

## **"Quo Vadis NATO? – Challenges for Democracy and Law"** **26<sup>th</sup> April – 28<sup>th</sup> April 2013** **in Bremen**

*From 26<sup>th</sup> to 28<sup>th</sup> April 2013 the international conference „Quo Vadis NATO – Challenges for Democracy and Law“ will take place in Bremen. The Main organizer of this event is the German section of the IALANA in cooperation with the Centre of European Law and Politics at the University of Bremen, chaired by Professor Andreas Fischer-Lescano.*

*The conference is linked to the meeting “Peace through Law?” held in June 2010 at the Humboldt University of Berlin. The speeches from this meeting are being meanwhile published.*

*The Partners of the organizers are numerous organizations located in the socio-juridical environment to name a few „Federation of German Scientists (FGS)“, „Neue Richtervereinigung“, Bundesfachausschuss der Richter und Staatsanwälte in der Gewerkschaft Ver.di“, „Republikanischer Anwaltsverein“ and the General Student’s Committee at the University of Bremen.*

*The programme of the conference is broad and explicitly designed to lead to an open discussion on many controversial issues affecting the military and security policy of NATO and its member states. The organizers have tried to invite discussion partners who can bring very different perspectives, information and experience.*

### **Organizers and Supporters:**

- [AKJ \(Arbeitskreis kritischer JuristInnen\), Bremen](#)
- [AStA, University of Bremen](#)
- [Arbeitsgemeinschaft Ausländer- und Asylrecht im Bremischen Anwaltsverein](#)
- [Arbeitsgemeinschaft der Strafverteidiger im Bremischen Anwaltsverein](#)
- [BAKJ Bundesarbeitskreis kritischer Juragruppen](#)
- [Bremer Friedensforum](#)
- [Centre of European Law and Politics, University of Bremen](#)
- [„Darmstädter Signal“ \(krit. Soldaten in der Bundeswehr\)](#)
- [European Association of Lawyers for Democracy and World Human Rights \(ELDHR\)](#)
- [European Center for Constitutional and Human Rights <ECCHR> Berlin](#)
- [Federation of German Scientists \(FGS\)](#)
- [FORUM Junge Anwaltschaft Bremen](#)
- [Forum Justizgeschichte](#)
- [Heinrich-Böll-Stiftung, Bremen](#)
- [Holtfort-Stiftung](#)
- [Humanistische Union/Gustav-Heinemann-Initiative](#)
- [IALANA \(German section and Polish section\)](#)
- [Neue Richtervereinigung \(NRV\)](#)
- [Republikanischer Anwältinnen- und Anwälteverein e.V. \(RAV\)](#)
- [RichterInnen und StaatsanwältInnen in der Gewerkschaft Ver.di](#)
- [Rosa-Luxemburg-Stiftung](#)
- [Vereinigung Demokratischer Juristinnen und Juristen e.V. \(VDJ\)](#)
- [Zeitschrift Betrifft Justiz](#)
- [Zeitschrift Verdikt](#)
- [Zeitschrift Wissenschaft und Frieden](#)

<i>Place:</i>	<b>Friday (26.4.):</b>	Konsul-Hackfeld-Haus, Birkenstr. 34, 28195 Bremen
	<b>Saturday (27.4)/</b>	Universität Bremen, Zentrum für Europäische
	<b>Sunday (28.4.):</b>	Rechtspolitik, Universitätsallee, GW1, 28359 Bremen

**Friday, 26<sup>th</sup> April 2013**

19:00

**Opening**

**Lawyer Otto Jäckel** and **Professor Andreas Fischer-Lescano**

**Inaugural Greeting:**

**Professor Matthias Stauch**, State Council at the Senator of Justice,  
Constitution and Employment in Bremen

**Inaugural greeting (by video message):**

**Professor Weeramantry** (Colombo/Sri Lanka; president of the IALANA;  
former vice-president of the International Court of Justice in The Hague)

**Moderator:**

**Dr. Nicole Ruchlak** (editor; Munich) and **Lawyer Otto Jäckel**

**Rapporteur: Lawyer Helga Wullweber**

19:30 – 20:00 **Introductory speech I**

**Dr. Hans-C. Graf von Sponeck** (Müllheim, former joined UN-secretary;  
distinguished with the „Peace Price of Bremen“ awarded by the foundation  
„Die Schwelle“ and the Coventry-peace price of the English Church <2000>):  
**„Human rights, military intervention and geopolitical interests“**

