TRANSATLANTIC RELATIONS
TOWARDS A NEW STRATEGIC PARTNERSHIP?

Fifth transatlantic editors' roundtable of the program Improving responsiveness
Center for Applied Policy Research (CAP)
Istituto affari internazionali (IAI)
Rome, 28-29/IV/2005

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2. Kofi Annan's reform package and the prospects of implementation / Anja Papenfuss (3,6 p.) <http://www.cap.lmu.de/transatlantic/download/RT_5_Papenfuss.pdf>
3. The role of the United Nations in the 21st century / the view from International Affairs (4 p.) <http://www.cap.lmu.de/transatlantic/download/RT_5_International-Affairs.pdf>
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6. The EU Constitutional Treaty: how to deal with the ratification bottleneck / Gian Luigi Tosato and Ettore Greco (18 p.) <http://www.iai.it:8500/pdf/articles/tosato%20and%20greco.pdf>
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"Transatlantic Relations – Towards a new strategic partnership?"

Fifth Transatlantic Editors' Roundtable of the program

April 28/29, 2005

Venue:
Istituto Affari Internazionali
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Center for Applied Policy Research, Munich
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"Transatlantic Relations – Towards a new strategic partnership?"

Transatlantic Editors' Roundtable in Rome
Spring 2005

– AGENDA –

Thursday, April 28th

4:30 p.m.	**Welcome and Introduction** Werner Weidenfeld (Director, Center for Applied Policy Research, Munich) / Gianni Bonvicini (Director, Istituto Affari Internazionali, Rome)
4:45 p.m	**Panel I** **Challenges to and opportunities for peace and security in the 21st century** • Rising nuclear powers – between engagement and containment • A holistic approach to fighting terrorism Stefano Silvestri (President, Istituto Affari Internazionali, Rome) Edwina Campbell (Air University, Maxwell Airforce Base, Maxwell) Chair: Gianni Bonvicini
7:00 p.m.	**Reception in the foyer of Palazzo Rondinini**
7:30 p.m.	**Dinner at Palazzo Rondinini** **Dinner Speech: The Italian Foreign Policy Debate and the Role of the Mass Media** Dennis Redmont (Bureau Chief, Associated Press, Rome) Ferdinando Nelli Feroci (Director-General, European Integration Department, Italian Foreign Ministry)

Friday, April 29th

9:00 a.m. **Panel II**

Marginalization of transatlantic relations? Of tigers and dragons...

- The rising political and economic power of China and India
- Between rivalry and partnership: Lifting the EU arms embargo
- Accelerating costs of strategic resources

James Hoge (Editor, Foreign Affairs, Washington DC)
Marta Dassù (Director-General - International Program, Aspen Institute Italia, Rome)

Chair: Josef Janning

11:00 a.m. **Coffee break**

11:30 a.m. **Panel III**

The role of the United Nations in the 21st century

- The reform of the United Nations
- Possible structures of trans-national governance in the 21st century
- Modern crisis management: What role does or can the UN play?
- European and American perspectives on the future of the UN

Jeffrey Laurenti (Senior Fellow, The Century Foundation, New York)
Guido Lenzi (Political Directorate, Italian Foreign Ministry, Rome)

Chair: Ettore Greco (Deputy Director, Istituto Affari Internazionali, Rome)

1:30 p.m. **LUNCH**

3:00 p.m. **Panel IV**

Defining transatlantic relations in a new world order

- The spread of freedom as a principle of world order?
- Balancing or band-waggoning for Europe?
- Foreign policy agenda of the U.S. versus the EU

Stephen Szabo (SAIS, Johns Hopkins University, Washington DC)
Giovanni Brauzzi (Head of the NATO office, Italian Foreign Ministry, Rome)
Josef Janning (Deputy Director, Center for Applied Policy Research, Munich)

Chair: Werner Weidenfeld

5:00 p.m. **Conclusion**

Werner Weidenfeld / Ettore Greco

END OF CONFERENCE

Fifth Transatlantic Editors' Roundtable

Organized by:

The Center for Applied Policy Research* and *The International Spectator

Rome/Italy, 28 and 29 April 2005

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EJIR

Beyond the West: Terrors in Transatlantia

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One of the least expected but most significant events of recent years is that which led to a profound crisis in the transatlantic relationship. The argument advanced here is that the split between a number of European states and the United States of America not only casts doubt on the idea of the 'West' but also brings into question various liberal theories of international politics that suggest that the two regions are so bound together by ideology, interest and institutions that a serious disagreement between them was, and presumably remains, unlikely. This it is suggested both fails to explain the original rift and underestimates the very profound differences that continue to divide the US and Europe. A more complex and abrasive kind of relationship is in the making. Unfortunately, those who have thus far tended to shape the debate about the transatlantic relationship in general, and indeed the extent of US hegemony in particular, either seem historically unable or theoretically unwilling to grasp the extent of change now occurring in one of the most important regions in the international system.

KEY WORDS ♦ George W. Bush ♦ Iraq war ♦ security community ♦ transatlantic crisis ♦ war on terror ♦ West

Introduction

According to the standard, and still much-repeated, account of the history of International Relations, the subject has not just evolved in some peaceful fashion, but rather has emerged as a result of a series of great divisive debates. The first of these — coinciding with the period between 1919 and 1945 — brought us the clash between idealism and realism, with the latter, it is often asserted, finally trouncing the utopian pretensions of the former as one very hot war gave way to a distinctly more cold one after World War II.

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The second debate — as much a reflection of the instutionalization of IR as a discipline in the United States as any great world event — pitted the scientifically or numerically inclined (invariably American) against those (more often than not European and British) who continued to favour what they at least referred to as the classical approach. And the third brought two groups into a head-to-head encounter, one of whom continued to insist that the end of the Cold War did not change the basic rules of the international game, and another, more variegated group, who seemed to agree about little, except perhaps that the collapse of the old order not only rendered traditional paradigms redundant, but created the kind of intellectual space that had previously not existed in an age of nuclear annihilation. Certainly the peaceful and unexpected end of the East–West confrontation seemed to be an especially liberating moment for those seeking to develop new ways of thinking; though, as a thousand flowers began to bloom, and old maxims started to wilt under the weight of attack from a variety of young and not-so-young Turks, one could almost feel sorry for those still attached to what some obviously regarded as outmoded ways of thinking. As one of those in the line of fire later bemoaned, it was no easy job being a member of the old guard in the post-Cold War era (Schweller, 2000: 410). Nobody, it seemed, loved those who persisted in telling gloomy tales about the brave new world rising phoenix-like out of the ashes of bipolarity (Gilpin, 1996: 3).

If one of the more obvious academic results of the collapse of the old order was to make the house of IR a much more interesting, though far more shambolic place to live in, another was to witness the proliferation of a raft of different theories that consciously set out to demonstrate that the world no longer operated, if indeed it ever had, according to the time-honoured laws laid down by the realist gods of yore (Sorensen, 1999: 83–100). This had many consequences, some benign, some less so, but one of the more obvious was to shift the locus of debate away from where realists had tried to situate it before — reflecting on the ways in which power maximizing states operated under conditions of anarchy — to searching for the sources of interaction and co-operation. Few of course predicted that swords would now be turned into ploughshares. However, there was, as Baylis has observed, a greater inclination now to think of security in more benign terms (Baylis, 2001: 253). One result was an increased popularity in those various theories, from constructivism to the English School, that emphasized society rather than systemic conflict. A second was to bring about renewed interest in the advanced European space in general and the transatlantic relationship in particular, both excellent working examples, or so it was argued, of why realism with its stress on competition and antagonism simply did not apply when it came to analysing relations between developed democratic states in an interdependent world. In many

ways the transatlantic relationship furnished an almost textbook case study of why security was not a zero sum game leading to that famous, and much talked about, 'dilemma'. Indeed, following Baylis, there was no security relationship quite so benign as that between the European and American continents. Tied together by economics, united through values, and intimately associated through a complex web of institutions, they were bound to continue along the same harmonious path they had been walking along for years. It was, to use the jargon, the almost perfect illustration of a security community in practice (Adler and Barnett, 1998). Engaging in prediction is a risky and dangerous business. Nonetheless, if there was one prediction that most scholars within this particular tradition would have been prepared to make as one century gave way to another, it was that the transatlantic family would remain united. Spats might occur; harsh words might be uttered. But at the end of the day, ideology, interests and institutions meant that nothing was likely to disturb this most predictable of relationships (Peterson and Pollack, 2003).

If events following 2001 prove anything it is that we should all beware the hydra-headed danger called intellectual complacency, a problem that has for long beset IR, even though some of its more famous practitioners still feel the urge to defend it against the charge of always managing to get the future wrong (Cox, 1998). Naturally, nobody could have forecast in detail the transformative changes in US foreign policy that occurred once George W. Bush had taken over in the White House in 2001 (Daalder and Lindsay, 2003); and none of course could have anticipated the exact date on which the attack on the Pentagon and the Twin Towers would take place. The problem is that IR was not even thinking about such things. Nor was it even faintly prepared for the impact all this then had on the transatlantic relationship itself. Indeed, not only did IR fail to see the storm about to break across the ocean — in much the same way as it failed to anticipate the end of the Cold War (Petrova, 2003) — but was intellectually ill-equipped to do so for one very simple reason — it had already determined that Europe and the United States were more likely to bind than clash (Risse, 2002a). How wrong this particular prognosis turned out to be. Thus, within a few months of Bush's election the relationship was already in political trouble; within a year it was in crisis; and by the end of 2002 many were beginning to ask whether it could even survive (Pond, 2004). Something else happened too. Discussion about this most stable of international bargains suddenly and rapidly became most interesting. Indeed, very soon there was no debate more likely to provoke controversy than that concerning the transatlantic relationship. Almost overnight in fact discussion about it shifted from the academic and policy periphery where it had been happily treading water for some years, to the top of many people's agenda (Cox, 2003). After

the long calm came the storm, and the inevitable question — what had gone wrong? There was no shortage of answers (House of Lords, 2002–03). However, to judge from the number of hastily convened conferences, the alarming headlines and the worried look on the brows of many a policy-maker — not to mention the huge controversy occasioned by Robert Kagan's well-publicized effort to explain why Europe as Venus and the United States as Mars were heading for separation — it was evident that few could come up with a single credible answer. The relationship was in dire straits and few could explain why, or so it seemed (Cohen-Tanuga, 2003).

Yet the proverbial penny still did not drop for those raised in less troubled times. Indeed, as the transatlantic relationship went into near free fall through 2002 and 2003, some seemed to see their job not in terms of explaining, but of explaining away what was actually taking place in the real world. A very great deal of intellectual oil was indeed poured on troubled waters by those either unwilling to recognize how serious things had become, or who assumed that this was just another of those irritating transatlantic spats, which like those other little spats in the past would, in time, simply fade away. To anyone unschooled in the fine art of polemic, it very much looked as if even some of the better analysts were more interested in reassuring their readers (and possibly themselves) than in helping them understand the sources of the single greatest crisis in Atlantic relations since the end of the Second World War (Legro, 2002). Transatlantic officials became espcially adept at reassuring the worried and the concerned. As one such noted during Bush's first term, though the relationship had gone through a most difficult patch, the 'fundamentals' in the end remained sound, certainly much better and 'more solid than. detractors on both sides of the Atlantic' appeared to be suggesting (Cutileiro, 2004). It was not all 'doom and gloom' therefore (Jones, 2004a: 588). As a high level report released by the Council of Foreign Relations ponted out, the Transatlantic relationship might have been going through a stormy period, but this was no reason to despair (Kissinger and Summers, eds; 2004). Indeed, if anyone should be worried it was the Europeans themselves. After all, the crisis was not just something that involved certain European states and the US. It divided Europeans too. Europe therefore should look to set its own house in order first, before blaming everything on the Americans. Of course this did not mean there was nothing to worry about. Indeed, a great deal would have to be done in order to repair the damage. But at the end of the day, the overall structure remained sound. The battered ship of transatlanticism might have been badly holed. But it would not sink, and would not do so because Europe and the United States constituted now, as they had done in the past, a society of states that happened to share the same common purpose of fighting terrorism, maintaining an open world economy and

spreading the benefits of democracy and good governance to others (Risse, 2004). For these many reasons — and no doubt a few more — we should beware the pessimists with all their 'overblown rhetoric' (Jones, 2004b). As one of the more intelligent voices in the debate remarked, the relationship was clearly going through difficult times. It might even be in crisis. But this did not mean the 'transatlantic community' as we had 'known it over the past fifty years' was about to go under (Risse, 2002b). The 'inevitable alliance', as another writer defined it, would endure (Parsi, 2003).

It is this kind of thinking, often bordering on the complacent, that I wish to challenge here — partly because it privileges certain kinds of more comfortable facts over others; partly because it underestimates the seriousness of the challenge that still confront the transatlantic relationship — something people have been much prone to following recent American efforts to patch things up—and partly because it repeats the age-old error of which IR has been guilty on more than one occasion in the past—of failing to come to terms with signs of serious change in the international system (Allin, 2004: 663). It is this to which I take strongest exception. I want to argue, in fact, that far from the past being a very good guide to the future, it has, in its own way, become something of an intellectual millstone round our necks. Indeed, those who tell us 'to remember our history' (Steinberg, 2004: 4) are not only doing history a disservice (historians after all do not just deal in continuities) but are seriously underestimating the problems facing the transatlantic relationship in the modern era. Nor, I would argue, are these problems simply the by-product of one controversial President or one unfortunate war, as many seem to suggest (Schweiss, 2003; Gordon and Shapiro, 2004). This, I believe, is simply the comfort story the optimists like to tell themselves when confronted with unpalatable news. Taken together Bush and Iraq have obviously had a profound impact on the transatlantic relationship. However, they are only two acts in a much larger (and longer) play that needs to be examined in full if we are to appreciate the depth of the problems confronting the 'West' in the early part of the 21st century (Allison, 2004: 21).

This brings me then to one of the more famous explanations of the current crisis — that put forward by the American neo-conservative, Robert Kagan (Kagan, 2002, 2003). His controversial thesis is by now so well known as to not require too much elucidation here. At its most basic, it advances a stunningly simple argument — namely, that the growing gulf between the two sides is the political expression of a more basic asymmetry. This is why the US and a number of European states — though obviously not all — quite literally came to blows over Iraq, and why there is little likelihood of there being much agreement in the future. As he has famously argued, it is not this policy or that particular administration that explains the

rift. Rather, it is the fact that the United States has most of the hard power and Europe has so very little. This is a view I wish to contest here, not because his assessment of the military balance is wrong, but rather because his analysis only partially explains the current crisis. Kagan might have arrived at the correct conclusion. However, he has done so, in my view, by having missed the main point. He insists that the rift was, and presumably remains, a function of European weakness — I want to suggest a less obvious answer. That it could just as easily be interpreted as a manifestation of the opposite — to wit, an American inability to do what all successful hegemons have been able to do in the past, which is to get those who are supposed to fall within their sphere of influence to follow their lead. In other words, the crisis should not be viewed as an expression of European frailty but a sign of assertiveness by a more self-confident, though still deeply divided Europe, one that is no longer prepared to sing from the same political hymn-sheet as Washington.

Finally, I want to draw out the theoretical implications of the empirical analysis presented here. In particular I want to suggest that the transatlantic crisis raises several difficult questions for those who insist that we are living in a unipolar world where America remains now, and for the foreseeable future, the dominant actor in world politics. If the events of the past few years point to anything it is not, in my opinion, to an America unrivalled in a world where dependent allies obey its every wish (Ferguson, 2004). On the contrary what it points to is quite the opposite — a world in which the US is finding it increasingly difficult either to assert its rule or to generate loyalty (Kupchan, 2002a). Of course, the United States retains many important assets, and Europe overall continues to need the United States. Even the most fanatical of Gaullists would accept this rather uncomfortable fact. And there would certainly be a very high price to to be paid if Europe and the United States were to go their separate ways (Walt, 2002). All this is obvious. Nevertheless, even if we are not about to witness a clash of democracies, it must be obvious by now that old assumptions and traditional certainities can no longer be taken for granted. Nor can the trust which is the basis of all successful relationships. Indeed, one of the most important developments since 2001 is the degree to which trust has been eroded, to such an extent that many of America's more traditional friends in Europe no longer see the United States in the same positive or benign way as they once did, while an equal number of Americans no longer view the 'Europeans' (though significantly not the British) through the same rose-tinted glasses they once used to. A Rubicon of sorts has thus been crossed, and it is going to be extremely difficult to return back to the other bank. An American analyst once asked the important question — why has there been no serious effort to balance American power since the end of the Cold War, even

though the world is, as Coral Bell has put it, so out of balance? (Bell, 2003). His answer then was unambiguous and forceful — because the United States was too strong and the benefits of its hegemony so obvious for this ever to take place (Wohlforth, 2002). There is still something to this argument. However, it is not only static, it also ignores the very obvious fact that the world has gone through a very steep learning curve since the beginning of the century, one that has undermined old assumptions, challenged comfortable truths and led to new thinking on the part of all the principal actors — including those on both sides of the Atlantic

To explore these various issues, it is essential to take the long view and reconstruct in some detail the making of the 'new' transatlantic crisis, not out of any unnecessary deference to the past, but to show how deep-rooted the 'new' crisis happens to be (Ackermann, 2003). Here I go over familiar but important ground (Cox, 2004). In the first section therefore I deal with the period following the end of the Cold War and that almost forgotten era known as the post-Cold War period (Cox et al., 1999). As I shall seek to show, this was a most complex transitional moment. On the surface all seemed well as the West held together in the absence of a serious external threat to its integrity. However, as will become clear from my discussion, the appearance of solidarity only obscured the fact that serious problems were already beginning to shake old transatlantic certainties (Ash, 2004). Next, I look at the critical two years year coinciding with Bush's election and the decision to go to war with Afghanistan. Again the story is a familiar one but needs to be retold, if only to show the extent to which a set of problems carried over from an earlier era now began to have far more serious consequences in another. Finally, I come to the Iraq war when an already fractured alliance was nearly undermined in what must now rank as the most extended crisis in the history of the transatlantic relationship.

