Too Soon for an Elegy:
Transatlantic Relations and
the United Nations Security Council

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“On major strategic and international questions today, Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less.” — Robert Kagan, an American columnist

“On the fundamental issue of how to promote international order in the 21st century most, if not all European countries no longer see eye-to-eye with their major security partner, the United States.” — Christoph Bertram, head of the German Institute for International and Security Affairs

In the run-up to the second Gulf War in Iraq in 2003, the U.S. and Europe experienced the most jarring deterioration in the transatlantic partnership since perhaps the Suez crisis of 1956. The Iraq crisis potentially mortally wounded the United Nations Security Council as a meaningful venue for dealing with issues of war and peace. At the same time, the episode may have driven a permanent wedge in the transatlantic partnership. The emerging conventional wisdom is that the end of the Cold War, coupled with the overwhelming military advantage of the United States will ineluctably push the U.S. and Europe apart. Are these fears overstated? Can careful diplomacy and policy put together the pieces of transatlantic cooperation?

This essay— a joint effort by an American and a European— unfolds in three parts. **Part I** discusses the legitimation function of the UN, the significance of the Iraq crisis for the United Nations, and the difficulty of reforming the institution to deal with contentious issues among Security Council members. **Part II** diagnoses why the U.S. and parts of Europe found themselves at such odds over Iraq, highlighting how the combination of

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1 Kagan 2002.
2 Bertram 2003.
3 Glennon 2003.
differences in material capabilities, values and domestic institutions made more likely the probability of a clash. That said, we stress how personalities and policy choices had a large role in actually precipitating the breakdown itself. **Part III** shows possible avenues to foster future transatlantic cooperation by analyzing three issues: which principles will guide international politics, leadership and UN reform, and the redesign of the transatlantic partnership. The transatlantic partners, in our view, should practice politics as the art of the possible and cooperate for their own benefit and that of the international community.

**Part I: The Iraq War, the West, and the UN Security Council**

Analysts are proclaiming the Security Council has been irrevocably harmed by the conflict over the Iraq war. Michael Glennon in *Foreign Affairs* wrote trenchantly “with the dramatic rupture of the UN Security Council, it became clear that the grand attempt to subject the use of force to the rule of law had failed.” However, as a number of critics have pointed out, the United Nations as a political compromise was never designed to “regulate the foreign adventures of the permanent members” of the Security Council. If the expectation was the Security Council could play much of a role limiting the great powers’ use of force, then by this measure it has surely failed. However, this metric may not be appropriate, as the true measure of the worth of the UN Security Council is the extent to which it can organize and legitimate military and humanitarian operations in serious but less contentious conflicts. On this score, UN-sanctioned operations in the post-Cold War era in the Balkans, Haiti, Cambodia, and East Timor look more successful.

This is not to suggest that the UN system functions particularly well dealing with questions of war and peace. Where there has been an unwillingness by the institution’s

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4 Glennon 2003, 16.
paymasters to support military operations, as in Rwanda, the institution has performed appallingly badly. That said, this was true during the Cold War. What has changed with the end of the Cold War is a growing recognition that state sovereignty should not necessarily trump individual human rights or the potential threats from terrorism and WMD.6 The international legal architecture has yet to fully articulate a set of legal rules that does not give the powerful a carte blanche invitation to intervene when they want to, nor are the rules for humanitarian intervention clear.7

At the same time, the institutional design of the Security Council—with five permanent members and ten rotating members—seems anachronistic but may be almost impossible to change, given the supra-majority required to review the UN Charter. As Thomas Weiss noted, in nearly sixty years, only three amendments have been made to the UN Charter. The difficulty of amending the Charter led him to conclude: “The history of reform efforts geared toward making the Security Council more reflective of growing UN membership and of changing world politics since the organization’s establishment conveys the slim prospects for meaningful change.”8 Kofi Annan’s plea for a Security Council that reflects contemporary geo-political realities is likely to face a rough road.9 France and the UK both possess veto power in the Security Council yet other major powers—Germany,