20:00 – 20:30 **Introductory speech II**

**Professor Reinhard Merkel** (University of Hamburg): **„Military  
intervention to protect human rights?“**

20:30 – 21:30 **Debate**

to the topic **„Military intervention to protect human rights?“**

- **General a.D. Klaus Naumann** (former General Inspector of the  
Bundeswehr and chairman of the NATO Military Committee)
- **Prof. Norman Paech** (University of Hamburg)
- **Katja Keul** (The Greens)

**Saturday, 27<sup>th</sup> April 2013**

9:30 – 13:00 **Group of themes A: terrorism and anti-terrorism**

9:30 – 9:45 **I. Plenary session**

**Introduction and Chair: Marcus Klöckner** (Journalist “Stars and Stripes”)

**Brief introduction:**

**Dr. Dieter Deiseroth** (Lawyer at Federal Administrative Court): "On the legal relevance of the topic terrorism and anti-terrorism"

9:45 – 11:00 **II. Plenary session**

"Experience with Gladio and the 'strategy of tension' in NATO member states"

**Introduction and Chair: Marcus Klöckner** (Journalist)

**Rapporteur: Dr. Thomas Henne** (University of Frankfurt/Main)

**Introductory speech:**

**Dr. Daniele Ganser** (Swiss Institute for Peace and Energy Research, SIPER; Basel) Author of: NATO Geheimarmeen in Europa. Inszenierter Terror und verdeckte Kriegsführung“ (Orell Füssli Verlag, Zürich 2008).

**Brief statement: Dr. Thomas Henne** (University of

Frankfurt/Main): "Experience with GLADIO in Germany and Justice"

Time to discuss

11:00-12:00 **III. Plenary session**

Examining historical facts to the debate about 9/11

**Introduction and Chair: Marcus Klöckner**

**Rapporteur: Dr. Thomas Henne** (University of Frankfurt/Main):

**Brief statements:**

- **Dr. Florian Huber** (journalist, Spiegel-TV)
- **Paul Schreyer** (author of „Inside 9/11 – Neue Fakten und Hintergründe – 10 Jahre danach. 2011)

12:00-13:00 **IV. Plenary session**

**Panel discussion:**

"9/11 and the NATO alliance case - legal demands on the decision of the NATO Council of 4.10.2001 and its aftermath"

**Introduction and Chair: Dr. Peter Becker** and **Dr. Dieter Deiseroth**

**Rapporteur: N.N.**

- **Retired Federal minister. Andreas von Bülow**
- **Prof. Dr. Martina Haedrich** (University of Jena)
- **Prof. Dr. Daniel-Erasmus Khan** (Bundeswehr-University of Munich)

13:00-14:00 **Lunch break**

14:00 **Group of themes B: New geostrategic concepts of the U.S. and NATO**

**Introduction and Chair:** **Prof. Dr. Lothar Brock** (University of Frankfurt/Main; FGS)

**Rapporteur:** **Julia Pippig** (FGS)

**Plenary session**

**Hauke Ritz** "At the end of U.S. dominance? - Recent debates in the foreign policy elites of the United States by the example Zbigniew Brzezinski"

**Plenary session**

**Lars Pohlmeier (IPPNW)** "New developments in NATO strategy"

**Plenary session**

**Prof. Richard Falk (Princeton/USA)** - requested -

**Prof. Norman Paech (Hamburg)**

**Brief statement:** **Prof. Dr. Martin Kutscha** (School of Management and Economics, Berlin)

**followed by dicussion**

15:30-16:00 **tea and coffee break**

16:00-18:00 **Team I-VII**

**Team I:**

*Military operations, their legal and democratic control*

**Introduction and Chair:** Lawyer **Thomas Schmidt** (EJDM)/ **Prof. Dr. Manfred Mohr** (Berlin)

**Rapporteur:** **Wolfgang Alban** (Lawyer)

**I. Lecture in Team I:**

**Prof. Dr. Lothar Brock** (University of Frankfurt/Main): "Democratization of foreign and security policy - The legacy of Immanuel Kant"

**II. Examining the facts in Team I:**

Brief Statements

"Parliamentary decision-making authority over military operations in selected NATO countries"

- **Professor Bill Bowring**, (University of London): "Law and practice in the U.S. and the UK"
- **Yaeka Inoue** (general manager of the IALANA, Japan): "Law and practice in Japan"
- **Prof. Daniel Iagolnitzer** (ADIF, French Association for International Humanitarian Law): „Law and practice in France“

**III. Panel discussion in Team I:**

Parliament decision on troops deployment - (amendment requirements of NATO; legal scrutiny by Parliament, etc.)