Of course, as the soothsayers have been quick to point out, there has, since the end of the Iraq war, been a serious and at times concerted effort to reconstruct the relationship, so that it can, in Tony Blair's words, meet the challenges of a 'changing world' (Blair, 2004). Even the second Bush administration has made an effort to be nice to the Europeans as both his own tour and that of Condoleeza Rice revealed only too graphically. But Atlanticists should not get overly excited. No doubt a relationship of sorts will continue (Kupchan, 2002b). Reforms might even help it to do so. But one thing remains obvious—the relationship is no longer the close and intimate one its used to be either during the Cold War or the immediate post-Cold War period (Heisbourg, 2004). A few years ago, it was normal to refer to something called the West; liberal theorists could also talk (and did) of a 'security community' (Deutsch et al., 1957). Today, it is doubtful whether we can talk of either with the same degree of confidence. Of course,

we are not heading towards war. Nor are we likely to witness the formation of new blocs. However, what existed once exists no more (Coker, 2003, 2004). Moreover, there is no guarantee that things will get much better in the future. Indeed, as we shall see in the last section of this article, new foreign policy challenges on the one hand, and changes going on within the United States and Europe on the other, are likely to make the transatlantic relationship far more difficult to manage. Where this will lead to precisely remains unclear and will depend on many factors, including, most obviously, future events, and, in addition, that most understudied of activities known as diplomacy. Nonetheless, as I will try to show, we have entered unknown territory. A divorce may not be on the cards. Nevertheless, turbulent times lie ahead. This will not only be a test for Europe and the United States — one they could easily fail — but also for the discipline of IR, which, if it wants to remain a player in this particular debate, will probably have to invent a new vocabulary and a new set of concepts to make sense of a very rapidly evolving situation.

Transatlantia Revisited — the Cold War and After

Historically, the transatlantic relationship was born of three necessities — the need to manage Soviet power during the Cold War; the imperative of creating a framework within which the European powers could work out their own differences within a set of structures underwritten by a powerful arbiter from across the ocean; and last, but by no means least, of protecting American interests on the continent. Naturally, the relationship, as it evolved, had both its crises and critics. However, neither, in the end, did a great deal of damage. Indeed, all that they seemed to prove was that the relationship was rock solid. Moreover, if this was, as one writer put it, less a relationship and more a marriage entered into willingly — even by the weaker of the two parties — then there was no reason why it should not go on for a very long time (Lundestad, 1986). It may have left Europe dependent upon American largesse and Americans strategically entrapped. However, it provided both with levels of security they had not experienced before; it did so in ways that were broadly acceptable to most Europeans and the majority of Americans; and it generated a level of prosperity and unity which made Western Europe deeply — perhaps fatally — attractive to the communist countries of Eastern Europe (Heuser, 1996).

Inevitably, the end of the Cold War changed the context within which Europeans and Americans now had to operate. It also called into question one of the most fundamental premises of the transatlantic relationship itself — namely, that it was required in order to maintain the balance of power in Europe. The corollary of this was that it would be unable to survive the

disappearance of the threat that had called it into being in the first place. This of course was one of the constant refrains of structural realists like Kenneth Waltz and John Mearsheimer. Without the discipline imposed by the blocs in Europe, the future, they believed, was bound to be a good deal less predictable than it had been before. Indeed, according to Mearsheimer the future would very much look like the past with growing nationalist tensions in Europe accompanied by deeper divisions across the Atlantic making the world as a whole a far less stable place. Others were equally pessimistic and concluded, in classic realist fashion, that if the relationship had been held together by the existence of an existential 'other', then absent a serious external challenge, the two sides were bound to drift apart (Mearsheimer, 1990; Waltz, 1993).

As it turned out, some of the more Spenglerian prognoses about the decline of the West *sans* a clear and present danger proved to be quite false. In fact some of the bleaker prognoses appeared to be so wide of the mark that it became increasingly fashionable in the 1990s to reject the realists' arguments altogether. Indeed, when Europe as a whole did not return to the past, Germany did not become a threat, and the Transatlantic relationship held, many not only celebrated the fact (reasonably), but saw in all this confirmation, once again, of the failings of a now redundant way of looking at the world in general. How in fact could one take their warnings seriously? After all, instead of entering into more competitive times, the core Atlantic powers appeared to be drawing much closer together; and far from returning to the past, they looked to be facing the future with a great deal of confidence.

This optimism was reinforced in turn by an active US diplomacy. Indeed, another significant feature of the transatlantic relationship in the 1990s was not how much, but how little, US policy towards Europe actually seemed to change. As one analyst has observed, while the end of the Cold War might have led to a major rethink in US foreign policy in nearly every other area, there was to be no substantial alteration in its attitude towards Europe (Lundestad, 2003). Nor did the US position in Europe come under serious, sustained challenge either. If anything, its hegemony was more secure at the end of the 1990s than it had been at the beginning (Ingimundarson, 2000). In fact, the other more remarkable feature of the period was the extent to which those who had previously been some of America's more severe critics during the Cold War, now became some of its most consistent supporters from afar. Moreover, if some of them complained at all, it was not because the US was using its power too frequently abroad, but was perhaps not employing it often enough. Even Clinton had more than his fair share of European admirers. His (admittedly uneven) support for humanitarian causes on the one hand, and European integration on the other, made him

an especially attractive American leader; and it was not so surprising therefore that when he finally did leave office, there was a feeling that he had not just been 'a good friend' of Europe's, but a key figure who had managed to maintain good relations between an America that was perhaps no longer so much in touch with Europe, and a Europe that was beginning to lose its ideological affinity with the United States (Johnson, 2004: 255–6).

Herein lay the problem. For even in the era of good feeling, serious differences were beginning to undercut transatlantic trust (Hulsman, 2003). First, there was the big clash over what to do about Bosnia. Having initially left the former Yugoslavia to the Europeans — we have 'no dog' in this particular fight chimed Secretary of State Baker — the Americans gradually felt compelled to get involved, and as they did so, were to become increasingly impatient with European dithering, so much so that by the time of the Dayton accord, their collective view about their friends across the pond veered between the less than flattering (at best) and the almost unprintable (at worst). Either way, it left many in the Washington foreign policy elite with the very firm impression that when push came to shove, on key security questions, the Europeans simply could not be taken seriously (Holbrooke, 1998).

The two sides also differed increasingly about regional priorities and how to deal with major regional problems. For the Europeans the priority in the main remained more than ever the European project — for the Americans the stage that interested them most was the world as a whole. Moreover, when the Europeans did get engaged in wider issues, the tools they tended to employ were more diplomatic and economic — a reflection no doubt of their military weakness — while the Americans by and large still remained more inclined to resolve problems using their hard power advantage. Indeed, while the United States still continued to look at the world in more traditional terms of threats, allies and capabilities, the Europeans in general viewed it as a set of security dilemmas whose causes, once properly understood, could then be dealt with using much subtler means. In most areas this did not make an enormous difference. However, in one case it did — over how to deal with the Israel–Palestinian conflict. Here the gap between the two grew exponentially as the decade wore on; and though momentarily united by the Oslo accord, as it fell by the wayside, the United States and Europe began to find themselves almost in the position of supporting opposed and warring factions in a conflict without apparent end (Haass, 1999).

There was, in turn, the equally problematic rift caused by intervention in Kosovo. Here of course there was more unity than division at first. Indeed, when compared to the deep divisions that had existed earlier in the Balkans, Kosovo almost seemed to be a model of how the West ought to work when

confronted with big problems (Allin, 2002). Yet even though NATO went to war as an alliance, and won as one, the whole operation failed to ameliorate the discord that had been one of the more obvious legacies from previous interventions in Bosnia. For one thing a number of European countries, some with historic ties to Belgrade and some not, seemed more inclined to limit the war rather than prosecute it with vigour. There was also the rather significant issue of European military capabilities. The fact that Operation Allied Force was run and largely conducted by Americans certainly did little to enhance European credibility in Washington's eyes (Daalder and O'Hanlon, 2000). And the lesson drawn in Washington, not surprisingly, was not an especially positive one, either about Europeans in particular or NATO in general (Halberstam, 2003). In fact, as we knew then (and found out more later) the Pentagon in particular drew the important conclusion that having used NATO in one war, they might not be prepared to do so again, especially if it involved fighting alongside allies who not only had limited technical means but whose leaders had to adapt to a public opinion that was far from supportive of fighting an engagement that had not been sanctioned by the UN (Clark, 2002).

Finally, though the Europeans in the immediate post-Cold War era had a far more positive view of the United States than they were to have later, there was no escaping the fact that by the end of the decade there were growing worries on the continent about an American inclination to deal with problems in ways that often showed little sensitivity to allies, and even less to that entity known as the 'international community'. US air strikes against Iraq, further sorties against Afghanistan, and the attack on Sudan in 1998, may not have provoked mass street demonstrations in London, Paris or Rome. Nonetheless, they left a bad taste in some European mouths and a feeling that although the United States would try to be multilateral when it could be, it was more and more inclined to act without reference or permission from its friends across the Atlantic (Patrick and Forman, 2002).

A drift of sorts was thus well under way long before the Bush team took over (Walt, 1998/99). The two sides hardly constituted rivals, let alone enemies in the making. Indeed, in an era when the world economy was booming and transatlantic economic ties were deepening, to have even talked of such things would have sounded faintly odd to say the least. Nonetheless, the strong bonds that had once united the two in an earlier age of Cold War confrontation were clearly coming under some strain. Nor did there seem to be any self-correcting mechanism. Within the United States, moreover, a new mood among a successor generation who had not experienced the Cold War close up seemed to be in the ascendant. This did not lead those who expressed it to seek unnecessary quarrels; what it did do,

though, was to make some wonder how seriously one ought to be taking the Europeans any longer. On the right in particular, there was a growing and detectable impatience with a Europe that not only appeared incapable of acting with purpose or vigour, but then had the temerity to think rather differently about the how the world ought to be shaped (Halper and Clarke, 2004). This feeling was made all the worse of course by a powerful undercurrent of American hubris that tended to increase rather than decrease as the decade unfolded. This assumed (without proving) that while the American free-market model generated jobs, growth and wealth, the European model with its raft of bureaucratic controls and labour regulations produced nothing but stagnation. Hence there was nothing to be learned from Europe, and until Europe changed its ways, it could be largely ignored while the United States continued to surge ahead — proving, if proof were ever needed, that having shaped and dominated the international relations of one century it was about to do the same in the next (Cumings, 1999).

Terrors in Transatlantia I: September 11 and Afghanistan

The extent to which this vision shaped the outlook of the new Bush administration is a matter of some dispute. After all, in his pre-election statements, Bush talked in quite measured terms of a 'humble' America doing less rather than more in a world where every complex emergency threatened to drag the United States into unnecessary and costly commitment. However, as more recent evidence has shown, the new team was far more radical than its quietist rhetoric suggested (Mann, 2004; Suskind, 2004). Assuming that the United States was in a position of almost unrivalled power, it drew the not illogical conclusion that it could be altogether more self-interested — and less sensitive — when it came to dealing with others than its predecessor had appeared to be. Certainly, it would not be business as usual, and as if to make the point clearer than the truth, managed within a few months of assuming office to rethink its policy towards Iraq (the planing for whose change began in earnest), its relationship with China (which now moved from the category of partner to that of rival) and the much hated Kyoto protocol whose limited role in trying to control global warming was now challenged on the grounds of both science and sheer economic self-interest. Nor was this all. Within only a short space of time, the Bush administration formally rejected, or politically called into question, a whole raft of international agreements ranging from arms control and land mines, through to biological weapons and nuclear weapons testing. The International Criminal Court in particular came in for some particularly fierce attacks with the result that many commentators now began to wonder about the direction in which the United States was

heading. A very different kind of administration, it was clear, had taken over in the United States, one that was no longer committed, even in theory, to the basics of multilateralism. On the eve of 9/11, the transatlantic relationship looked to be in real trouble. Some even began to wonder whether the two continents were, at last, heading for that long-predicted divorce (Daalder, 2001).

Viewed within this larger context, the attack of September 11 seemed to represent less of a threat to the transatlantic relationship and more of an opportunity for Europeans to rebuild connections to their senior, but straying, partner across the Atlantic. This in part explains the speed with which NATO invoked Article 5 only a day after the attack (Walker, 2001/02). It would also help explain the unbelievable enthusiasm that many European countries now showed when it came to volunteering their own troops for action on the ground in Afghanistan. Indeed, as the Afghanistan campaign unfolded, the United States faced the somewhat bizarre situation in which the European members of NATO were actually offering more troops and equipment than the Pentagon wanted to use (Gordon, 2001). It was all rather overwhelming. One should not be too cynical perhaps. Europeans were genuine in their support for their wounded ally. They also had as much to lose from international terrorism as the United States. After all, a number of them (Britain and Spain in particular) had already experienced the scourge of terrorism, and were in no doubt where they stood on the issue and why. Nonetheless, a larger game was clearly being played out, one of whose many objectives was to steer the American ship of state back onto the multilateral course from which it had been deviating badly before 9/11.

The outcome of all this frantic effort, as we now know, was not to secure the relationship so much as increase European concerns about the US while raising further questions about America's attitude towards NATO as a fighting (as opposed to a political) organization. Certainly, by the beginning of 2002, relations once again appeared to have taken a turn for the worse, in spite of some valiant efforts by officials on both sides to deny that there was a problem. Naturally, NATO played down these difficulties, all the time stressing the alliance's contribution to the war. But it was very much the case of the dog that did not bark,or at least was not allowed to bark by the United States. As Paul Wolfowitz made clear at the first high-level briefing provided by Washington to NATO defence ministers in the autumn of 2001, the US was not much interested in using NATO structures; nor was it planning to rely heavily on European forces either. Such words of indifference did little to assuage the Europeans who not only felt slighted, but suspected that American insouciance reflected a deeper impatience towards Europe in general and the idea of constraining alliances in

particular. America's European allies found the new Rumsfeld doctrine of missions determining the coalition, rather than the other way round, to be particularly disturbing (*The New York Times*, 2001). For not only did this constitute a major conceptual break; it also had the potential to undermine the rationale for an established alliance like NATO. As one seasoned observer pointed out, whereas the old threat of communism had managed to bring friends together, it looked like the new war on terrorism was driving them apart. NATO looked like it was rapidly becoming one of the first, and most important, 'victims of 9/11' (Haftendorn, 2002).

Instead of the situation improving in the early days of 2002, they effectively got worse. In February, for example, the EU's Commissioner for Foreign Affairs went public and attacked the US for treating the Europeans as if they were mere 'sycophants' rather than real friends (Patten, 2002; Ignatius, 2002). Americans responded in turn by denigrating the Europeans. One analyst even went so far as to talk of a European 'hysteria', adding for good measure that what lay at the heart of European complaints was not the direction now being taken by American foreign policy but Europe's inability to come to terms with the fact that Europe was fast losing its special position as a privileged partner of the United States (*Newsweek*, 2002). Others adopted a tougher line still and launched a series of powerful attacks on their so-called friends — the British excepted — who found it all too easy to criticize the United States for taking decisive action while they proposed nothing in the way of a serious alternative (*Economist*, 2002). Even the language which the two started to use about (and against) each other seemed to denote something more than the normal spat that had punctuated the relationship in the past (Pfluger, 2002). Certain Americans could hardly disguise their contempt for a bunch of whinging Europeans who possessed little in the way of meaningful firepower. Wolfowitz was its understated best when he labelled all European attacks on the US as being 'simplistic'. Others were even tougher about those ingrates across the Atlantic. Indeed, underlying what some Americans had to say was something else — a sense of moral outrage about a continent which in their eyes the United States had 'saved' on at least three occasions in the 20th century, many of whose people now had the temerity to suggest that the biggest problem facing the world in the early 21st century was not so much international terrorism as an America grown drunk on its own power (Everts, 2002a).

Thus as the Afghan war drew to what turned out to be an inconclusive end, it was evident that not all was well within the NATO camp. Naturally, the embattled Lord Robertson did his best to hold the line, rather unconvincingly arguing that the gloom merchants had got it all wrong. As he told what must have been a rather naïve (or polite) American audience at

the beginning of 2002, NATO was just as relevant in the war against terrorism as it had been in the battle for Kosovo (Robertson, 2002a, 2002b). A few months later, the United States ambassador to NATO was repeating more or less the same thing (Dempsey, 2002). But the spin did not carry weight. Indeed, the more the officials span, the more the critics began to conclude that something really was amiss. As one noted US journalist commented after having returned from an extensive discussion on transatlantic relations in the UK, all the delegates might have sat around the same table using the same language, but the gap dividing the Europeans and the Americans about how to deal with the problem was plain for all to see (Pfaff, 2002). As another observer put it, this time after attending a meeting of the Trilateral Commission in New York, the Americans who were there were seemingly unable to appreciate the extent to which their world outlook was not shared in Europe — the Europeans meanwhile did not seem to understand the profound changes that had taken place in the United States as a result of 9/11. Certainly, as 2001 gave way to 2002 the Atlantic was beginning to look less and less like that proverbial bridge much loved by the British and more and more like that divide more favoured by the French (Hoagland, 2002).

Terrors in Transatlantia II: Iraq and After

Long before Iraq therefore the relationship was in trouble. It is just possible that if the war on terror had remained confined to dealing with well-defined threats and targets, then the already shaky edifice of transatlanticism might have recovered its equilibrium. But it was not given time to do so — and for fairly well-known reasons. First, in January 2002, Bush identified an 'axis' of three evil states, including among them Iraq, a state which according to the President did not just oppress its own people but also supported terror and either had, or was enthusiastic to acquire, its own weapons of mass destruction — weapons that might easily fall into the hands of terrorists. Then, in June, he announced a new national security doctrine which argued that in an era of terrorism not only was deterrence not enough, but that containment of certain regimes was not enough either. This was followed up in August by a keynote speech of Rumsfeld's that really marked the beginning of the political campaign at home to convince the American public of the need to take pre-emptive military action against Saddam Hussein. Finally, in September, the administration published its new National Security Strategy document — the same month in which Bush went before the UN General Assembly calling upon the nations of the world to enforce the Security Council's (various) resolutions on Iraq, ominously warning that if Iraq were ever to 'supply' weapons of mass destruction to its

'terrorist allies, then the attacks of September 11 would be but a prelude to far greater horrors' (Sifry and Cerf, 2003).

For what precise reason or set of reasons the Bush administration decided to go to war against Iraq still remains a hotly contested topic — what is not in doubt, however, is the impact which this decision and the war itself had upon an already bruised transatlantic relationship. Certainly, having widened the war on terrorism in the way in which it did, and then justifying the move in terms of a new set of imperial principles that in the eyes of most observers seemed to represent a major departure in US strategic thinking, it was inevitable that many Europeans — encouraged by what was being said by critics on the other side of the Atlantic (Scowcroft, 2002; Mearsheimer and Walt, 2003; Betts, 2003) — would feel queezy at best and downright horrified at worst by what Washington was now proposing (and would in March 2003 go on) to do — namely, make war against a regime whose capabilities were declining, whose possession of weapons of mass destruction was in some doubt, and whose connection to the kind of terrorists who had knocked down the Twin Towers was tenuous to say the least. The fact that the war was then announced without a second UN resolution, and indeed against the majority of the UN membership, only raised further doubts about the wisdom of using military action, especially as the most likely outcome (according to most European intelligence sources at the time) would be to increase global support for al-Qaeda rather than diminish it (Hitchens, 2003).

