Mind the Three Transatlantic Power Gaps
How a new framework can help reinvent the transatlantic relationship

By Stanley R. Sloan and Heiko Borchert[1]

The end of the brief "hot" war in Iraq and the accompanying transatlantic diplomatic conflict set the stage for a new and challenging period of US-European relations. The United States, its European allies and the international community more generally face complex and multifaceted rebuilding challenges: Iraq needs to be rebuilt after the war which removed Saddam Hussein's tyrannical regime from power; the transatlantic rift must be repaired; the United Nations needs to be rebuilt, and with it the core of international law regulating the use of force. Finally, the bond of trust between Washington and the rest of the world needs to be rebuilt with a special focus on the kind of role that the United States is going to play in the international system.

Tackling this daunting agenda is hardly possible without reinventing the transatlantic partnership. To this purpose both sides need to pay more attention to the various power gaps that are weakening their bonds. Based on the notion of hard and soft power we identify three power gaps that need to be addressed. The first and probably best know is the hard power gap, which has been at the fore of the transatlantic agenda since NATO's intervention in the Balkans in the mid-90s. Put most simply, the hard power gap is the result of diverging threat assessments and spending patterns on both sides of the Atlantic. Most recently, NATO has undertaken enormous efforts to address specific European shortcomings. The European Union (EU) has introduced new capability provision mechanisms to achieve its Helsinki Headline Goal and some European countries have begun to increase their defense budgets. Furthermore, EU leaders have agreed to establish an agency for defense capabilities development, research, acquisition and armaments that will help improve procurement efficiency.[2] Although far from being accomplished, the good news about the hard power gap is that it has been identified as a shortcoming. The same can not yet been said about the remaining two power gaps.

Second there is a soft power gap. Soft power, according to Joseph Nye, is a nation's (or group of nations) ability to influence events based on cultural attraction, ideology, and international institutions.[3] The soft power gap is not the result of a lack of capabilities on either side of the Atlantic. Rather it stems from a growing proclivity of the transatlantic partners to use their soft power resources against each other in what seems to become a rather fruitless soft power rivalry. This "gap in the minds" is even more alarming than the wake-up call to "mind the gap"[4] with regard to diverging hard power capabilities.

Creative utilization of soft and hard power resources in tandem is essential if the transatlantic partners are to deal effectively with today's security challenges. Soft power can

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2 Presidency Conclusions, Thessaloniki European Council, 19-20 June 2003, Para. 65 <http://ue.eu.int/pressData/en/ec/76279.pdf> (accessed 28 June 2003).

3 Joseph S. Nye, *Bound to Lead. The Changing Nature of American Power* (New York: Basic Books, 1990).

4 David C. Gompert, Richard L. Kugler, and Martin C. Libicki, *Mind the Gap. Promoting a Transatlantic Revolution in Military Affairs* (Washington, D.C.: National Defense University, 1999).

help legitimize hard power. Although hard power is most essential to win wars, and often to give credibility to strategic choices, soft power is all the more important to win and preserve the peace. Soft power is the very prerequisite for trust among people and states. Without trust a stable international order cannot be built and sustained. Today, however, soft power and hard power are hardly seen as two sides of the same coin. Europe clearly is all-too-quick to shun military might (of which it has little) and too dependent on soft power (with which it is well endowed). Europe's hard power deficit, however, undermines the gravitas of European diplomacy, particularly in dealing with its superpower US ally. This is part of the problem. The other part of the problem is that US soft power policy approaches are all too often the neglected stepchild in American responses to international challenges.

The third power gap is that between the Euro-Atlantic hard and soft power capabilities on the one hand and cooperative/institutional structures to integrate these capabilities on the other. Existing institutions of transatlantic dialogue have reached their limits.[5] No institution rivals NATO's ability to address the military aspects of today's security challenges and to pave the ground for co-operability among the countries of the Euro-Atlantic area. However, the Alliance is less well suited to address the non-military challenges of the 21st century. Given the need to address the broader political agenda, the platform for US-EU dialogue has grown in importance also with regard to addressing security issues such as prohibiting the proliferation of weapons of mass destruction (WMD) and fighting terrorism. However, this institutional dichotomy is detrimental to the efficient and effective handling of the new security risks. There is thus an urgent need to complement existing transatlantic institutions with a new framework that helps overcome the second power gap identified above.

