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Iraq: a European point of view

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by Martin Ortega

Iraq: a European point of view

The author is a research fellow at the EU Institute for Security Studies. He has lectured in international law and international relations at various Spanish universities, and was a Senior Associate Member of St Antony's College, Oxford. He specialises in the Mediterranean and Middle East regions, and the use of force in international relations.

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Summary

UNSC Resolution 1441 has given the Iraqi regime a last opportunity to abandon any WMD programmes. If Iraq does not comply fully with the resolution or if inspections show that Iraq is indeed hiding WMD, the Security Council will have to consider the situation and decide what measures must be taken to maintain international peace and security.

In the last few months, European governments have responded in different ways to the American desire to exercise 'pre-emptive action' against the Iraqi threat and to overthrow Saddam Hussein's regime. However, the Europeans share a sceptical attitude towards that initiative, since they perceive that a military solution might have unexpected negative consequences. Therefore, most Europeans believe that coercive action should not be taken hastily and that diplomatic means, especially through UNSC-sponsored inspections and destruction of Iraqi WMD, should be exhausted first.

This paper suggests that Europeans are sceptical because they think that the United States underestimates the difficulties of post-Saddam state-building in what is a delicate regional environment. Also, Europeans fear that occupation of Iraq might lead to an escalation of terrorist activities in the West. Some voices in the United States have indicated that creating a democratic Iraq would be the first step in the establishment of a new regional order in the Middle East, while Europeans are unconvinced about the possibility of 'importing' democracy into the region overnight by the use of force. Any stable 'new' regional order, the Europeans contend, should include a lasting and equitable solution to the Israeli-Palestinian conflict. Finally, most Europeans believe that the international administration of postwar Iraq would have to deal not only with state-building but also with resources management. It remains to be seen whether this aspect of foreign administration would be accepted by the Iraqi population. In addition, lower oil prices would foster increased global oil consumption in the long term and, consequently, a worsening of the global environment, which is against the declared European policy of determined action against global warming.

Although Resolution 1441 states that the Security Council will consider which measures should be taken to respond to Iraqi breaches, the interpretation of that resolution could prove controversial and might lead to three different scenarios of transatlantic cooperation on Iraq. First is a 'counter-proliferation' scenario, whereby a wide American-led coalition attacks and occupies Iraq in order to end the WMD threat. In a second possible scenario, some differences between allies lead to an intense debate in the Security Council and within European states, but eventually they decide to act together in order to 'save the alliance'. The third, more unlikely, possibility is the 'worst-case' scenario, in which many European states decide not to participate in the military operations, and this leads to profound crises within both the EU and NATO.

Bearing in mind that there is no 'common' European position on the Iraqi issue, nor 'common' European policy on the Middle East, this paper suggests that members of the European

Union should draw up such policies for two reasons. First, the principles and values contained in the Treaty on European Union (which basically coincide with values enshrined in national constitutions) cannot be defended internationally by the member states individually. Second, the European public is increasingly demanding that the EU define a foreign and security policy that contributes effectively to the wider application of those principles and values. This paper concludes that the general principles that should inform a European policy towards the Middle East are already present in CFSP texts: peaceful resolution of disputes, regional rapprochement, promotion of democracy, reduction of excessive importance of oil resources, etc. In order to concretise them in a credible European policy, national governments should negotiate the necessary institutional arrangements. In addition, a European policy on the Middle East would serve as a useful basis for frank and profound discussions with the United States on this vital region. Even though the current Republican administration has not shown particular interest in engaging in such a debate, further transatlantic exchanges are needed if both Europe and the United States really want to sustain their common interests and values.

Introduction

Phil Gordon is entirely right when he asserts that there is no such thing as an American or a European position on Iraq, but 'a range of positions on both sides'.[1] Indeed, the 'trans-American' and 'trans-European' debates have at least been as rich and polemic as the transatlantic one, which demonstrates the intricacy of the issues at stake. This paper does not intend to suggest that there is a 'common' European standpoint, which seems quite simply impossible today, nor suggest how the American and European positions could be combined profitably for both sides of the Atlantic, as Phil Gordon does successfully. Rather, the main objective is to explain why the Europeans are quite sceptical about the idea of curing the Iraqi cancer by military means. As a consequence – it is argued – the Europeans should develop an alternative view on how best to resolve the problem. However, they are not capable of doing that, mainly because national governments prefer to maintain individual policies on the Middle East (rather than to negotiate seriously among themselves in order to arrive at a common European policy), even though they feel that fragmentation and lack of action by the EU might lead to grave consequences in this particular case.

Reviewing arguments for and against war, Chapter 2 of this paper discusses the reasons why Europeans are sceptical. Whether or not Americans and Europeans are going to intervene together in the coming months, however, does not depend on that scepticism; it rather depends on both the application of UNSC Resolution 1441 (8 November 2002) on the ground and ongoing political negotiations between the United States and individual European states. The Europeans are also debating amongst themselves what the right course of action would be. Taking those factors into account, three possible scenarios of transatlantic cooperation during and shortly after the military campaign are discussed in Chapter 3. Finally, this paper considers what a European policy towards the Middle East as a whole should ideally look like, and why such a policy is not feasible for the time being.

At the latter stages of its preparation, this paper benefited from the discussion that took place at the transatlantic 'brainstorming' on Iraq organised by the EU Institute for Security Studies in Paris, in cooperation with The Brookings Institution (Saban Center for Middle East Policy), on 25 November 2002.[2]

[1] Philip H. Gordon, 'Iraq: the transatlantic debate', *Occasional Paper* 39 (Paris: European Union Institute for Security Studies, December 2002), p. 5.

[2] The author is grateful to his colleagues at the Institute and some participants in the brainstorming for more specific comments. Also thanks are due to Leïla Almi and Patricia Mascarenhas, interns at the Institute, for research assistance. The author alone is responsible for any errors.

2

Why Europeans are sceptical

In a speech delivered at the West Point Military Academy on 1 June 2002, President Bush declared that, to ensure the defence of the United States and its allies, old notions such as containment were no longer valid, and that attention should be turned instead to pre-emptive action. The enemy, Bush stated, now consisted of 'shadowy terrorist networks with no nation or citizens to defend' and 'dictators with weapons of mass destruction [who] can deliver those weapons on missiles or secretly provide them to terrorist allies'. Faced with those enemies, the President added, 'if we wait for threats to fully materialise, we will have waited too long'. A position that had long been cherished at the Pentagon had finally won the day publicly. In the following weeks, it became increasingly clear that the United States was determined to apply this new doctrine for the first time to Iraq. On 5 July, *The New York Times* published a leaked 'highly classified' document, revealing that the United States was planning a three-phase invasion of Iraq. Although much talk about striking Iraq after Afghanistan had been heard since September 2001, many Europeans were caught by surprise,[3] and subsequently they were mere spectators at a very interesting debate, which appeared in the American press between July and August 2002, on whether the attack was an appropriate course of action.[4] As preparations for the intervention were already in place, on 12 September 2002, President Bush told the UN General Assembly that the United States would seek approval from the Security Council to wage war. Some days later, on 18 September 2002, the document 'The National Security Strategy of the USA', putting forward the 'Bush doctrine', was made public.

Indeed, the year from September 2001 till September 2002 was not short of international and domestic events with international repercussions that made the headlines in the American press and therefore worldwide: Bin Laden, the Taliban, Afghanistan, Tora Bora, 'unlawful combatants', anthrax, skirmishes in the India-Pakistan border region, the idea of an 'axis of evil', Enron and other financial scandals, the Israeli-Palestinian conflict, the strategic agreement with Russia, the International Criminal Court, and finally Iraq. Given that there were so many issues needing attention, Europeans could not avoid the impression that the sudden focus on Iraq was somewhat artificial. Following unsuccessful attempts to link Saddam Hussein to 11 September and to the anthrax attacks, the reasoning was that Iraq's WMD could be transferred to terrorist groups. Nevertheless, was the announced attack on Iraq the best way to pursue a global war against terrorism? Why Iraq and not North Korea?[5] Why not

[3] Following Vice-President Dick Cheney's visit to the region in March and another tour by Secretary of State Colin Powell, it seemed that Iraq had been put on the back burner at the end of April 2002. See, for instance, 'Friends and foes find little coherence in Bush foreign policy', *International Herald Tribune*, 22 April 2002, and *Keesing's Record of World Events*, p. 44817. On 23 May, President Bush declared in Berlin: 'I have no war plans on my desk', as quoted in *Keesing's*, p. 44774. Robert Kagan and William Kristol explicitly criticised that declaration: 'Going Wobbly?', *The Weekly Standard*, 3 June 2002.

[4] A complete summary of official and non-official points of view can be found in Congressional Research Service, 'Iraq: differing views in the domestic policy debate', 16 October 2002 (CRS Report RL 31607).

[5] A comparison of the two issues has been made by Paul J. Saunders, 'Iraq, North Korea, and the law of unintended consequences', *The National Interest (weekly essays)*, 23 October 2002. See also Glenn Kessler and Peter Slevin, 'Policies diverge on 2 in axis of evil', *The Washington Post*, 20 October 2002, and Quentin Peel, 'The other rogue dictatorship', *Financial Times*, 20 November 2002.

shift attention to the Israeli-Palestinian conflict? Although reports on military plans were available, and even if everybody knew the keen interest of an influential group (the so-called 'Wolfowitz cabal'[6]) in overthrowing Saddam Hussein and occupying Iraq, it is difficult to understand why this idea turned out to be the top priority in the only world superpower's foreign policy agenda. Of course, this is not to say that the Europeans are happy with Saddam Hussein's dictatorship, since they too perceive that he is a threat to the region and is pursuing WMD programmes. However, many Europeans do not fully share the urgency of a military solution, firmly believing that, bearing in mind that war and occupation of Iraq might be a remedy worse than the illness, this course of action shoud not be taken hastily but should first be carefully analysed.