From this perspective, what requires explanation is not the fact that the majority of Europeans actually opposed the war, but that a number of governments chose not to. Some no doubt did so because they did not want to upset the US; others presumably acted thus because of their conservative solidarity with Bush. Certainly, the fact that several governments did feel compelled to sign up, bears powerful testimony to America's continuing ability to garner support from even some notably reluctant quarters. A few governments, however, were true believers. Blair in particular (though not the British foreign policy establishment as a whole) seemed to have few doubts. Indeed, Blair was to play a quite critical and complex role throughout, in the early stages by helping mobilize European support for the war, and then later by trying to mediate between the Europeans and the Americans (Kampfner, 2003; Shawcross, 2003). Yet, in spite of his best efforts, nothing could overcome the divide between the United States on the one hand and France and Germany on the other. Nor could he do much to siphon off the real and genuine bitterness between the two opposing camps, caused in the first instance by the famous or infamous UN decision not to back the war through another Security Council resolution — something for which the French have yet to be forgiven in Washington —

and then by a refusal on the part of France and Germany to lend their support to any actions undertaken by the coalition of the willing in Iraq (Lindstrom, 2003).

Of course, as the dust of war began to settle after Saddam's defeat, many hoped (and a few assumed) that the transatlantic relationship would gradually be repaired. After all, if the crisis was Iraq specific, as some seemed to think, then once the war was over there was every possibility that things might soon get back on to an even keel. Indeed, a number of Europeans took it as read that such would be the cost and difficulty in rebuilding Iraq, that the Americans would have no choice but to repair the relationship if only to help them manage their new acquisition in the Middle East. This was one of the reasons no doubt why even Kagan began to strike a less belligerent note; and after having asserted in 2002 that the gulf between the two sides was probably too deep to overcome, two years on was suggesting that America now confronted a 'crisis of legitimacy', and that the only means of overcoming this was by seeking accommodation with those alienated Europeans. In fact, he even owned up to something he had never said before — namely, that the Europeans had not just objected to the war because of their weakness (his original line of analysis) but more obviously because the US went to war without their support and approval. This was quite a shift. He also agreed that some way had to be found to draw the Europeans back into the fold, and the obvious way of doing this he concluded was not by reminding them of how benign the United States happened to be, but of actually allowing them more of a say in the way in which the hegemon shaped world affairs. Indeed, there was every reason for the US to cede some power he agreed — not because of any sentimental attachment to the transatlantic relationship but to ensure domestic support for any future US action. In fact, precisely because the American people might be unlikely to 'support both military actions and the burdens of postwar occupations in the face of constant charges of illegitimacy' by the Europeans, the United States had every reason to meet their erstwhile allies half-way (Kagan, 2004).

The new line adopted by Kagan was also paralleled by a concerted effort by sections of the Bush team to construct what looked like real connections back to alienated allies. Indeed, as the splendid little war in Iraq gave way to a less than splendid peace, there was a marked alteration in US official rhetoric. This took many forms but expressed itself most obviously in a fairly concerted effort by the administration to get 'transatlantic relations back on track'. Even Bush himself now began to celebrate the virtues of 'effective multilateralism' and started to talk with great enthusiasm of Europe being America's 'natural partner' in an increasingly disturbed world. This in turn was accompanied by what some saw as an important bureaucratic shift within the Bush administration itself, with Powell and the State Department

at last coming out from behind the very large shadow earlier cast by the powerful Rumsfeld and his team of supporters within the Pentagon. Indeed, as the news went from bad to worse in Iraq, it was noticeable how much less the increasingly unpopular Rumsfeld appeared to be saying in public and how much more Powell was coming to the fore (Ries, 2003). In fact, having been seriously sidelined by the Pentagon and its conservative allies for so long, it now appeared as if the once marginal Powell was making something of a comeback. One sign of this was an article of his published in *Foreign Affairs* in early 2004. In this he advanced a powerful case for traditional allies. What he said contained a series of reassuring arguments. The first, which must have been music to many a European ear, was that pre-emptive action taken against potentially dangerous rogue states would only be used 'under certain limited circumstances'. In other words, Europeans should not assume that Iraq was a model for the future. Nor should they believe that some strategic corner had been turned — in fact, far from being philosophically inclined towards unilateralism as some in Europe seemed to think, the Bush strategy he argued presupposed good and lasting relations with the UN and NATO. 'Partnership' he noted was 'the watchword of US strategy' in what he tellingly referred to as the 'age of cooperation'. This he concluded had been the real message contained in the much criticized (and much misunderstood) National Security Strategy document of September 2002 — and this would be the guiding principle in the days ahead. Indeed, without 'cooperative relations among the world's major powers' he concluded there was little or no chance of defeating terrorism (Powell, 2004).

This apparent turn in US foreign policy continued into the summer (and beyond), reaching an emotional height of sorts in June 2004, beginning with the commemoration of the D-Day landings on 6 June — a perfect moment to stress what united rather than divided allies — followed in quick succession by the G8 summit in Georgia and the EU–US Summit in Dublin. For the moment at least it really did look as if all had been forgotten, a perception that was underscored in 2005 following visits to Europe by both Condoleeza Rice and President Bush. Politics certainly played a big part in this. Indeed, as Bush entered the presidential fray, he found himself under attack from his Democratic opponent who made the factually correct and potentially damaging point that, far from increasing America's influence in the world, the administraion had only managed to reduce it, and had done so by unnecessarily alienating old allies. As one of Senator Kerry's senior foreign policy advisers put it, the issue concerning Iraq was not whether the United States needed to employ force, but rather that it chose to do so in such a way as to minimize international support for its action. As James Rubin observed, if Bush had only waited a few months 'it would have been Iraqi non-compliance' and not spurious claims about an Iraqi threat that

would have 'triggered the war'. This, he argued, would not only have made it easier to wage the war without mass resistance to it being mobilized in Europe — it would have meant that 'many more countries would have been willing to contribute substantial troops and substantial reconstruction assistance if such international legitimacy had been obtained' (Rubin, 2004). Clearly there was nothing Bush could do once the war had been fought to change how the war had been waged. Nonetheless a lesson was there to be learned for the longer term — namely, that allies (however ungrateful) were preferable to enemies, and loyal and willing allies were more likely to be useful assets than those constantly carping from the sidelines.

All's Well That Ends Well?

Thus as the dust began to settle, the language surrounding the relationship began to take on a quite different tone, much to the relief of officials on both sides of the Atlantic. No doubt this surprised a few people, though not others who had always assumed that reality on the one hand, and shared interests on the other, were bound to bring the two continents back closer together (Ikenberry, 2004). Indeed, if the optimists were to be believed, by the beginning of 2005 we were once again at the point where we had been so often in the past following other great transatlantic disputes. There almost seemed to be a pattern of sorts. First, the two sides would fall out, as they had done almost annually since the Suez crisis of 1956. The protesting masses would then take to the streets. The French would then reflect in their very Gaullist way about the overbearing character of American power. The Americans in turn would accuse any and every European critic of being anti-American. And then it would all fade away, indicating to the old hands at least, that necessity, if nothing else, would always bring these two members of the same family back under the same roof (Wallace, 2001). So it had always been; and so it was now (Bertram, 2002). As another analyst of the American scene pointed out, the pessimists had had the field for far too long. Now it was the turn of the Atlanticists to prove them wrong and show why the relationship remained a sound one (Hames, 2004).

It is difficult to disagree with facts, and it is especially difficult to ignore the rather obvious fact that an enormous amount of time was to be put after the end of the Iraq war (and following Bush's re-election) in trying to repair the relationship (Powell and Solana, 2004). Yet in spite of these strenuous efforts, it was evident that no amount of smiling photo calls of assembled leaders and well rehearsed hand-shakes could paper over the cracks. The scars caused by Iraq remained, on both sides. Even the Iraqi elections did not persuade key European states to promise a great deal, and what support they did promise was not likely to occur in the country itself but outside Iraq

in neighbouring states. Even then the level of real European investment remained (in American eyes) decidedly miserly. Nor by the same token were Europeans much taken with Bush's larger vision of how to bring stability to the wider region within which Iraq happned to be located. Indeed, while Rice and the President were being ushered around the various European capitals in 2005, it was notable how much scepticism still remained on the European side about Washington's analysis of the Middle East more generally. Europeans may have been willing to listen politely to Washington. It was obvious, however, that the overwhelming majority of them had little time for Bush's rather simple-minded faith in the power of liberty, not to mention his almost religious-like belief in the thesis that democracy alone was able to unlock the door to security in the region as a whole. At worst they felt this was naïve — at best it was yet another example, they argued, of American maladroitness when it came to dealing with complex international issues.

Naturally, one could argue, and many continued to do so, that Europe and the United States still shared a common perspective on world problems, and that because they did so there was every chance of them striking what more than one analyst liked to call a new grand 'bargain' between the two (Dervis, 2004; Moravchik, 2004). This was certainly a dominant motif in early 2005. But even here the story was a bleaker one than that suggested by the optimists. Indeed, as the sceptics continued to point out, there were vital areas where the US and the Europeans seemed to stand in opposing camps. For instance, they had very different takes on the Israeli–Palestinian issue; they were not at one when it came to dealing with so-called rogue regimes; they stood in quite different corners when it came to the Kyoto agreement; they disagreed fundamentally about the International Criminal Court; and they had a totally different attitude towards international law. They also had some very big disagreements over arms sales to China (another crisis waiting to happen); and while they might have been at one when it came to defining ends in Iran — that is, preventing Tehran acquiring weapons of mass destruction — they clearly did not agree about the means to achieve this. Indeed, in the eyes of a number of senior officials in Washington, both the issue of China and and the problem of how to deal with Iran had the capacity to do as much damage to the relationship in the future as Iraq had done in the past.

There was also the not insignificant issue of public opinion and values. Here again the news, though not unambiguously bad, could hardly be interpreted as encouraging. Take the question of popular attitudes. Here there was little disputing the fact that the United States under Bush had become increasingly unpopular in Europe, though signficantly while many Europeans appeared to be highly suspicious of American power and the uses

to which it had been put in the past and would be employed in the future, a good number of Americans (possibly those who had voted for Kerry rather than Bush) had a reasonably positive view of their erstwhile allies across the Atlantic (Pew Research Centre, 2003). European suspicion, moreover, appeared to have risen quite markedly after Bush won a second term. The election, in fact, seemed to show just how deep the divide had become. Indeed, not only did the overwhelming majority of Europeans support Kerry against the unacceptable Bush, but went on to interpret Bush's subsequent victory as proving how foreign the United States had now become; and strange it increasingly looked to those across the Atlantic who did not believe in God, wave the flag on a regular basis, or who had already embraced the possibility of living in a postmodern world where borders and the notion of sovereignty appeared to matter less and less (Lundestad, 2003; Lieven, 2004). But it was not merely the election that divided the two. As we have seen, 9/11 itself had already caused a deep and profound rift. Indeed, if the attack had achieved nothing else, the one thing it did do was to emphasize what many writers like Lipset and others had been suggesting for a very long time — that America was an exceptional (and conservative) kind of country that had much less in common with Europe than some liberals liked to think (Micklethwaite and Wooldridge, 2004). Heisbourg might have been exaggerating somewhat when he asserted that while the United States had been transformed by the original atrocity it was still 'business as usual' for most Europeans (Heisbourg, 2002). But there was more than a grain of truth in his remark. As Garton Ash has cleverly observed, September 11 might turn out to be 'yet another' of those defining historical moments 'at which Europe' — *encore une fois* — declined 'to be defined' (Ash, 2001: 68).

Of course, it could be argued, and has been, that having a common enemy like terrorism was bound to draw the United States and Europe much closer together. Though oddly reassuring at one level, this argument overall tended to confuse operational cooperation (of which there continued to be a great deal) with how the two actually interpreted the terrorist threat itself. And here the divide—once again—looked marked. First, there was the simple, but important issue of how Europe and the US addressed the problem of terror. There was some common ground, of course. But as even our more sanguine commentators would concede, the United States, like any true 'warrior state', tended to adopt an altogether more muscular approach based on a philosophy of punishment and elimination (what some have referred to as 'hitting at symptoms'), while the Europeans — in the main — tried to address the threat less in terms of demons that need to be expunged, and more as a species of political phenomenon that had to be tackled by dealing with root causes by 'draining the swamp' (Smith, 2004). There was, in turn,

the issue of the struggle against terrorism itself. The Americans obviously felt (and feel) that they were at 'war' with a new kind of enemy. Many Europeans, however, were not so clear. Indeed, from the outset, some of the most distinguished of European commentators, including Sir Michael Howard, were clearly deeply unhappy with the idea that we were now all engaged in a permanent struggle without end with an implacable foe with whom there could be no negotiation (Danner, 2004). Certainly, Europeans did not see the struggle in these era-defining terms — the United States on the other hand, clearly did. In fact, as Washington had made only too plain since September 11, the US was now involved in something that was likely to last for at least one generation, possibly more. As Rumsfeld argued soon after the attack itself, the United States now faced a challenge that was likely to endure for as long as, if not longer than, that which had once been faced against fascism and communism (Booth and Dunne, 2003). A new world order beckoned and the sooner the rest of the world — including Europe — got used to this unpalatble fact the better.

This leads, logically enough, to NATO, the keystone upon which the transatlantic relationship has traditionally rested. In one sense, the optimists are right. NATO will survive, and will do so by continuing to be a useful vehicle performing all sorts of necessary roles from peace-keeping through to keeping a US foot in the European camp. Indeed, according to some, so functionally useful has NATO become that even if it did not exist, it would almost have to be invented. Nonetheless, this cannot obscure a simple but unfortunate fact of modern strategic life: the organization has become more or less irrelevant when it comes to dealing with the most urgent security issues of our day (Lugar, 2002). Naturally, it will not go under; no more than Europe will fall off America's intellectual map. But neither NATO nor Europe are any longer America's privileged partners in an age of international terrorism. That is the critical point (Heisbourg and de Wik, 2001). Europe does not even possess what Americans seem to respect and need most from allies — namely, adequate hard power. In fact, if anything has weakened the ties that once bound the two together, it is that Europe does not even have the military wherewithal to operate alongside the Americans in a serious combat situation. As one observer has noted, 'the huge additional investment' the Americans are 'making in defence will make practical inter-operability with allies in NATO or in coalitions impossible' (Robertson, 2002b). The arithmetic in other words no longer seems to add up (Alexander and Garden, 2001). It is not even clear that NATO is up to the job of handling the role it has been asked to perform in Afghanistan. It is even less obvious what role, if any, it is ever going to be playing in Iraq (Dempsey, 2004a, 2004b; Maddox, 2004a, 2004b). It might of course do some training; but that is about it, a situation that has led at least two

Americans to ask (yet again) that if the Europeans in NATO — with the obvious exception of the British — were not prepared to get their feet wet in Iraq, then what exactly was the organization for? (Daalder and Kagan, 2004).

But even if the arithmetic of war was driving the two sides apart, what about the overall character of Europe and the United States as species of modern society? Here surely there were many things that when taken together pointed to a more united future? There were two very different tales to be told. The more universal (and optimistic) version insisted there was a single liberal logic, one that was not only bound to lead advanced societies to resemble each other, but to engage in increasingly friendly behaviour towards one another. The other tale came to a rather different set of conclusions. General statements were all well and good. Unfortunately, they took no account of individual histories and specific identities. They also told us nothing about how individual systems reproduced themselves over time. In other words, they ignored variety, including, most obviously, the enormous variety of capitalist economies. Here again the gap seemed to be immense between a mainland Europe — where more attention continued to be paid to social cohesion — and the United States where such concerns played hardly any part in determining economic policy. Indeed, while liberal theorists could talk somewhat glibly of markets in general, Americans (as we have already suggested) talked very specifically and negatively about the enormous distortions they continued to see operating in Europe. This led the majority of them to only one conclusion — that the 'American way' was not only different but better — reflected on the one hand by the simple statistical fact that the US economic system generated more jobs and on the other by the well-established historical fact that American-style capitalism created more wealth. In fact, when looked at from this perspective, the less the United States had in common with its stagnating European competitors across the Atlantic, the better.

Naturally, one could discount a good deal of this if one could be certain that the United States still had a real interest in working with others; in other words, had a commitment to that larger entity called international society (Foot et al., 2003). However, as our earlier narrative has suggested, this is no longer so obvious. Of course, the picture is not a black and white one. In some spheres the United States will continue to work with others while maintaining its membership of several key international organizations. It will do so, moreover, for the entirely self-interested reason that the challenges of interdependence demand collective rather than singular responses (Slaughter, 2004). But an historical corner of sorts does appear to have been turned. Furthermore, it appears to have been turned — as our earlier discussion has shown — long before the 'unilateral' Bush assumed office

(Buzan, 2004a, 2004b). Nor did this change occur for merely short-term conjunctural reasons. Rather it was a reflection of more profound shifts caused, over time, by the perceived failure of several multilateral efforts in the 1990s, a growing sense that the UN was not merely an ineffective body but a deeply corrupt one too, pressure from conservatives in Congress to stand up more robustly for US interests, and America's own extraordinary renaissance in the 1990s. Indeed, under circumstances where its own position appeared to be on the rise, in a world where it was the only superpower left in the game, the United States, like any ascending power, was increasingly inclined to pursue policies that suited its interests rather than anybody else's (Cox, 2001).

Finally, the possibility of further drift is going to be determined in the future by changes taking place in the balance of forces between Europe and the United States. Making predictions — as we argued at the beginning of this article — is a notoriously risky undertaking. But there at least two long term trends that will not necessarily support the transatlantic relationship — one is a growing sense among many Europeans that the current and deeply uneven distribution of power leaves them far too dependent on an America whose views on world politics it does not necessarily share; and the other (too frequently brushed aside by sceptics) is the enormous changes now taking place on the European continent, changes that over time are likely to lead to its identity being defined not just in terms of a positive notion of Europe but an increasingly negative image of America (*New Perspectives Quarterly*, 2003). Naturally, this is not a comfortable conclusion to arrive at if one happens to be a transatlanticist of the old school. Indeed, according to one of the better known Eurosceptics, it doesn't even correspond to contemporary reality. In fact, if we were to believe Ferguson, Europe is little more than an economic basket case with few capabilities and a hopeless future (Ferguson, 2004). But this misses the main point almost completely. Europe might not be able to balance the United States military. However, huge seismic shifts are under way, and though European integration, further expansion, the launch of the Euro and the new European Constitution will generate their own set of problems, taken together in the broad sweep of history they all point to a more forceful political entity emerging at the end (Legrain, 2003; *Economist*, 2004). Nor should we (or some Americans) be so dismissive of Europe as an international actor. It does after all have over 60,000 military personnel stationed overseas. It has also become a major player in the modern global economy. Indeed, in spite of American jibes about the state of the European economy, Europe not only manages to compete in world markets, but in many areas is actually managing to outcompete the United States. It certainly sells a vast amount of goods to the US. It has also been involved for the past 15 years or so in a major take-

over of American assets in the United States itself, to such a degree that there is now more European investment in the US than there is American investment in Europe. Of course none of this means that America has become number two or is about to decline. Nor is it to ignore the very real problems that lie ahead for Europe (Everts, 2002b). What it does point to though is a changing correlation of forces that is not necessarily working to America's advantage (Frum and Perle, 2003). We should not get carried away. It is unlikely that the 21st century will be European or that Europe's vision of the future will 'quietly' eclipse 'the American Dream' (Rifkin, 2004). But it may not be pushing things too far to suggest that Europe will be playing a much bigger and, almost certainly, more independent role in world affairs in the years ahead.