As we will argue, the signing of a new Atlantic Community Treaty and the establishment of new Atlantic Community Treaty Organization would address this problem by providing an umbrella that covers the hard and soft power capabilities of the transatlantic partners (as well as the candidate countries) while leaving unchanged existing competencies of NATO and the EU. The added value of this new body is two-fold: First, by bridging the hard and soft power divide, the new framework will facilitate joint assessments of threats and opportunities. Both perspectives need to be taken into account at the assessment level in order to avoid a bias in favor of one or the other at the level of implementation. Second, the new institution will facilitate the adoption of concerted strategies and actions to address the threats and opportunities thus providing a kind of "strategic guidance" for consecutive action in NATO, the EU and other Euro-Atlantic institutions.

Because the hard power gap is well researched the remainder of this text looks at the existing soft power gap and the need to blend hard and soft power more effectively. To start we look at existing US and European sources of soft power. Then we turn to the new Atlantic Community Treaty and the Atlantic Community Treaty Organization as a proposal to mute the transatlantic soft power rivalry. We illustrate the value of this proposal by addressing some key international issues. Our conclusion discusses the necessary steps that each partner will have to undertake in order to reinvigorate the transatlantic partnership.

US Soft Power: The Diminishing Preparedness of Being Locked In

As John Gerard Ruggie has argued, the most important aspect of the international order post World War II was not US hegemony, but the fact that the hegemon was American.[6]

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5 For a similar argument, see: James B. Steinberg, "An Elective Partnership: Salvaging Transatlantic Relations", *Survival* 45:2 (2003): 113-146, here 125-130.

6 John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution", in *Multilateralism Matters. The Theory and Praxis of an Institutional Form,* ed. John Gerard Ruggie (New York: Columbia University Press, 1993), 3-47, here 31.

This meant that the United States decided to cooperate with its allies rather than dominating them, that Washington agreed to tame its power by being locked in in multilateral organizations, and that its political system was open for interference by its allies thus offering them the opportunity to influence US decision-making.[7] As a result, Washington's leadership had to do with (hard and soft) power but did not solely rest on it. Rather, as James MacGregor Burns has argued, leadership is inseparable from followers' needs and goals.[8] Leadership is an interactive process where the leader is followed because he is able to convince the followers. By listening to and caring about the opinion of allies, the United States managed to base followership on persuasion and normative consensus, or soft power. However, when the leader neglects to bring its soft power into play in support of military actions, would-be followers find the first occasion to deviate.[9] This is exactly what has happened in recent years and what led to the most recent transatlantic crisis over Iraq.

Unilateralism – whether in the rouge form deployed by the current Bush administration or in the more occasional, cushioned and velvet form of the former Clinton administration – is a clear sign of a shifting balance between reliance on hard and soft power in US foreign policy. Crude hard power politics provokes criticisms and resistance because it directly puts at risk the international consensus on "embedded liberalism"[10] and the value of international institutions. First, the neo-conservative ideology of a hard power-based foreign policy has increased the preparedness to go it alone and to put into question core assumptions of the international order built after 1945 (e.g., the preemptive use of force vs. the UN Charter). This tendency came to the fore across different international issues, ranging among other things from the refusal to ratify the Kyoto protocol or the statute of the International Criminal Court, increasing tariffs for imported goods to protect the US steel industry to the extraterritorial application of the Sarbanes-Oxley act, which toughens US accounting standards. Second, statements like "the mission defines the coalition" can be interpreted as a farewell to the long-standing US support for a multilateral framework. In an extreme but telling judgment, William Pfaff has argued that the Bush administration "envisages a world run by the United States, backed by as many states as will sign on to support it but not interfere." Therefore it wants separate coalitions for each task so no one can veto US politics.[11] If bypassing international organizations becomes the rule rather than the exception, international relations of the 21st century will be fundamentally altered and could increasingly resemble the balance of power-driven international order of the 19th century.

