

*Address to Seton Hall University:*

## **Power and Persuasion in International Relations: A Comparison of EU and U.S. Approaches**

**Ambassador John B. Richardson**

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On June 2 the European Space Agency's unmanned mission to Mars was launched from Russia's Baikonur cosmodrome in Kazakhstan. You might well ask what Europeans want on Mars. After all, we all know that Americans are from Mars, and Europeans are from Venus. Since Robert Kagan's famous article, it has become fashionable to say that Europeans and Americans are at odds in the foreign policy arena because we in Europe favor a policy based on friendly persuasion while the U.S. prefers the muscular projection of power. We do so because we are weak; you act so because you are strong.

It is a seductive thesis, but as political scientists you will be used to mistrusting such an over-simplistic view of transatlantic relations. Today I want to suggest a different way of looking at international relations, examine what transatlantic relations have been about over past decades, and then ask what, if anything, has changed. And I will finish with my own variation on the Kagan thesis.

In geopolitics, change is the order of the day. The ice-sheet of bipolarity, which overlay and hid the complexity of international relations during the Cold War, is breaking up at ever increasing speed and revealing a world in which two paradigms are competing to become the underlying ordering principle for this new century.

The traditional paradigm of interacting nation states, each pursuing its own separate interests, with alliances allowing the small to compete with the large, is alive and well. In many ways it now dominates intellectual discourse in the United States in the realm of foreign policy.

At the same time there is a school of thought which points to the growing economic and ecological interdependence of our societies and the necessity for new forms of global governance to complement national action. The experience of the European Union with the sharing of state sovereignty is clearly related to this second

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paradigm and also to the EU's firm support for the development of the United Nations as well as other elements of multilateral governance.

Does this mean that the Cassandras are right who see the Atlantic alliance falling apart? If they were this would amount to a cataclysm in international relations, since a transatlantic alliance based on partnership in the sure knowledge of common interests and shared values has been a given for the last half century, since the end of the Second World War.

Let us look back for a moment at the history of that half-century.

It was dominated by a titanic struggle between two worldviews, between Communism, with its centrally planned economies and its political repression, and our Western model of open societies with democratic governments, individual freedom and the market economy. This struggle, which was essentially ideological, in other words a struggle for the minds and hearts of men, was accompanied by a second struggle, to contain and eventually defeat the expansionist ambitions of the Soviet Union. Moral conviction was backed up by strength, through history's most successful defensive military alliance, NATO. In both these areas the United States usually took the lead and Europe followed, secure in the strength of our common worldview.

And the Wall fell, the Soviet Union imploded, its empire was liberated and the process began which will allow another ten states to join the European Union on May 1 next year. For this, millions of Europeans will be eternally grateful to the leadership of the United States.

The rest of the world has also changed in the last two decades, and it has been transformed in a very positive sense. The values that we have been propagating, we, the United States, Europe, and others, have swept not just across the former Soviet Empire since 1989. Those values have allowed a massive spread of prosperity in Asia, particularly in East and Southeast Asia. Those same values have brought down, one after another, authoritarian regimes in Latin America. And those values have become part of the consensus on what developing countries must do, if they aspire to rise out of poverty and misery. You will find them, for example, set out in speech after speech by developing country leaders to the UN conference held in Monterrey, Mexico, back in March of last year, in which a consensus emerged on how to promote the mobilization of financial resources for development. And those are our values, and I think we can be proud of that.

As far as the EU is concerned you can do an analysis of the foreign policy values to which we have subscribed in our founding Treaty and you will come up with five central ideas:

- The need for the rule of law as the basis for relations between members of society;
- The interaction between the democratic process and entrenched human rights in political decision-making;
- The operation of competition within a market economy as the source of increasing prosperity;

The anchoring of the principle of solidarity among all members of society alongside that of the liberty of the individual;

The adoption of the principle of sustainability of all economic development.

