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## **A New Institutional Architecture for the Transatlantic Relationship?**

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## The Crisis of Transatlantic Relations

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In the past five years, there has been a veritable avalanche of both academic and policy studies on the transatlantic relationship. Much of this output was sparked by the crisis over Iraq and by fears that the Alliance itself might become a victim of the Bush Administration's unilateralism.<sup>1</sup> But much of it was also generated by the growing reality of the European Security and Defense Policy (ESDP) and the need to consider what implications this might have for NATO.<sup>2</sup> In parallel, major opinion poll surveys charted the public's reactions to the crisis.<sup>3</sup> A flood of books and studies appeared calling into question the very future of the "West" as an entity.<sup>4</sup> As the Bush years drew to a close and the world awaited the inauguration of Barack Obama, a new wave of studies appeared offering prescriptions for a relaunch of the transatlantic relationship under the new Administration.<sup>5</sup> Implicit in most of these latter analyses have been several hypotheses about the likely stance which the Obama Administration will take on transatlantic relations. There are questions about the degree of priority which the new administration will attach to Europe (given the urgent and competing claims of other regions and other global players). Is the fact that Barack Obama began his global diplomatic Odyssey in Europe (with trips in April/May, June and July) significant or merely a coincidence of timetabling and scheduling? No recent president has visited Europe more often in his first six months in office.<sup>6</sup> Yet the new President has no particular *European* attachments, as opposed to his Asian and African proclivities and his Greater Middle Eastern strategic priorities. There have been suggestions that Barack Obama will prefer to ignore the intra-European

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<sup>1</sup> Gordon & Shapiro 2004; Grant 2003; Hallenberg & Karlsson 2005; Kissinger & Summers 2004; Garton Ash 2004; Lindstrom 2003; Lindstrom & Schmitt 2004; Lundestad 2003; Mowle 2004; Pond 2004; Shawcross 2004; Sloan 2005.

<sup>2</sup> Quinlan 2001; Hunter 2002; Howorth & Keeler 2003; Brimmer 2002; Burwell et al 2006; Flournoy & Smith 2005; Serfaty 2005

<sup>3</sup> German Marshall Fund Transatlantic Trends; Pew Global Attitudes, BBC, etc.

<sup>4</sup> Anderson et alii, 2008; Kopstein & Steinmo 2008; Szabo 2004; Andrews 2005; Lundestad 2008;

<sup>5</sup> Allin et alii 2007; Schake 2007; Zaborowski 2006; Serfaty 2008; Korski et alii 2008; Rand/Bertelsmann 2008; Vasconcelos & Zaborowski 2009.

<sup>6</sup> Stokes 2009

jostling for position whereby most of the major heads of government of the European Union (EU) attempt to establish preferential bilateral relations with Washington rather than facilitate Europe's ability to speak with one voice. Whereas most US Administrations since 1945 have positively encouraged *univocality* in their transatlantic partners, the Bush Administration tended to relish the divide and rule potential which the EU member states themselves offered Washington ("Old" and "New" Europe). Barack Obama, one suspects, is likely to prefer Europeans to coordinate their violins in advance of EU-US meetings and is unlikely to wish to rely heavily on privileged links with key partners such as the UK, France and Germany.

Analysts from both sides of the Atlantic have been keen to assess the realistic prospects for transcending the 2003 crisis. While generalizations are always hazardous, if it is possible to detect any difference in tone or approach to the issue, it would be fair to say that US commentators have been both more concerned about the damage done, and more optimistic about the chances of pressing the restart button, than has been the case with their European counterparts. This general difference of perspective also emerged from a 2007 symposium organized by the Norwegian Nobel Institute which brought together twenty-five leading academics from both sides of the Atlantic to think through the future of the Euro-American relationship. As the coordinator of this exercise, Geir Lundestad, noted, "all the American contributors [with one exception] were relatively optimistic about future developments, while all the Europeans were more pessimistic."<sup>7</sup> In part, this reflects a basic cultural difference (Americans are "fixers"; Europeans tend to submit to fate), in part a different appreciation as to how seriously the relationship has begun to change. These nuances are also apparent in opinion polls where fewer Europeans than Americans seem eager to kiss and make up.