2.1 Military intervention in Iraq is prompted by the WMD threat, but there are also other reasons

It is not easy to make an accurate analysis of the threat posed by Iraq's WMD. To start with, it must be recalled that many installations, fissile materials, and chemical and biological agents were destroyed by the IAEA Action Team and UNSCOM between 1991 and 1998, especially after the defection of several Iraqi officials in 1995.[7] In some of the most recent reports on Iraq's WMD programmes, however, this aspect has not been sufficiently underscored. Two lessons may be drawn from that period. First, while dealing with the Iraqis – who tried to cheat and to conceal as much as they could – was cumbersome, intensive inspections coupled with destruction were effective in the end. Second, lack of agreement among UNSC permanent members, not Iraqi reluctance, was the real cause of the halting of inspections in December 1998. There is no point today in blaming one or the other of the P-5, since *all* of them were responsible for the final result. With historical perspective, Operation *Desert Fox* in December 1998, which severed contacts with the Iraqi authorities aimed at controlling WMD proliferation,[8] was not a good idea after all since the Iraqi regime has used the intervening period to regenerate its programmes. Perhaps a better option would have been continued negotiations in the Security Council that would have permitted renewed inspections and a cat-and-mouse game with the Iraqis, knowing that this would have made it almost impossible for them to engage in any substantial proliferation. It is obvious that Saddam Hussein is more dangerous today than in 1998 because of the interruption of inspections.

How much was not destroyed prior to December 1998, and how much has been produced since then? 'We don't know what we don't know' as Donald Rumsfeld has put it, and recent reports on Iraqi WMD programmes have shown just how much we do not know. A balanced report published by the IISS[9] concluded: 'Iraq has no nuclear weapons but could build one quickly if it acquired sufficient fissile material. It has extensive biological weapons capabilities and a smaller chemical weapons stockpile. It has a small force of ballistic missiles with a range of

6 The phrase is used by Jackson Murphy in 'All roads lead to Iraq: Wolfowitz and the hawks versus the coalition builders', 22 October 2001, at http://conservativetruth.org/opinionet/archive2/ccjm/ccjm11.htm; and in 'Secret US plans for Iraq war', *The Observer*, 2 December 2001.

7 See UNSCOM report, UN Documents S/1999/94, 29 January 1999 (at www.un.org/Depts/unscom/s-99-94.htm); and IAEA report, UN Document S/1997/779, 8 October 1997, and general information on the accomplishments of the IAEA Iraq Action Team at http://www.iaea.org/worldatom/Programmes/ActionTeam/reports2.html.

8 Operation *Desert Fox* has been described as 'forcing compliance with UNSCOM' (Daniel Byman and Matthew Waxman, *Confronting Iraq*, RAND, 2000), whereas the actual result was just the opposite. There is not much literature on that operation and the 24 October 2002 United Kingdom report, quoted in note 10 below, only mentions it succinctly (p. 40). General information on that episode may be found at www.defenselink.mil/specials/desert_fox.

9 IISS Strategic Dossier, *Iraq's WMD: a net assessment*, London, 9 September 2002.

650 km that are capable of delivering CBW warheads, and has prepared other delivery methods for CBW, including manned aircraft and UAVs.' One aspect of the IISS's global assessment that has been somewhat controversial is what 'quickly' means in the first sentence of the quotation. The White House 12 September report suggests that this means 'within a year', while a United Kingdom report of 24 October indicates that it may mean between one and two years.[10] For its part, the IISS report states that 'it would require several years and extensive foreign assistance to build . . . fissile material production facilities.' Another debatable aspect is the number and scope of ballistic missiles at Saddam Hussein's disposal. Reports vary between ten, twenty, and 'a force of' *al-Husain* missiles, which have a range of 650 km. The British report also claims that Iraq is extending the range to over 1,000 km, which London believes Iraq could achieve within five years even if sanctions remained in force and were effective.

Be that as it may, we know that Saddam Hussein almost certainly has biological and chemical agents, that he is ready to conceal and/or use them, and, not being capable of weaponising them or launching them in missiles, that he may even use civilian aircraft as a means of delivery. Indeed, biological, chemical and radiological ('dirty' or 'crude' nuclear devices) weapons are precisely the kind of WMD that can be smuggled to non-state actors.[11] Moreover, we know he has an awful ability to cheat and conceal, and he may have smuggled WMD into Iraq in the last four years or might be ready to do so in the near future. Nevertheless, even if Iraq represents a WMD threat, the question remains, is war the best option? The following four observations show why it is very difficult to answer this question. First, the use of WMD (including on Iraqi territory) by Saddam Hussein seems more probable in the event of an attack. Second, the spread of those arms to terrorist groups also seems more probable in the case of an *announcement* of war. Third, an intrusive inspection regime[12] and international pressure may be reasonably effective, as the 1991-98 experience showed, and may impede the Iraq regime's pursuit of WMD programmes in the future.[13] Fourth, war and regime change in Iraq are not going to deliver the world from WMD proliferation. Saddam is a hideous tyrant who is threatening Iraq's population and the Middle East, but he does not have the monopoly of bioterrorism (as the anthrax affair in the United States demonstrated) or proliferation (as, for instance, the cases of North Korea and Pakistan – despite differences between them – lead one to think).

The British government has consistently maintained that the Iraqi threat must be tackled vigorously, and has supported American war plans,[14] although an animated debate has taken place among the British intelligentsia,[15] and the majority of the British public are not convinced

10 White House, 'A decade of deception and defiance', 12 September 2002 (at www.whitehouse.gov/news/releases/2002/09/iraqdecade.pdf); United Kingdom, 'Iraq's weapons of mass destruction. The assessment of the British Government', 24 October 2002 (at www.ukonline.gov.uk/featurenews/iraqdossier.pdf). See also 'Iraq: A chronology of UN inspections and an assessment of their accomplishments', *Arms Control Today*, October 2002.

11 See IISS, 'The Iraqi biological weapons threat', *Strategic Comments*, vol. 8, issue 8, November 2002.

12 See, for instance, Carnegie Endowment for International Peace, *Iraq, a new approach*, New York, August 2002 (in particular, conclusion by Jessica T. Matthews, proposing 'coercive inspections'). In contrast, Kenneth Pollack has argued that renewed inspections or other kinds of containment would not work: *The Threatening storm. The case for invading Iraq* (New York: Random House, 2002).

13 This position is maintained by John J. Mearsheimer and Stephen M. Walt, 'Can Saddam be contained? History says yes', International Security Program, Kennedy School, Harvard University, November 2002 (forthcoming).

14 As early as 3 March 2002, Prime Minister Tony Blair declared that the United Kingdom would line up with the United States in any military confrontation to depose Saddam Hussein: see *Keesing's*, p. 44703. For a recent comment, see Michael Codner, 'High noon for British grand strategy', *RUSI Journal*, October 2002.

15 On a more general topic, but undoubtedly related to Iraq, see the stimulating exchange between Robert Cooper, 'Why we still need empires', *The Observer*, 7 April 2002, and David Chandler, 'Imperialism may be out, but aggressive wars and colonial protectorates are back', *The Observer*, 14 April 2002. See also Mark Leonard (ed.), *Reordering the world: the long term implications of September 11* (London: The Foreign Policy Centre, 2002); and Mark Leonard, 'Could the left back an Iraq war?', *The Observer*, 11 August 2002.

on the need to go to war against Iraq.[16] Germany, presumably on the basis of the aforementioned or similar considerations, has expressed a strong reluctance to take part in such a war,[17] and the French government has insisted that all peaceful means (including inspections imposed by the Security Council) should be exhausted prior to an attack.[18] In Italy and Spain, majority right-wing governments would most probably not receive the acquiescence of their respective oppositions if they decided to participate in the intervention. A recent opinion poll by the German Marshall Fund of the United States in six European countries shows that overall European public opinion is not in favour of using force against Iraq if there is no mandate from the UN Security Council.[19] Therefore – it can be concluded – many Europeans believe that the proliferation threat is so worrying that there is enough logic behind the American desire to attack and occupy Iraq, but that there are also *other reasons* that underlie it.

One of those reasons is that three leading American figures pushing for war and regime change in Iraq, Dick Cheney, Donald Rumsfeld and Paul Wolfowitz, served in President Bush Senior's administration and consider that the present endeavour is a much-needed step to complete an unfinished business. This idea was typically present in a notable open letter to the US President from William Kristol, William Bennett, Charles Krauthammer, Francis Fukuyama, Richard Perle and other leading conservative figures shortly after the 11 September 2001 attacks. The letter, which has proved to be influential, affirmed that the fight against terrorism should be coupled with regime change in Iraq and various other security issues in the Middle East, in a way that most Europeans would find somewhat paradoxical. In the letter, for instance, it was stated: 'even if evidence does not link Iraq directly to the attack, any strategy aiming at the eradication of terrorism and its sponsors must include a determined effort to remove Saddam Hussein from power in Iraq'.[20] The US Congress joint resolution of 10 October 2002, authorising President Bush to use force against Iraq to 'defend the national security of the United States against the continuing threat posed by Iraq', set up a similar association between confronting Iraq and fighting terrorism.[21] The conviction that a new order must be established in the Middle East (and that this is a part of the fight against terrorism) must be combined with the highly ideological character of the current Republican administration, embedded in the idea of a Manichean combat of global proportions that confronts good versus evil, freedom versus tyranny, peace versus terror.[22]

16 In a poll carried out by Channel 4 television in late September, nearly 80 per cent of the 1,000 Britons who were questioned, 'were against unilateral action by America, whether or not it was supported by Britain'. 'Asked who they thought was the greatest threat to world peace, 43 per cent said Saddam while 37 per cent said President George Bush'. Quotations from *The Observer*, 29 September 2002.

17 See speech by Karsten Voigt, 'Transatlantic relations after the German elections', Philadelphia, 12 November 2002, at www.auswaertigesamt.de.

18 See article by Dominique de Villepin, 'Irak: ne pas brûler les étapes', *Le Monde*, 1 octobre 2002.

19 German Marshall Fund of the US, *Worldviews 2002. European Public Opinion & Foreign Policy*, September 2002, p. 22.

20 Text of the letter in www.newamericancentury.org/Bushletter.htm. The letter (dated 20 September 2001) also proposed determined action against Hezbollah and against terrorist activities of the Palestinian Authority, as well as an increase in the US defence budget. Many other American figures have embraced similar views. For Henry Kissinger, for instance, Phase II against Iraq does not aim to finish the 1991 war, but to finish the Afghan war: Henry Kissinger, 'Phase II and Iraq', *The Washington Post*, 13 January 2002. Also, a few months after 11 September 2001, an interesting debate took place in Israel on whether the next step after Afghanistan would be war against Iraq, Somalia, Sudan or Yemen: see 'Netanyahu: Iraq is next US target', *Ha'aretz*, 19 December 2001, available at www.iraq.net/erica/news-e/archives/00000038.htm.