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5 Hurd 2003, 205.
6 Haass 2003.
7 There are on-going efforts to update legal rules in this area. Feinstein and Slaughter 2004.
8 Dating back to the second World War, the five permanent members of the UN Security Council that enjoy veto power include the United States, Britain, France, China, and Russia (assuming the role of the former Soviet Union). The Security Council has a total of 10 nonpermanent seats, three of which belong to Africa, two to Latin America, four to Asia and Eastern Europe and one to Western Europe. Prior to the biannual vote, each region holds a separate meeting to decide on its next representative on the council. This number dates back to a 1965 expansion from eleven to fifteen members. UN Wire 2003c. The UN Charter in Articles 108 and 109 provides for amendments if 2/3 of the membership agree and all permanent Security Council members agree. UN Charter Amendments; Jordan 2002.
10 Annan’s call is part of a larger on-going project of a UN working group to try to establish a larger; more “equitable” Security Council. The working group was formed in 1993 and is called the Open-Ended Working
Japan, and India—possess no permanent seat. While one could make the case that a consolidated single EU veto might be an appropriate replacement for the British and French veto, it is almost inconceivable that either government would concede to give away this vestigial power.\footnote{Tom Friedman made a recommendation like this in a provocative column. Friedman 2003.}

Despite these flaws, the Security Council still possesses a hold on the imagination of people as an important arbiter of legitimacy. The stamp of Security Council and General Assembly approval signals to domestic constituencies that there is some measure of world support for a policy. Edward Luck noted Security Council legitimation is instrumentally important:

> It is hardly coincidental that both sides in the Security Council debate on Iraq sought to invoke legal as well as political symbolism. They recognized the pull that such claims, however cynical or superficial, have on both domestic and international constituencies.\footnote{Group on the Question of Equitable Representation and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. Barringer 2003a; Barringer 2003b. UN Wire 2003a, 2003d.}

Similarly, the comment by distinguished international relations scholar Inis Claude is as true today as it was nearly forty years ago:

> One may question whether proclamations of approval or disapproval by organs of the United Nations... are really important. The answer is that statesmen, by so obviously attaching importance to them, have made them important. Artificial or not, the value of acts of legitimization by the United Nations has been established by the intense demand for them.\footnote{Group on the Question of Equitable Representation and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. Barringer 2003a; Barringer 2003b. UN Wire 2003a, 2003d.}

Governments worried about the domestic reaction to a potentially unpopular foreign policy initiative may feel constrained to offer their support in the absence of a Security Council resolution. This appeared to be the case for Turkey in the lead up to the war in Iraq and seem to be true in the aftermath for some members of the European Union and other governments. Even the arch-realist Robert Kagan has recognized the dilemma facing the United States and the West:
America, for the first time since World War II, is suffering a crisis of international legitimacy... The struggle to define and obtain international legitimacy in this new era may prove to be among the critical contests of our time, in some ways as significant in determining the future of the international system and America's place in it as any purely material measure of power and influence.

Part II: The Transatlantic Security Divide and the UN

Before turning to potential remedies in the UN institutional architecture and the wider international system, it is necessary to better understand the sources of the security divide over Iraq. The temptation is to attribute the recent diplomatic dispute to the current inhabitants of elective office. Unfortunately, transatlantic problems go beyond George W. Bush, Jacques Chirac, and Gerhard Schroeder and include a wider range of issues like climate change and the International Criminal Court. A number of authors have identified deeper sources by looking to differences in material conditions and cultural values. A third argument emphasizes how domestic decision-making processes may exacerbate the perception of material and cultural differences. The three explanations are not mutually exclusive. Moreover, though they made conflict more likely, structural factors did not make a breakdown of cooperation in the Security Council a foregone conclusion. The role of each in the present crisis is explored in more detail below.

Material Differences

Kenneth Waltz suggested that, with the Cold War over, the U.S. and Europe were ineluctably going to be driven apart without a common security threat. However, this argument assumes the inevitability of the transatlantic alliance and its demise. An extension of the first argument, picked up by realist scholars like Charles Kupchan, asserts that

15 Waltz 1993, 75-76.
America’s preponderant power is inherently a threat to others, and thus, states will inevitably balance against it. During the Iraq crisis, France, using the instruments it had available, tried to leverage the Security Council as an institutional means to constrain the United States. However, this view of automatic balancing has difficulty explaining bandwagoning behavior by Britain and much of Europe during the Iraq crisis. Other factors—affinities of ideology, proclivities of the leadership, and diplomacy—may matter as much or more than material power in shaping whether states balance or bandwagon.

