations, belonged to some regional group registered before the World Trade Organisation (WTO) with not only economical purposes but also political and security aims.
 - b) **The emergence of the European Union as an incipient global political actor** (the EU is nowadays a critical element in any analysis dealing with balance of power within the international system)
- The 90’s of the last century also brought the **speeding up of economical and financial globalization**. The impact of this new globalization is much more complex insofar that, besides the social risks inherent to it, new global complex risks keep emerging: the deterioration of the environment, the cultural colonization, the spreading of AIDS, thus making the global man feel like an insecure individual, in connection, as social being, to a great virtual community.
- Globalization, as such, is a planetary scene, an open area with many events and personages, where Europe has to learn how to play an important role.
- There is also a dark side to it: “**the globalization B-side**”, the globalization of the organized crime, drug trafficking, weapons, pandemics, undeclared money, and the human trafficking. We have called this new phenomenon “**pathology of globalization**” because it explains the array of “global diseases” that travel around the world in our days, such as corruption, arms race, terrorism, racism and xenophobia.
- This whole process aggravates an enormous paradox: on one side, the fast configuration of a global market, increasingly integrated; on the other, **the continuity of the Nation-State as the framework for regulation and management, and, in general, for exerting sovereignty and political power**. As we have learnt from experience throughout the last decades, the attempts to run an international system and an integrated market departing from separate centres,

whilst holding power and sovereignty within the Nation States, have shown themselves to be "an impossible equation", overloaded with tensions.

- Furthermore, another question of the most practical relevance should be added, the strategy that each country should adopt with regard to the structure of the international system. It is not the same to suggest that we have a unipolar international system where military power is decisive (i.e. the neocon approach), than to maintain that the world is multipolar and that the military capacity is only a dimension of power, and not necessarily the most relevant one (i.e. the progressive approach).
- The variables we must consider when dealing with the transformation of international relations are of an enormous complexity, whose whole scale is yet unknown.
- As Minister of Justice of the Spanish Government, I shall devote a few minutes to analyse the transformation of the international order in connection with Justice. With regard to the scenes offered by the international reality we are faced up to, three basic phenomena have contributed to the transformation of Justice at an international level.
 - › The first one is the **universalization of an awareness of what is "fair"** arising from the common agreement that Human Rights are the minimum parameter of "Justice" over cultural, religious, sociological and, very specially, national criteria. This phenomenon of internalizing human rights, this assumption that human rights are the domain of individuals, over the particular recognition of such rights by the different States or national regulations, has generated an homogeneous awareness of minimums, of men and women with rights. The internalisation of rights on the part of the least favoured groups has allowed them to get organized and stand up as international actors, fully aware, for the first time, that as holders of rights, they can and must claim for them.
 - › Secondly, an essential factor to understand what is happening with the Justice in the world is the exaggerated proliferation of a new category of State, with its particular notion and definition in the analysis devoted to the structure of the international system: the so called "**failed States**", or in an even worse category, the "**Rogue States**". The presence of this kind of States, where a systematic violation of the most basic fundamental rights takes place, has informed the world's public opinion, which has started to demand, as never done before, that international bodies are entitled to prosecute and deal with this kind of violations of human rights, when a particular national State is not able or not willing to do so. As a last resort, if **Justice has no land, Justice is to be our land**.
 - › Thirdly, **the unprecedented momentum, of a world's public opinion, along with, most particularly, the emergence of the victims as holders of specific rights**. In both cases they emerge with capacity to travel around the world claiming for Justice and this way, principles such as that of "universal jurisdiction", present for years in the legislation of many countries for the prosecution of crimes particularly execrable, have changed from being mere theoretical statements to become a reality. Let's think about the victims of the Argentinean dictatorship that turned to the Justice in Spain and in other European countries when the courts in their country denied them access to a fair trial. We might summarize this phenomenon as we proclaim that, in the XXI century, "**Justice is not implored, Justice is required**".
- The whole process that has so roughly been described, deserves a far more extensive and rigorous study **in connection with the generation of an international idea of Justice** as motor of international security, pacific coexistence and wealth. From a pure State point of view, the mission of the Judiciary, by means of judges and courts, shall be that of bringing security to the society it serves. The confidence that, before an illicit interference, injury or action against the interests of the individuals

protected by the Law, you can reasonably expect an effective answer from the Justice.