21 The preamble of the joint resolution affirms: 'Whereas members of al Qaida . . . are known to be in Iraq; Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of United States citizens'.

22 Robert Kagan and William Kristol, for instance, wrote a few months ago: 'This past week, President Bush returned to his Axis of Evil rhetoric, and we were glad to hear it. But words aren't enough anymore. It's time to act. We need to begin right now taking practical and visible steps toward the removal of Saddam Hussein. It's surely time to order the Pentagon to prepare a battle plan that can be executed before the end of this year. Time to instruct the secretary of state that his top priority now is preparing allied support for action against Iraq.' 'Back on track?', *The Weekly Standard*, 29 April 2002.

A second reason is the threat assessment that the Americans have made since 11 September 2001. After those horrendous events, it seems clear that terrorists may be planning further massive attacks, including with the use of WMD.[23] Hence, and understandably enough, the US government thinks that terrorism is an 'existential' threat that must be prevented at any cost. In fact, the state of mind of Americans after 11 September 2001 is a *generalised* sense of insecurity, since WMD terrorism is not their only cause for concern. A study published by RAND in November 2001 indicated that, following the attacks, the majority of the American public showed various symptoms of stress that could last for years.[24] A recent opinion poll by the Chicago Council on Foreign Relations and the German Marshall Fund of the United States (see Table 1) points out that Americans perceive that a whole range of international issues are serious threats for them, while, with the exception of global warming, Europeans do not manifest the same anxiety.

Table 1: Comparative threat perception by the American and European publics

Threat	Ranking		Percentage answering 'extremely important' (Europe) or 'critical' (US)		Difference
	US	Europe	US	Europe	
International terrorism	1	1	91	64	+ 27
Iraq developing WMD	2	2	86	57	+ 29
Arab-Israeli conflict	3	5	67	42	+ 25
Islamic fundamentalism	4	4	61	47	+ 14
Immigration	5	6	60	37	+ 23
China as a world power	6	9	56	18	+ 38
Global warming	8	3	46	49	- 3
Political turmoil in Russia	10	11	27	14	+ 13

Source: Chicago Council on Foreign Relations & German Marshall Fund of the US, *Worldviews 2002, Comparing American & European public opinion on foreign policy,* September 2002, p. 9.

[23] In the most striking sentence, for a European, in an otherwise very balanced paper, Phil Gordon states: 'Unless and until Europe experiences its own 11 September, Europeans will probably remain less worried than Americans about even the remote possibility that WMD developed in Iraq might find their way into the wrong hands.' Paper quoted in note 1, p. 16.

[24] M.A. Schuster et al., 'A national survey of stress reactions after the 9/11 terrorist attacks', *New England Journal of Medicine*, vol. 345, no. 20, 15 November 2001; summary available as RAND publication CT-198, 2002, at http://www.rand.org/publications/CT/CT198/ CT198.pdf.

The current Republican administration understands perfectly (and to a great extent shares) this general apprehension, and has therefore defined its three main priorities as 'Homeland Security, National Security and Economic Security' and boosted the budgetary lines concerning defence and security. As a result, the American government, with the support of the American public, sees itself fighting a long war against a panoply of threats whose limits are difficult to grasp: terrorism, proliferation, rogue states, failed states, tyrants, 'power pretenders', etc.[25] In order to show diligence and efficacy in this elusive enterprise, the government *is compelled* to act swiftly and forcefully. In this context, immediate action overrides reflection, and possible negative consequences of actions are not fully explored. Nevertheless, the fact that the United States agreed to conduct lengthy negotiations in the Security Council indicates that that feeling of urgency does not wholly dominate American reactions.

A third pretext for attacking and occupying Iraq that is not wholly shared by the Europeans is the need for the United States to establish a better strategic position in the Middle East. An extreme version of this reason, as developed by commentators on the left of the political spectrum,[26] goes as follows. A former US ally in the 1970s, Iran, and a former ally in the 1980s, Iraq, are now 'rogue states', and, on top of that, relationships with a dedicated ally in the 1990s, Saudi Arabia, are gradually becoming delicate. The United States would therefore be obliged to occupy Iraq with the aim of gaining control of the region and protecting both its permanent ally, Israel, and the oil reserves. Following this logic, the next enemy to be tackled would be Iran.

2.2 The 'years after' problem

Many Europeans are also sceptical because they think that establishing a foreign administration in Iraq is a daunting task that would require enormous human and financial resources. Various scholarly views on the 'day after' have been elaborated in the United States. Kenneth Pollack, for instance, has presented a coherent – and optimistic – picture of post-Saddam Iraq as a pro-Western and democratic country.[27] Phil Gordon, Martin Indyk and Michael O'Hanlon have suggested that the American government should be heavily involved in the political reconstruction of Iraq: 'The US should . . . encourage Iraqis in exile to draw up a new constitution. And it should train a cadre of Iraqi professionals who can work with the US army to lay the groundwork for a functioning interim administration.'[28] In a recent book edited by Patrick Clawson,[29] attention is rightly drawn to the problems posed by 'revolving-door Iraqi governments' and by 'lengthy Allied-style occupation'. 'A strategy that ensured victory over the Iraqi military', Clawson suggests, 'would be of little value if it prevented the US and its allies from achieving their larger goal – stability and responsible leadership for Iraq.' Other voices have indicated that in postwar Iraq American military force should be used to secure vital US interests and not for nation-building. Those vital interests would include preventing the rise

25 See President Bush's State of the Union Address, where he spoke of the 'axis of evil', 29 January 2002; and 'The National Security Strategy of the USA', 18 September 2002, where the 'Bush doctrine' is developed.

26 See, for instance, Michael Klare, 'Les vrais desseins de M. George Bush', *Le Monde Diplomatique*, novembre 2002, and *Resource wars: the new landscape of global conflict* (New York: Metropolitan Books, 2001).

27 Kenneth Pollack, *The Threatening Storm. The Case for Invading Iraq* (New York: Random House, 2002).

28 Philip H. Gordon, Martin Indyk and Michael O'Hanlon, 'Getting serious about Iraq', *Survival*, Autumn 2002, p. 20.

29 Patrick Clawson (ed.), *How to build a new Iraq after Saddam* (Washington DC: The Washington Institute for Middle East Policy, 2002). A more cautious stance is taken by James Fallows in two recent articles: 'After Saddam', *Prospect,* November 2002; and 'The fifty-first State?', *The Atlantic Monthly*, November 2002.

of Iraq as a hostile power, while at the same time securing the region against Iranian ambitions, and protecting Iraq's energy infrastructure from internal sabotage or foreign attacks.[30] From a European point of view it seems as if Americans have suddenly developed a keen interest in state-building, which nevertheless ignores the lessons learned from the 1990s. In the American doctrine, the idea of state-building is now referred directly to the post-Second World War experience, on the ground that the situation in Iraq is more similar to that of an 'enemy state' than to a 'failed state'. This may be true as far as the international political status of Iraq is concerned, but not regarding the enormous difficulties that *any* state-building process will encounter in the post-Cold War world environment (which is very different from that of 1945).

The US government has not yet drawn a clear picture of post-Saddam Iraq, but the prevailing option in the Administration appears to be military occupation along the lines of the post-Second World War administration of Japan.[31] It seems clear that either a strong Iraqi government heavily backed by the United States or a more openly democratic experience will require a continued American military presence. Moreover, maintaining the monopoly on the use of force, territorial integrity, and rebuilding the country's infrastructure and oil extraction capability will also require a military occupation. However, the trouble here is the timeframe, for it is not the post-Saddam days or months that are at stake but the following years. In the short term the Iraqi population may well welcome American troops, because they will deliver them from Saddam's yoke. An international administration can provisionally share power with a local government made up of democratic Iraqi political forces, although this may prove hazardous given the current divisions between those forces in exile. One can logically expect, however, that, after a few years, Iraqis will first kindly ask the foreign administration to leave, but if it declines then violence may erupt. If this happens, what will be the justification to stay? When will Iraqis with no links whatsoever to Saddam's regime, who are striving for national self-determination, be considered terrorists, and when will they start to be seen as freedom fighters? In the Middle East sensitiveness over foreign intervention is very high and, consequently, other countries (and terrorist movements) may join in that struggle for independence. Furthermore, if the Iraqi population is alienated by a Western occupation, it is not unthinkable that a new regime in Iraq, although it originally had the blessing of the West, might in time develop an appetite for rearmament. It would not be the first time that a devoted friend of the West had become a foe overnight.

The United States might envisage its own role in post-Saddam Iraq in two ways: as a leader of a small coalition (basically the United States, the United Kingdom and some of Iraq's neighbours), or *primus inter pares* in a wider coalition. In the second case, the Europeans would obviously have a bigger say. As Marta Dassù has suggested, the questions the Europeans are asking about postwar scenarios are more legitimate than the questions they are asking about the risks of a military action, since the Europeans may be irrelevant from the military point of view but are less so in any rebuilding effort.[32] Presumably, the perceived need to have the Europeans (or at least most of them) on board in the aftermath of any intervention was one crucial element that led Washington to make some concessions during the lengthy negotiation prior to the adoption of UNSC Resolution 1441.

Moreover, if occupation of Iraq is not an end in itself, state-building and reconstruction cannot be done without the United Nations, the European Union, Japan, Russia and important

30 Baker Spring and Jack Spencer, 'In Post-War Iraq, Use Military Forces to Secure Vital US Interest, Not for Nation-Building', 25 September 2002, Policy Research & Analysis, The Heritage Foundation, at www.heritage.org/Research/MiddleEast/bg1589.cfm.

31 See 'The US has a plan to occupy Iraq', *The New York Times*, 11 October 2002. See also Kevin Whitelaw, 'After the fall. An inside look at the Bush team's plan to run Iraq once Saddam is gone', *US News & World Report*, 2 December 2002.

32 Marta Dassù, 'How to deal with Iraq: the European perceptions', Aspen Institute Italia, Rome, September 2002, text available at www.aspeninstitute.it/icons/imgAspen/pdf/news/n16_Dassu_e.pdf.

actors from the region, and not just some of them. The Iraqi people must perceive that the international community as a whole requires from them new political attitudes. Current negotiations amongst Iraqi political forces in exile already give an idea of the difficulties that lie ahead. Experience shows that state-building has been very difficult indeed from Cambodia to Bosnia, from El Salvador to Afghanistan,[33] even if the legitimacy of an international presence in those countries was assured. Post-Saddam state-building in Iraq may prove even more intractable if the population feels that a foreign presence is not totally justified. In order to achieve long-term disarmament and stability, efficacy has to go hand in hand with legitimacy.