The first three of these principles have been fundamental to the process of European integration from the beginning. The others have begun to come into focus more clearly only in the recent past. Let us look at them one by one.

### THE RULE OF LAW

The ordering of society through the application of a framework of laws and regulations based on the will of the people as expressed through the democratic process and implemented by an independent judiciary has deep roots in Europe, going back to at least Roman times, so it is no surprise that it should have been adopted by the EU. What has been surprising, however, is that the enforcement of EU law, which overrides national law in areas of EU legal competence, has been successfully entrusted to national courts, under the overall umbrella of the European Court of Justice. No parallel system of European Courts has been established along the lines of U.S. federal courts. This is surely one of the great success stories of European integration.

The international rule of law has developed as a result of two different traditions. The network of international bilateral agreements and of decisions based on them has led to the growth over many years of an established body of what is normally called international law.

Alongside this a system of multilateral agreements has been negotiated, at an accelerating rhythm, originally to regulate diplomatic and military relations between states (the Vienna Conventions), more recently to regulate international economic relations (WTO, ITU, ICAO, WMO, etc.), or to provide more broadly an embryonic system of governance for dealing with global problems (the UN system).

The public spotlight usually falls on the UN's role in crisis management through the Security Council. What this fails to highlight is the web of multilateral conventions, which has been built up over the years through painstaking negotiation in the General Assembly. What this has done is to provide the world in many areas with a set of rights (largely of individuals) and of obligations (largely of states), similar to the laws in an individual state. Their implementation, of course, is largely left to peer pressure, except in cases in which the Security Council determines that there is a risk to world security as defined under Chapter VII of the charter of the United Nations.

I think it is fair to say that the United States and the European nations have always worked in tandem in building up this international system, although the U.S. has found it more difficult to ratify a number of the resulting international agreements than has the EU. This is true, e.g., of the Convention on anti-personnel landmines, the Comprehensive Test Ban Treaty, and the Convention on the Rights of the Child.

## THE MARKET ECONOMY

In principle a reliance on the market has characterized the EU since the inception of the European Economic Community. It is on this basis that the Common Market was created, the competition policy implemented, and the Single Market created. In practice, however, it coexisted with the practice of state intervention in many areas, with the Marxist idea that the people should have control over “the commanding heights” of the economy, and with the idea of their being “natural monopolies” in areas such as telecommunications, transport or energy provision.

Within the last decade, economic policies in Europe have swung decisively away from an interventionist model and towards a reliance on competition within open markets to generate economic growth and prosperity. The remnants of an interventionist industrial policy have been dismantled at EU level: telecommunications and air transport have been completely deregulated, state-owned enterprises have been largely privatized by Member States or at least made subject to competition from private companies on the basis of a level playing field achieved by regulatory means. This is not the result of changes in the political complexion of governments but rather a sea change in the cross-party consensus. It has gone hand-in-hand with the development of an international consensus along similar lines and it has brought the EU very much into line with policy development in the U.S.

The most obvious external expression of the EU’s commitment to the market economy is, of course, its championing of trade liberalization under the WTO. More generally, it is, however, the championing of a form of market economy, which has worked well in Europe. It is thus no surprise that the EU fought so hard in the run up to Doha for several issues, without which we believe that the benefits of a market economy do not become fully available to citizens. These include policies to ensure that competition reigns on open markets and that policies are put in place to ensure that benefits are passed on equitably though the adoption of core labor standards, although no agreement was reached to include the latter on the Doha agenda. Whatever the differences may be in the models of capitalism developed on the two sides of the Atlantic, it has up till now proved possible to reconcile them in defining global agendas such as Doha.

## DEMOCRACY AND HUMAN RIGHTS

It has always been understood that the Union could only have democratic states as members. For this reason it was the reintroduction of democracy in first Greece and then Spain and Portugal which paved the way for their accession.

After the fall of Communism, this principle was codified in the text adopted by the European Council in Copenhagen in June 1993 setting out the criteria to judge whether a candidate for membership of the EU could be admitted or not. The principle of democracy has since been spelled out as Article 6.1 of the Treaty on European Union.