Robert Kagan makes a similarly deterministic argument when he suggests that the U.S. is unilateralist because it can be while Europe, as a relatively weak region militarily, is multilateralist because it must be. John Ikenberry, by contrast, reminds us that, through careful design of multilateral institutions like NATO, the World Bank and the IMF, the U.S. was able to extend its power and legitimate its influence after the Second World War. He argues that the interests of great powers are not always best served through the expedient choice of unilateral means. Even if the U.S. is relatively more powerful militarily than all rivals, it is not all powerful. This was clearly evidenced by U.S. difficulties to secure basing rights from Turkey before the war in Iraq and has since been borne out concerning Iraq’s reconstruction. If Ikenberry’s analysis is correct, the “ambivalent internationalism” that has characterized U.S. foreign policy since the end of the Cold War demonstrates a misunderstanding of the U.S. national interest. Nonetheless, the vast gap in military

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17 Similarly, the efforts to build a European Security and Defense Policy independent of NATO is seen by some as another indication of balancing behavior, even if likely to be unsuccessful.
18 The emphasis on material differences also underestimates the degree of transatlantic economic interdependence. In 2002, Europe exported goods worth 240 bn euros (24 % of exports) to the United States, while imports from the U.S. reached 176 bn euros (18 % of imports). European investments in the U.S. reached 108 bn euros (46 % of EU nations’ foreign investment) and U.S. investments in Europe equaled 82 bn euros (69 % of U.S. foreign investment). Tigner 2004.
capabilities between the U.S. and Europe is a potential irritant for both parties which, at the very least, fed into French fears of the American “hyper-power.”

**Values Gap**

A second source of transatlantic discord, a so-called “values gap,” has already become conventional wisdom. In this view, differences between us derive from distinct historical trajectories and demographic trends. Forty years of integration in the shadow of World War II has created a distinctive set of preferences in Europe. Likewise, the changing demography and base of political representation in the U.S. to the South and West is undermining Eastern establishment “atlanticism.” To what extent do values have an impact on foreign policy and attitudes about Iraq? Four possibilities are relevant: (1) differences in threat perceptions, (2) different values in terms of broad policy approaches, (3) different attitudes about the UN, and, (4) different values in terms of the use of force.

Evidence, however, is mixed. One of the few areas where differences are visible is threat perception. Because the attacks of September 11 took place in the U.S. and not Europe, this had a large impact on threat perception. Unlike Europe, the legacy of 9/11 in America was a climate of fear that allowed President Bush to make the case that Iraq posed a significant threat. On the second issue, polls do not show much support for the thesis that

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21 Joseph Lepgold was developing such arguments before his untimely death. Lepgold 2001.
22 In a German Marshall Fund-sponsored poll taken in June 2003 in seven European countries and the United States, more than ¾ of European and Americans polled both believe there to be a “difference in social and cultural values.” “When asked whether Europeans and Americans have different social and cultural values, majorities on both sides of the Atlantic overwhelmingly agreed (83% of U.S. and 79% of European respondents). Each side perceives a values gap, although it is not clear what this perception is rooted in” (pg. 4). 2003e.
23 Kupchan 2002.
24 Before 9/11, neither Americans nor Europeans were particularly concerned about foreign policy or terrorism. In 1998, only 12% of Americans cited terrorism (pg. 11), and only 7.3% named any foreign policy problems as the most important issue facing the country (pg. 7). Reilly 1999. In 2000, terrorism did not feature in the major fears of EU member states. 2001. After September 11th, a marked disparity in threat perception between the U.S. and Europe did develop. In the 2002 Chicago Council poll, 36% of Americans named terrorism as the top issue facing the country, the highest response for any issue. In the 2002 Chicago Council poll, terrorism did not figure highly in Europe at all with domestic concerns paramount. 2002b. Among international issues,
the U.S. public is unilateralist whereas Europeans are multilateralists. As to the third question, both Americans and Europeans support the UN, though Americans were more likely to agree that bypassing the UN could occasionally be justified. Finally, Europeans do appear less willing than Americans to support the use of force. However, European attitudes may be a reflection of current attitudes about the Iraq war. In 2002, Europeans and Americans supported the use of force for a broad range of purposes—famine relief, upholding international law, liberating hostages, and destroying terrorist camps—was legitimate.