In the long run this tendency undermines the attractiveness of the US political, cultural and societal model thereby threatening the core of US soft power. International public opinion polls conducted in the aftermath of the war on Iraq clearly underline this danger. According to a study conducted by the Pew Research Center, the rate of those people that somewhat or very much disapprove the US increased markedly in Italy, whose government supported the war,

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7 G. John Ikenberry, "Rethinking the Origins of American Hegemony", *Political Science Quarterly* 104:3 (1989): 375-400; G. John Ikenberry, "Creating Yesterday's New World Order: Keynesian 'New Thinking' and the Anglo-American Postwar Settlement", in *Ideas and Foreign Policy. Beliefs, Institutions, and Political Change,* eds. Judith Goldstein and Robert O. Keohane (Ithaca: London: Cornell University Press, 1993), 57-86; G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars* (Princeton: Princeton University Press, 2001); Peter F. Cowhey, "Elect Locally-Order Globally. Domestic Politics and Multilateral Cooperation", in *Multilateralism Matters,* ed. John Gerard Ruggie, 157-200; Thomas Risse-Kappen, *Cooperation among Democracies. The European Influence on U.S. Foreign Policy* (Princeton: Princeton University Press, 1995).

8 James MacGreogor Burns, *Leadership* (New York: Harper & Row, 1997).

9 Andrew Fenton Cooper, Richard A. Higgot, and Kim Richard Nossal, 'Bound to Follow? Leadership and Followership in the Gulf Conflict', *Political Science Quarterly* 106:3 (1991): 391-410, here 398 f.

10 John Gerard Ruggie, "Embedded liberalism and the postwar economic regimes", in *Constructing the World Polity. Essays on International Institutionalization,* ed. John Gerard Ruggie, (London, New York: Routledge, 1998), 62-84.

11 William Pfaff, "Bush's new global order will generate resistance", *International Herald Tribune*, 17 April 2003, 6.

(38 % in May 2003 vs. 23% in summer 2002), in France (57 % vs. 34%), and Germany (54 % vs. 35 %). The same study also highlights a growing preparedness of these countries' population to loosen the NATO ties to the US. Equally alarming is the drop in esteem rates for the US in the Arab world. The most extreme shift was seen in US-ally Turkey where more than 80 % (vs. 55 % in summer 2002) have an unfavorable opinion of the United States.[12] In line with these figures John Paden and Peter Singer report that US schools, universities and academic institutions are already complaining that application rates are falling while other English speaking countries are beginning to market their educational system as an alternative to the United States. At a time when transnational links become ever more important, the United States risks the weakening of its bridgeheads to vital international communities such as the Muslim world.[13]

European Soft Power: More than the Result of Hard Power Deficiencies

Tensions about US leadership and the uncertainty about the course of US foreign policy in the future have put more focus on the soft power – and so far to a lesser extent the hard power – capability of the EU. The EU's soft power approach rests on the assumption that the law of the strongest can be successfully replaced by the strength of the law. In part thanks to the provision of security by the United States, the transfer of sovereignty and with it the adherence to soft power – rather than the build-up of hard power capabilities – have become Europe's preferred path.

Europe's preference for rules-based politics is not, as Robert Kagan has argued, simply a result of its lack of hard power.[14] Rather it is the outcome of its history and its political complexity. William Wallace has pointed out, "Europe's inclination to highly regulated politics can be explained by the density of Europe's population, the vulnerability of its ecology, and the penetrability of its frontiers. The lighter approach to governance in the United States follows from its open spaces and its continental position."[15] This experience has led to different interpretations of sovereignty. The US understanding of sovereignty is bound to the state's monopoly of power over a territory and the uncontested rule of the national constitution and national political authorities. A kind of "super-Gaullism", this interpretation increases the United States' room for maneuver.[16] Furthermore, in the fight against terrorism Washington is increasingly prepared to subordinate interference in the sovereignty of other states to combat emerging threats.[17] EU member states by contrast adhere to a postmodern understanding of sovereignty. They "allow outside interference in their domestic affairs because they get something in return: influence on a supranational level of governance."[18] As a consequence there is a distinct European approach to security that rests not only on the use of non-military instruments to deal with security problems but also on the adherence to multilateralism and rule-orientation, a network centric approach to international politics and the close cooperation with non-state actors to tackle today's security policy challenges. In

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12 Meg Bortin, "In war's wake, hostility and mistrust", *International Herald Tribune,* 4 June 2003, 1, 6. The report "Views of a Changing World 2003" is available at <http://people-press.org/reports/display.php3?ReportID=185> (accessed 28 June 2003).

13 John N. Paden and Peter W. Singer, "America Slams the Door (On Its Foot)", *Foreign Affairs* 83:3 (2003), 8-14. For a more detailed account of the role of U.S. schools in building cultural ties see: John Waterbury, "Hate Your Policies, Love Your Institutions", *Foreign Affairs* 82:1 (2003): 58-69.