- On the 1st. day of July 2002, with 76 ratifications and 139 signatories, **the Rome Statute of the International Criminal Court** entered into force. On the 11th April 2002, the minimum number of ratifications required was reached. This Statute crowns the most powerful international moral movement of the XX century for the defence of Human Rights.
- The defence and promotion of the Statute of the International Criminal Court is an essential part of a policy of solidarity with other countries, a policy promoting human rights (at home and abroad) within the unstoppable movement of the fight against impunity.
- All the legal instruments should allow making this “**global justice**” visible, if it were not because in front of this overcoming of the old frontiers of International law in order to reach Justice, with a capital “J”, above the sovereignty of the different States, an extreme defence of this International law is precisely opposed.

2. FROM THE INTERNATIONAL ORDER TO THE EUROPEAN LEGAL FRAMEWORK

i. A New Global Order

U.N. Resolutions. Statute of International Court of Justice
(July 2002)

ii. U.E.: Largest Regional actor:

- Albeit within the frame of global relations, we are way far from reaching effective instruments for the defence of that common idea of Justice, there are some developing experiments that look promising.

The construction of an area of freedom, security and justice in the European Union comes to that common idea of justice in an area where the number of countries is continuously increasing and within a sphere of activity where States have traditionally been reluctant to yield competences, in the understanding that the questions involved are intimately bounded to the core concept of sovereignty.

- In Tampere, the creation of an area of freedom, liberty and justice in the European Union (1997, Amsterdam Treaty) becomes a top priority objective in the Union's political agenda.
- The draft agenda in 1999 for developing an area of freedom, security and justice, was ambitious and included all subject matters in search of a more convergent Law and a Law increasingly inspired in common standards. It promoted a necessary mutual confidence (principle of mutual recognition) and, therefore, the dissolution of those mechanisms that traditionally hindered the recognition of the actions taken by judicial authorities or institutions linked to the administration of Justice of the Member States in the territory of other Member States of the European Union (principle of harmonization).
- The creation of an area of freedom, security and justice in the European Union included reforms in all the fields of our legal culture: civil, criminal, commercial, mutual recognition of actions and decisions, and legal cooperation. All of them directed towards a deeper legal integration of the Member States.
- **The role the European Common Justice has to play** as locomotive for integration and as a starting point of the process of constitutionalization is, therefore, quite significant. As regards to it, it is essential to aim at the development of a genuine “European Judiciary” that completes the action of the European Court of Justice and the European First Instance Court, as essential elements in the federal style architecture towards which the European construction is tending to.

- The commitments adopted in 1999 and thereafter have become overflowed by the specific and immediate interest of the fight against terrorism. And although this, without any doubt, is a crucial element that shall gather all our efforts, we mustn't lose sight of the outstanding importance the creation of an area of freedom, security and justice has in the European construction in the medium and the long term, as was clearly pointed out at the Council of Laeken (2001).
- The results obtained over these five years have been outstanding. **Eurojust, Europol, the European Judicial Network, the European Criminal List and the European Arrest Warrant** are just some samples of the most important achievements reached so far.
- In view of the limited time available, please let me surmount the world of international politics and focus my speech in the two great challenges the world (particularly, the European Union) is confronted with, from what we have called the "pathology of globalization": terrorism and illegal immigration, two phenomena that involve a transnational dimension of organized crime, but that also imply important challenges of great scope in other aspects of coexistence.