But in Europe, as in the United States, democratic decision-making is constrained by the entrenchment of certain fundamental rights. In your case this goes back to the original incorporation of the Bill of Rights into your constitution.

In the case of Europe, Article 6.2 of the TEU also incorporates the principle of the respect of human rights, defined as those guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms. In addition, the European Council in Nice (December 7-9, 2000) welcomed the joint proclamation by the Council, the Parliament and the Commission of the Charter of Fundamental Rights, combining in a single text civil, political, economic, social, and societal rights from various sources.

Since Nice the TEU also sets out (in Article 7) the steps to be taken if a Member State is in serious breach of these principles.

In this way, the original implied assumption of democracy has gradually been spelled out in detail and partially codified.

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What is the international expression of this type of governance? The idea that democracy is the best way to take decisions has been gaining ground simply through the spread of democratic forms of government from one country to another in the latter part of the last century and the legitimacy of world institutions such as the UN can be regarded as increasing as more and more of its member states become democratic.

The international equivalent of national entrenched legislation is of several types. First is the multilateral system itself, to which changes can normally only be made by consensus, a rather extreme form of entrenchment. Second is the system of international conventions, which are then implemented in national law, thus leading to a convergence of national legal systems. Third is the codex of human rights, which has been built up over the last decades.

While being “soft” law, in the sense that there is usually no legally binding enforcement mechanism, this codex, representing, as it does, the evolving consensus of the world community, undoubtedly affects the way that nations behave and is “enforced,” in practice, by a series of mechanisms designed to exert peer pressure.

The world is even moving beyond that now in the case of the International Criminal Court, by establishing an enforcement mechanism for the trial of those who commit crimes against humanity (which are defined extremely carefully in enumerative fashion in order to guard against frivolous misuse). For the first time an instrument is available on a permanent basis, which can ensure the rule of law by methods other than simple exhortation or brute force. I will come back to U.S. views on this later.

The EU itself contributes to the spread of the respect for human rights by incorporating this respect as an element of its trade and cooperation agreements, of which the Cotonou agreement with ACP countries is certainly the best example. The Stabilization and Association Agreements with the countries of the western Balkans are another.

To sum up, the EU's policy in this area of promoting national democratic governance, supporting the multilateral system, and pushing for the extension of the international rights-based system, is nothing other than the transposition to the international arena of principles, which we apply at home with the full support of a consensus within our societies. It is this, which gives the policy its credibility.

And I would argue that it also reflects on an international level the same balance and the same values to be found in the U.S. constitution.

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#### SOLIDARITY

The political development of Europe has been dominated since WWII by the ideas of Social and Christian Democratic parties. Their enduring legacy is the principle of the social safety net, the idea that society will look after all its citizens by ensuring that they can live lives of reasonable comfort and dignity, even if they are unable to earn the income necessary to this end. In this sense, Europe has espoused the model of a Social Market Economy, regarded by many as fundamentally different in concept from the U.S. model.

The same principle of solidarity codified in Title XVII of the EEC Treaty, where Article 158 commits the Union to "aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favored regions or islands, including rural areas." In practice this has meant a systematic transfer of financial resources from richer to poorer Member States.

Two relatively new phenomena have made it easier to contemplate the extension of the concept internationally. The first is the growing realization of the extent of ecological interdependence on our planet. The other is the ability of the international media to beam pictures of suffering from the furthest corners of the globe into our living rooms. The realization of the misery of other human beings like us evokes the simple human reaction of sympathy, and out of sympathy genuine solidarity in action can grow.

On this basis the political constituency to support the strengthening of international instruments of solidarity, of which the most obvious is Official Development Assistance, can be cultivated, thus allowing ODA to be increased, in line with international commitments, and as reinforced in Monterrey, both by the EU and by the U.S.