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<sup>7</sup> Lundestad 2008, p.299

## NATO: Part of the Solution or Part of the Problem?

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What is striking about this mass of literature is the dearth of specific proposals concerning the optimal institutional architecture to underpin the relationship. Most of the studies focus on a range of diplomatic policy areas (Middle East, China, Iraq, Iran, Afghanistan, etc.) and attempt to navigate a sensitive path between the US position and the European position in order to demonstrate that compatibility is still possible (or, in the case of the skeptics, that it will be difficult). Many studies pay lip service to the need to rethink the institutional bases of the relationship, noting that, since the turn of the century, the EU has begun not only to *look* like an international actor in its own right but also to *behave* like one. Hence, it is widely recognized that NATO – the organism which, throughout the Cold War, was the instrument of choice on both sides for the management of the transatlantic relationship – no longer suffices for a task which has grown infinitely more diverse and complex. This was stated rather bluntly by Chancellor Schröder at the Munich Security Conference in 2005 when he noted that the “process of adjustment to a changed reality has still not been completed.” He went on to stress that NATO “is no longer the primary venue where transatlantic partners discuss and coordinate strategies” and called for both sides to “focus with even greater determination and resolve on the task of adapting our cooperation structures to the changed conditions and challenges.” He then proposed the convening of a high-ranking panel to propose new institutional structures and procedures along the lines of the Kofi Annan panel for reform of the United Nations (UN). Nothing has transpired.

On the other hand, most of the American studies on transatlantic relations have continued to see NATO as central to any institutional relaunch.<sup>8</sup> In 2007, Franklin Kramer and Simon Serfaty called for:

“The formal establishment of a council, including all EU and NATO members, as well as the EU itself [as] the appropriate forum for the discussion of the critical challenges to the 21<sup>st</sup> century Euro-Atlantic community. The NATO Secretary General would also be offe-

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<sup>8</sup> Serfaty 2005; Flournoy & Smith 2005; Burwell et alii 2006; Serfaty 2006.

red a seat at the table to enhance communication and implementation. This council could be called the Euro-Atlantic Forum.”<sup>9</sup>

Two years later, a new report co-authored by analysts from four Washington DC think-tanks<sup>10</sup> continued to see NATO as the basis of a new “Atlantic Compact” which should be “more than a strategic concept for an institution [and] should renew for a young century the historic covenant forged by the people of the North Atlantic.” It is true that the authors of this 2009 study make it clear that, while NATO is “the pre-eminent transatlantic institution for deterrence and defense,” in all other areas “it is likely to take only a selective lead, play a supportive role or work within a larger network of institutions.” A companion study on EU-US relations by the same authors is expected to appear towards the end of 2009.

There are five major reasons why NATO-EU is an inappropriate and indeed quite invalid framework for EU-US cooperation. First, the two entities are very different in essence, and asymmetric in form and scope. It is for this very reason that they do not actually have any formal institutional relationship.<sup>11</sup> Second, in terms of membership, such a framework would in fact mean 28 member states talking to Austria, Finland, Sweden, Ireland, Cyprus and Malta – or else 27 member states talking to the US, Canada, Turkey, Norway, Iceland, Croatia and Macedonia. What could be the political agenda for such discussions? It is often noted that NATO and the EU share 21 members. But what is not too often stressed is that one organization contains the world’s only superpower and the other does not. And that makes all the difference. Third, as a follow-on to this, and perhaps most significantly, there is the fact that NATO carries with it so much historical and politico-cultural baggage. That baggage is difficult enough for NATO to manage, without projecting it to the EU-US level. Fourth, NATO is first and foremost a military alliance which has always had a clear political agenda. Why should it embrace issues connected with economics, energy, environment, climate, development aid, etc.? Fifth, it is self-evidently inappropriate for it to do so. The legitimate and appropriate framework for a comprehensive strategic dialogue between the US and the EU covering the entire range of relevant policy areas has to be some direct EU-US forum.

This is not to say that NATO will rapidly decline or go out of business. It is likely to remain for some time the primary body for coordination of military, security and defense policy among its 28 member states. Whether one takes a skeptical view of NATO’s future<sup>12</sup> or sees it as a body with enormous future potential,<sup>13</sup> nobody

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<sup>9</sup> Kramer & Serfaty 2007

<sup>10</sup> Hamilton 2009

<sup>11</sup> There are formal contacts between the officials involved in the European Security and Defense Policy (ESDP) and their NATO counterparts, but there is no legal or institutional basis for formal EU-NATO links as such.