Together, the values dimensions provide more of the picture. That said, values differences should not obscure the commonalities of culture and interest that remain strong, particularly in light of vast differences between the democratic West and the authoritarian rest of the world.
Institutional Differences and Policy Distance

Another lens by which we can understand the dispute is to focus on the domestic political process in America and internal EU dynamics. Political institutions—such as the separation of powers, voting rules, and campaign finance systems—aggregate the plurality of interests in democracies and shape which material interests and cultural values matter. Contingent events coupled with domestic institutions may conjoin to produce governing parties in Europe and the United States that have difficulty cooperating with each other. Robert Putnam’s “two-level analysis” suggests that actors who have strong domestic constraints may have enhanced bargaining leverage internationally. However, when both parties possess such constraints, the scope for compromise narrows considerably and bargaining failures become more likely.

In the United States, multiple actors typically hold veto power. Unless an issue emerges to achieve overwhelming bipartisan support, America’s sustained commitment to support an issue is often undermined. The political system in the US guarantees both houses of Congress important powers. The Senate can block international treaties; furthermore, both chambers—through the powerful committee chairs—can typically block policies they dislike. The power of Congress is typically seen as an “invitation to struggle,” a contest to define the national interest.

When the security threat is low, powerful committee chairs exercise influence over the American security agenda. Despite other preferences, President Clinton was unable to get congressional approval for the Comprehensive Test Ban Treaty or funding the United Nations. Thus, throughout the 1990s, the U.S. appeared more unilateralist and isolationist than the position of both public opinion and the President. In times of high security threat,

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30 Theoretically, the political science literature has dubbed this multiple veto players. Tsebelis 1995.
fewer actors have influence on security policy. Defining the national interest largely becomes an intra-Executive Branch affair with the President having the ultimate say and the National Security Council mediating between different agencies. Congress typically defers to the President when there is a high security threat; only after repeated failures, as in Vietnam, does the Congress exercise serious oversight capability.

Thus, before 9/11, conservative Congressional Republicans with a more isolationist/unilateralist bent strongly influenced the kinds of international agreements Americans could sign up for. After the 2000 elections, Republicans captured the Executive Branch. Go-it-alone attitudes were expressed with little mediation by a Republican-controlled Congress. 9/11 strengthened this development. Thus, American policy appears increasingly unilateralist as if it were a natural consequence of U.S. hegemony. Rather, we should view it as a product of ideological struggle for the security agenda.

In Europe, the situation is also complex. The numbers and diversity of states complicates EU-wide policy agreement, particularly because of the tradition of European Council consensus decision-making. Security policy, despite efforts to forge a common European agenda, is still largely the preserve of member states. It is therefore difficult to speak of a common European view on security issues. The transatlantic divide on the war in Iraq was, at the level of governments, more of a conflict between the U.S. and only part of

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32 Bob Woodward provides details on some of these conflicts in the aftermath of 9/11. Nicholas Lemann discusses how the neo-cons were able to offer a cohesive world view to the President after 9/11 and sideline opposing views. Woodward 2002. Lemann 2002.
33 81 percent of all Council decisions in the EU were made by consensus without voting between 1996 and 2002. Heisenberg 2003, 1.
Europe. Eight European leaders supported U.S. policy in a widely read opinion piece. Ten other Eastern European governments also came out later in support of the war.

