

## **The Transatlantic Link**

**Statement at the panel discussion during the CDA Conference 2006**

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I was asked to talk about the transatlantic link from a European point of view. For the sake of clarity I should say right at the outset that for me, NATO is the embodiment of the transatlantic link. I will therefore use NATO and the transatlantic link more or less as synonyms in my talk. I should also say that I belong to those Germans who are deeply grateful to NATO and its members since, to a large degree, we owe the rather happy end of the Cold War division of Germany to our allies. I did not forget this and that is the sentiment of a clear majority of my compatriots.

But to talk in these days about the transatlantic link from a European point of view is a rather demanding task since Europe is far away from having a unified view on important political issues, let alone one as crucial as the transatlantic link. However, as most Europeans will agree to my definition of NATO as the embodiment of the transatlantic link, one has a common point of departure in saying that NATO was badly damaged during the Iraq Crisis and that this damage has not yet been repaired. I will therefore start with NATO. I will then discuss how a European sees Europe at this point in time before I will discuss the reasons for discord between the transatlantic allies. I will close by offering a few ideas about what could and indeed must be done in order to repair the indispensable transatlantic link. I will neither crack a series of jolly good jokes nor will I use power point. I feel the Europeans should improve their power projection capabilities instead of concentrating on power point projection.

## **NATO in February 2006**

NATO, the still indispensable and indeed most successful alliance in mankind's history, went through a near death experience in 2002-2003 during the Iraq Crisis. Today, as it was stated this morning, NATO performs well in peace support operations in humanitarian assistance - as recently as in Pakistan - and in assisting countries in the democratisation of their armed forces. At first glance, the damage seems to be repaired. But everybody knows that a very thin cover is concealing deep wounds. The transatlantic discord is still around and NATO's cohesion is shaky. This recent crisis over Iraq - some believe it is crisis number 53 - began at the hour of NATO's triumph at the 15th NATO Summit held in Washington in April 1999, exactly where the Washington Treaty had been signed 50 years ago. This summit marked the end of the Cold War division of Europe when the Czech Republic, Poland and Hungary became members. It gave birth to a new Strategic Concept and it bore witness to the unbending resolve of the Alliance in bringing its unprecedented air campaign in Kosovo to a successful end.

This campaign, although a success at the end of the day, ushered in the crisis which still lingers unresolved. First, it revealed the still growing capability gap between the US and the other Allies. Second, it amply demonstrated that it is not as easy as in a national chain of command to run a military operation, since one has to achieve political consensus on the conduct of operations. Unjustifiably, the campaign was called by people who were not involved in running the operation a "War fought by a Committee". This verdict first had an impact on the initial operations in Afghanistan, when the US declined NATO's offer of support (although the Alliance had for the first time in its history invoked Article V after 9/11) and later ruled out looking at NATO as an option for Iraq. Beginning with Kosovo, NATO was seen by

some in the U.S. as a toolbox from which the U.S. might choose and the flawed philosophy of “the mission defines the coalition” moved to the foreground.

The June 2004 Istanbul Summit, a rather hollow event which launched the Istanbul Cooperation Initiative (ICI), followed the “near death “ experience of the crisis over Iraq without bridging the transatlantic discord. On the positive side, it has proven that NATO is very much alive as far as operations are concerned but, on the negative side, it revealed that the Prague momentum in transformation was not sustained. Transformation became the most often used word in NATO but little action followed. The doubts regarding whether NATO could be used in today’s conflicts thus remained unresolved.

NATO is still way off from having the forces it needs today: forces that reach further, strike faster and can take on the full range of NATO's missions. Moreover, NATO still has to go the extra mile to adapt its political machinery. In early 2006, NATO is therefore an alliance which performs well in its ongoing peace support operations. NATO slowly began to transform a small percentage of its military forces and has pretended to transform its political structures without having achieved much so far. Looking at its military capabilities, it remains, primarily focused on and prepared to respond to the rather unlikely short to mid-term return of a threat which would call for a collective response in accordance with Article 5 of the Washington Treaty. Obviously, such an alliance might still be seen as useful for quite some time but its use is rather unlikely in the near term since it will not be viewed as being indispensable.