**Introduction and Chair:** **Prof. Dr. Manfred Mohr** (Berlin)/ **Thomas Schmidt** (EJDM)

**Rapporteur:** N.N.

**Discussants:**

- **MdB Dieter Wiefelspütz** (SPD)
- **General a.D. Klaus Naumann**
- **Dr. Sebastian Roßner M.A.** (University of Dusseldorf)
- **Ex-MdEP Tobias Pflüger** (the Left)
- **Rechtsanwalt Dr. Peter Becker** (IALANA)
- **Prof. Daniel Iagolnitzer** (ADIF, French Association for International Humanitarian Law)

**Team II:**

*War and peace: participation and decision-making rights of citizens - informational and institutional requirements*

**Introduction and Chair:** **Prof. Dr. Johannes Ludwig** (HAW Hamburg; head of the documentation centre ANSTAGESLICHT.de)

**Rapporteur:** **Christoph Strecker** (Neue Richtervereinigung; editor of the journal „Betrifft Justiz“)

**Statements:**

- **Dr. Hans Lietzmann** (head of the research centre „civic participation“ in Wuppertal): opportunities and forms of civic participation
- **Dr. Thilo Weichert** (State Commissioner for Data Protection and Freedom of Information, Schleswig-Holstein): access to documents and information rights under the IFG in the military
- **Anke Domscheit-Berg** (Pirate Party; Fuerstenberg / Havel): New opportunities for participation through social media?
- **Dipl.Pol. Annegret Falter**, Berlin: Whistleblower in security - to protect how and why?
- **MdB Wolfgang Neskovic**, Informational Service of Parliament decisions on security - as reformed?

**Team III:**

Privatization of the military in the NATO member states?

**Introduction and Chair:** **Dr. Patricia Schneider** (IFSH, Hamburg)

**Rapporteur:** N.N.

Short presentations and discussion:

- **Steffen Kommer** (University of Bremen)
- **Dr. Wolfgang Wodarg** (Ex-MdB und Mitglied der Parl. Vers. des Europarats, SPD): „War as a service“
- **Dr. Peter Lock** (European Association for Research on Transformation e.V., Hamburg)

**Team IV:**

*The bombing of the hijacked fuel tankers in Kunduz and the legal working in criminal, disciplinary and state liability*

**Introduction and Chair:** **Dr. Bernd Asbrock** and **Uwe Boysen** retired Lawyer at the regional court in Bremen, members of Verdi and editors of the journal Verdikt

**Rapporteur:** Lawyer **Gerhard Baisch** (Bremen)

**Discussants:**

- **Prof. Dr. Peter Derleder** (University of Bremen)
- **Dr. Gerd Hankel** (Hamburg Institute for Social Research)
- **Lawyer Karim Popal** (Bremen)
- **Dr. Helmut Kramer** (retired lawyer at Higher Regional Court)
- **Prof. Dr. Daniel-Erasmus Khan** (Bundeswehr-University of Munich)

**Team V:**

*„NATO, Cyberwar and Law“*

**Introduction and Chair:** **Hans-Jörg Kreowski** (University of Bremen)

**Rapporteur:** **Robin Borrmann** (junior lawyer)

Introductory lectures followed by discussion and demands:

- **Hans-Jörg Kreowski** (University Bremen)
- Lieutenant Colonel **Robert Diwisch** (Federal Armed Forces Staff College, Hamburg): "From the industrial espionage to the crippling of the entire economic and supply system - counter-strategies of NATO"
- **Dr. Sandro Gaycken** (security-expert, Free University of Berlin): „Forms of cyberwar and possibilities of resistance“
- **Prof. Dr. Michael Bothe** (University of Frankfurt/Main): The legal framework of cyberwar - Need for regulation according to international law?"

**Team VI:**

*"Military drones, killer machines, and the law"*

**Introduction and Chair:** **Dipl. Pol. Volker Eick** (Humboldt University of Berlin, RAV)

**Rapporteur:** **Mariane Hornung-Grove** (IALANA)

**Speaker:**

- **Prof Dr. Jutta Weber** (institute for media studies, University of Paderborn): „Socio-political questions of digital warfare - autonomous war machines"
- **Dipl. Pol. Eric Töpfer:** „Political economy of the drones“
- **Prof. Dr. Hans-Joachim Heintze** (Ruhr-University Bochum): "International Humanitarian Law and the use of military drones - proposals for restoration of the law"

- **Lawyer Andreas Schüller** (ECCHR): "Redress for victims, their families and / or their home states?"