<sup>12</sup> Rupp 2006; Witney 2008

is today predicting that NATO is about to fade away. However, NATO's future after Afghanistan will be decided by the necessary and inevitable political debate among its member states over its core mission and its long-awaited new strategic concept. France's full return to the NATO fold will ensure that that conversation will be lively. It is not the purpose of this paper to assess the potential for further re-invention of an Alliance which has already reinvented itself several times since the end of the Cold War. My purpose is to focus on the emergence of new institutional arrangements for the coordination of *all the other* strategic policy challenges which today face the transatlantic partners. These include coordination of EU-US approaches to the other global players as well as to regional crises; harmonization of economic, financial, trade and investment policy within the framework of the G-20; joint approaches to everything from trade and competition policy under the World Trade Organization (WTO) to aid and development policy; cooperation on a host of global policy issues from GMOs to climate change, from homeland security to international property rights, from new technologies to energy security. The list is very long.

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<sup>13</sup> Rynning 2005; Moore 2007; Hamilton 2009



## History in Fast-Forward Mode

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The framework within which such institutional innovations might take place presents compelling evidence that such developments are necessary and indeed urgent. The world is changing at dizzying speed. Over the last twelve months alone, ten or a dozen major tectonic shocks have created a context which few would have dreamed of in summer 2008. First, the election of a transformational President in Washington is a watershed. Second, the humiliation of the “Western” model of market-driven capitalism and the major return of the State as an economic and financial actor marks the end of an era widely heralded in the 1980s as irreversible. Third, the rise to serious prominence of China as the lone “strong man” of the G-20 summit in London in April 2009 is a wake-up call for the West. Fourth, the increasing centrality of India as a power broker in South Asia and beyond, a development particularly enhanced by the Congress Party victory in the spring 2009 elections. Fifth, the designation of the Indian Ocean as the principal theater of future great power jostling – and piracy.<sup>14</sup> Sixth, the return to NATO of France after forty-three years’ absence, but at the same time NATO’s increasing discomfiture in its first ever “out-of-area” mission in Afghanistan. Seventh, the extension of the Afghan crisis to Pakistan intensifies the challenge presented from South Asia. Eighth, the drive towards the global elimination of nuclear weapons (Barack Obama’s 2009 Prague speech) was matched by the acceleration towards nuclear weapon status of North Korea and Iran. Ninth, the return to the strategic scene of Russia – with a vengeance – in Georgia has created additional complexities for EU-US relations. Tenth, the birth of the Union for the Mediterranean offers new perspectives for regional crisis management. Eleventh, major developments in Africa where new global players are vying with one another for strategic resources in what used to be perceived as Europe’s “backyard.”

Finally, there is now a real likelihood that the Lisbon Treaty will be ratified by all EU member states, thus ushering in a new dimension to the future framework for EU-US relations. The world is being redefined in terms of relative power assets. In that overall context, both the US and (especially) the EU have declining assets and increasing vulnerabilities.

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<sup>14</sup> Rogers 2009; Kaplan 2009.

One US analyst has suggested that “America’s strategic needs have changed in a way that makes us more dependent on the European Union than ever before.”<sup>15</sup> And yet, no adequate institutional infrastructure exists through which to manage the growing interdependence between the two sides.

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<sup>15</sup> Asmus 2008

## Revised Institutional Architecture & Recommendations

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In recent months, several proposals have been formulated from a variety of quarters to enhance, upgrade or simply create the institutional architecture necessary to underpin the broader – and constantly evolving – transatlantic relationship.<sup>16</sup> In what follows, I shall formulate some proposals for the strengthening of existing links and the forging of new ones.

It is almost fifteen years since the signing of the *New Transatlantic Agenda* (NTA, 1995). The NTA was itself sparked by concerns about the health and direction of the transatlantic relationship in the post-Cold War world. It highlighted four main areas for cooperation: the promotion of peace, stability, democracy and development; responses to global challenges such as terrorism and crime; expanding world trade; and building people-to-people bridges. The NTA introduced a framework for dialogue which eventually comprised:

- Bilateral summits (initially biannual but annually since 2000).
- Biannual dialogue at the level of EU Foreign Ministers/US Secretary of State.
- A Senior Level Group at the level of US Undersecretary of State and EU Commission Director-General to oversee implementation of the NTA.
- An NTA Task Force at Director level to facilitate exchanges at the operational level.
- The *Transatlantic Economic Partnership*, with its own steering group and action plan. This was replaced in 2007 by the *Transatlantic Economic Council* (TEC).
- A *Transatlantic Legislators Dialogue* (TLD), involving regular exchanges between the European Parliament (EP) and US House of Representatives.