NATO seems to be paralysed and unable to reform politically. Nobody can accept such a situation since both the U.S. and its European and Canadian allies may need it in the future more badly than ever before. But NATO needs a new vision

and it needs clarity about its future role, which clearly must go beyond Article 5 obligations and peace support operations. NATO ought to be seen once again as a deterrent, however in a totally different world. The rather unlikely event of collective defence must be seen as the exception. Expeditionary intervention operations - and with it follow-on peace support operations - should be seen as the rule. It is therefore unavoidable to identify new roles of NATO and its military forces. To this end a new Strategic Concept is badly needed since the current Strategic Concept simply does no longer adequately reflect the changes which have occurred since 1999. As the drafting of a strategic concept is a rather painstaking exercise, one has to ask whether today's NATO is in a position to embark on such an exercise. My answer is a flat no, since NATO and its nations have so far not succeeded in overcoming the discord over the Iraq crisis and closing ranks in a situation of alarming instability. Moreover, at least one or two nations harbour serious doubts regarding whether NATO should be given missions which clearly go beyond collective defence and the NATO Treaty Area.

### **Europe a partner in disarray**

Having discussed NATO from a European perspective I would be remiss if I did not share my views as a European who is 1) a truly committed Atlanticist and 2) believes in the necessity of building a strong Europe which is capable of protecting its interests, and is firmly tied to the US as its truly indispensable ally.

Europe is deeply divided over its role in the future. Some believe it should be a global player and should strive to be on equal footing with the U.S. even though Europe does not do too much to acquire matching capabilities. Others are much more modest and see the Europe of the EU as a regional player. Some believe Europe should, in the very long term, become something like the United States of

Europe. Most Europeans favour the idea of a Europe of the fatherlands, i.e. a somewhat loose federation of national states. Europe does not have a clear and common vision of where its frontiers are. Some wish to solve the many unresolved issues in the Balkans and in the Caucasian powder keg through further enlargement; some wish to include Ukraine and Turkey; others want to pause and consolidate first. For the latter group a second attempt on the constitution (which the French and Dutch have rejected) is a must whereas others are prepared to let the constitution die. Most important, however, (but not too often noticed by most Europeans) Europe is a continent which will face tremendous demographic, social and economic problems. It is, in my view, not prepared for the challenges the young and success-hungry nations of Asia will bring to an aging Europe, the majority there still believing that the European model of social welfare will have a chance to survive. I therefore believe that for quite some time, Europe will look inward, that it may face tremendous social conflicts and that it will be far away from being a global player. Europe depended on the US during the Cold War and it will depend even more on the US in the years ahead of us. Europe will thus demand much without having too much to offer in terms of compensation for American support.

Here we are in February 2006. There remain deep differences over quite a few basic issues between the Europeans and the Americans. On the other hand, clarity is badly needed in a situation of growing instability and there is no better way to achieve it but to analyse the reasons for discord between the transatlantic partners.

### **The reasons for discord**

I will discuss some of them. First, the approach towards managing today's crises and conflicts.

Europe, Canada and the U.S. achieved a historic and common success in ending the Cold War on their terms. But the U.S. and Europe arrived at different conclusions regarding how the end of the Cold War was brought about.

The Europeans, tired of their 20<sup>th</sup> century wars (which are still fresh in the memories of many) and wary of confrontation, saw the success as a result of a combination of strength and the determination to resist, the attractiveness of modern democratic societies and their patient diplomacy by which they had penetrated and indeed opened the Iron Curtain.