3. TERRORISM

- Let's talk about terrorism first.
- I speak on behalf of a country that has encountered no little difficulties throughout its history, where generations that are still alive have known a civil war, a dictatorship for almost four decades and a democracy that is already twenty five years old and has brought great progress. We are also familiar with terrorism which has been hitting us for more than thirty years, with the loss of a thousand human lives.
- During these last thirty years, we, Spaniards, have learnt a lot through pain, about terrorism. We have learnt, soon enough, about its iniquity; we have gotten to know about it; we have learnt to resist, we have learnt to bear it with courage and dignity, and we have learnt to fight against it.
- Thirty years resisting terrorism have taught us that terrorists would obtain their biggest victory if, along the fight against terror, the specific essence of democracy should be betrayed; if the States curtail their freedoms, question the judicial guarantees or carry out preventive military operations. It is through rule of law, democracy and policy-making that we get ever stronger, while they get ever weaker so, fight against terror is not a warfare strategy, but rather a critical issue in our overall criminal policy
- The international community has well understood the need to work side by side to win the battle against terrorism and is devoting great efforts towards reaching to a global consensus on the legal definition of terrorism.
- Within the frame of United Nations, a number of Conventions¹ and Resolutions² have been adopted with specific measures to fight against terrorism. I shall only mention the adoption of sanctions against the terrorists of Al Qaeda in order to prevent their access to the financial resources they need to carry out their activities (Resolutions 1267 (1999), 1390 (2002) and 1455 (2003)).
- **Both for Spain and for the European Union, the completion of the General Convention of United Nations against international terrorism has become a priority (2001).** Besides the establishment of the bases for a multidisciplinary approach

¹ International Convention for the suppression of terrorist bombings, adopted by the General Assembly of United Nations on December 15, 1997, International Convention for the suppression of the financing of terrorism, adopted by the General Assembly of United Nations on December 9, 1999.

² On September 28, 2001, acting by virtue of Chapter VII of the United Nations Charter (concerning the threats to peace and international security) the Council adopted Resolution 1373 (2001) condemning "unequivocally" the terrorist attacks occurred in New York, Washington D.C. and Pennsylvania on September 11, 2001 and expressing its determination to prevent any further actions of the kind. Besides, Resolution 1373 established a Committee against Terrorism (CAT) formed by the 15 members of the Security Council. The CAT shall verify the implementation of Resolution 1373 (2001) by all member States and shall try to increase the capacity of States to fight against terrorism. Other Resolutions of the Council on this subject are 1390 (2002) and 1455 (2003).

in the struggle against this kind of criminality, for the first time, and in spite of all the difficulties encountered, a definition of the crime of terrorism shall be included.