Leader support for the war in Iraq demonstrates the ability of many European politicians to buck public opinion. However, party politics and mass attitudes play an important role. Because of proportional representation, many European governments have coalitions of different parties. With left-of-center governments ascendant in Europe in the 1990s, governing parties were pressured to embrace new policy issues such as landmines, the ICC, the Kyoto Protocol and genetically modified foods. Governments were loath to compromise on these new issue areas for fear of triggering coalition defections. Even where Europeans offered concessions to Americans on issues like the ICC, the U.S. ultimately rejected the treaty. Unpopular U.S. policies provide a tempting opportunity for European leaders to grandstand for domestic political gain. These kinds of political considerations help explain, in the run up to the 2002 general election in Germany, Gerhard Schroeder’s ruled out his country’s participation in the war in Iraq.

Choices Matter

While permissive of conflict, none of the factors identified above—material constraints, values, political systems—determined or made necessary the transatlantic clash. Actors have choices and can often transcend the incentives facing them through creative action. The war in Iraq was a choice, as was America’s uncertain and half-hearted use of the UN. Had U.S. diplomacy been better, it is conceivable that Schroeder would have felt less

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34 Leaders of Britain, Spain, Italy, Portugal, Hungary, the Czech Republic, Poland and Denmark signed the letter. 2003b.
36 According to Mark Jones of Michigan State University, of the 14 current EU members for which there is data, 11 have systems of proportional representation, with one (Italy) having a mixed system, and only France and the UK having single member districts. Jones 2002.
inclined to rule out German support for any UN-sanctioned military action against Iraq. In that instance, the French, feeling isolated, might have consented to authorization of military force, particularly if inspectors had been given more time. However, choices of rhetoric and policy on both sides—from comments about Old Europe to comparisons of Bush with Hitler—foreclosed compromise.

We should thus be mindful of the potential for personalities to both damage and heal the transatlantic relationship. Different choices by leaders could begin to repair the relationship, particularly those that allow international institutions to play a role. This would create political space for U.S. allies to offer meaningful resources for internationally-sanctioned actions, financing and ground troops for post-conflict reconstruction notably.

**Part III: Towards a New Atlantic Partnership and Strengthened International Institutions**

Three challenges are at the heart of the future UN-transatlantic relationship: the normative challenge of which principles will guide international politics; the leadership challenge and the reform of the UN Security Council; organizational challenges and the question of which institutional design is best suited to deal with today’s security demands. All three issues are closely linked with each other.

**Normative Challenges**

The debate about the constitutive principles of international relations post-September 11 is the key issue, because it shapes the general framework within which all other aspects have to be discussed. Some assert that only military might matters while others parrot the view that moral values should trump power politics. By contrast, reference to

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37 Five of fifteen EU governments had Green coalition partners at the disastrous 2000 climate negotiations at
public opinion polls in Europe and in the U.S. has shown that agreement is more common than dissent, thus suggesting that this is a false choice. Power without normative foundation is illegitimate and brings with it the risk of sustained and possibly violent opposition. Normative goals without the ability and the willingness of enforcement remain useless. Both power and legitimacy are necessary.

This debate is ultimately linked with the question of who can use force under which conditions. The purpose is not to lower the threshold for using force but to avoid the instrumentalization of the UN Security Council. In the case of Iraq, the U.S. sought to use the UN to endorse its military strategy and timetable, with a rationale—preemptive action—that departed from the existing international consensus for authorizing military action.

There are good arguments in favor and against reform of the UN charter’s framework for authorizing force. Supporters say that the drafters of the UN Charter did not foresee the new kinds of transnational and asymmetrical risks and the advent of non-state actors. Given the new capabilities to exercise threat at a worldwide scale, it may no longer be adequate to wait for an attack to happen; rather, power should be used to prevent and even preempt the emergence of those threats. By contrast, opponents argue that alternatives to replace the concept of “imminent threat” remain vague, with regard to defining the circumstances, the objects and the means of the preemptive use of force. Failure to find weapons of mass destruction in Iraq has not created international impetus for a self-asserted right of preemption. Furthermore, a return of an opportunistic and extensive use of the “right of self defense” could make states feel insecure and uncertain that the precedent would be used against them.