Some of them concluded that exactly this reactive approach may help to stabilise Europe and its periphery and may suffice to cope with the unrest which could (as so often occurs in history) accompany the demise of an empire as great as the Soviet Union. Europe indeed pursued this course of action throughout the dramas over Yugoslavia, although it brought the Europeans quite often to the brink of appeasement. The majority of them still pursue this course in today's world since most Europeans concentrate primarily on domestic affairs, the consolidation in Europe of the EU, and some rather timid social and economic reform. Europe looks inward and hopes desperately that the storms of globalisation will not do too much damage to the processes of domestic changes.

The American conclusion at the end of the Cold War was very different. They saw the success in winning the Cold War as a triumph of strength and resolve. They concluded that a robust and pro-active approach is the proper answer to the instabilities of our world. The U.S. emerged from the Cold War as the world's sole superpower. It did no longer need to pay heed to the risks that flexing muscles may produce if there is a real opponent. Therefore, robust approaches in crises became the preferred option. In addition, the U.S. began to dream of becoming invulnerable

and of being capable of establishing a new world order based on human rights, the rule of law, and democracy, brought about, if necessary, by using the multi-faceted and dominating power of the U.S..

This American dream came to a brutal end on a sunny morning on 9/11 in 2001. The unthinkable had occurred: the U.S. had come under attack by an enemy who did not have any military power but was determined to inflict maximum damage through its exploitation of the hatred of religious zealots and using asymmetric warfare to hit non-military targets.

The world and indeed Europe rallied behind the U.S. on that day, as did NATO. But the U.S. - determined to react - wanted to do it alone and on its terms. The U.S. saw no reason at all to change its approach of using power, which is primarily military in nature. The Americans saw and see themselves at war, and they see little need to find mutually acceptable compromises and to make their allies go along with American solutions. Thus, the arrogance of power met with the arrogance of the impotent who in addition felt that they were on the moral high ground.

Another truly basic difference between the views of the Americans and some (if not most) Europeans is how to balance hard and soft politics in crisis management in conjunction with the issue of the legalisation of the use of force. Without a doubt, the U.S. is more inclined to use force and to do it earlier than the Europeans. It is also beyond doubt that the majority of Europeans and Canadians wish to preserve some of the restrictions which international law, in particular the UN Charter, imposes on the use of force. Although most of them (if not all) understand that there might be situations in which legalisation under Article 51 or by a UN Security Council resolution cannot be obtained, there is a situation which legitimates the use of force, such as during the Kosovo Crisis. So far there are no answers to these truly

fundamental questions. I therefore believe that these questions will come back to haunt the allies again should there be another crisis.

### **Democratisation as the road to stability**

The unresolved problems will surface the more the Americans insist on their approach to solve most problems through the use of their military and their idea to stabilise a region through enforced democratisation. True, the Europeans failed to produce anything better (or at least an alternative idea) but they have a point when they hint at the reality that most regions of this world are far away from being mature for a Western style democracy. Neither Russia, nor the Middle East, nor Afghanistan will in our lifetimes be democracies in which the rule of law and human rights prevail. They all will wish to develop governance which reflects their culture, their history and their beliefs and they all will need time to do so, as all our nations needed time to become democracies. Moreover, it is an illusion to believe that our nations will have the resolve, the stamina, and the resources to provide forces in the regions in which they are engaged right now *for quite some time to come*, let alone additional ones.

On the other hand, it is an illusion as well to believe that one could solve the many problems the future will bring through military intervention alone. One can neither defeat terrorism by military means alone nor can one stop proliferation through bombs. One can at best delay such undesired developments, but intervention without the intention to see the issue through and to stay may often make things worse.

We have to admit that we do not have appropriate answers to the problems of today's world. But far too often our nations use yesterday's instruments to solve tomorrow's problems. One conclusion, however, remains as true as it was some fifty years ago: the nations on both sides of the Atlantic must stick together, must find

common solutions and must have the political will to execute them. There is simply no alternative to that. Therefore, they need to discuss the problems they face and must stop concealing them through hollow formulas and summits without *having agreed on* the objectives to be achieved.

