

EU conference in Dresden

German Interior Minister Schäuble advocates police state measures

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On January 14-15, the European Union (EU) interior and justice ministers used the occasion of an informal gathering in Dresden to push ahead with plans for police state measures across Europe.

The meeting served to kick off Germany's assumption of the rotating European Union presidency. German Interior Minister Wolfgang Schäuble of the conservative Christian Democratic Union (CDU) laid out a catalogue of measures aimed at undermining democratic rights throughout the EU.

Proposals included ratification of the Prüm Convention, which allows increased sharing of intelligence between several EU countries, using the military to secure EU borders, and an expansion of the European police agency Europol.

In addition, German Justice Minister Brigitte Zypries (Social Democratic Party—SPD) initiated a new push to restrict freedom of opinion throughout the continent. Although focussing on a prohibition of the use and distribution of extreme right-wing symbols and propaganda, its content allows for a much wider application.

It was no accident that the first ministerial meeting under the German EU presidency concentrated on domestic and juridical affairs. The German government under Chancellor Angela Merkel (CDU) has sent a clear signal of its intent to use the EU presidency to undertake an offensive against democratic rights and increase the powers of national governments within the EU.

To achieve these aims, the German government came up with the novel idea of establishing an EU presidential triumvirate. This means that discussions on policies and their implementation will be worked out together with the two countries due to next take over the EU presidency, Portugal and Slovenia.

As a result, Germany, with a population and economy far greater than both of these countries, will play the leading role in the EU presidency during these two countries' six-month terms. Proposals and decisions will largely be made in Berlin, thereby increasing Berlin's de facto role in the presidency to 18 months from the normal 6.

Although the informal gathering in Dresden did not pass any concrete measures, it served to establish agreement on future proposals. It shed light on the direction in which Schäuble intends to lead the domestic policies of the EU.

Under the pretence of the "war against terrorism," the fight against organised crime and the regulation of immigration, the meeting discussed measures that will swiftly remove existing EU and member state privacy restrictions on the use of data and give the police broad powers of surveillance. Immigrants and refugees will, as usual, be particularly hard hit.

Of particular note was Schäuble's push to have the Prüm Convention enacted into EU law. This little-known and barely publicised agreement

not only contains far-reaching anti-democratic measures, it epitomises the undemocratic nature of the European legislature.

The Prüm Convention was signed in May 2005 on the initiative of the then-German interior minister, Otto Schily (SPD), by seven EU member states: Germany, Austria, Spain, France and the Benelux states. The agreement has, however, been ratified only by Germany, Austria and Spain, and is therefore valid only in those countries.

This agreement—signed in the tiny city of Prüm in the small German state of Rheinland-Pfalz—gives the signatories access to each other's DNA and fingerprint databases as well as their motor vehicle registries. It contains provisions to bypass the current procedure by which ministerial departments request data.

Access to data will be permitted not only to prosecute crimes, but also to prevent them, opening the door for the police and secret service agencies to undertake fishing operations and exchange data on so-called "violent criminals" and "terrorist risks." The latter are defined in a broad and amorphous manner.

The Prüm Convention also permits cross-border police operations. This is not restricted to local police operations, but also encompasses the activities of undercover agents. The intelligence agencies of these countries will not be governed by the local laws in the foreign countries where they are operating, giving them virtually free rein to do as they please.

The planned cross-border sharing of personal data will mark a complete reversal of current EU data-protection regulations. Under the Prüm Convention, the "principle of availability" will replace the existing rules on whether data can be accessed and shared. Currently, only specific data under specific circumstances can be shared. In effect, the Prüm Convention allows for the exchange of all data at any time.

In 2005, the EU Commission defined the "principle of availability." In a discussion paper on data protection, the Commission made many references to the general principle of data privacy, but concluded that data should be made as accessible as possible, with the nominal caveat that such access comply with the national laws of the member states.