**Team VII:**

*"Media as a war party and the Law"*

**Introduction and Chair:** **Marcus Klöckner** (journalist)  
and N.N. (lawyer)

**Rapporteur:** **Peter Vonnahme** (retired lawyer at the Bavarian Administrative Court, Munich)

**Statements:**

- **Peter Bürger** (theologist and media researcher, Dusseldorf): „Pentagon and institutionalized war feature film production "
- **Dr. Sabine Kebir** (researcher in culture and media; Algier and Berlin): "How the German newspaper Bild prepared the German mission in Afghanistan in 2001"
- **Dr. Kurt Gritsch** (historian and conflict researcher): „Journalism of Attachment“ („Gemeinmachender Journalismus“)
- **Prof. Dr. Jörg Becker** (University of Marburg): "The use of the mass media with war - structural conditions of production"
- **Prof. Dr. Martina Haedrich** (University of Jena) "The prohibition of war propaganda in Article 26 of the Basic Law and Article 20 of the UN Human Rights Pact - consequences"

**Team VIII:**

*„NATO as global player and the international law“*

**Introduction and Chair:** **Reiner Braun** and **Prof. Gerhard Stuby**(University of Bremen)

**Rapporteur:** retired president of the regional court Lübeck **Hans-Ernst Böttcher** (member of Ver.di)

**Brief statements followed by discussion:**

**Introductory speech:**

**Prof. Dr. Carmen Thiele** (Viadrina University of Frankfurt/Oder):  
Legal restrictions of military operations by the NATO

**Statements:**

- **Ludo De Brabander** (peace researcher/Belgium): „global NATO: A geostrategic instrument in whose interest?“
- **Prof. Dr. Werner Ruf** Lessons learned from the wars in Afghanistan, Libya and Syria
- **Heiner Fechner** and **Alex Valle** (ZERP, University of Bremen): "Recent developments in the security policy in Latin America and the role of NATO and its member states"
- **Dr. Erhard Crome** (Rosa-Luxemburg-Foundation): "Global interests of NATO and its member states"

## Sunday, 28th April 2013

### 9:30-11:30 **PANEL I**

The new anti-missile shield of the NATO in Europe - political calculus and the Law '

(including stationing legal bases in Germany and other countries; compatibility with article VI of NPT and other disarmament commitments)

**Introduction and Chair:** **Prof. Dr. Götz Neuneck** (IFSH, Hamburg) and N.N. (lawyer) and **Bernd Hahnfeld** (jurist)

**Rapporteur:** **Bernd Hahnfeld**

**Introductory statements followed by discussion:**

- **Prof. Mark L. Entin** (Moscow; member des Board of Directors von IALANA; Director of the European Studies Institute at the Moscow State University of International Relation (MGIMO) of the Ministry of Foreign Affairs of Russia; Ambassador)
- **MdB Axel Knoerig (CDU) - requested**
- **former Lieutenant Colonel Jürgen Rose** (assembly of soldiers)
- **Prof. Dr. Pasquale Policastro** (University of Szczecin/Poland)
- **MdB Paul Schäfer** (the Left)
- **Bernd Hahnfeld** (IALANA)

### 9:30-11:30 **PANEL II**

*Targeted Killing by NATO allies and the Law*

**Introduction and chair:** Lawyer **Wolfgang Kaleck** (general secretary of the "European Centre for Constitutional and Human Rights" (ECCHR), Berlin)

**Rapporteur:** **Tomislav Chagall**

**Introductory statements followed by discussion:**

- **Prof. Dr. Michael Bothe** (University of Frankfurt)
- **Bürgermeister a.D., Henning Scherf** (social democratic party, Bremen)
- **MdB Wolfgang Neskovic** (retired lawyer at the federal Court of Justice)
- **Dr. Gerd Hankel** (sociological research institute, Hamburg)

### 9:30-11:30 **PANEL III**

Military research at universities and public research institutions and the right

**Introduction and Chair:** **Prof. Dr. Ulrich Bartosch** (FGS) and **Reiner Braun**

**Rapporteur:** **Dr. Sabine Stuth** (Neue Richtervereinigung)

**Short presentations:**



- **Dr. Sabine Jaberg** (Lecturer at the Federal Armed Forces Staff): „Where’s the border between civilian and military research?“
- **Dipl. Pol. Eric Töpfer** "Civil-military security research under the European Security Research Programme"
- **Sören Böhrnsen** (Working group “civil clause”, University of Bremen): "Experiences with civil clause in Bremen and elsewhere - necessary conclusions“
- **Prof. Gerhard Stuby** (University of Bremen) and **Dr. Jürgen Lühje** (former president of the University of Hamburg): “Constitutional framework and legal options“

11:30-12:30 **Plenum**

**Introduction and Chair: Prof. Ulrich Bartosch, Otto Jäckel**

**Guest lecture and discussion: Prof. Dr. Eugen Drewermann** (University of Paderborn) on "Ethics, human rights and military force"

12:30-13:00 **Otto Jäckel:** Summary of theses - perspectives