14 Robert Kagan, "Power and Weakness", *Policy Review*, 113 (2002): 3-28 <http://www.policyreview.org/JUN02/kagan.html> (accessed 21 April 2003).

15 William Walace, "Europe, the Necessary Partner", *Foreign Affairs* 80:3 (2001): 16-34, quotation is on 29-30.

16 Adam Roberts, "Law and the Use of Force After Iraq", *Survival* 45:2 (2003): 31-56, here 52.

17 Steinberg, "An Elective Partnership", p. 119.

18 Hans-Henrik Holm and Georg Sorensen, "International Relations Theory in a World of Variation", *Whose World Order? Uneven Globalization and the End of the Cold War,* eds. Hans-Henrik Holm and Georg Sorensen (Boulder: Westview Press, 1995), 187-206, here 204.

sum, the EU offers a unique soft power model that has so far not been offered by other states or group of states.[19]

US and European Soft Power: Combine, don't Compete

With two sources of soft power and the most recent experience in the war on Iraq the scene looks set for a potential soft power rivalry between Europe and the United States.[20] At least from a European point of view, exporting a rivaling soft power model looks tempting. Some of Europe's countries have traditional political and cultural bonds with many of today's pockets of crisis. The EU's emphasis on multilateralism and international institutions and the importance EU members give to preventive diplomacy and international development aid could be used to position the EU as an alternative "power" center to the United States. Therefore it comes as no surprise that some people in Brussels and other European capitals are increasingly willing to combine these aspects via the European Security and Defense Policy (ESDP) to counterbalance Washington.

However, nothing would be more damaging to the fate of the transatlantic relationship and the long-term international stability than this. Philip Gordon is right to argue that Americans and Europeans must not "allow the prospect of a transatlantic divorce to turn into a self-fulfilling prophesy," because "no two regions of the world have more in common nor have more to lose if they fail to stand together."[21] Instead of entering into a useless "beauty contest" on who is the best soft power, Americans and Europeans should join forces in launching a new initiative to reinvent the transatlantic relationship. The international community needs the "transatlantic couple" to hammer out solutions to the most pressing global challenges in tandem with other leading nations and international organizations.[22]

At the core of this new initiative lies the reinvigoration of the transatlantic community of values by developing a new Atlantic Community Treaty.[23] The purpose of this treaty would be to

> promote mutually beneficial political, economic, and security cooperation at all levels of intergovernmental and multinational interaction among them [= parties of the treaty] and will particularly ensure the effective collaboration between the North Atlantic Treaty Organization (NATO) and the European Union (EU) in areas of mutually reinforcing activity.[24]

Following this statement of purpose the new treaty would have two goals: Politically it would shift the focus away from those issues that divide the transatlantic partners to that what they have in common. Functionally the treaty among all NATO and European Union members would create a soft power framework of cooperation to complement the hard power

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19 Jolyon Howorth, *European integration and defence: the ultimate challenge (*Paris: WEU Institute for Security Studies, 2000), 88-91. A similar argument is developed by: Hans-Georg Ehrhart, *What model for CFSP?* (Paris: EU Institute for Security Studies, 2002).

20 Charles Kupchan, *The End of the American Era: US Foreign Policy After the Cold* War (New York: Alfred Knopf, 2002).

21 Philip H. Gordon, "Bridging the Atlantic Divide", *Foreign Affairs* 82:3 (2003): 70-83, quotations are on 79, 83.

22 Similarly, Andrew Moravcsik refers to complementarity, not conflict as the new transatlantic watchword. See: Andrew Moravcsik, "Striking a New Transatlantic Bargain", *Foreign Affairs* 82:4 (2003): 74-90, especially 81-88.

23 These arguments build on: Stanley R. Sloan, *NATO, the European Union and the Atlantic Community. The Transatlantic Bargain Reconsidered* (Latham: Rowman and Littlefield, 2003), pp. 217-227; Stanley R. Sloan, "Challenges to the Transatlantic Partnership", *In the National Interest*, 12 March 2003, <http://www.inthenationalinterest.com/Articles/vol2issue10/vol2issue10sloan.html> (accessed 30 May 2003).

24 Sloan, *NATO, the European Union and the Atlantic Community,* p. 221.

frameworks of NATO and the ESDP.