New and more interesting times thus lie ahead, and the sooner the fact is recognized by all analysts the better (Kupchan, 2002c). Repeating the mantra that the relationship in its traditional form will endure because it has always done so will no longer suffice (Wolf, 2004). Which brings us back full circle back to the issue of change, something that the social sciences in general have invariably failed to anticipate, largely, as Keynes once remarked, because of an addiction to stability married to a fear of disorder (Keynes, 1919). It would seem that the same addiction, and possibly the same fear, is leading those who have made their reputations and committed their time to the study and maintenance of the transatlantic relationship, into committing the same mistake again. Not for the first time, the so-called experts would appear to be falling into their bad old ways of thinking too cautiously when they should be doing anything but. As one of the classical figures of International Relations once warned, those seriously involved in the study of world politics should not be using their skills merely to rationalize the status quo for fear that the alternative might be worse, but of explaining how and why, at certain critical moments in time, the status quo may no longer be sustainable (Carr, 2000). It is the thesis of this article that we may now have reached such a 'tipping-point'. This in the end is the real significance of what happened in Bush's first term. Of course, there is no absolute certainty in international relations. However, if events over more recent years point to anything, it is that the transatlantic relationship as we once knew it now looks increasingly as if it belongs to another age. Another kind of future beckons (Judt, 2004).

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References

Ackermann, Alice (2003) 'Why Europe and American Don't See Eye to Eye', *International Politics* 40(1): 121–36.

Adler, Emanuel and Michael Barnett (1998) *Security Communities*. Cambridge: Cambridge University Press.

Alexander, Michael and Timothy Garden (2001), 'The Arithmetic of Defence Policy', *International Affairs* 77(3): 509–30.

Allin, Dana (2002) *NATO's Balkan Interventions*. London: Adelphi Papers.

Allin, Dana H. (2004) 'The Atlantic Crisis of Confidence', *International Affairs* 80(4): 649–63.

Allison, Graham (2004) comment in Mark Leonard, 'The Burning of Bush', *Ftmagazine* 61, 26 June, p. 21

'A Secure Europe In a Better World' (2003) European Security Strategy, Brussels, 12 December.

Ash, Timothy Garton (2001) 'Europe At War', *New York Review of Books*, 20 December, p. 68.

Ash, Timothy Garton (2004) *Free World: Why a Crisis of the West Reveals the Opportunity of Our Time*. London: Penguin Books.

Asmus, Ronald (2003) 'Rebuilding the Atlantic Alliance', *Foreign Affairs* 82(5): 20–31.

Baylis, John (2001) 'International and Global Security in the Post-Cold War Era', in John Baylis and Steve Smith (eds) *The Globalization of World Politics*, pp. 253–76, 2nd edn. Oxford: Oxford University Press.

Bell, Coral (2003) *A World Out of Balance: American Ascendancy and International Politics in the 21st Century*. Sydney: Longueville Books and The Diplomat.

Bertram, Christopher (2002) Unpublished talk, *Oslo Militære Samfund*, Oslo, Norway, 4 April.

Betts, Richard K. (2003) 'Suicide from the Fear of Death?', *Foreign Affairs* 82(1): 34–43.

Blair, Tony (2004) 'How Nato is Adapting to a Changing World', *Financial Times* 28 June.

Booth, Ken and Tim Dunne (eds) (2003) *Worlds in Collision: Terror and the Future of Global Order*. Basingstoke: Palgrave.

Buzan, Barry (2004a) 'American Exceptionalism, Unipolarity and September 11: Understanding the Behaviour of a Sole Superpower', paper for ISA Conference. Montreal, March.

Buzan, Barry (2004b) *The United States and the Great Powers: World Politics in the Twenty-First Century*. Cambridge: Polity Press.

Carr, E.H. (2000) *The Twenty Years' Crisis: An Introduction to the Study of International Relations, 1919–1939*, new edition, Michael Cox (ed.) Basingstoke: Palgrave.

Clark, General Wesley K. (2002) *Waging Modern War: Bosnia, Kosovo and the Future of Conflict* Oxford: Public Affairs Ltd.

Cohen-Tanuga, Laurent (2003), *An Alliance at Risk: The United States and Europe Since September 11.* Baltimore, MD: Johns Hopkins University Press.

Coker, Christopher (2003) *Empires in Conflict.* London: Adelphi Paper.

Coker, Christopher (2004) 'From Security Community to Risk Community? NATO's Post Cold War Transition', paper presented to the Columbia University-LSE Workshop on the Transatlantic relationship, 15–16 April.

Cox, Michael (1998) *Rethinking the Soviet Collapse.* London: Pinter.

Cox, Michael (2001) 'Whatever Happened to American Decline? International Relations and the New United States Hegemony', *New Political Economy* 6(3): 311–40.

Cox, Michael (2003) 'Kagan's World', *International Affairs* 79(3): 523–32.

Cox, Michael (2004) 'From the End of the Cold War to the War on Terror', in John Baylis and Steve Smith (eds) *The Globalization of World Politics: An Introduction to International Relations*, pp. 131–57, 3rd edition. Oxford: Oxford University Press.

Cox, Michael, Ken Booth and Tim Dunne (eds) (1999) *The Interregnum: Controversies in World Politics, 1989–1999.* Cambridge: Cambridge University Press.

Cumings, Bruce (1999) 'Still the American Century', in Michael Cox, Ken Booth and Tim Dunne (eds) *The Interregnum: Controversies in World Politics 1989–1999*, pp. 271–99. Cambridge: Cambridge University Press.

Cutileiro, Jose (2004) 'Brussels needs Barroso's Atlanticism', *Financial Times* 19 July.

Daalder, Ivo (2001) 'Are the United States and Europe Heading for Divorce?', *International Affairs* 77(3): 553–67.

Daalder, Ivo and Robert Kagan (2004) 'Allies Must Step Up', *Washington Post* 20 June.

Daalder, Ivo and James M. Lindsay (2003) *America Unbound: The Bush Revolution in American Foreign Policy.* Washington, DC: Brookings Institution Press.

Daalder, Ivo and Michael O'Hanlon (2000) *Winning Ugly: NATO's War to Save Kosovo.* Washington, DC: Brookings Institution.

Danner, Mark (2004) 'The Logic of Torture', *New York Review of Books* 51(11), 24 June, pp. 70–4.

Dempsey, Judy (2002) 'US Diplomat Denies Nato Sidelined Since Attacks', *Financial Times* 3 April.

Dempsey, Judy (2004a) 'Nato Must Modernise and Rethink its Strategy. Is that Mission Impossible?', *Financial Times* 25 June.

Dempsey, Judy (2004b) 'Nato's Incredibility', *Financial Times* 26 June.

Deutsch, Karl W., Sidney A. Burrell, Robert A. Kahn, Maurice Lee, Martin Lichterman, Raymond E. Lindgren, Francis L. Loewenheim and Richard W. Van Wagenen (1957) *Political Community and the North Atlantic Area.* Princeton, NJ: Princeton University Press.

Dervis, Kermal (2004) 'The Alliance Must Find a New Vision', *Financial Times* 28 June.

Economist (2002) 'Who Needs Whom?', 9 March, pp. 30–2.

Economist (2004) Special Report: Europe v America, 'Mirror, Mirror on the Wall', 19 June, pp. 81–3.

Everts, Steven (2002a) *Shaping a Credible EU Foreign Policy.* London: Centre for European Reform.

Everts, Steven (2002b) 'Why should Bush take Europe seriously?', *Observer* 17 February.

Ferguson, Niall (2004) *Colossus: The Rise and Fall of the American Empire.* London: Penguin/Allen Lane.

Foot, Rosemary, S. Neil MacFarlane and Michael Mastanduno (eds) (2003) *US Hegemony and International Organizations.* Cambridge: Cambridge University Press.

Frum, David and Richard Perle (2003) *An End to Evil: How to Win the War on Terror.* New York: Random House.

Gilpin, Robert (1996) 'Nobody Loves a Political Realist', *Security Studies* 5(3): 3–26.

Gordon, Philip H. (2001) 'NATO after 11 September', *Survival* 43(4): 92–3.

Gordon, Philip H. and Jeremy Shapiro (2004) *Allies at War: America, Europe and the Crisis over Iraq.* New York: McGraw-Hill.

Haass, Richard (ed.) (1999) *Transatlantic Tensions: The United States, Europe, and Problem Countries.* Washington, DC: Brookings Institution Press.

Haftendorn, Helga (2002) 'NATO III', *Internationale Politik* Spring: 29–34.

Halberstam, David (2003) *War in a Time of Peace: Bush, Clinton and the Generals.* London: Simon & Schuster.

Halper, Stefan and Jonathan Clarke (2004) *America Alone: The Neo-Conservatives and the Global Order.* Cambridge: Cambridge University Press.

Hames, Tim (2004) 'Americans are not Aliens', *The Times* 7 June.

Heisbourg, Francois (2002) Unpublished lecture. *Oslo Military Academy,* 13 March.

Heisbourg, Francois (2004) 'US–European Relations: From Lapsed Alliance to New Partnership', *International Politics* 41(1): 119–26.

Heisbourg, Francois and Rob de Wik (2001) 'Is the Nature of the Transatlantic Security Relationship Changing?', Debate, Web Edition, *NATO Review* 49(1): 15–19.

Heuser, Beatrice (1996) *Transatlantic Relations.* London: Cassell.

Hitchens, Christopher (2003) *Regime Change.* London: Penguin Books.

Hoagland, Jim (2002) 'The Atlantic Can Become a Chasm', *International Herald Tribune* 15 April.

Holbrooke, Richard (1998) *To End a War* New York: Random House.

House of Lords (2002–03) *A Fractured Partnership? Relations Between the European Union and the United States of America,* Select Committee on the European Union. London: The Stationary Office Limited.

Hulsman, John (2003) *Testimony Before the House Committee on International Relations in Europe* (11 June). United States Government Printing Office.
Ignatius, David (2002) *International Herald Tribune* 16 February.
Ikenberry, G. John (2004) 'The End of the Neo-Conservative Moment', *Survival* 46(1): 7–22.
Ingimundarson, Valur (2000) 'The American Dimension: Britain, Germany and the Reinforcement of US Hegemony in Europe in the 1990s', in Klaus Larres (ed.) *Uneasy Allies*, pp. 165–83. Oxford: Oxford University Press.
Johnson, Chalmers (2004) *The Sorrows of Empire: Militarism, Secrecy and the End of the Republic*. London: Verso.
Jones, Erik (2004a) 'Introduction', *International Affairs* special issue on 'The Transatlantic Relationship', 80(4): 588.
Jones, Erik (2004b) 'Debating the Transatlantic Relationship', *International Affairs* 80(4): 595–612.
Judt, Tony (2004) 'The World We Have Lost', *Newsweek* 31 May, pp. 36–46.
Kagan, Robert (2002) 'Power and Weakness', *Policy Review* 113.
Kagan, Robert (2003) *Paradise and Power: America and Europe in the New World Order*. London: Atlantic Books.
Kagan, Robert (2004) 'America's Crisis of Legitimacy', *Foreign Affairs* 83(2): 65–87.
Kampfner, John (2003) *Blair's Wars*. London: Free Press.
Keynes, J.M. (1919) *The Economic Consequences of the Peace*. London: Macmillan.
Kissinger, Henry and Lawrence H. Summers (eds) (2004) *Renewing the Atlantic Partnership*. New York: Council on Foreign Relations.
Kupchan, Charles (2002a) 'Hollow Hegemony or Stable Multipolarity?', in G. John Ikenberry (ed.) *America Unrivaled: The Future of the Balance of Power*, pp. 68–97. Ithaca, NY: Cornell University Press.
Kupchan, Charles (2002b) 'The End of the West', *The Atlantic Online* November.
Kupchan, Charles A. (2002c) *The End of the American Era*. New York: Vintage Books.
Legrain, Philippe (2003) 'Europe is Strong', *Prospect* September, pp. 12–13.
Legro, Jeff (2002) 'Terrors in Transatlantia', unpublished paper presented at the Workshop on Transatlantic Relations, Villa La Balza, 10–12 May.
Lieven, Anatol (2004) *The Demon in the Cellar: An Anatomy of American Nationalism*. New York: HarperCollins.
Lindstrom, Gustav (ed.) (2003) *Shift or Rift? Assessing US–EU Relations after Iraq*. Paris: Institute for Security Studies.
Lugar, Senator Richard (2002) cited in 'US Senate Hears NATO Reform Proposal', *Voice of America News*, No. 5, May.
Lundestad, Geir (1986) 'Empire by Invitation: The United States and Western Europe, 1945–1952', *Journal of Peace Research* 23: 263–77.
Lundestad, Geir (2003) *The United States and Western Europe since 1945: From 'Empire' by Invitation to Transatlantic Drift*. Oxford: Oxford University Press.
Maddox, Bronwen (2004a) 'Future of Nato Hangs on its Help in Afghanistan', *The Times* 26 June.

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Discussion Paper for Panel III:
The Role of the United Nations in the 21st Century

Kofi Annan's Reform Package and the Prospects of Implementation

Anja Papenfuss

"It took World War II to 'reform' the League of Nations into the United Nations – and it has often looked as if it might take World War III to reform the United Nations",
writes veteran UN journalist Ian Williams in MaximNews on 24 March 2005.

In fact, ever since its foundation the UN was highly resistant to any sort of fundamental reform requiring a revision of the UN Charter. The reforms that have taken place were basically limited to the enlargement of the Security Council and the Economic and Social Council (ECOSOC).

On the other hand major changes have been achieved without charter amendments, e.g. the creation of new organs like the Department of Peacekeeping Operations. Moreover, charter amendments were not necessary when organs like the Trusteeship Council and the Military Staff Joint Committee lost their importance in the UN system.

Why a reform?

In the 60 years of its existence the UN had to adapt constantly to a changing political environment. In some areas it did well, in others not. The biggest changes in the last half century were the growing membership, from 51 to 191, and the shifting majorities in the General Assembly as a consequence of it. Secondly, the end of the Cold War brought about a sea change in the international political constellation. And thirdly, the emergence of new issues that had to be addressed by the UN, e.g. climate change and environmental degradation, HIV/Aids, terrorism.

As it adapted to these challenges the UN did a fairly good job. In most cases it created new organizations. But in its main task, the maintenance of international peace and security, it was not particularly successful. Serious, long-lasting conflicts like the Arab-Israeli conflict, the disintegration of Yugoslavia, the war between Iraq and Iran, and the 2003 Iraq conflict, could not be solved within the UN, but were addressed by other major players, e.g. NATO or the US in 'coalitions of the willing'.

The reason for that is that on contentious issues a consensus among the Member States and especially among the Permanent Members of the Security Council is difficult to achieve. National interests hamper again and again the decisive action needed to solve a crisis or to prevent a war. Yet, although it is unlikely that a reform would make a real difference to this fundamental underlying problem, the voices calling for reform became more influential during the last decade.

Why now?

"A Time for Renewal" is the theme for the commemoration of the signing of the UN Charter 60 years ago. And as anniversaries are a typical time to take stock and think about change the preparations for a reform summit before the 60th General Assembly

(GA) have come to a very concrete stage. Four reports have been issued in the past ten months: the Cardoso-Panel worked out ideas to improve relations between the UN and the civil society in June 2004, the High-level Panel on Threats, Challenges and Change (HLP) presented its comprehensive and in most parts convincing report in December, the Millennium Project issued its report on achieving the Millennium Development Goals (MDGs) in January 2005 and Kofi Annan presented his ideas to the GA in a report referring to all these proposals on 21 March 2005. On the basis of this report, the Member States shall agree on a draft resolution during the ongoing 59th session which shall be adopted at the High-level plenary meeting in September.

What Changes? (Annan's proposals)

Institutional reform

Security Council (SC)

Annan seeks to reach a decision on the reform, preferably but not necessarily by consensus, before the High-level plenary meeting in September. He proposes two models the High-level Panel laid out in its December report. Model A provides for six permanent and three non-permanent new seats. Model B provides for eight semi-permanent seats (four years with renewal) and one non-permanent seat. Both models consider 24 members as best option. Whether the candidate countries forming the G4, Brazil, Germany, India and Japan, have enough in their pockets to get the support by the five Permanent Members (P5) is still highly uncertain. There seems to be no real incentive for them to weaken their position by accepting an enlargement of the Council. The US and some European states (Italy, Spain) are opposed to include Germany as a new permanent member, China is objecting Japan, and the African Union is unable to agree on two countries to fill the envisioned African permanent seats. Bargaining is underway in the current session of the GA. The reform resolution will have to be adopted by a two-third majority (128 out of 191) including the P5.

Human Rights Council

Another major reform proposal refers to a new council in addition to the two existing ones (ECOSOC and SC): the Human Rights Council. It shall replace the highly criticized Human Rights Commission. The Council shall have a smaller membership, and the members shall be elected by the GA with a two-third majority. Moreover, it is designed to be a permanent forum. Criteria like the human rights record of a state are meant to ensure that no 'rogue state' (with a strong record of human rights violations) like Libya or Sudan would become a member of the body primarily responsible for the protection of human rights. Although most states are not satisfied with the work of the Commission and wish to establish a less politicized human rights organ, the chances that this change will find a two-third majority in order to amend the charter is as low as in all other areas.

Peace-building commission

The HLP proposed the establishment of a Peace-building commission and Annan endorses this proposal. The new body shall help countries to make the transition from war to lasting peace. It shall be supported by a peace-building support section in the secretariat. This proposal is more likely to be accepted by a majority of Member States, due to the fact that the establishment of new organs is easier to implement than changes of existing ones.

Other measures

In addition to institutional reform, Annan also proposes concrete measures in all parts of the UN's responsibilities. He divided his report into three parts. 1. Freedom from Want. 2. Freedom from Fear. 3. Freedom to Live in Dignity.

1. Freedom from Want
Developing countries are called to implement a national strategy to achieve the MDGs by 2015. They are asked to improve their governance, rule of law, combat corruption and include civil society and private sector in their approach to development.
Developed countries shall complete the Doha Round no later than 2006, and as a first step give duty-free and quota-free market access to all exports from LDCs. They also shall commit themselves to reach the target of 0.7% of GDP in ODA by 2015.