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<sup>16</sup> Asmus 2008; Korski 2008; European Parliament 2009.

- A series of people-to-people dialogues, including the Transatlantic Business Dialogue and the Transatlantic Consumer Dialogue.<sup>17</sup>

It is widely considered that these arrangements need upgrading, revitalizing and rationalizing. One major study found that they suffered from lack of political commitment, low public profile, overabundance of process, issue overload, failure to prioritize, lack of transparency and failure to involve legislators.<sup>18</sup> Some analysts plead in favor of correcting these defects by the injection into the procedures of far more seriousness of purpose. Others, including the European Parliament, insist that what is required is the replacement of the NTA with a new *Transatlantic Partnership Agreement* which would provide a “more stable and more up-to-date basis for the relationship.”<sup>19</sup> The following recommendations are therefore appropriate.

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<sup>17</sup> For the details of all these arrangements, see Peterson 2005

<sup>18</sup> Peterson 2005, p.5

<sup>19</sup> European Parliament 2009

## Recommendations

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### EU-US Summit meetings

These annual events have degenerated into little more than formal occasions with neither political substance nor any strategic agenda. They should henceforth be given both strategic purpose and political direction by linking them to major events on both sides of the Atlantic. The US President and appropriate secretaries should attend a summit meeting in Brussels on the occasion of one of the four annual European Council meetings. This should not (as is occasionally suggested) involve the President actually attending the session of the Council (which would hardly enhance focus on the part of the EU members present), but should take advantage of the presence in Brussels of all twenty-seven EU heads of state and government and should be convened the day after the Council meeting for a broad strategic discussion of global issues. There should be a structured agenda and policy options prepared in advance. The meeting should be co-chaired by the EU's President of the Council and the US President. Another suggestion which is often made is that these meetings should be organized back to back with a NATO summit. This proposal should be firmly rejected. NATO summits are normally held only once every two years and many analysts feel that even that is probably too frequent. Any major NATO business which might need the attention of the EU-US summit can be sent up to that meeting and included in the agenda in the normal way. A second annual EU-US summit could be organized in the United States, possibly on the occasion of some major policy event such as the State of the Union address. On that occasion, it would be unwieldy for the summit to be attended by all heads of state or government. It could be a more tightly knit meeting involving the US President and Secretary of State together with the EU Council President and the High-Representative. Again, there should be a strategic agenda and policy options. These summit meetings, in addition to providing the EU-US partners with strategic impetus, should also exercise oversight of the implementation of decisions already reached.

### Summits on Foreign Policy

The biannual dialogue between the US Secretary of State and EU foreign ministers should also be upgraded by the formal establishment of regular meetings co-chaired by the US Secretary of State and the EU High Representative. Again, a strategic agenda and policy

options should be on the table. These meetings should take place at least twice a year (the European Parliament suggests four times a year), once in Brussels, probably on the back of a strategically significant meeting of the General Affairs and External Relations Council (GAERC), and once in Washington on a similarly significant occasion. The Brussels meeting should be attended by the US ambassador to the EU. Traditionally, the US has appointed a trade lawyer or a businessman to this key post. It would be more appropriate for the post-holder to be a senior US foreign policy expert. The EU should be represented at the Washington foreign policy summit by the High Representative, accompanied by the EU Head of Delegation in Washington and such DC-based EU ambassadors as feel they have something specific to add to the proceedings. The European Parliament's proposal that this mechanism, which would ensure "systematic high level consultation and coordination," should be officially called the *Transatlantic Political Council* is interesting but probably premature.

### **Economic Policy Summits**

Arrangements should be put in place for the conclusions and proposals of the *Transatlantic Economic Council* to be implemented via formal meetings of the appropriate US Secretaries (Treasury, Trade, etc.) and the appropriate European Commissioners and Directors-General. Such meetings can be held as and when necessary. The primary purpose of this process should be to finalize arrangements for a comprehensive transatlantic market. A further strategic objective should be introduced into the transatlantic economic dialogue. This should involve a serious attempt on the part of the transatlantic partners to coordinate their approaches to more global negotiations within the context of the WTO, the World Bank, the International Monetary Fund (IMF) and the G-20. The financial crisis has opened up the prospect of major initiatives emanating from the rising powers. The least the Atlantic partners can do is to attempt to respond to such initiatives in a coordinated manner.