### **Decision Making**

Turning to the political transformation of NATO, I will begin with the decision-making process. I see the need for a new approach. No doubt, the clear majority of U.S. Allies wish to preserve a decision-making process in which the views of all allies are taken into account and decisions are made unanimously. This is the so-called consensus principle. The present U.S. Government, however, prefers “the mission defines the coalition approach,” which means that decisions are made in Washington and then the allies are invited to help carry out the American concept. There is little to no hope that this approach will ever be accepted by non-U.S. NATO allies since even the staunchest of US Allies in Iraq recognise that there is no longer any chance to wage future wars if (whether for right or wrong reasons) if the nation’s majority is opposed to the use of force. Nevertheless, I believe that there is a chance to reconcile these truly opposing views without giving up the consensus principle entirely. One should reserve the consensus decision to the North Atlantic Council (NAC) level (which is the only truly political level) and adopt a majority rule principle below the NAC. Simultaneously, the number of committees ought to be reduced dramatically. As far as operations are concerned, only those nations who really contribute should be given the right of influencing the conduct of operations.

## **Pre-emption/ Prevention**

Closely linked to the question hidden behind the consensus rule (namely, whether the use of force is the proper answer to the risks and dangers of our time) is the debate about pre-emption and prevention.

The new threats raise many questions in Europe as well as in North America. Prominent among them is the question of whether the existing definition of self-defence (which in principle requires waiting until an attack has occurred or is imminent) is good enough in a world in which WMD are spreading and cyber attack may become an option. There is no doubt that pre-emption is permissible under international law if an attack is imminent but the unresolved question is whether the preventive use of force could become a strategic option. I believe it should, since it is far better to fight the spark before it becomes a fire, but I readily admit that there is an urgent need to discuss and to find the proper legal basis for preventive action. I do not want to dwell at length on this issue but it seems to me that any answer will require first arriving at a proper and modern interpretation of national sovereignty. If sovereignty were no longer seen as the right to act within one's area of responsibility as one pleases but as a responsibility to protect a state's citizens, then intervention might possibly be regarded by a majority of states as being legitimate should a government not live up to this responsibility. A government which failed to honour its obligations would then no longer be protected by Article II of the UN Charter. I do not therefore rule out the possibility that a new understanding of legitimacy and legality of the use of force might evolve over time, either as a new convention or through actions taken by state parties as is customary in international law.

The Canadian Government sponsored-report by the International Commission on Intervention and State Sovereignty still seems to offer the best answers at this time.

### **Legality/Legitimacy/ Need of an UNSCR**

This brings me to the next question on which Americans and Europeans have differing views: the legality/legitimacy *issue / the* need of a UN Security Council resolution. As I said earlier, the majority of Europeans want to preserve some of the restrictions provided by international law. The US, on the other hand, seems to prefer a rather wide interpretation of self defence and tends to use 9/11 as the beginning of a global war in which all steps the US sees as appropriate are legalised. In the interest of a strong transatlantic link, such issues cannot remain hidden underneath the carpet. They need to be discussed and at the end of the day the transatlantic allies must arrive at a common and new understanding of “*ius ad bellum*” and “*ius in bello*”.

### **Influence is commensurate to contributions**

The next issue which continues to reduce European influence on the U.S. is the capabilities gap. Rightly so, since there is no international organisation which does not follow the principle that influence is commensurate to military contributions. Insisting on equality and shared responsibilities in decision making has a price tag: political will and the ability to contribute. Obviously, the price can be paid in ways other than military capabilities but nations without a really substantial ability to contribute and the political will to share risks should be rather reluctant to claim equality.

As long as these and other questions remain unanswered, the transatlantic cohesion is not as healthy as it needs to be in the present situation of international instability.