The paper proposed to allow the processing of personal data "for the purpose of the prevention, investigation, detection or prosecution of criminal offences or for the purpose of the prevention of threats to public security or to a person, except where such considerations are overridden by the need to protect the interests or fundamental rights of the data subject."

The state representative for data privacy in Schleswig Holstein, Thilo Weichert, explained that this clause "will hand over responsibility to the police departments for determining if the data privacy of individuals is adversely affected by the police investigations." This did not prevent Schäuble from concluding that the Prüm Convention "contains important

privacy rules that reflect the highest demands of modern data protection.” Schäuble is not only creating a Europe that resembles the surveillance state of George Orwell, he is adopting Orwell’s “newspeak.”

Schäuble said that “sessions of the European Council and other international summits” would be forums where the Prüm rules for data-sharing and cross-border policing operations could be used. This could open the door to mass round-ups and imprisonments as well as the imposition of travel bans and registration requirements.

The “prevention of threats to public security” can be broadly interpreted to include measures against international protest movements, including demonstrations against the Iraq war or a possible military attack against Iran.

The Prüm regulations would also make it easier for undercover agents to function as provocateurs in strikes and protests, thereby providing governments with pretexts for suppressing and attacking such movements.

That the Prüm rules are directed against the general population is clearly shown in the way they are intended to be enacted into EU law. Schäuble intends to bypass the already limited democratic procedures of the EU and its essentially powerless parliament in similar fashion as the Schengen Agreement regulating border controls.

Schäuble wants the laws to be enacted directly via the EU executive. National parliaments would then be allowed only to ratify the regulations in their entirety without making changes. The European Parliament would be sidestepped and play no role whatsoever. The Prüm Convention would therefore be enacted into EU law in a manner recalling the presidential emergency decrees imposed in the final period of the German Weimar Republic in the early 1930s.

The effects of these new rules will be felt immediately. The following data would be merged: the fingerprints of asylum-seekers held in the EURODAC database, the data in the Visa Information System (VIS), information collected in the Schengen Information System (SIS II), and the biometric data from passports that the EU is currently issuing. Enactment of the Prüm Convention will thus lead to the systematic surveillance of the European population.

Parallel with these measures, Schäuble wants to expand the European police agency Europol. This includes allowing national police and security forces to conduct investigative and prosecutorial activities in other countries, without any form of democratic control.

Europol’s operational powers would be strengthened within each EU member state, increasingly giving it the same powers as the national police forces. In addition, Europol would take over responsibility from the national police for Internet surveillance and the securing of public order at large events. As a result, Europol would be allowed to establish its own database of so-called “violent demonstrators.”

The interior ministers of Europe are thereby laying the foundation for Europol to develop into a political police force, keeping tabs on opposition political movements and intervening against them—again, without any form of democratic control or oversight.

The British legal professor Steve Peers, in a report for the human rights organisation Statewatch, concluded that “Europol comes much closer to becoming a form of federal police force, and, indeed, Europol’s development has paralleled that of the German federal police agencies. But the development of Europol’s *accountability* is not remotely comparable to that of a national police force.”

On the issue of asylum-seekers and immigrants, the German EU presidency wants not only to expand surveillance, but also to increase the military’s capacity to warn off refugees and allow the police to defend national borders outside their countries.

The newly founded border agency Frontex will receive significantly more resources. Apart from patrolling the Mediterranean Sea, Frontex will guard the borders to the eastern European EU countries against immigrants. The Italian interior minister, Giuliano Amato of the

Democratic Socialists, also hopes to provide Frontex with war ships, helicopters and airplanes to secure EU borders. Last year alone, more than 6,000 immigrants and refugees died trying to reach Europe, and this military buildup will dramatically increase this number.

Those who manage to make it to European shores will face increased repression by the police and security forces. This includes the creation of a standard Visa Information System (VIS), which will store the biometric data of applicants and allow their movements and activities to be closely monitored. Other measures include the establishment of a new Schengen Information System (SIS II) and, more significantly, a new database to store the fingerprints of asylum-seekers, EURODAC.