2.3 Are we tackling or nurturing terrorism?

In the Arab world, and possibly also in other Muslim countries, prime-time TV news show the Palestinian intifada for at least about ten minutes every day. This heightens a general sentiment of frustration, which is directed partly against the idleness of governments, partly against the West in general and against Israel and the United States in particular. While it is difficult for Westerners to comprehend that feeling of frustration,[34] Americans are much less sensitive than the Europeans to the Arab world's preoccupations and needs. Europeans are therefore better placed to foresee Arab reactions, and fear that a military intervention in Iraq would increase international terrorism, which is bad news in the age of 'hyperterrorism'.

Rightly or wrongly, many Arabs will perceive an American-led war and occupation of Iraq as another attempt at Western subjugation that must accordingly be opposed. Given that their governments represent their views poorly, and given that they cannot project their concerns in a normal form of political activity, some of them opt for terrorism. Indeed, the fact that Western governments are now literally frightened about new terrorist attacks makes the potential terrorist all the more of an admirer of the infamous terrorists, since they are the only ones 'imposing' their will on the West. All this does not of course mean that any action in Iraq, including occupation if it is considered justified, must be stopped because of the increased risk of terrorism, but that this risk must be taken into account. The immediate risk may disappear if al-Qaeda is dismantled but, unfortunately, there is already a strong precedent suggesting that an emulation effect is possible. Ultimately, the only way to overcome terrorism is to recognise that, beyond the terrorists' totally unacceptable methods, they have political goals. The Europeans are struggling, back-to-back with the Americans, against international terrorism but they are also insisting on the need to analyse profoundly its root causes.[35]

2.4 What does a 'new order' in the Middle East mean?

Utterly convinced advocates of forceful regime change in Iraq have elaborated on the idea that this is the first step towards introducing democracy, and therefore stability, in the Middle East. Of all defenders of realpolitik in international relations, Henry Kissinger has painted a rosy picture. According to him, the result of overthrowing the Iraqi regime would be that: 'the so-called Arab street might conclude that the negative consequences of jihad outweigh any potential benefits. It could encourage a new approach in Syria, strengthen moderate forces in Saudi

[33] If the current foreign presence in Afghanistan is a model of 'enemy state' occupation (as compared with state-building in 'failed states'), the precedent is not very reassuring for the Iraqi case: see A.C. Helton and J.S. Whitaker, 'Nation-busting from Afghanistan to Iraq', *International Herald Tribune*, 15 November 2002.

[34] See, for instance, Alain Gresh and Tariq Ramadan, *L'islam en question* (Paris: Sindbad/Actes sud,2000).

[35] On this crucial issue, see Thérèse Delpech, 'International terrorism and Europe', *Chaillot Paper* 56 (Paris: EU Institute for Security Studies, December 2002).

Arabia, multiply pressures for a democratic evolution in Iran, demonstrate to the Palestinian Authority that America is serious about overcoming corrupt tyrannies and bring about a better balance in oil policy within OPEC.'[36] If we were not dealing with serious matters, one might also expect some reference to a rise on stock markets in that list.

War against Saddam Hussein in 1991 offered a first opportunity to usher in a new order in the Middle East. In spite of some positive developments in the years following the Gulf war, the opportunity was not completely seized. As is well known, a peace process between Israel and its neighbours, and between Israel and the Palestinians, was initiated in November 1991 in Madrid, and a peace agreement between Israel and Jordan, as well as more specific ones between Israel and Egypt, were achieved later on. However, a lack of confidence in the Peace Process, particularly amongst the Israelis and the Palestinians, accentuated by the assassination of Yitzhak Rabin in 1995, was not offset by the necessary positive pressure on the part of the guarantors of that process, the United States in the first place and the EU. As a consequence, the period full of hope heralded by the 1991 coercive action against Iraq ended violently between September 2000 (beginning of the intifada) and February 2001 (election of Ariel Sharon as Israel's Prime Minister). In addition, the liberation of Kuwait was not followed by a true democratisation of the country, nor did other countries in the region feel compelled to take the necessary steps in that direction.

Is the United States (and are the Europeans, for that matter) more willing now than in the 1990s to impose democracy in the Middle East? Or does 'new order' mean that the West is going to exert pressure to solve international disputes? There are no indications that this is so, on either side of the Atlantic. As far as the international dimension is concerned, the general atmosphere in the region is not likely to improve. In 1991, the Cold War was over and a new international environment offered previously unknown opportunities, whereas today despair and desolation reign in the Middle East. However, this time the 'declaratory policy' is on the American side of the Atlantic. Europeans are more sceptical about what a 'new order' in the Middle East really means, as it does not apparently include a clear willingness to find a just and lasting solution to the Israeli-Palestinian conflict. There is much talk about whether the route to Baghdad is via Jerusalem or the other way round. The sentiment in many European quarters is that, unless you establish a whole network of new 'routes' linking Ankara, Baghdad, Beirut, Cairo, Damascus, Kuwait City, Riyadh and Tehran, peace will not prevail in the region. Some voices in the United States also point in that direction. Ellen Laipson, for instance, has suggested that American policy towards Iraq 'needs to address not only the disarmament of Iraq but [also] how to integrate Iraq in its new status into a more promising regional arrangement'.[37]

On the other hand, as far as the internal dimension of 'new order' is concerned, prevailing American optimism vis-à-vis a wave of democratisation in the Middle East leaves in the air the question of whether democracy can be imposed upon a war-torn country, exhausted after years of ruthless dictatorship, with little previous experience with democracy, and whether externally tailor-made democracy is democracy at all. 'Importing' democracy *by force* is difficult and has rarely been successful. If Latin American parallels are of any use, in the 1980s democracy did not flourish following the American military interventions in Grenada, Nicaragua and Panama.[38] In the 1990s, a novel 'hands-

36 Henry Kissinger, 'Our intervention in Iraq', *The Washington Post*, 12 August 2002. See also Stanley A. Weiss, 'A Mideast future worth imagining', *International Herald Tribune*, 17 November 2002.

37 Ellen Laipson, 'The day after: what about regional security?', in *New Angles on Iraq* (Washington DC: The Henry L. Stimson Center, 22 October 2002), p. 21.

38 Prior to the 1950s US interventionism in Latin America was not connected to the requirements of the Cold War, nor was the intervention in Panama in 1989.

off' policy and political rapprochement between the United States and its neighbours in the rest of the Americas led to a wave of democratisation in Latin America.

Which leads us to a last remark on democracy in the Middle East. Paradoxically enough, the United States is the declared world mentor of democracy, but it is clear that new democracies in the Arab world (and in the Third World) will probably put in place governments that do not coalesce with American foreign policy priorities. How can true democracy give way to American-friendly governments in the Arab world, when, say, 60 or even more per cent of the Arab population is decidedly anti-American? Again, if Latin America is any guide, the official stances of Mexico and Venezuela (and perhaps also shortly Brazil and Ecuador) suggest that democratic governments in those countries are bound to distance themselves to some degree from the most assertive US policies.

2.5 From crisis management to resources management

Amongst the many new concepts invented in the 1990s to describe international action aimed at maintaining peace and security (peacekeeping, conflict prevention, crisis management, crisis-response operations, state- or nation-building, etc.) none fits with the design the United States has prepared for Iraq. Avoiding terms such as 'war' and 'intervention', the planned military campaign has already been officially justified as 'pre-emptive action', conceptually linked to self-defence. If Iraq does not comply with Resolution 1441, it will be argued that the action could equally be called 'collective action', 'peace enforcement' or a 'coercive measure' authorised by the Security Council. However, there is no term yet available to describe any postwar international presence in Iraq (unless a Security Council resolution transforms that presence into a UN-mandated operation). This is why the precedent that has been cited most so far is the post-Second World War occupation of Japan.

The most important difference between this precedent and the UN forces, on the one hand, and occupation of Iraq, on the other, is that the occupying force will have to administer Iraq's natural resources. For some years Iraq's oil production, under international control, would presumably be used to pay war and other debts, and would serve to finance the country's reconstruction. At some point in time, however, it would be difficult to distinguish between this international 'resources management' and obsolete 'colonial management', especially if a continued international presence had not been blessed year after year by the United Nations – and that blessing seems particularly unlikely in most imaginable scenarios.

It is not the purpose of this paper to analyse the complex issues related to the postwar distribution of Iraq's huge oil reserves.[39] Nevertheless, it would be a mistake to give the impression that that distribution was nothing other than a neo-colonial apportionment amongst some of the most developed countries on earth. Quite frequently it is noted that one of the main drawbacks of President Bush's doctrine of pre-emptive action is the mirror-image effect on other major powers.[40] In this author's view, the imposition of a neo-colonial pattern would be similarly harmful for global international relations. The risk is that the use of armed force and acquisition of resources will be coupled again in the minds of some leaders, as was the case before the

[39] See the American point of view on world energy resources in 'Reliable, affordable and environmentally sound energy for America's future', Report of the National Energy Policy Development Group (known as 'the Cheney Report'), May 2001, available at http://www.whitehouse.gov/infocus/energy/. See also Anthony Cordesman, 'The changing geopolitics of energy. Key global trends in supply and demand, 1990-2020', CSIS, Washington, available at www.csis.org/mideast/reports/geoenergy.html. Some recent press reports are useful: 'When it's over, who gets the oil?', *The Washington Post*, 17 September; 'Mideast oil remains king', *The New York Times*, 23 October; 'Les vrais enjeux pétroliers de l'affaire irakienne', *Le Monde*, 31 octobre; 'Irak: le pétrole, nerf de la crise', *Les Echos*, 13 novembre; 'Iraq's black gold', *Newsweek*, 11 November; Robin Allen, 'Attention may turn elsewhere', Special Report on Saudi Arabia, *Financial Times*, 20 November; 'An attack on Saddam won't send oil sky-high', *Business Week*, 25 November.

[40] For instance, Phil Gordon, op. cit. in note 1 above, p. 14.