2. Freedom from Fear
Member States shall agree on a new security consensus and on criteria for the use of force. Annan thinks a charter revision for the latter is not necessary, saying that in case of imminent threat the right to self-defence (Art. 51) would apply and in all other cases only the SC could authorise the use of force. He urges Member States to adopt strict and binding guidelines for the use of force. They are also asked to sign and implement a comprehensive convention on terrorism, a convention on nuclear terrorism and the Fissile Material Cut-off Treaty.

3. Freedom to Live in Dignity
Annan wants Member States to embrace the principle of the "Responsibility to Protect", i.e. that in cases of ethnic cleansing or genocide the international community has the duty to intervene. Moreover, Member States shall ratify and implement all treaties relating to the protection of civilians and to contribute to a new "Democracy Fund".

Will it happen?

Panels have been established and reports presented time and again since the founding of the UN – alas, without major impact (like the Commissions headed by Brandt, Brahimi and Razali).

The Secretary-General made clear that his proposals are no 'menu à la carte' but a package that cannot be untied. While most of the proposals require no charter amendment, there is a very small chance that this year the reform package will be adopted. Too many states have differing views on the advantages of such a reform and therefore will plead to maintain the status quo. There is a slightly better chance to see a reform implemented within the next five years.

But the most realistic scenario is that neither this year, nor in five, nor in ten years a comprehensive reform with charter amendments will take place. Institutional changes, like the establishment of new organs, however, and 'informal reforms' such as the incremental adjustment of procedures are more likely to be realized. The 'Time for Renewal' has yet to come.

IN LARGER FREEDOM:
Towards Development, Security and Human Rights for All

Executive Summary

Introduction: A Historic Opportunity in 2005

In September 2005, world leaders will come together at a summit in New York to review progress since the Millennium Declaration, adopted by all Member States in 2000. The Secretary-General's report proposes an agenda to be taken up, and acted upon, at the summit. These are policy decisions and reforms that are actionable if the necessary political will can be garnered.

Events since the Millennium Declaration demand that consensus be revitalized on key challenges and priorities and converted into collective action. The guiding light in doing so must be the needs and hopes of people everywhere. The world must advance the causes of security, development and human rights together, otherwise none will succeed. Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights.

In a world of inter-connected threats and opportunities, it is in each country's self-interest that all of these challenges are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep and sustained global cooperation among States. The world needs strong and capable States, effective partnerships with civil society and the private sector, and agile and effective regional and global inter-governmental institutions to mobilize and coordinate collective action. The United Nations must be reshaped in ways not previously imagined, and with a boldness and speed not previously shown.

I. Freedom from want

The last 25 years have seen the most dramatic reduction in extreme poverty the world has ever experienced. Yet dozens of countries have become poorer. More than a billion people still live on less than a dollar a day. Each year, 3 million people die from HIV/AIDS and 11 million children die before reaching their fifth birthday.

Today's is the first generation with the resources and technology to make the right to development a reality for everyone and to free the entire human race from want. There is a shared vision of development. The Millennium Development Goals (MDGs), which range from halving extreme poverty to putting all children into primary school and stemming the spread of infectious diseases such as HIV/AIDS, all by 2015, have become globally accepted benchmarks of broader progress, embraced by donors, developing countries, civil society and major development institutions alike.

The MDGs can be met by 2015 - but only if all involved break with business as usual and dramatically accelerate and scale up action now.

In 2005, a "global partnership for development" -- one of the MDGs reaffirmed in 2002 at the International Conference on Financing for Development at Monterrey, Mexico and the World Summit on Sustainable Development in Johannesburg, South Africa -- needs

to be fully implemented. That partnership is grounded in mutual responsibility and accountability - developing countries must strengthen governance, combat corruption, promote private sector-led growth and maximize domestic resources to fund national development strategies, while developed countries must support these efforts through increased development assistance, a new development-oriented trade round and wider and deeper debt relief.

The following are priority areas for action in 2005:

- **National strategies:** Each developing country with extreme poverty should by 2006 adopt and begin to implement a national development strategy bold enough to meet the MDG targets for 2015. Each strategy needs to take into account seven broad "clusters" of public investments and policies: gender equality, the environment, rural development, urban development, health systems, education, and science, technology and innovation.
- **Financing for development:** Global development assistance must be more than doubled over the next few years. This does not require new pledges from donor countries, but meeting pledges already made. Each developed country that has not already done so should establish a timetable to achieve the 0.7% target of gross national income for official development assistance no later than 2015, starting with significant increases no later than 2006, and reaching 0.5% by 2009. The increase should be front-loaded through an International Finance Facility, and other innovative sources of financing should be considered for the longer term. The Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria must be fully funded and the resources provided for an expanded comprehensive strategy of prevention and treatment to fight HIV/AIDS. These steps should be supplemented by immediate action to support a series of "Quick Wins" - relatively inexpensive, high-impact initiatives with the potential to generate major short-term gains and save millions of lives, such as free distribution of anti-malarial bednets.
- **Trade:** The Doha round of trade negotiations should fulfil its development promise and be completed no later than 2006. As a first step, Member States should provide duty-free and quota-free market access for all exports from the Least Developed Countries.
- **Debt relief:** Debt sustainability should be redefined as the level of debt that allows a country to achieve the MDGs and to reach 2015 without an increase in debt ratios.

New action is also needed to ensure **environmental sustainability**. Scientific advances and technological innovation must be mobilized now to develop tools for mitigating **climate change**, and a more inclusive international framework must be developed for stabilizing greenhouse gas emissions beyond the expiry of the Kyoto Protocol in 2012, with broader participation by all major emitters and both developed and developing countries. Concrete steps are also required on **desertification** and **biodiversity**.

Other priorities for global action include stronger mechanisms for **infectious disease** surveillance and monitoring, a world-wide early warning system on **natural disasters**, support for **science and technology** for development, support for **regional infrastructure** and institutions, reform of **international financial institutions**, and more effective cooperation to manage **migration** for the benefit of all.

II. Freedom from fear

While progress on development is hampered by weak implementation, on the security side, despite a heightened sense of threat among many, the world lacks even a basic consensus - and implementation, where it occurs, is all too often contested.

The Secretary-General fully embraces a broad vision of collective security. The threats to peace and security in the 21st century include not just international war and conflict, but terrorism, weapons of mass destruction, organized crime and civil violence. They also include poverty, deadly infectious disease and environmental degradation, since these can have equally catastrophic consequences. All of these threats can cause death or lessen life chances on a large scale. All of them can undermine States as the basic unit of the international system.

Collective security today depends on accepting that the threats each region of the world perceives as most urgent are in fact equally so for all. These are not theoretical issues, but ones of deadly urgency.

The United Nations must be transformed into the effective instrument for preventing conflict that it was always meant to be, by acting on several key policy and institutional priorities:

- **Preventing catastrophic terrorism:** States should commit to a comprehensive anti-terrorism strategy based on five pillars: dissuading people from resorting to terrorism or supporting it; denying terrorists access to funds and materials; deterring States from sponsoring terrorism; developing State capacity to defeat terrorism; and defending human rights. They should conclude a comprehensive convention on terrorism, based on a clear and agreed definition. They should also complete, without delay, the convention for the suppression of acts of nuclear terrorism.
- **Nuclear, chemical and biological weapons:** Progress on both disarmament and non-proliferation are essential. On disarmament, nuclear-weapon States should further reduce their arsenals of non-strategic nuclear weapons and pursue arms control agreements that entail not just dismantlement but irreversibility, reaffirm their commitment to negative security assurances, and uphold the moratorium on nuclear test explosions. On non-proliferation, the International Atomic Energy Agency's verification authority must be strengthened through universal adoption of the Model Additional Protocol, and States should commit themselves to complete, sign and implement a fissile material cut-off treaty.
- **Reducing the prevalence and risk of war:** Currently, half the countries emerging from violent conflict revert to conflict within five years. Member States should create an inter-governmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the UN Secretariat, so that the UN system can better meet the challenge of helping countries successfully complete the transition from war to peace. They should also take steps to strengthen collective capacity to employ the tools of mediation, sanctions and peacekeeping (including a "zero tolerance" policy on sexual exploitation of minors and other vulnerable people by members of peacekeeping contingents, to match the policy enacted by the Secretary-General).

- **Use of force:** The Security Council should adopt a resolution setting out the principles to be applied in decisions relating to the use of force and express its intention to be guided by them when deciding whether to authorize or mandate the use of force.

Other priorities for global action include more effective cooperation to combat **organized crime**, to prevent illicit trade in **small arms and light weapons**, and to remove the scourge of **landmines** which still kill and maim innocent people and hold back development in nearly half the world's countries.

III. Freedom to live in dignity

In the Millennium Declaration, Member States said they would spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms. And over the last six decades, an impressive treaty-based normative framework has been advanced.

But without implementation, these declarations ring hollow. Without action, promises are meaningless. People who face war crimes find no solace in the unimplemented words of the Geneva Conventions. Treaties prohibiting torture are cold comfort to prisoners abused by their captors, particularly if the international human rights machinery enables those responsible to hide behind friends in high places. War-weary populations despair when, even though a peace agreement has been signed, there is little progress towards government under the rule of law. Solemn commitments to strengthen democracy remain empty words to those who have never voted for their rulers, and who see no sign that things are changing.

Therefore, the normative framework that has been so impressively advanced over the last six decades must be strengthened. Even more important, concrete steps are required to reduce selective application, arbitrary enforcement and breach without consequence. The world must move from an era of legislation to implementation.

Action is called for in the following priority areas:

- **Rule of law:** The international community should embrace the "responsibility to protect", as a basis for collective action against genocide, ethnic cleansing and crimes against humanity. All treaties relating to the protection of civilians should be ratified and implemented. Steps should be taken to strengthen cooperation with the International Criminal Court and other international or mixed war crimes tribunals, and to strengthen the International Court of Justice. The Secretary-General also intends to strengthen the Secretariat's capacity to assist national efforts to re-establish the rule of law in conflict and post-conflict societies.
- **Human rights:** The Office of the High Commissioner for Human Rights should be strengthened with more resources and staff, and should play a more active role in the deliberations of the Security Council and of the proposed Peacebuilding Commission. The human rights treaty bodies of the UN system should also be rendered more effective and responsive.
- **Democracy:** A Democracy Fund should be created at the UN to provide assistance to countries seeking to establish or strengthen their democracy.

IV. Strengthening the United Nations

While purposes should be firm and constant, practice and organization need to move with the times. If the UN is to be a useful instrument for its Member States, and for the world's peoples, in responding to the challenges laid out in the previous three parts, it must be fully adapted to the needs and circumstances of the 21st century.

A great deal has been achieved since 1997 in reforming the internal structures and culture of the United Nations. But many more changes are needed, both in the executive branch - the Secretariat and the wider UN system - and in the UN's intergovernmental organs:

- **General Assembly:** The General Assembly should take bold measures to streamline its agenda and speed up the deliberative process. It should concentrate on the major substantive issues of the day, and establish mechanisms to engage fully and systematically with civil society.
- **Security Council:** The Security Council should be broadly representative of the realities of power in today's world. The Secretary-General supports the principles for reform set out in the report of the High-level Panel, and urges Member States to consider the two options, Models A and B, presented in that report, or any other viable proposals in terms of size and balance that have emerged on the basis of either Model. Member States should agree to take a decision on this important issue before the Summit in September 2005.
- **Economic and Social Council:** The Economic and Social Council should be reformed so that it can effectively assess progress in the UN's development agenda, serve as a high-level development cooperation forum, and provide direction for the efforts of the various intergovernmental bodies in the economic and social area throughout the UN system.
- **Proposed Human Rights Council:** The Commission on Human Rights suffers from declining credibility and professionalism, and is in need of major reform. It should be replaced by a smaller standing Human Rights Council, as a principal organ of the United Nations or subsidiary of the General Assembly, whose members would be elected directly by the General Assembly, by a two-thirds majority of members present and voting.
- **The Secretariat:** The Secretary-General will take steps to re-align the Secretariat's structure to match the priorities outlined in the report, and will create a cabinet-style decision-making mechanism. He requests Member States to give him the authority and resources to pursue a one-time staff buy-out to refresh and re-align staff to meet current needs, to cooperate in a comprehensive review of budget and human resources rules, and to commission a comprehensive review of the Office of Internal Oversight Services to strengthen its independence and authority.

Other priorities include creating better system coherence by strengthening the role of **Resident Coordinators**, giving the **humanitarian response system** more effective stand-by arrangements, and ensuring better protection of **internally displaced people**. **Regional organizations**, particularly the African Union, should be given greater support. The Charter itself should also be updated to abolish the **"enemy clauses"**, the **Trusteeship Council** and the **Military Staff Committee**, all of which are outdated.

Conclusion: opportunity and challenge

It is for the world community to decide whether this moment of uncertainty presages wider conflict, deepening inequality and the erosion of the rule of law, or is used to renew institutions for peace, prosperity and human rights. Now is the time to act. The annex to the report lists specific items for consideration by Heads of State and Government. Action on them is possible. It is within reach. From pragmatic beginnings could emerge a visionary change of direction for the world.

3

Trans-Atlantic Editors' Roundtable in Rome
Spring 2005

The role of the United Nations in the 21st century

THE VIEW FROM *INTERNATIONAL AFFAIRS*

In the March issue of *International Affairs* Gwyn Prins examines the significance of Kofi Annan's High Level Panel on Threats, Challenges and Change.[1] In keeping with the journal's inclusion of articles providing practical policy recommendations, Prins suggests that the Panel's report is the most important strategic document to be published by the UN since 1945.

He puts the Panel's work into context, particularly the 2002–3 crisis over Iraq. Annan established the Panel in response to the failure of the second resolution, a resolution that was unnecessary given the achievement of 1441, and the bombing of the Canal Hotel housing the UN mission headquarters in Baghdad on 19 August 2003, which killed Sergio Viera de Mello. He states: 'it is quite premature to announce the death of the UN … But its health is not good', and identifies the Panel's Report as the document which could secure the UN's future.

Prins believes that the plain-speaking quality of the Report makes the Panel's strategy more viable. The Panel discusses the current 'war on terrorism', for example, and suggests that in some instances this has corroded the very values terrorists target: human rights and the rule of law. It adds: 'in a world full of perceived potential threat, the risk of the global order … is simply too great for the legality of unilateral preventative action … to be accepted'. The Panel also raises the issue of HIV/AIDS: 'that Africa has borne the brunt of the HIV/AIDS pandemic raises the troubling question of whether international response would have been so slow if the disease had reduced life expectancy by 30 years in non-African countries'.

Prins commends the Panel's approach to problems inherent to the UN. There is no system explicitly designed to avoid State collapse and the slide to war or to assist countries in their transition from war to peace. Similarly, there is no capacity to identify countries which are under stress and risk sliding towards State collapse. The Panel goes beyond identifying problematic areas and recommends practical solutions. It proposes creating three interlinked organizations: a Peacebuilding Commission; a Peacebuilding Support office in the Secretariat; and a second deputy secretary general, responsible for peace and security matters.

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[1] Gwyn Prins, 'Lord Castlereagh's return: the significance of Kofi Annan's High Level Panel on Threats, Challenges and Change', *International Affairs* 81: 2, March 2005.

The Panel also tackles the issue of Security Council reform. This is a well-documented predicament: the present list of Permanent Members is outdated; none of them will surrender their status; the veto is archaic and cannot be abolished without the UN collapsing; countries such as Germany, Japan and India have legitimate aspirations to equal standing and so forth. It proposes two alternatives for expanding the Security Council and the criteria for membership. It stresses that privilege carries obligation, and preference for permanent or long-term seats should be given to 'those States that are among the top three financial contributors in their relevant regional area to the regular budget, or the top three voluntary contributors ... or the top three troop contributors'. Crucially, it asserts that this issue should not impede action in unrelated areas.

The Report emphasizes the case for collective security: 'No state, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats'. In essence, it is an exercise in brokerage: 'It is in every State's interests ... to cooperate with other States to address their most pressing threats, because so doing will maximise the chances of reciprocal cooperation to address their own threat priorities'.

Annan's term as Secretary General concludes at the end of 2006. As Prins remarks, his 'best legacy will have been secured if the radical, sensible, feasible reforms proposed by his panel can carry the UN–the only UN that we are likely to have or are likely to get–safely across the mountains into the new territories in which we now find ourselves.'

Given the Report's emphasis on collective security and its criticism of unilateral action, the state of 'international community' and the implications that this has for the future of the UN should be looked at. In the January 2005 issue of *International Affairs*, Barry Buzan and Ana Gonzalez-Pelaz examine the condition of 'international community' after Iraq.[2] They consider this in the context of the future of the UN and the distancing of relations between the US and Europe. The Iraq crisis must be seen in the context of longstanding US–UN disputes. The arrival of the Bush administration intensified this crisis, not just because of specific US grievances against the UN, but because of the administration's general campaign against multilateralism. As Annan said in a speech to Harvard University, there is a 'crisis of solidarity' between the US and the UN.

In the period immediately around the invasion of Iraq, the tensions between the US and the UN reached their height. The quick defeat of Saddam's army marked an apex of both US self-confidence in unilateralism and its dismissal of the UN as irrelevant. Could the UN survive such alienation from the superpower?

This crisis passed quickly. The lack of any coherent US plan for the occupation and reconstruction of Iraq and the resistance to the US-led occupation forced the US to recognize that legitimacy was a central issue requiring UN involvement. Consequently the UN once again became an important forum for US legitimacy. Annan suggested that the US had found 'that it needed the unique legitimacy of the United Nations to bring into being a credible interim government in Iraq'.

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[2] Barry Buzan and Ana Gonzalez-Pelaez, '"International community" after Iraq', *International Affairs* 81: 1, January 2005.

The UN is now involved in Iraq and, although it is too early to make a definitive assessment, it seems that the crisis between the US and the UN could be just one more on their list of differences. Buzan and Gonzalez-Pelaz conclude: 'The global standing of the UN benefits from the shift in the attitude of the US administration, whose calls for renewed UN involvement have given the latter the confidence to prove to the rest of the world that it remained a necessary force in world politics'.

It is difficult to predict how the Bush administration will act in its second term. It may continue with an aggressive foreign policy, and the appointment of John Bolton as Ambassador to the UN seems to support this theory. Indeed this is how the British press has interpreted the appointment. The Independent suggest that this 'sends a forceful message that Mr Bush remains more interested in getting his way at the UN than he is in diplomacy'.[3] In 1994 Bolton stated 'There's no such thing as the United Nations ... If the UN building in New York lost ten storeys, it wouldn't make a bit of difference'.[4] During an interview with National Public Radio's Juan Williams in 2002 Bolton stated: 'If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world'.[5]

On the other hand, warned of the dangers of creating an anti-American Europe, Bush has made statements about strengthening transatlantic relations. Furthermore, he chose Brussels as his first port of call of his second term in office, and Europe seems keen to move beyond the feud. This spirit of rapprochement may be threatened, however, by new divisions over issues such as Iran's nuclear ambitions and European Union moves to lift the arms embargo on China, as well as old differences such as climate change.