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So although it is certainly true that we organize solidarity differently within our separate bodies politic, we are moving in the same direction on development policy.

My conclusion is that, while the totality of the values espoused by Europeans in their interaction with the world may not be shared by the United States, the commonality is broad and solid.

### DEFENDING OUR VALUES

We should not forget this when we disagree on how best to pursue the continued spread of these values around the world and how to defend them where they are under attack. There is no doubt that the EU sees the principle instrument for furthering these foreign policy goals as persuasion, as dialogue, as the building of a consensus, largely through multilateral institutions. But we also use bilateral leverage, particularly our trade and aid policies, to reinforce our persuasive powers. It is, however, in the area of threats to security that these instruments are least effective.

And it is here that you will all have been reading about the differences of view between a Europe, which believes in the use of multilateral instruments, and a United States, which wants to act unilaterally. I believe this, also, to be a caricature. The reality is more complex, although no less important.

### TERRORISM

What is the biggest threat facing our peace, our prosperity, and our freedoms today? No one who lives near New York City can doubt that it is terrorism, which struck at the heart of Manhattan two years ago. Similarly in Europe, no other threat is seen as so serious. So how have we in Europe reacted to this threat?

First, by complete solidarity with the United States. The outpouring of expressions of sympathy in Europe two years ago was genuine and deeply felt.

Second, by giving full support to US military action in Afghanistan against Al-Qaeda and to bring down the Taliban, who harbored them. As you know, several of our Member States have also been militarily involved.

Third, by swift action to introduce new, effective, Europe-wide, anti-terrorism legislation. This was accomplished by Christmas 2001 and has been bearing fruit in a wave of arrests throughout Europe.

Fourth, by active support for United Nations action. Let us not forget that the UN comprises not only the Security Council, but also the General Assembly. It is through the General Assembly that the community of nations has laboriously negotiated a series of eleven conventions on different elements of terrorism, which are now being implemented by all its members. It is these conventions, which provide the legal framework for other countries to cooperate with our intelligence services and our law enforcement officials in our struggle to defeat this terrible scourge. In Europe, our Member States have, of course, ratified these conventions, and we are pressuring others to do the same. The number of countries who have done so has since grown by leaps and bounds.



The Security Council also lost no time in adopting Resolution 1373, which imposes a legal obligation on every member of the UN to adopt and implement legislation sealing off any financial flows to terrorist organizations, and this is being followed up vigorously in the new Counter Terrorism Committee, currently under Spanish chairmanship. And in the European Union we are committed to helping those developing countries, which have the most difficulty to help themselves, to implement it effectively.

In my view the commonality of approach that I have described here is impressive. It remains the best way to prosecute a struggle against terror in the coming years, as long as we do not forget at the same time to continue to pursue the commitments we assumed at the millennium General Assembly, commitments to the alleviation of poverty around the world. For it is starvation and misery, which provide terrorists with the warped excuses, with which they attempt to justify their actions and obtain at least the acquiescence of the societies in which they operate.

#### THE INTERNATIONAL CRIMINAL COURT

But the world does not suffer just from terror.

African development has long been held back by autocratic leaders misappropriating their countries' resources and refusing to step down long after their sell-by-date. In doing so they trample on our values, which are the only ones, on the basis of which successful development can come about in their countries.

In the Balkans, the break-up of the Soviet Empire unleashed an orgy of nationalist bloodlust, and it has taken years of patient diplomacy, a military action by NATO, led by the United States, and several years of patient nation-building by the UN and by the EU to get that unhappy region back on a track towards a society based on the values we share, and someday, we hope, to a membership of the European Union. And Milosevic is now on trial in The Hague for crimes against humanity.

But why do African dictators think they can get away with it?

Why did Milosevic think that he could, we believe, pursue massive ethnic cleansing with impunity? (I am choosing my words carefully, because even Milosevic has a right to be presumed innocent before being proved guilty.)