United Nations Charter was drawn up. Weak countries with rich natural resources would be vulnerable to occupation by bigger neighbours on the pretext that the former posed a threat to the latter. Western countries will have to exercise their imagination to explain the differences between Iraq and other cases that pose a threat if evidence of the actual existence of threat is produced. Avoiding abuses of the new principles of pre-emption and resources management would require active policing of the world by the West.

2.6 The costs of war

There have been only a few estimates of the economic burden of a war on Iraq, and those have been elaborated only by American official and academic sources, not by European ones. The Congressional Budget Office and the Democratic staff of the House Budget Committee have prepared reports that basically put the cost of a rapid military campaign in the region of $50 billion, whereas the cost of the 1991 Iraqi campaign was $80 billion in 2002 dollars. However, as William D. Nordhaus has pointed out, those estimates do not examine how much a protracted conflict would cost, on the one hand, nor the postwar reconstruction effort, on the other. The same author concludes that 'it seems likely that Americans are underestimating the economic commitment involved in a war with Iraq'.[41] In addition, some voices have argued that the present economic situation in the United States does not permit the spending of billions of dollars on an expeditionary campaign to change the regime in Iraq.

Or does it? The combined effect of cheap oil prices and control over Iraq's oil reserves, two likely outcomes of a rapid victory, would have a positive impact on the American economy in the short term, as David Ignatius has underscored.[42] Other economies, including the European economies, will obviously benefit as well. As is well known, French and Russian companies have big stakes in Iraq's oil. In the view of former CIA Director James Woolsey, France and Russia 'should be told that if they are of assistance in moving Iraq toward a decent government, we'll do the best we can to ensure that the new government and American companies work closely with them'.[43]

And here is where a critique from a European point of view is called for. Out of a congenital laziness regarding strategic issues, the Europeans have not analysed the economic consequences of the conflict. But they have always been insistent on the need to keep up the struggle against global warming and therefore avoid superfluous consumption of fossil fuels.

A perverse result of war on Iraq could be that, with the high price of a military campaign, Iraq's reconstruction and a long international administration of the country with Iraqi resources over many years, the real cost of the whole operation would eventually be an increase in oil production and consumption and, consequently, a substantial worsening of the global environment. Having refused any reform of its consumption habits as well as a multilateral approach to the problem, the United States continues to need oil in a different way from the Europeans.[44] In 2001, the United States (273 million inhabitants) accounted for 25.5 per cent of the world's total consumption, while the 15

41 William D. Nordhaus, 'Iraq: the economic consequences of war', *The New York Review of Books*, 5 December 2002. See also James K. Galbraith, 'The unbearable costs of Empire', *The American Prospect*, 18 November 2002.

42 David Ignatius, 'A bet on lower oil prices', *International Herald Tribune,* 19-20 October 2002.

43 Quoted by Dan Morgan and David B. Ottaway, 'In Iraqi war scenario, oil is key issue', *The Washington Post*, 15 September 2002.

44 Anthony H. Cordesman has noted recently: 'US dependence of imported oil will rise sharply between now and 2020, far in excess of what alternative sources, from Russia or the Caspian, for example, can ever supply', 'The US and the Middle East: Energy Dependence and Demographics', 27 October 2002, CSIS report available at www.csis.org/burke/gulf_us_we_energy_demo.pdf.

member states of the European Union (376 million inhabitants) consumed only 18.2 per cent. Perhaps for that reason, the American public would accept a military intervention to protect oil supplies more readily than Europeans.[45] America's appetite for oil has resulted, for instance, in extensive trade with Iraq in spite of the deep political rift. Actually, the highly criticised 'oil-for-food' programme set under-the-market oil prices for Iraqi oil for years, which was undoubtedly very convenient for buyers. The Iraqi authorities took advantage of that situation, for they requested bribes that were later used to finance WMD programmes. However, it must be noted that some Western companies participated directly or indirectly in this vicious circle, as the following figures in oil flows suggest. Table 2 shows that in 2001 Iraq sold almost half of its oil production to the United States, and that 8 per cent of America's total oil consumption came from Iraq the same year. Even at the height of the dispute, therefore, Iraq's oil trade with the United States was intense; in a postwar situation of American and Western tutelage of Iraq, oil trade between Iraq and the United States, and between Iraq and other Western countries, would undoubtedly soar. Small wonder, since Iraq accounted for only 3.3 per cent of the world's oil production in 2001, whereas proven Iraqi reserves are 10.7 per cent of total world oil reserves. At the same time, a couple of years after a war in Iraq, low prices would also lead to greatly increased oil consumption in emerging markets, such as China, where oil consumption doubled between 1991 and 2001.[46] No European is opposed to those evolutions per se, but every sensible European must be worried about the long-term consequences for the environment of 'wild' oil consumption at a global level.

Table 2: Who is Buying Iraq's Oil?

Iraqi oil exports 2001 (barrels/day)		US oil imports 2001 (barrels/day)	
US	795,000	Saudi Arabia	1,700,000
France	97,000	Venezuela	1,500,000
Netherlands	96,000	Nigeria	884,000
Italy	80,000	Iraq	795,000
Canada	77,000	Algeria	278,000
Spain	52,000	Kuwait	250,000

Sources: US Energy Information Administration (www.eia.doe.gov), and British Petroleum, as quoted in *Newsweek*, 11 November 2002.

[45] In the opinion poll quoted in Table 1, it is stated that 65 per cent of Americans approve of the use of troops 'to ensure the supply of oil', an objective that is shared by 49 per cent of Europeans (p. 12).

[46] All data in section 2.6 are taken from 'BP statistical review of world energy 2001', available at www.bp.com/centres/energy2002, unless otherwise stated.

3

Three scenarios for transatlantic cooperation on Iraq

For the reasons discussed above, many Europeans have become sceptical about a possible war on Iraq. But scepticism is not an obstacle to action, especially when you do not have strong convictions. What will happen next? Security Council Resolution 1441 (8 November 2002) has marked a new point of departure. In more than one sense, it has swept out from the debate arguments for and against war other than WMD proliferation. In the coming months, UNMOVIC and IAEA experts will bear a heavy responsibility, since they will be operating the traffic signals that will give the green light to the armed forces surrounding Iraq. Without any doubt, advocates of war would be delighted to discover that Iraq did have WMD, which would confirm their threat assessment, while sceptics would prefer to find that Iraq had no WMD, since this could avoid a war that would have negative consequences. In the meantime, the United States is pursuing its projection of the necessary force,[47] and the Iraqi authorities are pondering the best way to flee the country.[48]

Two factors will determine whether the Europeans choose to be associated with the United States in a war on Iraq, or, in other words, *which* Europeans will follow. It is almost certain, however, that the British will back the Americans in any case, and that, conversely, the Germans will find it difficult to do so. The first factor, the implementation of UNSC Resolution 1441 on the ground, will offer the opportunity to check whether the Iraqis have learnt the lessons of the past. If they pursue their own remarkable record of obstructionism, and inspectors verify that they are continuing to cheat and conceal, the case for intervention and regime change will be very strong. Most European states would be ready to contribute to the military operation, and all (including perhaps the non-allied and Germany) would endorse it. If, on the other hand, the inspectors' assessment turned out to be unclear, some Europeans would prefer to stand aside. The second factor determining European participation in a war is the negotiation that the United States is presumably conducting with individual European states on the military campaign and, above all, on the postwar arrangements. The European states are also discussing the right course of action amongst themselves. Those negotiations being opaque at best, it is not possible to weigh up the impact of this factor on the transatlantic dialogue for the time being. A third factor, the conduction of hostilities, might also affect the way in which Americans and Europeans are going to cooperate once the war has started.[49] However, this element will not be considered here, and it is assumed that a short war would lead to a rapid occupation of Iraq (even if Saddam Hussein himself might escape or disappear).

The 'no war' scenario is as likely as summer snow. But, in the last few years, we have discovered that we must think the unthinkable. Strange as it may seem, Saddam may have destroyed or hidden his WMD so well in the course of, say, a couple of weeks, that the inspectors will not be

47 See Jim Hoagland, 'Ready for war in eight weeks', *The Washington Post*, 26 October 2002; 'Skirting Baghdad trap', *The Washington Post*, 11 November 2002; 'US taking steps to lay foundation for action in Iraq', *The New York Times*, 18 November 2002.

48 According to *The Times*, 18 November 2002, Saddam's family and other Iraqi authorities were trying to find refuge in Libya.

49 On various war scenarios, see Anthony Cordesman, 'An attack on Iraq: the military, political and economic consequences. A background paper on risk analysis and scenarios', CSIS report, 11 November 2002.

able to detect any transgressions.[50] Saddam Hussein's assassination or a popular uprising (as occurred after the 1991 war) are equally possible. Also, an unexpected political or economic development in the United States may generate doubts as to the benefits of war. On the other hand, it is said that new terrorist attacks could reinforce the public's support for war, but this argument cuts both ways. Terrorist attacks that had not received Iraqi support, or an outbreak of violence elsewhere, might prompt the thought that the Western leaders were not dealing with the real causes of insecurity when they decided to wage a war on Iraq.

Depending on the outcome of current inspections, and negotiations between the United States and its European allies and amongst the Europeans themselves, we can foresee three possible scenarios for transatlantic cooperation (and divergence) on the Iraqi issue.

3.1 The 'counter-proliferation' scenario

Iraqi breaches of UN Security Council resolutions are so palpable that war and regime change become inevitable. The United States and the United Kingdom insist that war and occupation are necessary, and, following political negotiations, Russia expressly agrees. After some hesitation, France decides to support the military operation, and Germany adopts a secondary role. The war is short, oil prices come down again, and a national deal between the leading Iraqi political forces is announced. An American-led multinational force, with strong European and some Arab presence, guarantees the reconstruction of Iraq.

Like it or not, Resolution 1441 has established a conceptual link between WMD proliferation and military action. In the present circumstances, even those who maintain that the resolution does not amount to an automatic authorisation to employ force will find it difficult to argue that a nuclear or 'biological' Saddam need not be overthrown by force.[51] And this holds true for Europeans and non-Europeans alike. The unanimity witnessed during the process of adoption of Resolution 1441 (or a large majority) would be reiterated in the Security Council, and many countries (although not as many as in the first Iraq war in 1991, and perhaps not the Arabs) would follow the United States' intervention.