Operation of a new Atlantic Community Treaty (soft power) Organization (ACTO) could include twice-yearly summit meetings among all members of NATO and the European Union as well as all countries recognized as candidates for membership in those two bodies. The meetings could be scheduled in conjunction with the regular NATO and EU summits and would supplant the current US-EU summit meetings. The summit framework could be supported by a permanent council to discuss issues as they develop between summit sessions and working groups that meet as needed.[25] To give the Community a representative dimension, the NATO Parliamentary Assembly could be transformed into the Atlantic Community Assembly, including representatives from all member states in the Community, with the mandate to study and debate the entire range of issues in the transatlantic relationship. In order to frame a common understanding of how to tackle tomorrow's challenges, the Atlantic Community Assembly should cooperate closely with the Parliamentary Assembly of the EU and that of the Organization for Security and Cooperation (OSCE).

To help reduce institutional overlap and heavy meeting schedules for transatlantic officials, all items currently on the US-EU agenda could be transferred to the new forum, covering virtually all aspects of transatlantic relations and including all countries with interests in the relationship, unlike the more narrow US-EU consultations. When specific US-EU issues arise, they could be handled in bilateral US-EU negotiations. Atlantic Community institutions could be established in or near Brussels, Belgium, to facilitate coordination with NATO and EU institutions.

At the same time it might be beneficial to address the coordination between the new institution and the OSCE and the United Nations. The OSCE should be strengthened as the body that would bring together the members of the new Atlantic Community and all the other states of the Eurasian region who do not qualify for or do not seek Atlantic Community membership, including most importantly Russia and Ukraine. To that purpose all relevant functions of the Euro-Atlantic Partnership Council (EAPC), whose agenda is anyway hard to distinguish from the OSCE, could be shifted to the OSCE. The main responsibility of the OSCE would be to deepen cooperative security among its participants and help build peace and cooperation across the continent through confidence building and arms control measures, early warning, conflict prevention, crisis management and post-conflict rehabilitation activities. Such a step would consolidate Europe's institutional architecture and strengthen the remaining organizations.

With regard to the UN the new Atlantic Community Treaty Organization should not be interpreted as a "concert of powers" established to sideline the world organization. Rather the new transatlantic institution can make a three-fold contribution to the UN and the international community. First, if the transatlantic partners that contribute four of the five permanent members of the UN Security Council can use the new framework effectively to harmonize their position on international issues of peace and security they will greatly advance the effectiveness of the world organization's key decision-making body. Second, direct contacts between the working groups of the new Atlantic Community Treaty Organization and the UN's special organizations can facilitate cooperation if they help to bridge the gap between political declarations and the requirements of implementation. Finally, the new body can work effectively with organizations and important countries from other

[25] Steinberg, "An Elective Partnership", 139, makes a similar request for "ongoing transatlantic deliberative committees on priority policy issues that can function as the transatlantic equivalent of the interagency process."

regions of the world thereby avoiding the impression of a "transatlantic fortress" in the making.

Approaching problems and issues from the broad perspective offered by an Atlantic Community framework would open up possibilities for discussions of issues that are discussed unofficially among allied representatives at NATO but are not within NATO's formal mandate. In an Atlantic Community forum, there would be a better opportunity for a dynamic problem-solving synergy to develop when all aspects of issues can be put on the table. However, a new Atlantic Community would embrace, not replace, NATO in the overall framework of transatlantic relations. Because it would be a cooperative, not integrative forum, it would not threaten the "autonomy" of the EU or undermine NATO's Article 5 collective defense commitment. In fact, it could help bridge the current artificial gap between NATO discussions of security policy and US-EU consultations on economic issues, which have important overlapping dimensions. Because an Atlantic Community would encourage members to address issues that NATO doesn't tackle, the new structure would provide added value beyond those offered by the traditional alliance. It might also provide some additional options for shaping coalitions of the willing to deal with new security challenges in cases where using the NATO framework may not be acceptable to all allies, and where action could be blocked by a single dissenting member.

Elements of a New Atlantic Community Consensus

Given the most recent transatlantic rift, reinvigorating common bonds is an end in itself. But, of course, it is not enough. The United States and its European friends and allies need to address a number of issues that will be key to transatlantic relations and to international cooperation and stability.