Some research indicates that the UN might look towards Europe as a model for transformation. One World Trust recently published a pamphlet concerning the reform of the UN.[6] The key issues it addresses are the changes necessary to make the UN a serious player in today's world, and the lessons that might be learnt from the creation of the EU. With regard to the creation of the EU, it was clear that to build a community of nations there had to be an institution that was recognised as legitimate, independent, fair and impartial by all key players, governments and parliaments. That institution was the European Commission, designed to stand outside and above national interests.

The pamphlet proposes reforms that fall into three broad areas. The first is the empowerment of the Secretary General with the right of policy proposal, and the creation under his leadership of a cabinet composed of the heads of the main UN programmes and organisations. The second is the extension, not the removal, of the veto within the Security Council. The third is the creation of a UN Parliamentary Assembly composed of national politicians that would become a second chamber alongside the General Assembly. The secretary general would have the right to order

[3] Andrew Buncombe, *The Independent*, 8 March 2005.
[4] Ibid.
[5] *Inter Press Service*, 10 March 2005.
[6] Georges Berthoin and Peter Luff, 'The Reform of the United Nations', One World Trust, London, February 2005. The One World Trust is a non-profit organization that lobbies decision-makers to develop global rules and organizations to achieve the eradication of poverty, injustice and war. It conducts research on practical ways to make global organizations more responsive to the people they affect and on how the rule of law can be applied equally to all.

debates on matters of common interest in these chambers if proposals were vetoed in the Security Council. This could be the beginning of a democratic process within the UN.

It must be recognized that efforts to reform the UN cannot succeed until the support of the US is assured. This is not a naive hope; the war in Iraq has shown an increasing number of Americans how dangerous and expensive it is to attempt to impose its own world view on different cultures. The political reality is that it cannot police the world. The Republican Senator Chuck Hagel encapsulates how the US must proceed in the future in the July/August 2004 issue of *Foreign Affairs*.[7] Even from a Republican perspective, he emphasizes the importance of alliances and international institutions, and asserts that these must be seen as extensions of US influence, not as constraints on US power. Like most he believes the UN has its limitations, but concludes that it 'is more relevant today than it has ever been'.

Caroline Soper is very grateful to Katy Taylor, Editorial Assistant at *International Affairs*, for research into this paper.

[7] Chuck Hagel, 'A Republican Foreign Policy', *Foreign Affairs* 83: 4, July/August 2004.

Paper for Panel Discussion on Defining Transatlantic Relations in a New World Order

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In my introduction to the discussion of this theme, I would like to make a number of key points:

- The Strategic relationship is the key to the transatlantic relationship;
- With the end of the Cold War the strategic relationship has been fundamentally altered with the result that the transatlantic relationship has lost its centrality;
- There will be a tendency for Europe to balance rather than to bandwagon on American power;
- All of this means that the transatlantic alliance is dead and will be replaced by alignments

A. **The strategic relationship is key to the larger transatlantic relationship**

With the end of the Cold War and in the wake of the changes brought on by the attacks of September 11, 2001, the U.S.-European relationship was fundamentally altered. The concept of the West has been brought into question, specifically the question of whether the "West" was more than an ideological underpinning and rationale for the close strategic relationship.

On the American side, the United States overcame its traditional reluctance to get enmeshed in European alliances and its cultural exceptionalism, which saw America as consciously separate from the old Continent. Europe had to accept a subordination to American power and to behaving as a subject rather than the mover in world politics. It also had to subdue its sense of cultural superiority by playing Greece to America's Rome. While there was a clear ideological dimension to the struggle with communism, this dimension masked a deeper more traditional geopolitical struggle in a bipolar system.

Thus while some would argue that common western values or the deep economic relationship will buffer the diminishment of the strategic relationship, I would doubt that this will be the case. During the Iraq crisis, business interests were unsuccessful in blunting the political and strategic clash. It also became clear that while there is a sharing of values across the Atlantic, there is a growing divergence in the weighting and prioritization of values leading to a divergence of economic, social and political models, at least for as long as conservatives are dominant in American politics. In short there is not much of a "red" Europe to match the conservative "red" America.

B. **The Shift in the Strategic Relationship has diminished the centrality of the transatlantic relationship**

The post Iraq context of the relationship has revealed a number of consequences or lessons of Iraq:

- Iraq was not just another of many transatlantic crises which will be patched up. This was a real crisis. Because it reflected both the weakness of the new strategic relationship and the changing political and strategic cultures on both sides of the Atlantic.
- On the strategic side, the U.S. is losing interest in European security because that problem has been solved by the end of the Soviet Union and the rise of the EU; It is also now faced with more pressing threats in Central Asia, the Middle East and East Asia;
- Europe remains primarily concerned with its own security and is increasingly capable of dealing with the threats it faces in Europe; the shift of Germany toward France during the Iraq crisis was decisive and is long term; There is no future for the German-American relationship separate from the U.S.- European one and the European agenda now has priority in Berlin over the Atlantic;
- While each remain important to the other, neither is existentially important as they were during the Cold War;
- While there remain incentives for cooperation, these are far weaker than before and no longer constrain each from going their own way on a variety of issues;

C. **There is likely to be more of a tendency to Balance than to Bandwagon**

- During the Iraq crisis both approaches taken by the key European states to constrain or modify the American approach failed
    - The Blair approach of working from within had no discernable impact and led to the second resolution fiasco
    - The Chirac/Schroeder approach likewise failed and ended up splitting Europe
- The lessons from this experience is that Europe must act in a united way to have any hope of influence on the U.S.; individual countries do not have the strategic weight to deal with the U.S.- only Europe can do so; yet an openly confrontational position also runs the probability of splitting Europe
- However as Europe develops a more coherent ESDP it is likely to develop a new psychology and identity which may be shaped against the United States; at the least a new sense of independence and sense of separate strategic culture and interests is likely to emerge with the tendency to balance American power;

D. **From Alliance to Alignment**

- The transatlantic alliance is more the likely to be a thing of the past; floating alignments or ad hoc coalitions are more likely to be the case in the future given the end of a single unifying threat and sense of strategic purpose;
- Can common interests help to shape a new agenda and some semblance of partnership if not alliance?
    - CSIS, Brookings, Centre for European Reform, Amato and Brown FT column and others have proposed a new common agenda; what do they have in common?
        1. Dealing with Iran on WMD as well as the broader issues of non proliferation policy
        2. Ukraine
        3. Fight against international terrorism
        4. dealing with Russian nuclear stockpile
        5. reducing non tariff barriers
        6. defense capabilities transformation
        7. China arms embargo
        8. The International Criminal Court, climate change, UN reform and other global world order questions
        9. The Greater Middle East
        10. Afghanistan
        11. ESDP and NATO

Almost all of these items have as much potential for division as for unity. Any combination of two or three of the most potentially divisive issues could lead to an even deeper chasm, shattering the fragile truce which has held since the Bush visit to Europe in February. It will take better leadership and better luck over the next four years to move the relationship back in a more positive direction, but the longer-term strategic trends imply that there is no going back to the days of close alliance.

(5)

Europeanisation and Americanisation: Rival Projects or Synonyms?

From the receiving end: The experience of exported models

By Marc F. Plattner
Presented in Oxford (4/17/05)

In discussing "The experience of exported models" I intend to focus on the question of democratization: To what extent does it involve Europeanization or Americanization? Are these similar goals or competing ones? Are there fundamental differences in the way Americans and Europeans understand democracy and democratization or in the nature of the policies and activities they pursue in providing democracy assistance?

But before turning directly to trans-Atlantic similarities and differences, I want to discuss the whole concept of exported models. There is a good deal of debate today about whether democracy can or should be exported. Some claim that democracy can take root only if it is homegrown, and therefore attempts to export or, worse still, "impose" it must be futile or even counterproductive. There is, of course, a kernel of truth in this argument. Democracy, by its very nature, is a political system that is founded on the consent of the governed. Obviously, if the people of a given country do not consent to be governed democratically, no outside efforts to implant democracy can succeed. One may go even farther, and say that unless the people are willing to support and even defend democracy, no democratic system can long survive.

But none of this means that outside assistance cannot be useful. In the first place, in every country of the world one can find people who long for democracy. Where they have some space in which to operate, such people form groups and work toward the goal of introducing or strengthening democratic government. What democracy assistance (at least of the sort I have been involved with) does is to help these people and groups by providing them with resources and training that can improve their effectiveness. Though the assistance may come from abroad, the real work must be done by people who are citizens of the country in question. In this sense, democracy assistance is not very different from economic development assistance. Resources and skills may be brought to bear from outside, but success can be attained only if the people of the country themselves do what needs to be done.

There is a deeper dimension, however, to the critique of efforts to "export" democracy. Some critics claim that democracy is an American or European or Western idea that may not fit other cultures or civilizations and thus is always in some sense imposed on other peoples. Others say that democracy can only arise "organically," that it requires a long gestation period of social, economic, and cultural change of the sort that first gave rise to democratic (or at least protodemocratic) government in Britain and the United States. Still others emphasize the importance of socioeconomic "prerequisites" for democracy—a certain level of economic development, a substantial middle class, and the like. Once again, there is something to these arguments—the correlation between levels of economic development and democratic stability certainly remains—but they are ultimately unpersuasive. In recent decades, the success of democracy in countries with a wide variety of different

cultures and different levels of economic development has demonstrated the limitations of this view.

I would say that the very notion of "exported" political models is somewhat dubious, especially given the high degree of international connectivity in today's world. Even in the past, various kinds of models that first arose in one society have often been adopted by others. All the great world religions have been exported in this way, and in the last century communism proved to be a remarkably successful export item almost all over the world. Since the demise and discrediting of communism, democracy has become the only political system with a plausible claim to universal legitimacy. As Amartya Sen has put it,

> In any age and social climate, there are some sweeping beliefs that seem to command respect as a kind of general rule--like a "default" setting in a computer program; they are considered right *unless* their claim is somehow precisely negated. While democracy is not yet universally practiced, nor indeed uniformly accepted, in the general climate of world opinion, democratic governance has now achieved the status of being taken to be generally right. The ball is very much in the court of those who want to rubbish democracy to provide justification for that rejection.

A recent attempt to make an explicit and forthright case against democracy appeared in a remarkable document by Abu Mus'ab al-Zarqawi, but there are relatively few people, even in the Arab world, who would endorse his view.

Another arresting formulation of the present-day attractions of democracy comes from the Georgian philosopher Ghia Nodia:

> [W]hy do transitions occur? A major reason is imitation (which is what political scientists are talking about when they use terms like "demonstration effect" and "diffusion").[5] The greatest victory of democracy in the modern world is that--for one reason or another--it has become fashionable. To live under autocracy, or even to *be* an autocrat, seems backward, uncivilized, distasteful, not quite *comme il faut*--in a word, "uncool." In a world where democracy is synonymous less with freedom than with civilization itself, nobody can wait to be "ready" for democracy.

Even apart from its intrinsic appeal, the global legitimacy of democracy means that it is an object of aspiration for people across the globe. Just as most people in most places today want economic growth and equality of treatment, they also want to be able to choose their own government and to have their rights respected. As Ghia Nodia puts it, "Democratic . . . models are not so much imposed by the West as sought by local elites. . . . The West need not feel guilty about 'imposing' its models on 'the rest': It is 'the rest' who recognize the centrality of the modern Western democratic project and want to participate in it."

The constellation of goals characteristic of modernity—self-government, individual freedom, political equality, the rule of law, and economic prosperity—along with the

institutions that serve them, may indeed have first emerged in Britain and America, but can hardly be considered their preserve. The British and American political models were, early on, presented most forcefully to the rest of the world by two Frenchman—Montesquieu and Tocqueville, respectively. Clearly, the fact that democracy is now rooted in the rest of Europe and in much of the Western Hemisphere is due to the spread of these models, adjusted in various ways to national circumstances. So the export of democracy is an old, old story.

Reflecting the institutional differences between the British and American models, European countries mostly adopted parliamentary systems while the Latin American republics typically followed the U.S. presidential system. (although most Latin American countries later borrowed from Europe proportional representation in the legislature, which most political scientists regard as very ill-suited to presidential systems). Among the newer democracies in other continents today, one finds not only presidential and parliamentary systems but semi-presidential ones as well. And though during decolonization former colonies typically adopted the institutions of their mother countries, more recent institutional choices have been more varied. In any case, neither Americans nor Europeans any longer seem to feel invested in urging others to adopt their own systems. Indeed, the whole field of democracy advice has become internationalized, with experts from a variety of countries recommending constitutional choices from a global menu of institutional variations. Moreover, many of the institutions being adopted by newer democracies, such as independent election commissions, are borrowed not from the West but from other developing democracies.

Now let me turn to the question of European and American views of democracy and democracy promotion. My own recent writing has focused on trans-Atlantic differences over such matters as national sovereignty, international law, and the role of multilateral institutions. Contrary to those who have seen these differences as primarily due to the aberrations of the Bush administration, I have argued that these differences are much deeper. The same is probably true for trans-Atlantic disagreements about the use of force, capital punishment, and the role of religion. So I am very far from holding that the foreign policy clashes and cultural gaps between the U.S. and Europe are fleeting or superficial or that they will soon disappear.

And yet, I believe that this rift will never lead to a fundamental parting of the ways, precisely because it will always be limited by the common commitment of the two sides to the same principles of human rights and democracy. (This, of course, presupposes that democratic regimes continue to prevail on both sides of the Atlantic—otherwise, all bets are off.) These principles have always been central to America's founding documents and to its citizens' self-understanding of their country. And these same principles are resoundingly endorsed in the key documents of the European Union. The 2001 Laeken Declaration asserts, "The European Union's one boundary is democracy and human rights." And the preamble of the new constitutional treaty, in its very first paragraph, singles out "the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law." On the level of the most basic goals and principles, then, there is simply no real trans-Atlantic division. This inevitably presents a powerful obstacle to those on either side who might like to see the current rifts turned into a chasm.

I find it helpful to conceive of trans-Atlantic relations regarding democracy and democratization on three levels: At the highest level, that of principles, there is essentially no division. By contrast, at what might be called the mid-level, that of foreign policy, the differences are sometimes deep and often sharp, as they were with regard to the war in Iraq. But if one descends to a third level of democracy assistance policy, the disagreements again become surprisingly slight. At the risk of overgeneralizing, I would say that it is quite rare for European and American democracy promoters to have serious differences about who the democrats are in a govern country and whether they are deserving of help. Cooperation in democratizing countries between Europeans and Americans, whether at the embassy level or among nongovernmental organizations, seems to be generally excellent. From all I have heard, Ukraine was an outstanding example of such cooperation.

It is true that European democracy promoters often feel some uneasiness about being too closely identified with American efforts in this area. This is no doubt partly a reflection of the trans-Atlantic disagreements that prevail at what I have called the middle level. It may also reflect the fact that European parliaments and publics are probably not as enthusiastic about democracy promotion as their American counterparts—though there are plenty of skeptics on our side of the Atlantic as well. In any case, whether justifiably or not, democracy promotion has tended to become viewed as primarily an American enterprise. Perhaps for this reason, European democracy promoters sometimes seek to distance themselves from the United States. The Swedish-based International IDEA, whose members include a number of European states and democracies from other regions of the world, seems to have been set up in part to have a distinctly non-American international organization active in this field. And the most recent meeting of the European democracy foundations in the Hague was entitled "Enhancing the European Profile in Democracy Assistance."

Yet on the operational level, it would be hard to find any significant distinctions between the work of these organizations and American ones. Some might say that Americans organizations are somewhat bolder in terms of providing assistance that displeases local governments. That may be true on the whole, but there are plenty of timid American assistance projects, and some bold European ones, especially on the part of nongovernmental groups like Britain's Westminster Foundation. Moreover, recent indications are that Europeans are beginning to give higher priority to democracy promotion. A clear example is the March 14 article in the *Financial Times* by Javier Solana entitled "Europe's Leading Role in the Spread of Democracy."

So I would conclude that, despite their deep disagreements over many foreign policy and cultural issues, democracy assistance is a field that brings together Europeans and Americans. And it does so precisely because both sides share a similar understanding and a profound commitment to the basic principles of democracy. So I would argue that democratization should be understood neither as Americanization or Europeanization, but as the adoption by other peoples of the principles and some of the institutions that first cam to light in Europe and the United States.

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The EU Constitutional Treaty: How to Deal with the Ratification Bottleneck

*Gian Luigi Tosato and Ettore Greco**

The effects of the Constitutional Treaty, the result of a long and common effort, are bound to unfold naturally once it enters into force. Yet it will take some time before ratification is completed and there is even the risk that one or more member states could fail to ratify. In order not to waste the valuable work done, a closer look must be taken at three important matters 1) the timeframe and methods of ratification; 2) possible anticipated application of parts of the Constitutional Treaty (CT) before it enters into force; and 3) initiatives to be undertaken in case the Treaty is not ratified by all member states. Analysis of these aspects necessarily calls for both political and legal considerations.

Part One: The Timeframe and Methods of Ratification

Legal obligations during ratification

The first issue to be examined is whether or not there are legal obligations for member states with respect to ratification.

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The principle of good faith

Generally recognised as one of the basic principles of international law, the principle of good faith obliges signatory countries to abstain from any conduct that could compromise full application of a treaty once it has entered into force. An explicit provision of this kind is contained in Art. 18 of the 1969 Vienna Convention on the Law of Treaties. More controversial is whether the states that have signed a treaty are subject to positive obligations, for example, to activate ratification procedures in a timely fashion or to adopt direct measures to facilitate application of the future treaty. Scholars do not agree on this matter. However, the view is widely shared that the principle of good faith takes on more importance in the sphere of international organisations, given the special cooperative relations that link the member states in achieving common goals.

The principle of loyal cooperation

In the European Union, the principle of good faith is encompassed by that of loyal cooperation. The European Court of Justice has repeatedly underlined that this principle is of fundamental value in the European system, that it involves not only negative but also positive obligations, and that its scope extends beyond the wording of Art. 10 of the Treaty of the European Community (TEC). In fact, the principle affects the member states and the Union in all possible directions. Not only do the member states have to cooperate loyally with Union institutions, the obligation also works in the opposite direction; more importantly, it applies to their relations with one another. In this way, the principle of good faith combines with the principle of solidarity, and both flow into and strengthen the principle of loyal cooperation.

Ensuing obligations

What are the implications of the principles of international and European law just mentioned? There is no doubt that member states are obliged to abstain from any behaviour that could compromise the purpose and contents of the Constitutional Treaty pending ratification. It is also reasonable to assume that the obligations extend to positive behaviour, in particular with regard to the ratification procedure. In this respect, obligations of different intensity can be envisaged: from a minimum duty to activate rapidly internal ratification procedures, to a more cogent one to facilitate (or at least not hinder) them or to actively promote a positive outcome.