Nevertheless, international consensus will not suddenly sort out the serious problems posed by a war on Iraq, nor its regional consequences. Consensus would guarantee initial legitimacy, but this does not imply that war and the subsequent occupation of Iraq would necessarily be successful. Concerns regarding terrorism, democracy and the environment, for instance, are even more apposite in the case of a legitimate intervention, precisely because 'legitimacy' means that armed force *may* be used for attaining collective objectives, such as disarmament and stability, but not spurious goals.[52]

In this 'counter-proliferation' scenario, the German government would need to develop a new position, a sort of 'constructive abstention', which would allow the German public to interpret the government's attitude towards the intervention not as a 'yes but', but rather a 'no but'. The United Kingdom and other European states would participate, at various levels, in the military campaign, especially in support missions. In the months prior to the intervention, international institutions have been virtually

50 Moises Naim comments on the paradoxes of Iraq's compliance, 'The danger of a compliant Saddam', *Financial Times*, 13 November 2002. See also Adel Darwish, 'Saddam may play the Godfather to outfox the UN', *The Independent*, 20 November 2002.

51 Nevertheless, even if evidence of WMD proliferation is found, it is equally possible that Security Council permanent members disagree as to the response (WMD destruction by inspectors, or intervention). This will be discussed in paragraph 3.4 below.

52 Martin Ortega, 'Military intervention and the European Union', *Chaillot Paper* 45 (Paris: Institute for Security Studies of WEU, 2002), ch. 5; text available at www.iss-eu.org/chaillot/chai45e.pdf.

absent from the debate, since negotiations have solely involved (the biggest) states. In this scenario, however, during the war or shortly after some role could be given to NATO, thus using the Iraq war as an excuse to utilise the Alliance's new military structure and capabilities. After the war, and once a new regime has been established, the European Union could also make a contribution as an institution. Indeed, European states and the EU would have to assign important manpower and material resources to assure Iraq's stability and reconstruction.

All in all, the most positive outcome from this scenario would be a renewed transatlantic dialogue on the Middle East region. It is true that current behind-the-scenes negotiations are supposedly dealing with the postwar administration of Iraq, and some kind of distribution of oil resources is perhaps being discussed as well. However, the real issue is the postwar *regional* order, and the Western powers should not underestimate the difficulties they will encounter in defining and maintaining that order. A good understanding between the United States and the Europeans would allow some European input in the design of the new regional arrangement. The American position would none the less be very strong, since substantial WMD proliferation would have been uncovered, their threat assessment would thus have been shown to be correct, and, consequently, they would want to rebuild the region according to their views alone.

3.2 The 'save the alliance' scenario

UNMOVIC inspections produce weak evidence of Iraq's WMD programmes, which paves the way to bitter quarrels among the permanent members of the Security Council. Some say that small findings (or no findings at all, for that matter) prove that Saddam is cheating; others maintain that those unconvincing results demonstrate that Iraq, despite all its wrongdoings, is not a WMD threat. Diverging interpretations of Iraq's misbehaviour and the inspectors' reports create two camps in the Security Council: the United Kingdom and the United States, on one side, France and Russia (and possibly Germany), on the other – thus reproducing the 1998 rift on how to deal with the Iraqi case. For a few days, it seems that Saddam is going to win the day again and it is feared that the split between the Western powers could damage the alliance. But negotiations between the UNSC permanent members eventually lead to an agreement, and military intervention takes place. After hesitating for some time, due to possible negative effects in the aftermath of the war, Turkey eventually agrees to join the coalition.[53] The United States, of course, is tempted to start the war by itself at the very first sign of Iraqi breaches of Resolution 1441, but reluctantly agrees to continue discussions at the Security Council and with allies, since the 'multilateralist' wing of the Administration persuades the President that this is the right course of action.

In this scenario, the Europeans could perhaps have a bigger influence on the organisation of post-Saddam Iraq and in the definition of a regional arrangement for the Middle East. The Europeans could, for instance, make the case for a short military intervention followed by a multinational peacekeeping force, and they could also insist on the need to address the Israeli-Palestinian conflict immediately. Moreover, if military operations lead to too many Iraqi civilian casualties, or oil prices reach $40 a barrel for several months, or terrorist attacks hit Europe, or there is a serious outbreak of violence in the Arab world, European governments will try to find new arguments to justify the war in the eyes of their publics, and, therefore, will put pressure on the United States to make some concessions that are acceptable to the European public. The United States will only agree to engage in negotiations with the Europeans about the post-

53 Options for Turkey are discussed in Carol Migdalovitz, 'Iraq: the Turkish factor', Congressional Research Service report number RS21336, Washington DC, 31 October 2002.

Saddam and regional arrangements if it believes that the Europeans are necessary to its purposes. In this scenario, Iraq could indeed be occupied and administered under US leadership, but further misunderstandings between allies would almost certainly lie ahead.

While all NATO members and Russia would support the US intervention and some of them might even participate in the operations and in the aftermath, the transatlantic relationship would have undergone a hard test. The Alliance would still be alive and well but its future (particularly because of the German shift of position) would not be assured. Political leaders on both sides of the Atlantic would have to start serious discussions so that an agreement on how to deal with the world beyond the transatlantic area, and on the meaning of fundamental concepts such as 'global order' and 'intervention', could be reached.

3.3 The 'worst-case' scenario

The results of inspections are less than convincing, and the published evidence does not show that Saddam Hussein is hiding WMD. Some European allies are therefore inclined to think that there is no *casus belli*. The United States, for its part, insists that the evidence is sufficient and/or that the lack of evidence proves that Saddam is cheating once more (as was the case between 1991 and 1995), but some Europeans believe that other motives for occupying Iraq that they cannot share lie behind America's obduracy. Germany continues to say no to war, and France also decides to opt out. This poses a serious problem to the British government, since the Prime Minister continues to maintain the war option but the Labour Party is divided. Heated public debates also take place in other European countries. In Spain, for instance, the government's determination to participate in the war is criticised on the grounds that this is contrary to the 1978 Constitution. Nevertheless, the United States and the United Kingdom decide to launch the operation with the political support of three EU members (and military support from Turkey and some Gulf Arab states), but five other EU and NATO members (including France and Germany) issue a declaration stating that, while they respect their allies' appreciation of the situation and conduct, and are ready to participate in Iraq's reconstruction, they will not take part in military operations. The Alliance is in a shambles, and CFSP and ESDP need to be started afresh, possibly without the British and others. A new epoch in transatlantic relations begins.

This 'worst-case' scenario for the transatlantic alliance would imply that both sides of the Atlantic had reached the conclusion that they were prepared to suffer the negative consequences of a (provisional) divorce. For the Americans, this would mean that they would be willing to undertake the military operation and occupation with the British and a few other allies, and therefore assume almost alone the possible risks and costs. Also, the United States would be more exposed to criticism from most of the Arab countries and the Third World. Indeed, in the eyes of the developing countries, the divergence between Americans and Europeans would be meaningful in the sense that it would show clearly that military intervention abroad was still on the foreign policy agenda of the United States but not on that of the Europeans. On the other hand, for the Europeans, this divorce would lead to a profound crisis in NATO and within the European Union, which would have to redefine its role in the world. The EU's military dimension would have to be reinforced, particularly to cope with peacekeeping on the European continent. If France and Germany decided to take the lead in that redefinition of EU's CFSP and ESDP, they would first have to sort out their different approaches to military power, and they, along with other EU members, would have to face the problem of

scarce military means.

Another version of this 'worst-case' scenario would be the 'go it alone' scenario. Following intense political debate in the United Kingdom, the British government decides that there is not sufficient justification to attack Iraq. None the less, the United States undertakes the intervention with some military help from a few regional actors. In this extreme scenario, lack of legitimacy, already affecting the previous description of this 'worst case' scenario, will be manifest, and the feasibility of the military operation will be put at risk if allies decide not to provide technical support. If, in spite of the difficulties, the United States carried out the intervention, all European states would be obliged to reinforce a common European foreign and defence policy.

One question remains: what probability should be attributed to each scenario? A quick and voluntaristic answer to this unpalatable question would be: 'counter-proliferation', 59.7 per cent; 'save the Alliance', 38.1 per cent; 'worst-case', 2.2 per cent. Why such strangely precise percentages? In order to give a scientific appearance to a prediction that cannot possibly have one.

3.4. Scenarios, resolutions and political will

In principle, each one of those three scenarios is linked to the more or less productive outcome of the ongoing inspections. However, the possibility also exists that both the second and the third — nightmare — scenario happen even though the Iraqi declaration and inspections demonstrate that Saddam has indeed owned WMD. If this is the case, some European states (for instance, France) might argue that the pressure put on Iraq by Resolution 1441 and/or inspections had then worked as expected and that the inspectors should continue their job and destroy Iraq's WMD capabilities. In the Security Council, a row similar to that which took place back in 1998 would give way to an American-led intervention, which would provoke a rift in the alliance.

This paper was written before the 8 December 2002 deadline by which, according to paragraph 3 of UNSC Resolution 1441, Iraq was obliged to produce a 'currently accurate, full, and complete declaration of all aspects of its [WMD] programmes'. The assessment of that declaration by the UNSC members could also provoke an early dispute among the transatlantic allies. Indeed, the interpretation of Resolution 1441 will not be an easy task because the text of the resolution is the result of a compromise and can be read in two opposite ways. It seems obvious that the resolution would never have been adopted unanimously if automatic military action in the event of Iraqi breaches had not been excluded. However, the United States might have the temptation of circumventing the UNSC if evidence of grave violations is produced.

Resolution 1441 can be interpreted in two ways – one less convincing than the other. If, on the one hand, the Iraqi declaration does not comply with the requirements of paragraph 3 or, later on, Iraq does not provide 'immediate, unimpeded, unconditional, and unrestricted access' to all places that the inspectors wish to visit, as foreseen in paragraph 5, Iraq will be in 'further material breach' of its obligations (paragraph 4), which could be interpreted as an authorisation to apply coercive measures. Indeed, paragraph 1 of Resolution 1441 affirms that Iraq 'has been and remains in material breach of its obligations under *relevant* resolutions' (emphasis added), and the preamble of Resolution 1441 recalls that 'in its Resolution 687 (1991) the Council declared that a ceasefire would be based on the acceptance by Iraq' of the provisions of that resolution, including the obligation to disarm. According to this interpretation, 'further material breach' would reinforce the applicability of the authorisation of the use of force, which was suspended by the ceasefire declared by Resolution 687. On the other hand, the same inconsistencies in Iraq's declaration or the same hostility towards the inspectors could be interpreted as situations that lead to 'assessment' by the Security Council (paragraph 4 of

Resolution 1441), which would then '*consider* the situation and the need for full compliance with all the relevant Council resolutions in order to secure international peace and security' (paragraph 12, emphasis added).