Terrorism, Failed States, and Development: It has been widely argued that the terrorist attacks of 9/11 have fundamentally changed US foreign and security policy while Europe continued to implement its pre-attack agenda. Although there is a fair point in this argument, things are beginning to change rapidly. In mid-2003, the EU has adopted a series of documents that underline a raising awareness of terrorism's strategic importance and a convergence in the threat assessment. The draft of the new EU security strategy, for example, lists terrorism along with the proliferation of WMD, failed states and organized crime as the key threats to international security. In addition the draft European constitution explicitly refers to the fight against terrorism as a specific task of the ESDP and foresees a new "solidarity clause" in which member states that have become the victim of armed aggression shall inform other states and may request aid and assistance from them. Furthermore the EU declaration on non-proliferation of WMD issued in June envisages, as an instrument of last resort, the application of coercive measures in accordance with the UN Charter.[26]

Despite these signs of change, Europe and the US continue to look at terrorism from two different perspectives.[27] While Europe emphasizes the causes of terrorism such as bad governance, underdevelopment, and authoritarian rule, the US focuses on the consequences by illuminating the link between terrorism, failed states and WMD proliferation. To address

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[26] A Secure Europe in a Better World, S0138/03, 20 June 2003, 4-6 <http://ue.eu.int/pressdate/EN/reports/76255.pdf> (accessed 28 June 2003); Articles III-205, III-209 Draft Constitution, Volume II, CONV 802/03, Brussels, 12 June 2003 <http://european-convention.eu.int/docs/Treaty/cv00802.en03.pdf> (accessed 28 June 2003); Declaration on non-proliferation of weapons of mass destruction, Annex II, Presidency Conclusions, Thessaloniki European Council, 19-20 June 2003, Para. 4 <http://ue.eu.int/pressData/en/ec/76279.pdf> (accessed 28 June 2003).

[27] Ivo H. Daaler, "The End of Atlanticism", *Survival* 45:2 (2003): 147-166, here 158.

terrorism successfully, the EU and the US will have to move simultaneously at all three levels of Joseph Nye's famous "chess board", i.e., at the level of military, economic, and transnational relations.[28] To accomplish this task the new Atlantic Community Treaty Organization provides a valuable framework that will help blend both perspectives. By framing the broad strategic framework the new institution thus provides the missing link that has so far prevented Europe and the United States from addressing the root causes and the long-term consequences of terrorism in a collaborative manner.

Two examples illustrate the value of the new body in this area. First, if there had been an Atlantic Community Council on September 11, it could immediately have established working groups to address all aspects of the campaign against sources of international terror. The North Atlantic Council would not have been required to wait for the Atlantic Community Council to act and could have invoked Article 5 on September 12 just as it did. However, in the meanwhile, discussions in the Atlantic Community Council could have been coordinating the response of police authorities in Community countries, discussing actions to cut off sources of financial support to terrorists, developing public diplomacy themes to accompany military and diplomatic action, and beginning consideration of long term strategies designed to undermine support for terrorist activities and address its causes. Second, the recent "Winning the Peace Act" introduced by US Senators John Edwards, Jack Reed and Pat Roberts is a promising sign of the potential to harmonize US and European peace-building activities and the treatment of failing states.[29] The Act aims at strengthening US capabilities in the fields of security and public safety, justice, governance, and economic and social well-being. As the initiative targets the same focus areas that also build the core of the ESDP's civilian activities it opens the door for harmonizing the respective concepts and jointly developing the relevant resources. Both could be achieved under the umbrella of the new Atlantic Community Treaty Organization.

Debate New International Rules: With the US-UK attack on Iraq the door to a new world order has been pushed wide open, but the jury on the basic principles of that new order is still out. Most important is the question of whether the preemptive use of force – as established in the United States National Security Strategy – will prevail or whether the members of the new Atlantic Community will be willing to abide to an international rule of law in the sense of the – some now say dead – UN charter.[30]

Supporters and opponents of a reform of the UN charter's ban on the use of force both make effective points. Supporters, mostly from the United States, say that the drafters of the UN charter did not foresee the new kind of transnational and asymmetrical risks and the advent of non-state actors. Given the new capabilities to exercise threat at a worldwide scale anytime and anywhere it is no longer adequate to wait for an attack to happen; rather power should be used preemptively.[31]

By contrast opponents argue that alternatives presented so far to replace the concept of

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28 Joseph S. Nye, *The Paradox of American Power. Why the World's Only Superpower Can't Go It Alone* (New York: Oxford University Press, 2002), 39.