- The work in common within the European Union has already allowed reaching to an agreement in the **definition of the crime of terrorism and the crimes related to terrorism**³. The fact of having a such definition, along with the approximation of the degree of penalties that shall correspond to the crimes of terrorism is, beyond any doubt, one of the most important advances made so far, because this will prevent any terrorists continue to benefit from the differences existing among the criminal and procedural legal systems of the 25 Member States of the Union.
- **I shall now make some specific considerations to the Spanish pattern for fighting against terrorism, where terrorism constitutes, one of the most important problems, jeopardising peace and stability of a democratic state in an intolerable way.**
- **In Spain, the criminal definition of the crimes of terrorism is established by a specific section of the Spanish Penal Code** as the legislator finds that the crime of terrorism should be sanctioned with this specific name rather than as mere aggravating factor of the classical criminal offences. The definition of terrorism in our Penal Code is similar to that adopted by the European Union in the above mentioned Common Position of the Council of December 27, 2001. The penalties for crimes of terrorism can amount to thirty years of imprisonment. There is no death penalty, abolished by the Spanish Constitution, and there is no life imprisonment either.
- **The Spanish Constitutional framework is the only one that expressly establishes**, upon the maximum legal rank, the explicit reception of the defiance involved in terrorism (Articles 13, 55 and 116 of the Spanish 1978 Constitution). To start with, the possibility that through Organic Law (meaning through a reinforced parliamentary majority) and an adequate parliamentary control, certain fundamental rights and public liberties are suspended in the event of actions of armed groups or terrorist elements.
- Article 55.2 of the Spanish Constitution regulates the way such an Organic Law shall determine how and when certain suspects shall have certain rights suspended, always on an individual basis, never as a collective measure. Therefore, in connection with the investigation and prosecution of cases of terrorism or membership of armed groups or terrorist elements, regarding specific persons prosecuted and within the frame of a criminal action previously initiated. All of it with two fundamental limits:
 - On one side, the **judicial review**, in the sense that it shall always be a Court to decide upon the application of this restriction in accordance with its need and proportionality. To the point that even the lack of this a priori judicial control a priori shall turn such measures into abusive and unjustified and the active agent may be held criminally responsible for it.
 - And, on the other, objectively, **the rights that can be restricted** for the above reasons are the freedom of movement (Art. 17.2 of the Spanish Constitution), mainly in respect with preventive detention, and the right to the inviolability of privacy and the secrecy of communications (Art. 18.2 and 3).
- In this unique Constitutional framework, the organic and penal procedural unfolding of these provisions is worth noticing:
 - On the one hand, Article 65 of the Organic Law of the Judiciary. It establishes **the attributions of a Court, the Spanish National Court**, without losing its character of judicial body established by law, concentrates on certain criminal figures, regardless of the place in the national territory where they take place. Among these crime figures are found the terrorist crimes, that are always tried before the National Court, and whose penalties are always enforced by the central courts of penalty enforcement, with the aim to guarantee non pressure and therefore the functional independence and the impartiality of the judge, that could be damaged in case that jurisdiction was given to the judges where the terrorist action took place.

³ Framework Decision of June 13, 2002 on the fight against terrorism, along with the Common Position of the EU Council in December, 27, 2001.

The competitive advantages that are gained by this specific National Court jurisdiction are mainly three:

- 1) **The centralization**, that allows the unification of criteria and a certain detachment from the conflicting place;
- 2) **The specialization**, that allows the benefit of more comprehensive information and a better knowledge of the problems that the judgment of the terrorist action raises, improving the efficiency;
- 3) **The security**, that is to be reinforced as the Courts concentrate the protection in a sole building and a small number of Judges.

- On the other hand, **the procedural rules are basically the same** as the ordinary procedures, complying with the defence guarantees, presumption of innocence, non guilty plea, procedural rights and due process of Law. The Criminal Procedural Act includes some specific provisions in the case of proceedings against persons who form part or are connected with armed gangs or other allegedly terrorist. In this respect:
 - the disqualification from public job or post of the accused while remanded in custody (Article 384 bis)
 - the longer detention term for these people, that can be extended for more than the 72 hours established, up to a maximum limit of 48 hours more, always with prior judicial authorization (Article 520 bis)
 - the solitary confinement of the person arrested for this type of crimes, also with prior judicial authorization (Article 527)
- **All of these measures are made use of with all guarantees and are specifically devised to enhance the proper investigation of these crimes**, without infringing the rights of the accused, as they always require the judicial authorization and a legal ruling giving reasons for its relevancy, necessity and proportionality to the charged actions and to the requirements derived from the facts investigation.
- **In the case of Spain, constitutional guarantees of all rights are not incompatible with effectiveness, and this effectiveness is achieved adapting to the maximum the penal and procedural instruments to the challenge that the fight against terrorism raises.**
- Let me state it loud and clear: **terrorism has no justification** from a criminal policy point of view. It must be combated with the full weight of the law. But we can and we must get to know about its roots; we can and we must have a rational thought on how it occurs and how it spreads, so as to be able to fight it rationally.
- Terrorism, as we well know, is a global threat that requires a global response – and we must articulate it. It is also a strategic threat that pretends to enforce a new political agenda. To defeat terrorism, the International Community must hammer out an urgent political consensus leaving the differences behind and must analyse terrorism in its whole complexity so that it can be confronted in all its possible dimensions: in that of security, of course, but also in its political, economical, social and cultural aspects.
- This consensus must be based on the mainstays of effective multilateralism, international cooperation and the defence of legality and human rights. By doing this, it shall also make our struggle even more effective. It must crystallize in a strategic global action plan of the International Community that strengthens our capacity to fight against terrorism, recognizing the main leadership role that corresponds to the United Nations.
- We mustn't forget either, that we are in the presence of **a new type of terrorism**, practically nihilist, radically different from classical terrorism, characterized by:
 - aiming to the maximum deadliness without any moral restrictions or ethical limits whatsoever,
 - the absence of causes or specific objectives, as they only pursue the complete destruction of the “western way of life”
 - showing motives appealing more to fanaticism and irrationality than to the achievement of goals
 - the ubiquity of its origin (almost every country) and destination (almost every western country or occidentalized area of the world)