The first difficulty in the application of any international norm is to determine whether and when a given act by a state (a fact of the real world) corresponds to the description contained in the norm (which pertains to the world of words). For instance, is this or that specific unfriendly behaviour by an Iraqi official a 'hostile act' as foreseen in paragraph 8 of Resolution 1441? In the case of Resolution 1441 a second difficulty arises, since the 'serious consequences' that may follow any breach of the norm are not clearly established. In other words, the second step in the application of a norm, the attribution of legal consequences to the norm's violation, is not wholly established in the same norm. Most Europeans believe that the resolution excludes any 'automatic' military action in the event of violation of its provisions – and this author is also convinced that this is the most sensible interpretation – but the American government might interpret the same text otherwise.

In the case of Iraq, we are faced with one of those 'moments of truth' that can change the course of history. Confronted with that type of decision, texts, resolutions and the rules of interpretation contained in international law cannot provide much help. With or without a resolution, in the coming months, the question of whether to attack and occupy Iraq will be determined mainly by the major powers' political will. Negotiations are useful because they allow a better knowledge of the interlocutor's point of view, but if current and future negotiations on Iraq do not eventually end in an agreement, we will be back to square one: how to deal with Iraq?

Unfortunately, Americans and Europeans are condemned to giving different answers to that question. While both share common values and interests, their vision of the non-Western world is rather different, due to the fact that the United States is the only global superpower and the Europeans are post-colonial powers. The Americans are optimistic about the possibilities of shaping the world in their own way, including by the use of force, whereas the Europeans, after having succumbed to similar temptations in the past, are more sceptical. The American victory in the Cold War, and later American-led victories in Iraq in 1991, in Bosnia and in Kosovo, as well as the rapid overthrow of the Taliban regime in Afghanistan, have helped to reinforce an American attitude of optimism vis-à-vis the use of force in international relations. What the Europeans are trying to say to the Americans is that there have been other cases in history in which the use of armed force has not resolved problems.

4

What should a European policy for the Middle East look like?

Arguably, the two years of the current Republican administration have been the most challenging for transatlantic relations since the inception of the Alliance in 1949. Immediately after 11 September 2001, a coincidence of points of view on a range of international issues was perceptible, but later on diverging attitudes on both sides of the Atlantic led to visible misunderstandings, and Iraq has been the last, and perhaps (history will tell) the worst, controversy. From June 2002 up to now, the Iraqi affair has confirmed how far removed the American vision of the world (and, to some extent, the British one) is from that shared by the majority of Europeans. The gap is equally noticeable regarding the Israeli-Palestinian conflict, another issue inevitably connected to Iraq.

As a consequence, one would have expected that the Europeans would have started to define a new policy towards the Middle East region that could be presented to our American friends and allies as an alternative view.[54] A declared European vision of the region would serve as a useful basis for frank and profound discussions with the United States on this vital region. However, the Europeans are not capable of defining an innovative approach towards the Middle East as a whole, because member states prefer to maintain national policies on the region. And yet a new common policy on the Middle East is badly needed. The present situation is having a negative impact in the West because of the impending terrorist threat, the risks associated with a local war in the region and the tensions this situation introduces into the transatlantic relationship. The Europeans are well aware of those problems but are not employing adequate means to tackle them. In the age of globalisation, individual European nation states are too small to pretend to have an impact in crucial international issues on their own. Indeed, the only option open to them is to integrate their voices into a common position.

4.1 Political guidelines for the region

The definition of a new policy towards the Middle East is obviously beyond the scope of this paper. Nevertheless, some guidelines can be offered from a European point of view. The Treaty on European Union created a CFSP that is based on principles, and those principles must inform EU foreign policy on any region or issue. This may well be the central aspect of a European contribution to the debate on the Middle East. If the Europeans are really determined to produce a long-term solution to instability in the Middle East, they must advance the idea that peace in the region (and the associated benefits this will have for the West) will not be achieved through the use of force and the control of the region's natural resources: it can only be achieved through the establishment of a new political environment in the region. In a nutshell, the European contribution might be summarised as follows: *in the Middle East, we should talk less about war and more about principles.*

[54] There are also, of course, interesting American 'alternative' views, that differ from the current Administration's approach to the Middle East: see Martin Indyk, 'Reforming the Middle East', *Foreign Affairs*, January/February 2002, pp. 75-88. For a pragmatic vision of the future of the region, see Judith S. Yaphe, 'Conclusion: three parts of the whole', in Judith S. Yaphe (ed.), *The Middle East in 2015* (Washington DC: National Defense University, July 2002), pp. 213-30.

Many Americans will think that this proposal is the product of the endemic weakness from which the European states and, even more so, the European Union suffer, which leaves us no other option but 'appeasement' and, in the best of cases, 'containment'. However, that proposal is rather the product of a larger historical experience in international issues. Indeed, time is of the essence here, for what Europeans are implying is that, in the medium and long term, the promotion of principles is undoubtedly more rewarding than the use of force.

- The main political guideline for the region should be rapprochement not confrontation. The Peace Process begun in Madrid in 1991 is the model for resolving old, deeply rooted disputes. On the other hand, the Barcelona process, or Euro-Mediterranean Partnership, is an interesting initiative that attempts to bridge historical gaps. We can detect errors and learn lessons from their short history, but both processes show the way, and clearly demonstrate that old dynamics of confrontation *can* be transformed. But time and perseverance are needed. Even though regional integration is not feasible for the time being, the applicability of the lessons of some positive aspects of recent European history (postwar reconstruction, external sponsorship, rapprochement of former enemies, CSCE, etc.) to the region should be analysed thoroughly.
- Member states, the European Union and the international community as a whole can no longer afford to allow the Israeli-Palestinian conflict to continue to fester. Since the end of the Cold War, the Israeli-Palestinian conflict has potentially been the most dangerous international issue, as recent history plainly shows. The European Union has repeatedly demonstrated its will to contribute to a balanced and long-lasting solution to the conflict.
- The current Iraqi regime represents a threat to both the Iraqi populaiton and regional security. In order to stop Iraq's WMD programmes and prompt regime change in Iraq, all diplomatic measures, such as UNSC-sponsored coercive inspections, 'smart' sanctions and international support to the Iraqi opposition, must be fully utilised. To avoid abuses on the part of the Iraqi authorities, the 'oil-for-food' programme must be reformed.
- The most effective therapy against international terrorism is democracy. The EU should increase its support of democratisation in the Middle East since the record has not been totally satisfactory so far. The most dangerous terrorists are educated citizens from autocratic countries. A democratic environment could help potential terrorists to canalise their own frustrations into the internal political debate.
- Stability in the Middle East does not necessarily mean increased global oil consumption. Therefore, the price of stability in the Middle East should not be global warming and climate change. Global resources and environment policies should be rethought at the highest political level, and the EU must have a leading role in that effort.
- The use of armed force in international relations should adhere to generally agreed international rules, starting with the UN Charter, and the Middle East must not be an exception. Following the paralysis of the Security Council during the Cold War, in the 1990s new practices concerning the use of force were established. Force may be used in self-defence, in pursuance of a mandate from the Security Council or in the case of humanitarian catastrophe or extreme necessity (as in Kosovo in 1999 or in Sierra Leone in 2000). Since 1945, one of the basic rules of international relations has been that territory may not be acquired by the use of force.
- Stability and non-proliferation in the Middle East must be tackled in a global way. Both bilateral and multilateral channels should be used to exert international pressure to counter WMD proliferation in the region.
- If and when possible, an international conference on the Middle East must define a comprehensive regional arrangement. Obviously, the United States should take the leading role (as it did in 1991), but the Europeans can shoulder much of the burden, and local actors and the UN must be deeply involved as well. Again, since the Second World War, the Middle East has been one of the regions where the most serious risks and threats to global peace and security have been concentrated. The international

community should act accordingly and find a permanent solution.

4.2 The quest for a transatlantic policy on the Middle East

In an ideal world, any European contribution to the political rebuilding of the Middle East should be discussed with the United States. A joint Euro-American policy towards the Middle East would in principle be much more effective than any unilateral policy. However, the question arises whether it would be possible to discuss – let alone agree on – a common transatlantic policy for the region as things stand today. And this question of course refers not only to the Iraqi issue, but to the region as a whole. In this author's view, the prospects are quite sombre for three reasons.

First, there is a considerable distance separating American and European 'visions' of the region. Even if most Europeans will contend that the aforementioned 'bullets' proposing a common European policy towards the Middle East are quite idealistic, most Europeans would also agree that those are the principles and values that the EU and its member states should pursue in the region in the long run. For their part, many Americans would find the list not only idealistic but also utopian – perhaps even risible. The proposed policy – Americans would argue – would let the present risks and threats go unchecked or, even worse, allow them to grow. The response to the first part of that view is that, underlying any EU foreign policy, is a project that was idealistic 30-40 years ago but nowadays has come true. The Middle East cannot possibly become a haven of peace in the short or medium term, but unless the necessary steps in the right direction are taken soon the region could become a moral quagmire. The European response to the second part of the criticism is that containment and international pressure, not the use of force, will reduce threats and particularly the terrorist threat.

The second reason why a transatlantic policy would be difficult to attain is the Republican administration's stance on international relations. In the last six months, since President Bush's State of the Union Address of 29 January 2002, the United States has confirmed a grand policy that aims at changing the 'global order', and the notion of 'pre-emptive defence' is perhaps the most telling in that respect. The debate on that change is purely internal American (hawks vs. doves, State Department vs. Pentagon, Republicans vs. Democrats, etc.), and therefore the Europeans perceive that they are excluded from that debate. It seems that the Americans would like to change important parameters of the world order without taking into account opinions from the non-American world. The contrast with the 1945 global arrangement could not be more striking. In 1945, some Europeans were present, some were not, at the San Francisco Conference that laid the foundation of the post-World War II world. Today, it seems as if the UN Charter is being rewritten without the participation of any European state, not to mention the EU. The same applies to America's designs on Iraq: they were planned and decided internally, without consultations with America's allies.