29 John Edwards, "Winning the Peace", *In the National Interest,* 25 June 2003, <http://www.inthenationalinterest.com/Articles/Vol2Issue25/Vol2Issue25Edwards.html> (accessed 30 June 2003)

30 For a powerful obituary on the UN Security Council see: Michael J. Glennon, "Why the Security Council Failed", *Foreign Affairs* 82:3 (2003): 16-35.

31 The National Security Strategy of the United States of America, September 2002, 15 <http://www.whitehouse.gov/nsc/nss.pdf> (accessed 28 June 2003). For a cautious approach that labels the preemptive use of force politically unwise although it may be lawful see: Anthony Clark Arend, "International Law and the Preemptive Use of Military Force", *The Washington Quarterly* 26:2 (2003): 89-103.

"imminent threat" are vague on all accounts, i.e., with regard to defining the circumstances, the objects and the means of the preemptive use of force.[32] Furthermore they convincingly argue that a return of an opportunistic and extensive use of the "right of self defense" will lead international relations to where it came from – the security dilemma in which uncertainty prevails.

With the intervention in Kosovo (1999) and the War on Iraq (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 the future of international law in general and the use of force in particular. This debate should aim at finding 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 framework of the UN the members of the Atlantic Community would send a powerful signal to the world 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.

Strengthen International Institutions: By creating a new Atlantic Community soft power organization transatlantic allies would already make a powerful case in favor of international cooperation. This should be backed by sustained efforts to make existing institutions more flexible and to provide them with the necessary resources commensurate with their tasks. By strengthening and advancing cooperation among them each international organization can make a powerful contribution to advance the soft power agenda.

It goes without saying that the UN is the preeminent platform to debate all issues pertinent to the establishment of a new world order. Most important in this regard is the fact that the UN has recently embarked on promising ways to strengthen global governance by working more closely with non-state actors such as non-governmental organizations and multi-national corporations. Opening the international arena for the civil society is one of the strongest tools to strengthen soft power in the long run.

At the core of the transatlantic relationship the long-standing dichotomy between NATO and the EU could be overcome by establishing the new Atlantic Community Treaty Organization. As said before, this new organization would benefit from blending existing hard and soft power capabilities. The OSCE should continue to play an important role because most of its field activities address the root causes of soft power, i.e., establishment of democratic principles and institutions. Furthermore the OSCE's presence in such important areas as the Caucasus and Central Asia make it extremely well positioned to help the Atlantic Community Treaty Organization stabilize these potential seats of crisis in a coherent and concerted way.

Finally, international financial and trade institutions must be interpreted as instruments through which soft power bears economic fruits. To this purpose the international trade and financial architecture needs to be further developed by attributing more importance, inter alia, to the mutual dependencies between the transition to a market economy and the necessary cultural and societal adaptations,[33] the relation between trade liberalization and security policy (e.g., terrorists seem to have benefited from the liberalization of financial and telecommunication markets) as well as intellectual property rights, health issues and regional development (e.g., role of pharmaceuticals in providing AIDS treatment to the developing

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32 For more on this, see: Roberts, "Law and the Use of Force After Iraq," 45-49.

33 Michael Mosseau, "Market Civilization and Its Clash with Terror", *International Security* 27:3 (2002/03): 5-29.

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Expand the Role of Cultural Diplomacy: A key instrument in socialization and building up a common memory, cultural diplomacy has diminished in importance since the end of the Cold War.[34] But the value of culture as a means of forging trust has been rediscovered recently in the form of so called "hearts and minds campaigns" especially targeted at the Muslim world. However, it is simply not enough to use these campaigns as mere end of pipe solutions to convince people that, for instance, dropping bombs is not meant to be directed at them but at their leaders. In dealing with the countries that have so far not benefited from the "Western model" and thus tend to oppose it, cultural knowledge is indispensable to understand the complexities of these societies. Compared with other policy instruments, cultural exchange programs, education and training and other forms of cultural diplomacy are extremely cheap, but yield a high long-term return by broadening our understanding and forging personal ties. For this reason Atlantic Community members should come up with a soft power culture strategy that identifies ways of opening our culture to other people and entering into sustained dialogue with them. Existing international cooperation schemes for key areas such as the Mediterranean region should be harmonized,[35] budgets and existing infrastructure of embassies, cultural foundations and even trade associations could be developed cooperatively in order to yield maximum benefit for all participants, and civil society networks at home and abroad should be actively engaged and strengthened.