In Europe we believe that the answer to this question is that we have had no international legal system defining crimes against humanity, committing States to bring their perpetrators to justice, and setting up a court to be ready to try them. In other words we believe that if the International Criminal Court had been in place, with the backing of the world community, ten years ago the Milosevics of this world would have thought twice.

Here, of course, the U.S. takes a different view. As it turns out, the attempt to set up a system, which will deter wrongdoers in the future, is supported by the world community minus one.

In Europe, we do not intend to be any less vigorous in its defense because the U.S. disapproves. We believe that the Court provides a way for the rule of law to



end impunity for those who violate in the most serious fashion the values which are not just ours but those of the world community. We also believe that the U.S., which shares those values, will eventually come to see it in this way and come in out of the cold again.

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#### GLOBAL CLIMATE CHANGE

Apropos of cold, let me now address the main long-term threat to the realization of our common vision for humanity. This is the question mark over the long-term sustainability of development around the world. The world's biggest ever conference in Johannesburg addressed just this issue last year. It will occupy us for the foreseeable future, not just for my lifetime but for yours as well.

The concept of sustainability was first incorporated into our Treaty with the Treaty of Amsterdam and Article 2 EEC now defines the aim of the Union's economic policies as promoting "a harmonious, balanced and sustainable development." In our system this gives it the equivalent of the force of constitutional law. The adoption by the European Council at Gothenburg in June 2001 of a Strategy for Sustainable Development has begun to turn this into practical policy. This is one of very few examples of an international discussion then being reflected in internal changes within the Union.

The driving force behind it was the consciousness of global environmental interdependence—the idea that we are all citizens of "Spaceship Earth"—and the need for international solidarity in dealing with it. The discussion has triggered the realization that EU policies have an obligation to ensure that our children and children's children are afforded the same opportunities for a good life as are we, and thus the need to ensure that economic development preserves and does not diminish the resources, natural and otherwise, on which it is based.

This is also why we are so attached to the Kyoto Protocol on Global Climate Change. The EU has already achieved its first target under the Protocol and stabilized its emission levels of greenhouse gases at their 1990 level. We are also well on the way to achieve our second commitment and reduce them by 8 percent over the next ten years.

In May 2002 the U.S. submitted its third national communication to the UN Climate Change Convention. It was the first time a document from the Bush administration had acknowledged the human responsibility for climate change. Furthermore, it predicted that the U.S. itself will experience far-reaching and even devastating environmental consequences. So what is the U.S. doing?

Your government has said that it will not ratify Kyoto because it is a flawed treaty, it will go a different route. So let us suppose for a moment that Kyoto is not the ideal way forward. What then is the U.S. doing?

On February 14, 2002, President Bush forwarded his proposals on greenhouse gas emissions to Congress. If they are implemented and achieve the desired results they will indeed reduce the greenhouse gas intensity of U.S. economic output. But the U.S. economy will continue to grow, and even on the Administration's own estimates, U.S. output of greenhouse gases will have risen 30 percent above the 1990 level by 2012.

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This is hardly surprising in the light of current U.S. legislation. Let me take just one example. I guess we are all assuming that Governor Schwarzenegger will be turning up for work in one of his Hummers. And we all know the extent to which suburban shopping malls are now dominated by SUVs and minivans. Yet all these vehicles are exempted from the mileage restrictions placed on automobile manufacturers by the U.S. CAFÉ legislation.

Unless something is done, the rest of the world will be dealing with this threat to all our futures without the U.S., which will blithely continue to produce a greater and greater proportion of the gases, which cause climate change.

Such a lack of solidarity is unworthy of a country whose people are known for their generosity of spirit.

## IRAQ

Let me turn now to Iraq and some of the questions it has raised. A year ago, the threat of this country developing weapons of mass destruction was the subject of second-highest concern after terrorism for our citizens, as it was for yours.