Foreign policy merits separate consideration. In this field, the CT calls for

the enhancement of the Union's external powers and creates new institutions to that effect (an elected, full-time President of the European Council, a Foreign Minister, an external relations service). In particular, the CT strengthens the system of common external representation by means of three main instruments: giving the Union legal personality; increasing the possibility of a single representation in international organisations; tasking the Foreign Minister with expressing common Union positions in the United Nations Security Council. It is in light of these important developments that the foreign policy conduct of the governments that signed the Constitutional Treaty must be assessed. And it is therefore questionable whether initiatives that contradict the objective of a single external representation (for example, as concerns reform of the Security Council) can be considered compatible with the obligations of loyalty and solidarity.

Ratification procedures in the member states

The overall picture

As of this writing, a number of member states have decided or intend to include a referendum in their procedures for ratification of the CT. Spain is scheduled to put the question to the people on 20 February 2005. Other countries that have made the same choice are Denmark and Ireland, both of which are constitutionally obliged to do so. Referenda will also be held in the Benelux countries, the Czech Republic, France, Poland, Portugal and the United Kingdom. The other member states have either opted for parliamentary ratification or are inclined to do so.

Thus the overall picture is varied. Nevertheless, the general trend is clear: a higher percentage of member states than in the past has decided (or intends) to submit the CT to popular approval. This can be accounted for by both general and contingent reasons. In some member states, the decision to hold a referendum has undoubtedly been dictated by domestic political considerations. But there is also a widespread demand from citizens to be directly involved in this important step in European integration.

Nevertheless, the risk that frequent recourse to popular consultation at the national level could complicate – if not paralyse – the integration process should not be overlooked. An example is President Chirac's recent proposal to hold a referendum on the question of Turkey's entry into the European Union. It is clear that if national leaders choose to appeal systematically to the electorate to avoid having to manage directly the more delicate steps in European integration, it will become increasingly difficult to reach common or strategic positions on the more important problems or events.

Ratification in Italy

Italy is moving towards rapid ratification of the CT. The government has already sent the Chamber of Deputies a bill to this effect and there seems to be a broad majority in favour of ratification. By doing so, Italy would confirm its reputation for being a pro-European country and would at the same time provide stimulus and drive for other member countries.

Nevertheless, some political forces in Italy are calling for a referendum. The Italian Constitution explicitly rules out that laws ratifying international treaties can be submitted to a referendum for either authorisation (beforehand) or abrogation or confirmation (afterward). Therefore, a referendum on whether or not to ratify the Constitutional Treaty would require a special constitutional law of the kind passed for the 1989 referendum on Europe. Another matter is whether parliamentary ratification requires an ordinary law or a constitutional law, but the Italian Constitutional Court already ruled on a similar matter in 1964 (and has not changed its stance since then): an ordinary law is sufficient since the limitations on sovereignty required for the construction of Europe are "permitted" at constitutional level by Art. 11 of the Italian Constitution.

Part Two: Anticipated Application of Some CT Innovations

Three reasons for anticipating application

There are three reasons why it would be advisable, where legally possible (see *infra*), to introduce some of the innovations contained in the Constitutional Treaty even before it is ratified: first, the reforms contained in it are urgently needed; second, they could be facilitated by anticipated application and; third, anticipated enactment of some reforms could actually facilitate ratification of the Treaty itself.

First, the process of constitutional reform was launched in December 2000 in the conviction that the policies and institutions of the Union had to be adapted urgently to the challenges it was facing (starting with the historical enlargement to no less than ten countries). Realistically speaking, it's likely that the ratification process will take at least two years, as was the case with previous treaty modifications that were far more limited and partial. If no reform is introduced in that time, the European institutions' problems of functionality and credibility will be exacerbated. It would be damaging indeed if the member states, faced with the growing need for greater efficiency, transparency and democratisation, were to wait passively for the outcome of the ratification process. It is therefore essential that the reform process continue and that as many innovations as possible be implemented ahead of time.

Second, once the Treaty enters into force, its implementation would be facilitated if some of the innovations it provides for were already applied and tested. Some of these innovations are rather complex and call for a number of procedural steps before becoming operational. The risk, then, is that if application is only started after ratification, it will be a long time before the Treaty comes into full effect. Anticipated enactment of some key provisions could accelerate the process. This is what is being done, for example, with the European Defence Agency; a similar approach could be applied in other fields.

Third, adopting a few measures that would allow for anticipated application of some of the more significant innovations contained in the CT could facilitate the ratification process itself. In fact, some of these innovations are currently the object of intense political debate in a few countries. Those opposing the Treaty tend at times to interpret them in a distorted fashion, spreading unfounded alarm. Their anticipated application could help dissipate these fears. It would make it clear to public opinion that introduction of some of the more disputed novelties will not only leave the nature of the relationship between the Union and the member states unchanged, but could actually facilitate the implementation of policies that concretely tend to satisfy European citizens' demands.

Available instruments

A number of instruments could be used to enact the CT ahead of time.

Instruments provided by EU law

Interpretation of the current system in light of the CT. In addition to introducing innovations of a substantial nature, the new Treaty states general principles already recognised in institutional practice and case law, unravels scholars' interpretative doubts, and incorporates aspects of the *acquis communautaire*. Using legal material produced within the Union sphere to interpret existing treaties is not new to European law. It was recognised by European Courts, for example in relation to the Nice Charter of Fundamental Rights. The CT is not an inter-institutional declaration like the Nice Charter. Nevertheless, its contents were worked out with the contribution of representatives of national parliaments and governments, and has now been signed by the latter. Thus, the CT can, even prior to ratification, be considered an instrument for interpreting and supplementing the present system.

Residual powers pursuant to Art. 308 TEC. Art. 308 TEC grants the European Community an "open" legislative power by which it can adopt measures aimed at achieving a Treaty goal that cannot be carried out on the basis of

the specific powers provided for in the TEC. Initially conceived as ancillary to the construction of the single market, the provision has turned out to be both versatile and capable of responding to the Community's growing needs even after it lost its strictly economic connotation. It has been used to introduce some very innovative measures (such as the ECU) and new competencies (such as with regard to the environment) subsequently laid down in the treaties. Therefore, it could also be used now to implement selective contents of the CT before it is ratified.

Enhanced cooperation. This instrument, established in Amsterdam and simplified in Nice, allows for a restricted group of member states to undertake an initiative that is not of interest to all. Enhanced cooperation is subject to a number of procedural and substantial restraints. It is especially useful in fields that require unanimity, making it possible to get around vetoes, albeit at the price that dissenting countries are not bound by the measures adopted. Thus, enhanced cooperation would allow for actions to be taken before ratification in fields that currently require a unanimous vote in the Council, but for which the Constitution envisages a qualified majority. Such initiatives could have a locomotive effect, encouraging member states not participating from the outset to join later.

Inter-institutional agreements and declarations. Agreements between the institutions of the Union and joint declarations, although not expressly provided for in the treaties, are currently recognised as anomalous sources of European law. Their legal value derives from the fact that they commit the institutions to a certain kind of conduct in exercising their powers, a commitment deriving from the general principles of loyal cooperation (also applicable to institutions) and legitimate expectations. Throughout the history of European integration, such agreements have been used repeatedly – at times, to make up for gaps in existing treaties (think, for example, of the European Council and the budget procedure). Sometimes, as initially occurred with the Community's recognition of fundamental rights, inter-institutional declarations preceded a subsequent modification of the treaties.

Instruments provided by international law

Provisional application of the CT. International law allows for the provisional application of treaties (Art. 25 of the 1969 Vienna Convention). States continue to resort to it in relation to treaties subject to ratification. It is used to implement, in those states that consent to it, all or parts of a treaty before it enters into force, thereby getting around the long times required for ratification.

It is obvious that not all of the CT can be applied provisionally because this would constitute the circumvention (even if only temporarily) of domestic constitutional requirements. But the same objection cannot be raised to provisional application of parts of the Treaty. A solution of this kind, precisely because it is not definitive, would have the advantage of not compromising the course of ratification procedures. In fact, it is generally felt that a state's consent to provisional application loses effects *ipso jure* if the state fails to ratify; this could, in any case, be explicitly set out. Provisional application would lead to an agreement entered into directly by the governments (in the so-called simplified form), whose efficacy would only be consolidated if the Treaty were subsequently ratified.

Conclusion of autonomous international agreements. Another anticipatory instrument is offered by autonomous international agreements concluded among member states. This has been used many times in the history of European integration. Two of the better known cases are the European Monetary System (EMS), which involved an agreement between national central banks preceded by a European Council resolution, and the Schengen agreements.

Such agreements, signed by all or some member states, could assign Union institutions tasks whose objectives are compatible with those of the Union. Later, they could be integrated into the Union's legal order as occurred with Schengen. Like those on provisional application mentioned previously, these agreements would be based on international law. They differ from the former, however, in that they are not linked to the ratification of the CT and produce permanent effects. That is why, if concluded in simplified form (that is, directly by national governments), they could cause problems of constitutionality at the domestic level.

Innovations that could be enacted before ratification

Innovations of an institutional or procedural nature

Legal personality. The treaties currently in force bestow legal personality only on the Community. In the absence of a specific provision, scholars debate whether this personality should extend to the Union and, if so, whether that of the Union is additional to or absorbs that of the Community. The CT will put an end to this debate in that the Community is incorporated into the Union and the latter is the only entity with legal personality. In keeping with a trend already under way, this novelty could be brought into force more generally with all the benefits that would derive in terms of clarity and simplification.

Presidency of the Council. The new Treaty reforms the Union's system of rotating Presidency of the Council. The frequent changes involved in this system of rotation and the consequent inconsistency have already been the object of reforms which culminated in the decision, taken in Seville, to strengthen the coordination of the presidencies by means of annual operational programmes and tri-annual strategic programmes.

A Declaration annexed to the new Treaty takes this reform process a step further, providing for even stronger coordination by grouping together three countries for 18 months to take over the Council Presidency (with the exception of the External Affairs Council). The presidency of each Council will rotate between the three countries, unless the group decides otherwise. At the moment, the Council is in charge of its internal organisation and the rotations, which have been scheduled up to the end of 2006. It could choose to start designating groups of three countries at a time to coordinate the Presidency for a period of 18 months as of 2007.

Minister of Foreign Affairs. To make up for the inconsistency and low profile of the Union's external action, the CT establishes the post of Foreign Minister of the Union, combining the present functions of the Commissioner for External Affairs and of the High Representative for Common Foreign and Security Policy. Last year, the Heads of State and Government already named Javier Solana, current High Representative, as the future Foreign Minister, even though the position will only become effective with the Treaty's entry into force. With a special agreement, however, the member states could already confer upon Solana, minister designate, some of the powers granted by the Treaty.

In particular, the Treaty establishes that the Foreign Minister should give voice to any common position the Union works out on issues being discussed in the UN Security Council. The High Representative for foreign policy could already be entrusted with this task.

In support of the new figure's functions, the Treaty also provides for a new European service for external action, made up of officials from the Council General Secretariat, the Commission and national diplomatic services. That this is an urgent requirement was emphasised by the Intergovernmental Conference (IGC) which, in a declaration annexed to the Treaty, committed the member states to work towards this goal as soon as the Treaty is signed. The Council and the Commission could reach an agreement on setting up this service and creating the functional links between the structures required to make it possible. In this context, more coordination would have to be envisaged between the delegations of the Union and of member countries in third countries.

Eurogroup. The new Treaty sanctions the existence and autonomy of the Eurogroup. Pursuant to the protocol annexed to the text, the Eurogroup can nominate its own president for a period of two and a half years. The ministers of finance of the Euro countries already nominated Jean-Claude Junker to this position in September 2004. Although his tasks have not been defined, he could be entrusted with external representation powers on the basis of Art. 111 TEC. Moreover the Eurogroup could be turned into an enhanced cooperation.

National parliaments. The CT strengthens the role of national parliaments within the Union system. The additional protocol on the role of national parliaments states that they must be informed directly (no longer through governments) of any draft European legislative acts. Furthermore, to ensure that the Council cannot approve proposals that have not been examined by the national parliaments, the Council will have to wait at least 10 days from when an item is put on the provisional agenda before approving it. These reforms could become accepted practice in the Union while ratification is still pending by means of simple inter-institutional agreements.

The second Additional Protocol to the Treaty allows national parliaments to object to legislative proposals by the Commission considered contrary to the principle of subsidiarity; and if the objection is shared by at least one third of national assemblies, the Commission is forced to revise its proposal. There is nothing to stop the national parliaments from expressing their opinions on Commission proposals now, thereby contributing to the Union's decision-making process. This initiative should be accompanied by a political commitment on the part of the new Commission to review its proposals if reservations are raised by at least one third of national assemblies.

Inter-institutional cooperation. The CT establishes that the Commission's annual and multi-annual programmes have to be drafted in cooperation with the other institutions. Even in the absence of a formal decision, this inter-institutional cooperation could become a part of Commission practice now.

Consultation during the legislative process. During the adoption of European laws and framework laws, the CT calls for more involvement of the social partners concerned. Independently of the entry into force of the new Treaty, the new mechanisms for consultation could be adopted to improve the efficacy and democratic legitimacy of the Union's decision-making process.

Innovations relative to specific policies

Defence policy. The most significant innovations introduced by the CT in defence policy are a European defence and armaments agency and the possibility of structured and permanent cooperation, on the model of the Euro. The urgency of rapid progress in this field has already induced the member states to introduce some of the innovations envisaged in the CT. In July 2004, a common action by the Council established the European Defence Agency. Intergovernmental agreements could also be used within the Union to pursue the objectives envisaged for structured cooperation. This was what occurred to some extent last June with the decision to set up an Operation Centre for the planning and command of small-scale operations. Moreover, the Union could immediately put into practice the Treaty clauses that allow the Union to confer mission mandates on individual or groups of countries that commit themselves to carrying them out in the name of the Union. This was already the case with the Artemide mission in Congo.

Space of freedom, security and justice. Considering the topicality of the problem, recognition of the principle of solidarity in the management of border control, asylum and immigration policies could be the object of a political declaration by the Council. This would be analogous to the clause on solidarity in the fight against terrorism inserted into the new Treaty and adopted by the European Council in March 2004 in response to the terrorist attacks in Madrid.

The CT extends the role of the European Parliament to numerous matters included in this field, such as immigration, and judicial and police cooperation. In all these fields, the Council could commit itself now to closer cooperation with the European Parliament in line with the new provisions.

More generally, the CT underlines that with the progressive opening of borders, closer judicial and police cooperation between member states is required. Taking into consideration that this sector has long been characterised by strong intergovernmental cooperation among most member states, some proposals contained in the CT could already become the object of enhanced cooperation or, lacking that, *ad hoc* international agreements. Examples include establishing a standing committee on operational cooperation in domestic security, introducing mechanisms for assessing domestic security, and setting up a European prosecutor's office.

Part Three: Solutions in Case of a Ratification Crisis

Member states are obliged to activate ratification procedures quickly and to

work loyally and in good faith towards a positive outcome (see *supra*). It is clear, though, that there is no obligation to ratify and that it would therefore be possible (and not unlawful) for one or more member states to decide not to ratify the CT as a result of internal constitutional procedures. Unfortunately, given the number of current members and the general political climate, this possibility cannot be ruled out. Therefore it seems important to consider as of now how to face the scenario of deep crisis that would ensue. Two types of solutions can be foreseen: those agreed upon between ratifying and non-ratifying states and those leaving aside such agreements. Obviously the latter are less preferable in that, although legitimate in terms of international and European law, they constitute a kind of *extrema ratio*. Nevertheless, acknowledging that they exist could facilitate an agreed solution.

Solutions agreed upon by the member states

The preliminary question is whether ratifying and non-ratifying countries are in some way legally obliged to try to find an agreed solution. Regardless of the answer to this question, some concrete solutions that could be worked out have to be identified and assessed as to their political feasibility.

The obligation to negotiate loyally and in good faith

Declaration nó. 30. Declaration no. 30 annexed to the Treaty reads:

> The Conference notes that if, two years after the signature of the Treaty establishing a Constitution for Europe, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council.

There can be no doubt that the phrase "referred to the European Council" means that the matter 'must be' referred. Thus, the member states are obliged to meet in the European Council and examine the situation at hand. The Presidency at that time will have to act and, given the importance of the matter, call an *ad hoc* meeting. Furthermore, it would seem that the member states cannot simply passively acknowledge the problem, but are obliged to do everything possible to reach an agreed solution.

A duty of this kind is based once again on the principles of good faith and loyal collaboration (see *supra*), which play a central role in international and EU law. They give rise to the member states' duty to negotiate a solution constructively every time a problem relating to the Union crops up.

The more serious the problem (and this one would certainly be extremely serious), the stronger the member states' commitment.

Existence of a pactum de negotiando. In this particular case, things could be taken one step further. One could claim that the treaties in force entail a kind of pact among the member states by virtue of which they have undertaken to enter into a stepwise process of integration. Attesting to this are the phrases in the preambles of the instituting treaties referring to an "ever closer union", as well as the need for further steps to develop the common project. The progressive integration of the member states and the European peoples therefore constitutes both an objective and an endeavour that all member states have solemnly underwritten.

It would be going too far to argue that this means that there is a *pactum de contrahendo* that obliges the member states to ratify the CT or (subordinately) to agree to negotiated solutions in line with the integration process. It does, however, confirm a precise obligation to negotiate loyally and with commitment within the frame of a *pactum de negotiando*. This pact binds all member states equally, both ratifying and non-ratifying, but in particular the latter because they are the ones that are producing the obstacle to further integration. In fact, the ratifying states cannot impose the CT or the innovative parts of it on the non-ratifying states – consensus is required. But by the same token, the non-ratifying states should not be entitled to block the others by claiming a kind of veto power. If they are not able to proceed with implementation of the common plan, good faith and loyal collaboration should make them consent to, or at least not oppose, the others going ahead.

Obligatory withdrawal from the Union of non-ratifying states. The idea has been put forward that member states that fail to ratify should leave the Union. The political and ethical reasoning behind the idea is clear, but can states be legally obliged to withdraw in case of non-ratification and to commit themselves to doing so in advance? It is hard to imagine that the principle of loyal collaboration could be taken that far. The non-ratifying countries are certainly free to decide to take such a step, possibly upon the urging of the other member states (see *infra*). But it is another matter to assume the existence of a legal obligation to do so – an obligation which could not be sanctioned by expulsion if it were not fulfilled. In fact, expulsion is not provided for in the treaties in force and would not be justifiable on the basis of international law. As will be seen further ahead, should it prove impossible for ratifying and non-ratifying states to co-exist, the legal solution available to the former is not to force the latter to leave the Union,

but to withdraw themselves from the current treaties to refound the Union on the basis of the new CT.

Possible solutions to be negotiated

Revision of the CT. This is an option that could receive consensus if a number of countries were not to ratify the CT and the referendum campaigns and results revealed strong opposition to some of the Treaty's innovations. Two delicate political problems would arise: what kind of negotiating procedure should be adopted and on what kind of issues should the new negotiations be centred?