- the suicide or self-immolation as usual practice;
 - and for what I have just said, it is practically impossible to subdue or deter.
 - Terrorism suspected of looking for or finding cover in decolonized or third-wave States, but that have failed in their intended institutionalization.
- **Europe has been fighting against terrorism for more than ten years.**
Europe has understood very quickly that any attack against European citizens is an attack against the European diversity, against a Union in which there are no races, persons or religions which are to be considered more or less worth-protecting than any others. Conversely, terrorism is considered a direct and frontal attack against the basic principles of the citizen's coexistence.
 - **It is then quite clear at this stage, that no single State can fight terrorism on its own.** New terrorism operates through international networks and does not understand about frontiers. That is why Europe has been developing an important anti-terrorist policy by which the States fight with determination against this blight of our days, always within the compliance with the European Convention on Human Rights and the Fundamental Bill of Rights of the European Union.
 - This work shared within the Union, has allowed us to achieve an agreement regarding the **definition of terrorism crimes and crimes related to terrorism**.⁴ Having a definition of this nature and an approximation to the degree of the penalty associated to terrorism crimes is, beyond any doubt, one of the most important steps achieved until now, as it prevents terrorists to continue to benefit from the existing differences on the subject of criminal and procedural legal systems among the 25 Member States.
 - Another crucial step within the fight against terrorism has been the approval of the **European Arrest Warrant**⁵ that, as you know, has resulted in finishing with the, until now, archaic and complex existing system of extradition in Europe.
 - Nowadays, in the Union there are bodies and institutions such as **Europol and Eurojust** that are playing a prominent part in improving the cooperation, which is so much needed for an effective fight against terrorism and international organized crime.
 - I firmly believe in **the need to carry out a comprehensive approach to the international terrorism problem**. This means:
 - That all measures adopted and those that will continue to be adopted in the next months and years are to be based upon the most scrupulous respect for the Rule of Law, avoiding simplistic answers or the use of judicial short cuts which, in the long run, would be ineffective.
 - That the European Union is reluctant to give a more lenient treatment to some type of terrorism than others: all kind of terrorism must be fought.
 - That it is necessary a comprehensive and coherent answer to all the EU policies. Europe must fight against terrorism from all possible angles, as the only way to guarantee that the fight is strong, effective and coherent. Please let me remind you that in order to achieve this global approach in the fight against terrorism, we have the support of the **European Coordinator for the fight against terrorism in the EU.**
 - The European Union have the benefit of a carefully prepared **Action Plan to fight against terrorism**, which is re-examined every six months in order to make sure that is being implemented in an implacable manner. This Plan includes seven objectives that the EU aims to achieve.

⁴ Framework Decision of 13 June 2002 on the fight against terrorism.

⁵ Framework Decision of 13 June 2002 relating to the European Arrest Warrant.