Saddam had simply ignored the resolutions of the Security Council for years and got away with it. Your President set out the case against him in clear and cogent terms at the General Assembly on September 12, 2002, and we shared his analysis. But the transatlantic community split, right through the middle of Europe, on what to do next. We may share values and interests, but we have been struggling to re-establish a common view of how to act.

Robert Kagan saw the problem as follows:

*Americans are 'cowboys', Europeans love to say. And there is truth in this. The United States does act as an international sheriff, self-appointed perhaps but widely welcomed*

*nevertheless, trying to enforce some peace and justice in what Americans see as a lawless world where outlaws need to be deterred or destroyed, and often through the muzzle of a gun. Europe, by this old West analogy, is more like a saloonkeeper. Outlaws shoot sheriffs, not saloonkeepers. In fact, from the saloonkeeper's point of view, the sheriff trying to impose order by force can sometimes be more threatening than the outlaws who, at least for the time being, may just want a drink.*

Analogies are fun, but can be misleading. I would make one point only. A sheriff is not a vigilante; his mandate is to uphold the law, not to put himself outside it. And in international relations the law is clear on some fundamental points.

Article 2 of the United Nations Charter obliges all members to:

Settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

This does not, of course, prevent the use of force in self-defense, but this is clearly defined, in Article 51 of the charter, as the case when "an armed attack occurs against a member of the United Nations."

In all other cases of threats to international peace, Article 39 makes it clear that it is for the Security Council to determine this and to recommend or decide on the appropriate action.

And let us remember that this text was drafted, under U.S. prompting, after two catastrophic world wars in which acts of aggression by single nations had engendered the most terrible chain reactions.

Having said this, few Europeans would dispute that, when the chips are down and the world community has to deal, as a last resort, by force with a threat to international peace and security, we will need to be led by the United States. At the end of the day, if a posse is needed, there will be no doubt as to who the sheriff will be. And we will all be grateful that he is around.

## CONCLUSION

I do not believe that this broad-brush survey of current foreign policy challenges and our response to them suggests a decisive rift across the Atlantic. On the whole it is still true that we share an important set of values, which have served us well in the past and can do so in the future. The one big exception is our attitude to the sustainability of development on this planet. But, in these turbulent times the need for dialogue between us to ensure that we retain not only a bedrock of common values but also a common understanding on how best to defend them around the world is more necessary than ever.

Some observers worry whether this will be possible. Robert Jervis of Columbia University, for example, wrote an article, which appeared this August in the journal, "Foreign Policy," entitled "The Compulsive Empire." In it, he argues that nations enjoying unrivalled global power have always defined their interests in increasingly

expansive terms and that resisting this historical mission creep is the greatest challenge facing the United States today.

Leopold Kohr wrote a prophetic book in 1946, called "The Breakdown of Nations." One of its chapters sets out what he calls the Power Theory of Aggression. He says,

There could be no gentler peoples on earth today than the Portuguese, the Swedes, the Norwegians, or the Danes. Yet, when they found themselves in possession of power, they lashed out against any and all comers with such fury that they conquered the world from horizon to horizon. This was not because, at the period of their national expansion, they were more aggressive than others. They were more powerful."

Kohr argues that power leads inexorably to aggression and that the abuse of power begins when a nation believes that it cannot be checked by any existing larger accumulation of power. And he makes a chilling prophecy. He says that when the United States becomes aware of just how dominant it has become,

*When that time comes, we should not fool ourselves with pretensions of innocence. Power and aggression are inseparable twin phenomena .....and innocence is a virtue only up to a certain point and age. If there ever should be a powerful country without any desire to lick and dominate others it would not be a sign of virtue but of either overage or mongoloid under-development. In the United States neither is the case.*

Kohr is suggesting that power corrupts values. If he were right, it would signal real trouble for the transatlantic partnership. It seems to me that as political scientists you might wish to examine whether history supports Kohr's theory. And as U.S. citizens you might wish to help to prove him wrong in the case of the world's greatest democracy, and show that American ideals are indeed immune from the corrupting force of power.