Third, a new attitude can also be observed on this side of the Atlantic. The Europeans have developed a more assertive attitude in matters international in the last few years, and steps such as the incipient development of a CFSP, the St-Malo process, and military coordination for peacekeeping purposes (particularly in the Balkans) should not be underestimated. Evidence of this new European attitude is Chancellor Schröder's position vis-à-vis a war on Iraq. It should be noted, incidentally, that this attitude is representative of the majority of the German population, and consequently should not be dismissed as a mere caprice. The French position vis-à-vis intervention in Iraq is also meaningful in this context. The interpretation by some European states of Iraq's declaration on its WMD programmes and of the reports by UNMOVIC inspectors might be another sign of a more assertive European standpoint.

Those three reasons lead one to think that a transatlantic agreement on the political reconstruction of the Middle East region is unlikely

and that, even if a broad US-led coalition undertakes the war on Iraq, lack of agreement will be increasingly visible in the following years. In this author's view, the main hope for improving transatlantic relationships is that the 'multilateralist' position that led to the negotiation of Resolution 1441 in the Security Council will continue to inspire American policy. Also, in a historical perspective, it seems evident that transatlantic dialogue was much more relaxed with a Democratic government than it is under the current Republican one. In this context, comparison with the Clinton administration's worldview is inevitable. The Europeans feel that there are two opposed *Weltanshauungen* on the other side of the Atlantic, and it seems that they can talk more easily to those Americans who actually practice the belief that the rest of the world matters.[55] The long-term interpretation of the concept of 'national interest' that the Clinton administrations espoused is also more understandable to the Europeans than a short-term interpretation of the same concept.[56]

Waiting for more auspicious winds from the other side of the Atlantic, the most constructive option from a European perspective is to utilise thoroughly all the possible avenues for dialogue, in order to try to influence as much as we can American foreign policy,[57] even though we feel that the current Republican administration, to put it mildly, is not very sensitive to European influences.

4.3 A European policy in search of a European Union

Common principles that should inform a common European policy on the Middle East (peaceful resolution of disputes, promotion of democracy, rapprochement, reduction of excessive importance of oil resources, etc.) are easily identifiable. It will, however, be much more difficult to develop the institutional structures that are capable of concretising and implementing those principles. At the beginning of this paper it was acknowledged that there is no such thing as a common European position on Iraq. Indeed, although it has been the most crucial international issue for months, the EU's CFSP has been silent on Iraq. In addition – it must be recalled – the EU's CFSP is not satisfactory in many other important issues.

The question now is: *should* there be a common European policy on Iraq? This question must be answered in the affirmative for two reasons. Firstly, the aforementioned principles – and values and principles contained in the Treaty on European Union (which basically coincide with values and principles enshrined in national constitutions) – cannot be defended by the member states alone. Defining a common policy and endorsing it through specific actions is the only way the Europeans can be consistent with their own convictions. Secondly, European citizens require that both their national states and the European Union define foreign policies

55 See two recent European studies of American foreign policy in the EU Institute for Security Studies *Chaillot Papers* series: Pierre Hassner, 'The United States: the empire of force or the force of empire?' (no. 54, September 2002); and Julian Lindley-French, 'Terms of engagement. The paradox of American power and the transatlantic dilemma post-11 September' (no. 52, May 2002).

56 See, for instance, President Clinton's speech at San Francisco on 26 February 1999. See also Samuel R. Berger, 'A foreign policy for the global age', *Foreign Affairs*, November/December 2000, and Joseph S. Nye Jr., *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone* (New York: Oxford University Press, 2002).

57 This is the position maintained, for instance, by the majority of participants in the debate 'Pax Americana or international rule of law?', held in the web-page of the Friedrich Ebert Stiftung: www.fes.de/paxamericana, in autumn 2002. In his contribution ('Europe's best interest: stay close to number one'), Christoph Bertram affirms: 'The best approach . . . is for Europeans to become smart allies. In order to have any influence on the American debate and America's policy, their commitment to the alliance and their solidarity must be as clear as their willingness to listen and consider US arguments must be evident. Alliance does not mean submission, and there is room for differing positions argued out in respect for the interests of the other partner; if Europeans disagree with America's Iraq policies, they must at least take the Iraqi challenge seriously and be credible in the alternatives they propose.'

that take into account common values and principles, and contribute to their wider application. However, the European public is increasingly demanding that this should be done at the European level. Eurobarometer and other opinion polls repeatedly show that the most wanted reform of the EU amongst the European public is the establishment of a credible common foreign policy, including a European defence policy.[58]

Another question arises: *why* is it so difficult to define a common European policy on Iraq? And why is it so difficult to define and pursue a common European policy on the Middle East as a whole, when this is a vital region for Europe, and some of the main elements of such a policy are already present in many EU declarations? The answer to these questions seems very simple: national governments and bureaucracies are not ready to abandon their traditional policies towards the region. As a result, the coincidences between those policies, which are considerable, are less visible than the differences. Those differences will only be bridged through exhaustive negotiations between the EU members, based on a realisation that reaching an agreement is essential. Those negotiations should take place between political authorities rather than between high-level diplomats. National governments will only have fulfilled their responsibilities vis-à-vis (a) their international obligations to maintain peace and security, (b) values and principles contained in both their national constitutions and in the Treaty on European Union, and (c) their citizens' demands, once they have defined a common policy to bring lasting stability to the Middle East. In the meantime, European citizens are increasingly showing signs of disagreement with their governments' policies towards that region. Since European national policies on the Middle East do not meet citizens' expectations, and an efficient CFSP on other important issues has not been consistently developed by governments, a certain sense of frustration can be observed in many quarters in Europe. In addition to the 'democratic deficit' within the EU – it could be argued – a 'foreign policy deficit' is also apparent.

A last question remains: will the Iraqi issue provide the opportunity to enhance a common European foreign and security policy, or, on the contrary, will it once more demonstrate that such a policy is impossible to attain? The Kosovo crisis in 1999 helped to catalyse a new ESDP in the Cologne and Helsinki European Councils. The 11 September 2001 terrorist attacks on the United States contributed to the establishment of better cooperation in justice and home affairs between the United States and Europe and amongst EU members. However, the worsening of the Israeli-Palestinian conflict in late 2001 and 2002 did not lead to a reinforcement of the CFSP on the Middle East. It remains to be seen in which direction the Iraqi case leads the European Union.

For the time being the Iraqi issue has provided a clear demonstration of the urgent need to review the EU's foreign policy. It can no longer be maintained that the EU has a vocation to make its voice heard in the world when it has been silent on the Iraqi issue so far. One provisional lesson to be drawn is that, in crucial international issues, the 'big' member states are apparently the only ones who have a say. The rest by and large range themselves along the lines established by one or the other of the 'big' states. The CFSP's future decision-making process should take this into account. A second tentative lesson would be that, although some European states have taken the lead in the Iraqi issue, and have therefore demonstrated their important role in global matters, individual European states on their own cannot have a definitive impact in those matters. In other words, some European states can say 'I'm sorry, I do not agree

58 Franz Kernic, Jean Callaghan and Philippe Manigart, *Public opinion on European security and defence* (Frankfurt: Peter Lang, 2002).

for the following reasons ...' when the United States proposes military action against Iraq, but no individual European state can suggest an alternative solution for Iraq or for the Middle East region. This 'alternative vision' can only be advanced by a 'stronger' international actor: the European Union.

In any case, those reflections give an idea of the daunting challenges with which the Convention on the Future of Europe and the Intergovernmental Conference in 2004 will be confronted. However, how to create an efficient EU foreign policy is an issue that the Europeans will have to tackle in many more years to come.

5

By way of conclusion

At the end of November 2002, when this paper was completed, the United States was faced with a very difficult decision: either to follow the path that its government had marked out for itself in the last few months, attack and occupy Iraq, and try to transform the Middle East region, or to engage in lengthy negotiations with European allies and in the Security Council on the necessity to wage war and whether containment and pressure on Iraq could work. When making its decision, the United States must weigh carefully how many, and which, allies are ready to give a hand, for it is not only the technical feasibility of the operation that matters but also its legitimacy. In this particular case legitimacy is of the essence because the Iraqi population, all Iraq's neighbours, states from the North and the South as well as international institutions, will be very interested to see how an 'enemy state' is occupied and administered by a foreign power in the communications age.

If the United States decides to change the regime in Iraq, the Europeans will have to decide whether or not to follow. The revelation by the UN weapons inspectors that Iraq was indeed hiding WMD would perhaps prompt a positive reaction on the part of some European states. In any case, the United States has put the Europeans under strain in the last few months, and the options for them are now very limited. To put it bluntly: either they agree to intervene with the Americans, even if they are not convinced, in order to 'save' the transatlantic relationship, or they decline to participate in military operations. The first option is a recipe for further disagreement, since the reconstruction of post-Saddam Iraq and the definition of the conditions for a peaceful Middle East may be controversial. A lot of problems will stem from the second option, since the rest of the world will perceive that there are serious divergences between Americans and Europeans. In the longer term, however, Europeans should realise that the only way to participate in the political reconstruction of the Middle East is to define first a common European policy on the region.

Americans and Europeans share many values and interests, their economies are intertwined, and they partake in the most solid and successful military alliance that history has witnessed. However, they have many cultural differences that inevitably lead to some misunderstandings. In the fight against terror, they are agreed on the surgical measures needed to tackle international terrorism, but they are less so on the prophylactic measures that must be taken. In the Israeli-Palestinian conflict, Europeans favour a negotiated solution between the two parties, while Americans perceive that a democratic Israel is fighting in self-defence and against terrorism. As far as resource and environmental policies are concerned, Americans believe that their economy – and the world economy, for that matter – will be better off with low oil prices, whereas Europeans think that everyone should make an effort to reduce oil consumption. Finally, Americans deem it necessary to use force not just for self-defence or collective security purposes but also in order to tackle selectively some threats to the United States, while Europeans favour negotiation and containment of possible threats. In the Iraqi issue, it is not only Saddam Hussein's tyranny or his WMD programmes that are at stake, it is rather the way to cope with a whole range of international issues that the Americans and the Europeans are discussing. Irrespective of the outcome of the Iraqi affair, Americans and Europeans should talk more to each other, because a more profound comprehension between them is needed if we do really want to guarantee our survival.

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