- **The following are the seven aims included in the Action Plan:**
 - 1) **Providing access to information.** Given the fact that once a State becomes member of the Union the citizens of such country have freedom of movement from one country to another, it is of the utmost importance that the information relating to terrorism can move around as easily as citizens do. To this end, the Member States are trying to provide themselves with a number of laws that may allow the handling and transfer of information. The Commission's goal is to submit, before the end of the year, a set of measures that give preciseness to what, in the Community language is known as "**principle of availability**" or "right to equivalent access to information."
 - 2) **Identifying and bringing the financing sources of terrorist organisations to a halt.** In order to achieve this aim, the 25 Member States must continue working to improve the transparency of financial transactions and introduce liability for legal entities (including non-profit-making companies) in the penal legislation.
 - 3) **Preventing.** Prevention makes up a fundamental element to ensure the efficiency of the European policy in the fight against terrorism. That is why it is necessary to be able to identify and isolate those factors that, at first, radicalize people, and later on rouses them to resort to violence or to join terrorist groups.
 - 4) **Learning to deal with the consequences of a terrorist attack,** finding the way to save lives, avoid widespread panic and restore the normality of the society in the shortest possible time. All of this is going to force the European Union to work in civil defence, health emergency plans, rapid emergency response systems and a system for the protection of critical infrastructures.
 - 5) **Linking the private sector to the fight against terrorism,** particularly the industrial sector.
 - 6) **Assisting victims of terrorism,** through assistance programmes that help them, in particular, to overcome the after-effect of traumatic experiences.
 - 7) **Relaunching EU's foreign relations in this specific field,** by means of:
 - Interacting with the role of the United Nations.
 - Providing technical assistance as regards to measures against terrorism to certain countries (around 80) which find themselves unable to allocate any resources to this matter.
 - Working closely with some other international organizations, such as G8, OSCE, Council of Europe
 - Integrating antiterrorist clauses in all of the EU Conventions to be signed with third countries.
 - Favouring Development aid.
 - Reinforcing Cooperation with the United States.

4. IMMIGRATION

- Whereas terrorism has been present in the life of Spanish people during the last thirty years, immigration is a new phenomenon in Spain; we have gone all the way from being a developing nation and provider of emigrants, to being a wealthy society which has received a massive

immigration in hardly 10 years. In 1996 Spain had about 538,970 registered foreign legal residents. Approximately at the beginning of 2005 we easily exceeded four million. Therefore, in less than 10 years, we have experienced a migratory explosion which is difficult to find similar precedents in countries surrounding us.

- We have experienced ourselves, more than any other country of the European Union, how throughout this current year 2006, both in Ceuta and Melilla, poverty is getting closer and it pushes our frontiers, and it is necessary to deal with it at European level, a problem that does not belong to Spain more than to Finland, it is a problem that concerns all the Union countries.
- Therefore, it is a problem that goes beyond the exact frontiers or one particular country or other. The cause originates in the enormous tragedies Africa is going through, where every day thousands are dying out of hunger, diseases or military conflicts.
- Immigration is an extremely complex fact: for it includes all the features of a world-wide rebellion of historical magnitude and multifactorial composition. The migratory phenomenon is open, as few, to political demagoguery, speculation and media gruesomeness. Here, in Europe, we are at the present time arguing about migratory subjects, which in the short term, creates the design of mechanisms to "armour" the frontiers, instead of designing policies that in the medium term could allow an organized integration of immigrants.

For as long as the migratory flow is not seen as an opportunity, instead of a trouble alone, it will be impossible to make significant progress in finding a remedy.

- The migratory policies which have been devised in Europe and the United States in the last decades have caused a double counterproductive effect. On the one hand, the boom of illegal immigrants that are not detected by the system when entering the labour market and become victims of extortion and blackmail by employers with no scruples that, taken advantage of their condition of illegality, are hired in miserable conditions and devoid of any labor rights (to say nothing of the illegal immigration networks linked to organized crime operating all over Europe.)
- On the other hand, an alarming fading away or loss of visibility has taken place with regard to the concept of "refugee" as a person who has been forced to leave his country, persecuted for reasons of race, religion, nationality or political opinion. It is essential to have legislation at European level that may allow to quickly detect, within the migration flow, those truly petitioners and worthy of the refugee status, by means of procedures that may allow to respond quickly and, if it comes to it, with forcefulness to any kind of abuse.
- The question that we are compelled to force ourselves in Europe is: **What has failed in the European migration policy to have come to such a disastrous and lacking in foresight situation?**
- The way we see it, the scene during the last few years has settled itself into a binomial overflow with respect to border controls and the collapse of the arrangement of legal entries. We all know the turnouts, that is to say, an exponential growth of irregularities.