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39 For more on this, see Roberts 2003.
That said, with the intervention in Kosovo in 1999 and the Iraq war of 2003, members of the Atlantic community have created two strong cases that deviate from the traditional understanding of the use of force. Therefore, they should initiate and lead a discussion on new international rules for the use of force by taking into account the nature of new risks and strengthening, not bypassing, the role of the UN Security Council. By invoking this debate within the UN framework, the Atlantic community members would underline that they remain committed to playing by a system of internationally accepted rules, as long as other nations and groups are willing to do so.

Leadership Challenges

Many proponents of the unilateral use of force argue that this option is inevitable given the UN Security Council’s inability to act. Others argue that with five nations at the driver’s seat, any decision on the use of force is deemed to be regarded as illegitimate or questionable by some countries. None of these assertions are wrong. The problem is, however, that the reconfiguration of UN Security Council membership is a diplomatic non-starter in most corners of the world. Aside from the difficulty of amending the Charter, any expansion of the Security Council would leave some states out and those excluded potentially resentful. A larger Security Council might prove to be even more unwieldy than the current configuration.40 A reform program that aims at reconfiguring the relationship between the UN and regional organizations is more likely to yield fruit.

It is a common phenomenon that the inability (or unwillingness) to act at lower levels leads a decision to being pushed up the organizational ladder until it reaches the organization’s top body which will either solve the problem or defer it. When that top body itself (in this case, the UN Security Council) is unprepared or unable to act, one remedy is to

40 Weiss 2003, 151.
strengthen lower levels by delegating competencies and responsibilities. That said, we advocate that regional organizations beef-up their non-military and military capabilities and agree on a division of labor with the UN. Last year, the European Commission outlined an EU-UN working plan which should serve as a role model for others.41

Strengthening the role of regional organizations within the UN framework could also open a promising avenue to address the use of force question. For example, an important legitimation function was served by NATO in the Kosovo campaign. However, the lessons of the campaign for the U.S. military were apparently “never again” collaborate in war by committee. Failure to tap NATO at the start of the conflict in Afghanistan and inadequate consultation in the lead-up to Iraq led to questions about the viability of NATO. This is unfortunate. Regional organizations like NATO could be central to keeping and restoring the peace.

An effective UN-regional organizations partnership could contribute significantly to conflict prevention if it succeeded in harmonizing and coordinating respective programs and actions. This could help reduce the need to use force to solve conflicts. For example, a more robust relationship between the UN and regional organizations with military and intelligence capabilities could have averted the tragedy of Rwanda by creating channels for early awareness of the problem and non-military options such as radio-jamming of extremist propaganda.

Moreover, the UN could create a greater role for regional organizations in conflict resolution through a “pre-delegated right to use force” as an instrument of last resort. In Article 53, the UN Charter allows the UN Security Council to delegate to regional organizations the right to use force. A deadlocked Security Council would be unlikely to do

41 EU 2003.
so. A “pre-delegation” agreement would allow regional organizations to use force (even out of area) in the absence of Security Council consensus, provided they fulfilled certain conditions, (1) democratic agreement within the regional organization on the goals and the nature of the operation, the size of the force and the duration of its deployment, (2) parliamentary debate if not consensus at the regional and national level of the implications of the use of force (e.g., within NATO’s Parliamentary Assembly, the European Parliament, the U.S. Congress), and (3) close interaction with the UN Secretary General and the UN Security Council. By this measure, the Kosovo campaign would rate reasonably well.

If regional organizations lacked these democratic procedural protections, the UN should not agree to “pre-delegation.” It is likely that this suggestion could initially encounter difficulty in the UN Security Council, particularly from Russia and China but also non-rotating members, for fear that it would allow the West to pursue “out of area” operations without their oversight. On the other hand, establishing legal rules for regional organizations would ensure that these decisions would be subject to procedural accountability. The alternative is the creeping creation of precedent and the disorderly violation of state sovereignty.

Organizational Challenges

Many existing international institutions are more or less single-issue agencies. Today, however, the complexity of the challenges to be addressed requires a more integrated approach. Terrorism, for example, requires international, inter-agency collaboration. Because of the transatlantic partners’ key role in addressing most of today’s problems, it seems high time to modify the architecture of their cooperation. They should bridge the artificial divide

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42 These are criteria used, for example, by Sweden’s and Switzerland’s parliament, albeit for participation in peace-keeping operations.
between NATO to deal with hard power issues and the U.S.-EU dialogue to address all remaining aspects.