EURODAC is designed to give not only immigration departments, but also the police, the ability to check applicants’ details. Schäuble justified this measure, as with all the others, in the name of the “war on terrorism,” implicitly labelling asylum-seekers, many of whom have fled their home countries due to political repression and torture, as potential terrorists. By stoking the flames of xenophobia and racism, Schäuble is directly fuelling the increase in attacks against foreigners in Germany and Europe as a whole.

Reacting to the growing number of crimes by right-wing extremists, German Justice Minister Brigitte Zypries came up with an initiative for a European-wide ban on Nazi symbols and denials of the Holocaust. Such a move will not only do nothing to seriously fight extreme right-wing and neo-fascist organisations, it will open the door to restrictions on freedom of the press, freedom of assembly and freedom of opinion across the continent. It will inevitably be turned against left-wing organisations and individuals.

Zypries proposes to apply the current German law against public incitement to all of Europe. This particular law was used by the Berlin state interior minister, Ehrhart Körting (SPD), in August 2006 to prohibit statements of sympathy for the Hezbollah movement during Israel’s attack on Lebanon, which killed and injured thousands of civilians.

The SPD’s domestic affairs spokesman, Dieter Wiefelspütz, welcomed the suggestions of the justice minister and explained that Germany, due to its unique history, had “every reason” to employ such methods against right-wing radicalism.

A look back at this history reveals that the SPD, during the days of the Weimar Republic, was heavily involved in passing laws and regulations that were ostensibly aimed against the monarchists and Nazis, but in practice were mainly used against the communist movement. The SPD had no qualms about using the police to defend the capitalist state against the socialist opposition that developed within the population.

After the murder of German Finance Minister Matthias Erzberger in August 1921 and Foreign Minister Walter Rathenau in June 1922 by members of the “Organisation Consul”—a nationalist association, many of whose members later joined the paramilitary Wiking Bund (Viking League) and the Nazi stormtroopers—the then-Catholic Centre Party chancellor Josef Wirth, who led a minority government together with the SPD and the German Democratic Party, declared: “There the enemy stands—and on this there can be no doubt: He stands on the right.”

In July 1922, a “Law for the Protection of the Republic” was hastily enacted, which provided the legal basis for the prosecution of political crimes. The law provided for the banning of rallies, parties, and their newspapers and leaflets.

However, the law was rarely used against fascist organisations. A ban on Hitler’s Nazi Party in 1923 was lifted soon after in 1924. Instead, the law was used as a weapon of the state against the German Communist Party (KPD). According to documents from the prosecutor’s office, 75 percent of all convicted persons under the law between 1922 and 1924 were KPD members. In subsequent years, the figure was even higher.

The law also formed the basis, among other things, for the banning of May Day marches in 1929, and hence played a role in the killing of

demonstrators in what became known as “Bloody May.” The KPD called upon workers in Berlin to demonstrate in spite of the ban. The police fired randomly into the crowd, killing more than 30 workers.

In the aftermath, utilising the Law for the Protection of the Republic, the government banned the Red Front Fighters’ League (RFB), and the *Rote Fahne* (Red Flag), the newspaper of the KPD, was forced to halt publication for several weeks.

In 1929, the Law for the Protection of the Republic was temporarily abolished. However, the grand coalition under Chancellor Hermann Müller (SPD) presented the Reichstag (parliament) with a new bill for the defence of the republic. Despite the fact that it failed to garner the required two thirds of the parliamentary vote, it was enacted in 1930 by President Hindenburg as an emergency decree.

Today, as then, the buildup of the police powers of the state and the attacks on democratic rights—in the name, in part, of the fight against right-wing extremism—are aimed at repressing the development of independent socialist political movements outside of and in opposition to the established political framework.



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