The Age of Coziness is Over – Now Comes the Hard Work

"For the first time since the 1940s", French security expert François Heisbourg argues, "we have no shared visions of international governance (and) no common defense strategy."[36]At this stage of transatlantic relations, as mutual antagonisms still simmer across the Atlantic, it will thus be difficult to begin the process of enhancing the framework for transatlantic cooperation. Although we see no "hidden hand" that would automatically steer the transatlantic couple into a bright common future, we remain optimistic with regard to their ability to overcome the rift. Solving the current differences is a hard sell, but it will be facilitated by some long-term trends.

On the one hand the American people do not want and will not support US policies whose consequences include responsibility for post-war reconstruction wherever US forces intervene to defeat dictators or ferret out terrorists. Likewise the implementation of legitimate foreign policy goals such as democracy, rule of law and human rights with illegitimate means can ultimately cause what the National Security Strategy seeks to avoid: the emergence of a new power center to rival the United States.[37] The best way to share the burdens of maintaining international peace and stability and to secure international legitimacy is to work with like-minded allies. In spite of recent differences, the European members of NATO and the members of the EU are the closest thing the United States will find to "like-minded" nations anywhere in the world. Despite their shortcomings, international organizations remain

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34 For a discussion of the impressive photograph exhibition "After September 11: Images from Ground Zero" see: Liam Kennedy, "Remembering September 11: photography as cultural diplomacy", *International Affairs* 79:2 (2003): 315-326.

35 The OSCE's Mediterranean Partners for Cooperation include Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia. NATO's Mediterranean dialogue covers the same countries and also includes Mauritania. The EU's Barcelona Process includes the OSCE's partner countries and the Palestinian Authority, Lebanon, Syria, Turkey, Cyprus and Malta. In addition, the EU maintains a complementary Middle East Peace Process and relations with Middle Eastern countries in the Gulf region.

36 François Heisbourg, "How the West Could Be Won", *Survival* 44:4 (2002/03): 145-155, here 153.

37 Thomas Risse, "Es gibt keine Alternative! USA und EU müssen ihre Beziehungen neu justieren" [There is no alternative. US and EU must readjust their relationship], *Internationale Politik* 58:6 (2003): 9-18, here 16.

the most effective tools for fostering broad international consensus and legitimacy and orchestrating international action (e.g., harmonizing anti-terrorist activities, defining and monitoring standards for cooperation, supporting and facilitating the rebuilding of failed stated) that is in the US long-term interest.[38]

On the other hand, the process of building Europe will continue, but the varied European reactions to the war against Iraq demonstrate how diverse Europe remains. Europe cannot be successfully constructed in a framework of transatlantic discord. Successfull construction of a more united Europe will be possible only in the context of a working transatlantic relationship. There can be no doubt that the European countries will have to work hard through the EU's foreign, security, and defense policy to come up with consistent concepts to address the 21st century security challenges. The lesson to be learned from the past struggle over Iraq, however, is not to advance these alternatives as a counterweight against Washington but to discuss and develop them together.

And so, the bottom line for both the United States and Europe is that they must find a way to move on. On the European side, a greater willingness to see the advantages of hard power capabilities must be combined with resources to create hard power options – or at least the possibility for European nations to contribute to hard power solutions. On the American site, the United States needs to find a better balance between soft and hard power instruments in its foreign and security policy tool kit. NATO remains relevant as an instrument for building transatlantic coalitions to deal with contemporary security problems. The OSCE is critically important for the application of soft power resources to problems within its area of influence. A new Atlantic Community Treaty Organization would provide a framework for bringing US and European soft power resources to bear on problems beyond Europe, where the United States and Europe have common interests.

A soft power solution will not remove the need for credible military options. However, an effective marriage of US and European soft power resources could help prevent some problems from becoming military challenges. It could enhance the ability of the international community to deal with post-conflict scenarios in ways that promote stability. Future transatlantic cooperation will require an effective blending of soft and hard power resources from both sides of the Atlantic. The question today is whether the United States will continue down a unilateralist, heavy on the hard power path, or will find a balance between the use of its hard and soft power that strengthens alliances, wins the hearts and minds of potential adversaries and reduces the occasions on which the United States would actually have to use its impressive hard power capabilities. Establishing the new Atlantic Community Treaty Organization would be a good first step in this direction.

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38 Mats Berdal, "The UN Security Council: Ineffective but Indispensable", *Survival* 45:2 (2003): 7-30, here 20-25.