My conclusion on the state of the transatlantic link at this time is therefore:

1. Transatlantic consultation is no longer the option of choice in crises.
2. There is no real agreement on how to cope with future crises since there are gaps between the U.S. and its allies in the
  - resolve to use all necessary means (including military means),
  - the capability to act across the full spectrum of political options,
  - military capabilities, which seem to develop into a gap of conceptual thinking,
  - the absence of political will in most European countries and in Canada to take appropriate steps to modernise their armed forces, to enhance their deployability, and to enable them to conduct expeditionary warfare.
3. There are quite a few differences of views on the future role of NATO, ranging from a global alliance on the one side (ready to act in expeditionary operations where needed) to being more or less reduced to collective defence plus some peace support operations.

### **What is needed?**

So, what is needed? Neither another round of enlargement nor a premature debate of global partnerships are the proper answers to NATO's lingering problems. In my view, the repair work should start with, first, a common appreciation of the situation and common, mutually acceptable conclusions. The transatlantic nations must understand that they are at a very critical juncture. They must know and agree that they have no choice but to cooperate, which, at the end of day, means shared decision making. There is neither time for the childish desire of the Lilliputians to be

seen as equal to Gulliver nor is there time for Gulliver to believe that the most urgent desire of the Lilliputians is to stop thinking and listen to Gulliver's tune.

The experts in NATO and in NATO nations do not suffer from a lack of threat awareness. There is a relatively strong consensus on the scope and the nature of the threats NATO is confronted with and there is not much difference in the threat assessments of NATO, the EU, the U.S., and U.S. allies. The differences lie in the political preparedness to make the public aware of the threats (which are global in their nature and trans-national in scope) and in offering views on how to cope with them, including those concerning the use of military force.

The sobering reality of the uncertainties which surround the transatlantic partners is not the reality in which our nations live in, notably not in Europe. Most Europeans believe that they live in a peaceful world and I believe quite a few Canadians also share this belief. In reality, however, all of our nations live in a world full of discrepancies, of risks and dangers. Each of these discrepancies can produce instability, crises and conflicts.

The repair needed for a truly indispensable transatlantic link therefore has to begin with a common appreciation of the situation, mutually acceptable approaches to solutions, and the resolve to act together where common interests are at stake. Sooner rather than later, the transatlantic partners will have to accept that they will need more than a Comprehensive Political Guideline (CPG). Nobody wishes to kick off the debate on a new Strategic Concept at this time. On the other hand, to do nothing is the safest road towards the next crisis in transatlantic relations.

Secondly, NATO must take a common but holistic approach to crisis management, which often means that non-military means need to be used and transatlantic partners will have to respond to indirect threats. On the other hand, it

might well be that the old mantra - the use of force being the last resort of politics - will be challenged. We live in a world in which the option of using force as the first resort must not be ruled out. The transatlantic partners therefore need to think prevention through. Preventive military action could well become a legal instrument in NATO's toolbox. This toolbox, however, must contain both military and non-military instruments and the allies must agree that there is no automatic priority for one or the other.

Should the transatlantic partners arrive at such conclusions, then nations will have a guideline and a benchmark for future capabilities and force planning. You may have noted the difference when I mentioned this third step: the transatlantic partners need to take a holistic approach in commonly developing their capabilities, and this goes well beyond military capabilities. A much deeper cooperation between the EU and the U.S. is needed. In NATO, a much better cooperation and coordination of planning - including force planning - is badly needed. In particular, this is true for most of the Europeans who spend approximately 60 % of what the U.S. spends on defence. But they spend by far too much for personnel and they produce by far too little in terms of availability and deployability of their forces, some believe as little as twenty percent of the American expeditionary capability.

The key to success is another factor which I name last, since it is in my view the truly decisive factor: the transatlantic partners must make it abundantly clear that it is their political will to stand together shoulder to shoulder, to face common dangers, to take the appropriate actions, and to show the uncompromising resolve to stick to our values and convictions. Thus they will signal to all adversaries that the transatlantic community of democratic nations stands united and proclaims in no

uncertain tone: we shall never surrender to any threat and we remain determined to prevail.