As regards the negotiating procedure, the alternative is between another Intergovernmental Conference with a simplified procedure and calendar, and a new Convention followed by an IGC. The first option would be more rapid and would ensure more effective diplomatic management of the political issues posed by non-ratification. The second would consolidate the Convention method, making it a definitive acquisition, along with the values of democracy and transparency that it embodies. Here too, a rapid Convention with simplified rules could be envisaged.

The choice of issues to be reviewed, on the other hand, would involve a difficult compromise between opposite political requirements: while the non-ratifying states would want substantial changes to be introduced into the Treaty, the ratifying states would probably be reluctant to water down a text that cost so much time and effort, especially if it were approved by a broad majority of members of parliament or voters. In practice, this would call for a (politically) delicate selection of the innovations to be kept and those to be eliminated on the basis of a joint assessment of the reasons for non-ratification. An agreement to keep everything that goes in the direction of simplification (unification of the treaties, renaming of the legislative instruments, reduction in procedures and greater transparency) would probably be relatively easy to achieve. It might be harder to confirm incorporation of the Charter of Fundamental Rights and such institutional innovations as the Minister of Foreign Affairs and an elected, full-time President of the European Council.

Granting the non-ratifying states special status within the Union. This option would exonerate one or more member states from some of the obligations set down in the Treaty. This was the path chosen after the Danish referendum turned down the Maastricht Treaty in June 1992. Denmark negotiated an agreement exempting the country from the obligations of the new treaty in the fields of defence, justice and home affairs, and citizenship. Obviously, this would be the preferable option if only one country were not

to ratify and the majority were not too large, as was the case with Denmark.

In order to determine the exemptions to be granted, however, a look would have to be taken at the reasons for opposition to the Treaty that emerged during the referendum campaign. Exemptions should, in fact, allow for a positive outcome in a new referendum or vote in parliament. It should be recalled, however, that opting-out formulas are easier in policy sectors and more complex and problematic in procedural and institutional matters.

Granting the non-ratifying states special status outside of the Union. At first glance, this option seems preferable if the Treaty is rejected in only one or a few countries but by such a broad margin as to make it unlikely that it would be approved in a second referendum or another vote in parliament, even after the adoption of opting-out clauses. The difficulty lies in reaching an agreement with the member state for withdrawal from the Union and the institution of a regime of external association. The leadership of the country in question would have to come to the conclusion, on the basis of the referendum results or the parliamentary vote, that rejection of the Treaty actually reflects a rejection of the Union as a whole, even the treaties already in force. This is unlikely, unless openly anti-European political forces were to come to power. Otherwise a 'no' to the Treaty would be taken as directed specifically at the innovations it contains. In general, voluntary withdrawal from the Union by a member state seems improbable, at least for as long as the revision of the treaties is bound by unanimity. The member state could, however, be persuaded to leave the Union if offered the prospect of a regime that goes beyond a mere association agreement or participation in the European Economic Space.

It goes without saying that the last two solutions could be adopted contemporaneously if, in the case of non-ratification by a few member states, some were to opt for the former solution (membership with opt-outs) and some for the latter (special status outside of the Union). The Treaty could, in fact, be rejected for different reasons and, above all, by different percentages of voters.

Putting aside the Constitutional Treaty. If efforts to come to an agreement among member states on one of the above solutions were to fail, a dramatic alternative would open up: abandonment of the CT or enactment of solutions not agreed upon by all member states. The first proposition is hard to accept for those who feel that the CT responds to a compelling requirement of the Union and that putting it aside would open the road to an inexorable decline in the integration process. The second would lead to a rift between member states, with consequent destabilising effects and unknowns for the future development of the European project. The negative

consequences of the two solutions could be partially mitigated if, in the first case, some of the CT's innovations were nevertheless adopted using the instruments available in the present system (see *supra*) or if, in the second, the countries were to opt for non-agreed solutions that are compatible with the continuing existence of the present system (see *infra*).

Overall evaluations. In choosing among the various options illustrated, account would have to be taken of the variables mentioned, above all of the number of member states not ratifying and the degree of opposition manifested in each. The specific reasons for rejection of the Treaty in each state would also have to be investigated. The decisive factor could be widespread and consolidated Euro-scepticism among the public, already seen on other occasions. In this case, the negotiating margins would probably be so limited as to make agreed solutions impossible. On the other hand, rejection of the Treaty could reflect a lack of confidence in the government in power or, more specifically, its European policy. In this case, the possibility of winning a second referendum would increase with a change in government.

This indispensable effort to interpret why the Treaty was rejected would have to be made by national leaders. But coming up with effective solutions would also require close interaction between the national and European levels. The leaders of the countries that ratified the Treaty and the Union's highest-ranking institutional figures, starting with the Commission president, would be called upon to play a decisive role in urging, and if necessary putting pressure on the national leaderships of the non-ratifying countries.

Solutions not agreed upon by the member states

As already mentioned, these solutions are a last resort. They involve only the ratifying countries, which decide to go ahead on their own without the prior consent of the non-ratifiers. This would entail a departure from the traditional consensual method of European integration, and the effects could be more or less serious (and therefore more or less easy to remedy) depending on the solution considered. Indeed, some solutions could integrate the present system and would therefore allow for continuity, others would be totally incompatible and substitutive of it. The former evoke the scenario of an integrated Union strengthened by an *avant-garde* group, the latter a refounded Union with a new composition and a new associative structure. Both raise problems of legitimacy to be assessed in light of European and international law.

The scenario of an 'enhanced' Europe

A solution of this kind could take the form of sectoral agreements among all ratifying states aimed at achieving greater integration, or a kind of pact between some member states to coordinate their participation within the Union. In both cases, the resulting structures would be outside the Union but capable to coexist with the Union's system.

Sectoral agreements. The ratifying member states could enter into one or more sectoral agreements amongst themselves on specific policies (foreign affairs, defence, security, the fight against crime, economic development, etc.). These agreements would implement provisions of the CT or even go beyond them (since the CT's provisions suffer the effects of compromise within the Convention and the IGC). As normal agreements under international law, they would fall outside of the Union system but could be brought into it during subsequent revision of the treaties. Until this were to happen, there would be two parallel systems: the general Union system, valid for all member states, and the one deriving from the agreements binding only a few of them. This would give rise to a delicate problem of coordination between the two, the solutions for which range from substantial autonomy to strong links.

Partial agreements of this kind, modifying multilateral treaties for only some of the parties are a practice well-known to the European integration process (as exemplified by Schengen and the EMS). They are legitimate as long as certain conditions are met. For international law, the changes must not jeopardise achievement of the objective of the original treaty, nor the rights of the other parties (Art. 41, 1969 Vienna Convention). The same conditions hold for agreements that modify the Union treaties for only a few member states. Moreover, according to Union law, such initiatives can only be undertaken after attempts at enhanced cooperation within the Union have failed.

Pact for coordinated action within the Union. A more radical solution that could be combined with the preceding one would envisage agreements among some member states establishing an organisational structure for systematic coordination of their positions within the Union. This could also lead to a single representation in the Council, assigned in rotation to individual or groups of states. Such a solution, while it would not alter the Union's current institutional arrangement, could allow the *avant-garde* core of member states to move towards closer integration at both the institutional and the individual policies level.

This solution, like the previous one, seems compatible with the continuity of the current system. It could meet with greater opposition from

the excluded member states, however, even if it is inevitable that, in the scenario of an enhanced Europe, the states participating in the core will to some extent stand apart from the others (as is happening now – although not quite in comparable terms – with the Eurogroup).

The scenario of a 'refounded' Europe

The failure to ratify and the difficulties in finding agreed alternative solutions among all member states could lead the ratifying states to conclude that the current system cannot be further modified or integrated, and that it should be put aside and replaced. In this light, the CT would open a new, refounding phase in the integration process, breaking with the past. This is an extreme solution that would involve at least two steps: 1) adoption of the CT (or some other act refounding the Union) by the ratifying states; 2) termination of the current treaties for the same states through withdrawal or by some other means.

Entry into force of the CT without ratification by all member states. It could be argued that the requirement of ratification by all member states set down in Art. 48 of the Treaty of European Union (TEU) does not apply to the CT, in that the TEU refers to *modifications*, by amendment, of the existing treaties. Consequently, the procedure provided for applies to the *revision*, not the *replacement* of those treaties and, much less, to the *refounding* of the Union on new constitutional bases.

Nor can Art. IV-447 of the CT be invoked to support the opposite view, first, because its efficacy is dubious until the Treaty enters into force and, second, because the provision seems to assume ratification by all signatory states, but does not explicitly demand it. This could be inferred from the text of Art.IV-447, where it states that the two months preceding the entry into force of the treaty will be calculated from the time of the deposit of the instruments of ratification by "the last state to take this step". In the absence of an obligation to ratify established elsewhere (that is, if Art. 48 TEU is not to be applied), such language could be interpreted to mean that the treaty enters into force two months after the last state intending to ratify does so. Therefore, if a signatory state decides not mean to ratify, this excludes it from those that have to deposit the instruments of ratification for the CT to enter into force.

In light of this interpretation, the CT would enter into force with the ratification of only the countries that intend to ratify. Pursuant to the provisions for abrogation and succession (Articles IV– 437 and 438 CT), the new Union would for those member states replace the old one and the current treaties would be considered repealed. The same should apply with

respect to the non-ratifying states. In any case, ratifying countries would do well to notify the others that they no longer consider themselves part of the old treaties or, in case of dispute, to withdraw formally from them.

Withdrawal from the Union and adoption of a new refounding act. Another way to achieve the same result would be to invert the two steps mentioned above: the ratifying states first withdraw from the treaties and then sign and ratify a new refounding treaty amongst themselves.

For constitutional reasons, such a solution would call for new ratification procedures – with all the relative consequences – to the extent that the previous ratification was based on the logic of all member states participating in the CT. The new procedure, however, could be simplified and more rapid. Clearly, this solution would do away with any debate over the admissibility of the CT entering into force without the ratification of all member states. Moreover, it would make it possible to adapt the CT to the new situation or even refound the Union in much more advanced terms than those set out in the current CT.

In the same spirit, adoption of a new refounding act could be envisaged outside of the classic scheme of international law and, therefore, without an IGC and without ratification. The new text could be adopted by a Constituent Convention and then approved by a European referendum. In this way, even the form and procedure for the entry into force of the act would be in harmony with its substantially constitutional nature.

As for withdrawal from the existing treaties, this should not raise questions of legitimacy. It is true that a special clause to that effect is provided for only in the CT (Art. I-60) and not in current Union law. But such a provision can be considered implicit or natural for institutions such as the Union (although not all scholars agree on this). On the other hand, international law allows for withdrawal from treaties in the absence of explicit provisions, both in the case of a fundamental change in circumstances and when that option can be assumed from the nature of the treaty (Articles 56 and 62 of the Vienna Convention). Even those authors who are in principle against recognising the right of member states to withdraw from the Union concede that withdrawal is permitted in situations of particularly serious crisis. Thus, withdrawal from the Union appears to be legitimate at least in the presence of such a serious circumstance as the failure to ratify the CT.

Reports on *The International Spectator*

Report 1

1) POSITION IN FIELD
My general sense is that IS is a respected journal whose profile has been raised quite a lot in recent years. It obviously is heavily practitioner-oriented, with frequent contributions from policy-makers. Some recent practitioner contributions are, inevitably, more substantive and 'meat-y' than others. But there is certainly a need for this kind of organ for that kind of contribution. I think position in the field is largely a matter of perceptions, and there may be a sense that the journal is perceived as being a bit too Italian, too specialised on Med issues, and thus not of interest to a wider, generalist audience. Having said that, an effort seems to have been made in recent years to broaden the diversity of contributors. And there is no doubt that the Balkans and Southeastern Europe are a primary focus of anyone working on international politics these days. So my general conclusion about positioning is that this journal fills a niche, which is limited in scope but still requires filling.

2) CURRENT COMPETITORS
The various in-house journals of other institutes (such as Brookings, CEPS) obviously are competitors. The journal probably also competes with International Affairs, Foreign Policy, Foreign Affairs, etc.

3) WHAT MAKES IT DISTINCTIVE
See 1 above. Again, focus on Balkans and Southeastern Med are key source of distinction. The Italian orientation is something of a double-edged sword, but the journal does propagate the views of the foreign policy community of a large EU Member State in a way that no other journal does.

4) STRENTHS AND WEAKNESSES
Again, Italian orientation is both a strength and weakness. Same with practitioner focus. The 'core issues' special features are usually quite good -- especially the ones on NATO in April-June 99 and Kosovo in late 98. The IAI has a nice-looking web-site and that is certainly a strength of the journal. Weaknesses: the journal looks a little bit too much like an insider's organ and perhaps a bit more outreach could be done to attrack contributions from a more diverse range of scholars and analysts. The 'library notes' could be improved significantly -- and I would support plans that seem to be afoot to do so. The journal is in serious need of redesign in terms of appearance and lay-out, which presently looks rather 1970s, printed on cheap paper, typeface is unattractive.

5) NEW TARGET AUDIENCES
I'm sure that the non-Italian speaking market could be better exploited. Especially think the journal could achieve a higher profile in the USA, given recent contributions by hi-powered Americans (i.e. Asmus, Woodward, Larrabee).

6) BALANCE AND COVERAGE AND INTL PROFILE
Balance could be a bit more towards non-Italian and non-Med/Balkans issues -- i.e. the articles in the past couple years on football and Moldova were interesting. Good idea to develop the 'Europe Forum' to seize on general IR/foreign policy community interest in EU as a foreign policy (and, soon, military policy) actor. Also I'd encourage editors to try to publish slightly less current-affairs-ish type articles and more developed, historically grounded, even theoretical pieces. For example, the Hans Stark article on Franco-German relations (April-June 99) is really very good but doesn't provide as much background as would be needed to make it an effective article for teaching (I'm always looking for F-G articles to teach from, and so are lots of others!).

Generally, I'm quite positive about this journal and its potential for upgrading. It does need some work and careful thought is required to seize on current strengths and ameliorate weaknesses. But I do think it is worth Blackwell's while to look at it seriously.

Report 2

The International Spectator is similar in background and function to International Affairs, but perhaps more of an academic journal, rather than a general publication. It also seems to have been keeping up with new topics more effectively.

There were a number of papers published for a series and were of commissioned from a range of experts, of which most were from outside Italy, and asked for new and interesting work. I understand that this is one of their normal modes of publication, and it can produce both a useful collection and exchanges among the authors. Although the papers are commissioned, there is a strict refereeing process, and not all the papers from the series of which mine was a part were published.

The topic, the MERCOSUR regional agreement in South America, was both topical (a Latin American-EU summit last June) and part of an expanding academic literature (on regions and international integration).

The new directions which you mention will certainly produce a wide range of research in the next few years. I suspect, however, that the main audience for articles on South East Europe and the Mediterranean will remain in those regions, but there are major European Commission research and other projects in that area, so there will certainly be an audience. 'Those regions' would include France, as well as Italy, Spain, Portugal, Greece, etc., but of course English language journals have a problem in France. The forum on European integration (which I assume will continue to look beyond Europe to Europe's integration with other regions) should have a general appeal, beyond this constituency.

The inclusion of book reviews should increase its appeal to librarians, but I do not know how much weight this now has with institutions making ordering decisions.

It is a journal whose contents I look at, and sometimes find topics to pursue.

You ask for other journals which might be considered competitors: it is a non-technical, policy-oriented journal. It is therefore the same type of readership (and potentially some of the same articles would fit in it) as World Economy or Journal of Common Market Studies, as well as International Affairs. It has not (as far as I remember) published articles dense with data or regressions, but it does expect a professional audience, with economic/international relations/government policy background. I would look in it for new thoughts or the thoughts of a particular expert on an issue more than new theory or research.

This may make it sound not essential reading (or library purchasing),

but World Economy has survived a series of economy drives in our library because enough of us find it interesting and useful if not essential. Whether Int. Spectator or Int. Affairs would, I am not so sure.

Report 3

Just a few comments on this journal.

First of all, it looks rather old fashioned - lay out is bad in my view - and not very interesting, but these things can be changed.

It's a Euro-centric journal and focuses on Italian foreign policy and European security issues a lot. So from that point of vew it could be said to be rather narrow, but that is its purpose I suppose. Europe is important and the editors have managed to secure some excellent authors. But quite often the articles are revised texts of conference papers or such like. This needn't necessarily matter, but it could mean they are sometimes somewhat 'second-hand'. I have no idea how much commissioning goes on - perhaps not much.

The blurb says that the IS welcomes submissions on all aspects of international political, economic or security affairs, but I don't see much evidence of this.

The advisory board is very parochial, but that too could be changed.

I'm not sure the library notes really suceed. I would have thought a short book review section written by outside people would be much more interesting. There's certainly not much opinion in the reviews as they stand.

As the quality of authors is generally good, they must feel it worthwhile publishing in IS. With a good redesign, a spiced up books section and maybe a dedication to European issues, I would have thought this journal could be one academics and policy-makers would find increasingly useful.

Report 4

I sincerely believe that it is a good, and promising publication. No other English language pub. gives the Italian angle on things (that I know of). Italy is an important, if not top rank player. People who follow contemporary international relations, and who don't read Italian, can benefit from the research and commentary published by Italian scholars, based at the Istituto Affari Internazionale (IAI) and elsewhere. The IAI, and I believe the IS, were founded, by the way, by Altiero Spinelli, the famous European unity activist. Their institutional position is strongly, but not uncritically, "pro-European". They also have an interesting "stable" of non Italian writers, drawn mainly from the various European intl affairs institutes, like Ebenhausen and Chatham House with whom they have close ties.

The overall quality of what they publish is high, and they have good (Canadian Italian) editor so the stuff is readable. Look at the article by Susan Woodward. This is as penetrating and as informed an analysis of the current Kosovo situation as you will find anywhere. It is better than anything I've seen in Foreign affairs or Foreign Policy. Their repertoire tends to be rather technical (covering the Euro-Med dialogue, for ex.) and not as exciting as it might be. On the other hand they cover things like that in a depth not to be found in British and US publications.

I think the US market is worth looking into. Many of the subscribers to Dip History, which I think you publish, would be interested in the IS.

The main problem with it now I frankly think is aesthetic. When you pick it up it doesn't just temp you to spend some time with it. The cover (and the colour) is drab and dull. It needs some jazzing up. In terms of substance, it needs a bigger book review section and new reviewers (I think they're doing this now).

Peer review questionnaire for foreign policy journal editors
(please fill in and return to Gabriele Tonne)

Name of journal

Are submissions to your journal subjected to an anonymous peer review?

Who are the reviewers?

How many reviewers do you have?

Do you have a standard form for the reviewers to fill in?

Do the authors get to see their review sheets even if their articles are not accepted for publication?