Based on a new treaty, an Atlantic Community Treaty Organization (ACTO) could include summit meetings among all NATO and EU members and admission candidates. Meetings could be scheduled in tandem with NATO and EU summits and would supplant the current U.S.-EU summits. To this purpose, it would be beneficial to transfer the U.S.-EU agenda to the new body and to set up special working groups that could meet between summits. Although the new institution would embrace, not replace NATO and the EU, it could greatly increase the flexibility of all partners involved. Furthermore, it would also strengthen the UN. Pre-arranged consensus among ACTO members could facilitate decision-making in the UN Security Council, and ACTO working groups could work closely with special organizations of the UN. Most importantly, the ACTO could act as a powerful regional coordination framework that effectively bridges the hard and soft power gaps thus furthering the UN’s primary goal of regional stability and prosperity.

The Iraq crisis revealed divisions in the West that would have likely been less contentious if NATO had been consulted earlier or ACTO had been in place. Nonetheless, we believe that prior consultation will be useful to signal to the U.S. the depth of resolve among certain European states, most importantly France and Germany. By taking an issue early to ACTO, the U.S. would be able to gauge support in Europe. If key allies could not be moved after consultation, then the U.S. could avoid embarrassing diplomatic defeats at the UN like the aborted second Iraq resolution.

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43 As Roberts pointed out, however, it is potentially easier to secure agreement among five permanent Security Council members than it is to reach consensus in a larger NATO body. Roberts 2003, 52.
44 Sloan 2003a; Sloan 2003b, 217-227. For other proposals, see Bereuter and Lis 2003; Grant 2003; Moravscik 2003; Pöttering and Kühnhardt 2003.
The emphasis on the use of force, however, is not enough. The ACTO-UN tandem could serve as a welcome hub to strengthen cooperation with non-governmental and corporate actors in the fields of conflict prevention, crisis management and post-conflict stabilization. As recognized in the “Global Compact,” the corporate sector can assist these tasks, among other things, by analyzing the impact of its investments in potential zones of conflict, respecting human rights and anti-corruption codes, supporting the provision of humanitarian assistance via international organizations (e.g., help set up the necessary information technology infrastructure) and cooperating with local business partners to help establish business capacities on spot.\footnote{Regulatory frameworks in the U.S. and in Europe could stimulate corporate engagement by getting the incentives right, for instance through combining the corporate governance and the corporate social responsibility agendas. To avoid stalemate between corporate and non-governmental actors, it will be necessary to design proper cooperation frameworks to harmonize international standards. This is a key role for U.S. and European governments and international organizations.}

In a similar way, NGO’s can also play a valuable role in identifying threats to peace and human rights as well as setting-up and implementing international strategies and programs. It might thus be useful to think about a general collaborative framework for UN cooperation with non-governmental actors similar to the “Global Compact.” This could help harmonize and coordinate existing forms of cooperation to the benefit of all partners involved.

\footnote{For more on this, see Nelson 2000.}
Conclusion

We have argued that policymakers in the US and Europe, despite the constraints they face, have room for choice. Given today’s international challenges, the transatlantic partners should deliberately choose cooperation rather than unilateral action or opposition. A new transatlantic partnership would mute the material and cultural differences between the U.S. and Europe and be mutually advantageous. For the Europeans, a new compact and strengthened relations between the UN and regional organizations could address concerns about unrestrained American power. The U.S. would gain a more workable and integrated framework to legitimate the use of force in the future without subjecting its military decisions to as much oversight by undemocratic and/or peripheral regimes. Americans would have to accept that this body would not be a rubber-stamp for its decisions. Like any deliberative institution, its democratic processes could delay and demand alterations in the policy choices. However, faced with the choice of being the unilateral public goods provider versus a world in which burdens are shared, albeit unequally, the U.S. would be wise to choose the latter. Europe’s choices are as stark, try to shape and tame the U.S. or pursue a costly and potentially fruitless balancing strategy. For both, the choices ought to be clear.
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