### **Parliamentary Arrangements**

The current arrangements under the *Transatlantic Legislators Dialogue* include the biannual meetings of the European Parliament and the US Congress delegations and a series of teleconferences, organised on specific topics of mutual concern, with a view to fostering an ongoing and uninterrupted dialogue. These arrangements are generally perceived as being unsatisfactory in a number of ways. First, the dialogue is restricted on the US side to members of the House of Representatives. Senators are not involved. Second, although the issues discussed in the meetings cover a huge range of policy areas, there are very few special seminars or workshops devoted to key challenges. Third, there is virtually no involvement of legislators from the national parliaments. A series of proposals on a

new agreement has been formulated by the European Parliament to give a significant boost to the dialogue:

*“the new agreement should upgrade the current TLD into a transatlantic assembly, serving as a forum for parliamentary dialogue, identification of objectives and joint scrutiny of the implementation of the agreement, and for coordination of the work of both the European Parliament and the US Congress on issues of common concern, including close cooperation of committees and rapporteurs from both sides; [...] this assembly should meet in plenary twice a year and be comprised on an equal basis of both Members of the European Parliament and Members of both Houses of the US Congress; [...] the assembly could establish working groups to prepare the plenary meetings; [...] a steering committee should be responsible for enhancing cooperation between the legislative committees and rapporteurs of the European Parliament and the US Congress on legislation which is relevant with regard to further integration of the transatlantic market and in particular to the work of the TEC.”*

However, to date, the proposals have not been met with reciprocal enthusiasm on the US side. After the 2009 European Parliament elections, new overtures should be conducted with a view to persuading Capitol Hill to go at least some of the way towards meeting these suggestions. Another useful innovation would be to organize joint EP/Congress task forces on critical issues such as the Afghan/Pakistan crisis, the Israel/Palestine problem and the International Criminal Court, where major differences between the two sides exist. It would also be appropriate for the US President to address the EP, as it would, once the Lisbon Treaty is ratified, for the EU President to address a joint session of the Congress.

### **Strategic Bilateral Working Groups**

In the case of policy areas in which the EU and the US have clear and compelling strategic interests demanding cooperation and coordination, a series of bilateral working groups should be established to reflect both the high profile and the ongoing or even permanent nature of the issue. Cases such as counter-terrorism and homeland security and climate change are obvious examples. In the former case, some of the coordination which is ongoing in NATO should be taken over by the new working group both for reasons of appropriateness (counter-terrorism should not be perceived as primarily a *military* task) and for reasons of efficiency (the issue is best comprehensively dealt with by Interior ministries).

### **Permanent Policy Dialogue**

Procedures should be put in place to formalize the current relatively *ad-hoc* meetings between EU and US officials across the entire range of policy areas. In the first instance, this could take the place of

exchanges of officials from the various departments of state, along the lines of those exchanges which currently exist among EU member states. It is vitally important for officials on both sides to experience at first hand the working culture of their opposite numbers. Exchanges should be organized between officials from both the Council and the Commission with their opposite numbers in Washington. Over time, this might develop into the opening, in Brussels and Washington, of Strategic Policy Liaison Offices manned by officials from a broad spectrum of departments. As a final stage, assuming the success of policy coordination through all of the mechanisms rehearsed above, it might prove appropriate to establish a formal and permanent EU-US Strategic Partnership body, based both in Brussels and Washington and underwritten by a Treaty between the two sides. Such a development is today premature, but it should be kept in sight as a logical corollary to the existing and future mechanisms discussed in this paper.



## Conclusion

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It is not clear how the transatlantic relationship will evolve over the coming decades. One thing is certain. There is no going back to the relationship which existed under the aberrant and unique circumstances of the Cold War. Nor are we likely to see replication of the relatively harmonious relationship of the Clinton years or of the disastrous crisis-ridden atmosphere of the Bush years. With President Obama, the US has changed and moved on since 9/11 and the EU is rapidly evolving into a significant international actor. Greater balance will constantly be injected into the relationship as the two sides face up to the enormous challenges thrown up by the 21<sup>st</sup> century. But each policy issue will have to be *negotiated*. For those who believe that values and norms underpin a relationship, there is no doubt that both the EU and the US are closer to one another than either is to any other major international actor. But for those who see international relations as dominated by power and interests, the new configurations of an unbalanced multipolar world are much more difficult to read. Either way, the EU and the US have much to gain and little to lose by standing more and more closely together. But in order to do so, much greater institutional interaction is required.

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