With this scene in mind, the key to manage immigration in Europe rests on an all-round policy that includes a well-balanced development of four basic elements:

a) **Firstly, we need to strengthen the mechanisms used to fight against clandestine immigration: we need a combination**

of an integrated control of our external borders, an impulse to re-admission agreements, and a thrust to fight against the crime and the trafficking with people in their country of origin. To lower one's guard in this field would be as much as to relinquish our responsibilities and I can assure you that we are not going to do that.

b) In the beginning of this century, we are starting out with the certainty that migrations are basically motivated for economic reasons and, therefore, its planning needs to take market demands in proper consideration.

c) The third element rests on a determined commitment to forward the social integration of immigrants in our society.

d) Development. Aid needs to be fostered by all means, particularly, a greater cooperation with sub-Saharan countries is needed (Barcelona Process and Euro-Mediterranean forum).

- Here again, as in the case of terrorism, a country cannot confront the migration problem on its own. It is therefore essential to find a coordinated solution of the European Union and a reinforcement of international cooperation (Euromediterranean Conference and Neighbourhood Plan.)
- I would not like to hang about now talking about big theoretical arguments on the meaning and scope of integration. **Multiculturalism, assimilation and interculturalism.** To me, the most important is an ethical uniformity in respect to the fundamental values. I think that we cannot be tolerant when we demand these fundamental values on which the Rule of Law is based: equality, civil rights, no discrimination, freedom of creed and speech.
- But going back to how Europe has confronted immigration and the rights of nationals from third countries, we must accept that the answer has been incomplete and late. Maastricht established immigration among the question of common interest under intergovernmental cooperation within the sphere of HJA. Nevertheless, **Europe still has to develop a true European policy on this issue.** For the time being, this continues to be the exclusive jurisdiction of the Member States.
- The Union has managed, at the most, to adopt some common principles on such diverse issues, as it is the case of the adoption of a standard form for the processing of permits for residence, voluntary repatriation or family regathering, measures that can all of them be considered as unrelated among themselves and without the necessary global strategy, to constitute the means of arranging and organising the work.
- This **global strategy** is being jointly designed at the present time by the Council and the Commission, based on the following principles:
 - The persistent existence of different forms of illegal residence and specific needs of potentially vulnerable groups (women, unaccompanied minors, etc...)
 - The need to intensify the cooperation with countries of origin and transit.
 - The starting of an appropriate system to gather and analyse information relating to the migratory flows in Europe.
 - The setting up of a European task-force for common frontier guards and Border-Policing.

5. CLOSING REMARKS

- Please allow me to finish by turning back to the beginning of my speech: globalization is the horizon of mankind at the age in which we happen to live.
- The truth of the matter is that **the issue is not to stop globalization but make it manageable with equitable rules** and fight against the proliferation of discriminatory situations, as we empower the people to cope with changes.
- **Therefore, the challenge should not be pointing at how much globalization we can handle; the challenge should rather focus on our choices to rule the ongoing globalization, as well as on the basis for correcting the great international imbalances and inequalities.** In other words, we need specific and clear rules that may master the international mobility of labour, penalize political corruption, penalize money-laundering, guarantee the access to new technologies, fight organized crime, impose a transparent conduct to transnational companies, guarantee food safety, give access to antiretroviral medications to fight against AIDS to all sick persons. In short, we must establish a worldwide forecast system including every local action, to which actors and citizens of the new global space may respond.
- Terrorism is no war, but a criminal activity aiming for political ends.
- There are no magic formulas: experience and information are essential.
- No justification: full weight of Law.
- No isolation: coordinated response is the path lying ahead.