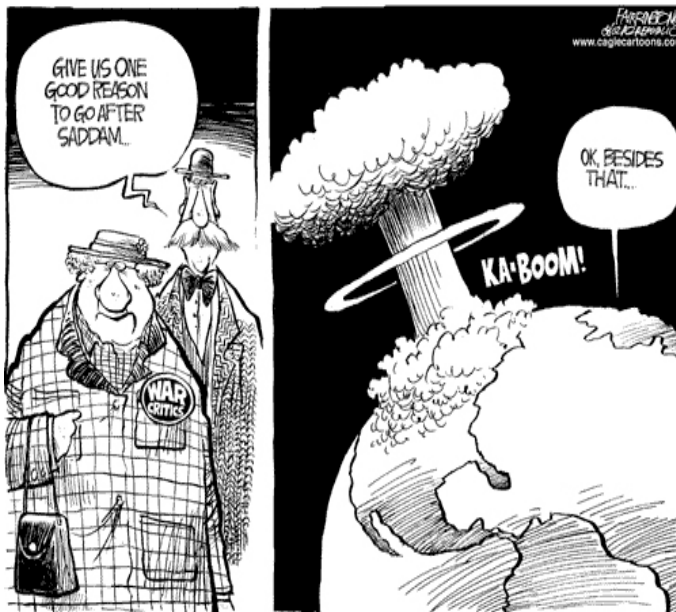


## International Law Matters, Part XXI Nato's Rift To Affect UN Vote On War in Iraq

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On Wednesday, February 11, NATO had the worst internal crisis since the end of the Cold War. France, Germany, and Belgium had rejected a scaled-down proposal from the Bush Administration, which sought to restore relations between NATO and the United States. On February 14, Bush had a different target. Dr. Hans Blix addressed the United Nations Security Council, thereby updating his appearance before the Security Council on January 27, 2003. Bush has said he would proceed with Iraqi disarmament even if it meant doing so without a new United Nations resolution approving military action by the United States. Dr. Blix mentioned some of the material presented by Secretary of State Colin Powell but did so by minimizing the effect of evidence he presented on January 27. Thus, Dr. Blix seems to have backed into endorsing the military invasion sought by Bush. However, the United States believes that its credibility would be better served with a new Security Council resolution authorizing war. It would have to resolve the rancorous dispute that erupted within NATO a few days ago. In an unusual maneuver, France, Belgium and Germany seem to have conspired to halt Bush's progress toward war. Russia has tentatively endorsed this move. Were a United Nations Security Council vote to be on an anti-Bush resolution, it would require nine votes out of fifteen or a French, Russian, or even Chinese veto. Great Britain and the United States would both vote against this, so only ten members would be cast, enough to defeat the resolution, unless one or more other countries supported it.



Belgium, France, and Germany had vetoed Turkey's request for funds and hardware to protect itself against any attack by Iraq. Tempers in Washington reflect local outrage, and Donald Rumsfeld's behaviour has gone ballistic. Yet, only a few days ago (February 8), the Secretary of Defense addressed the Munich Conference on Security Policy. In part, Rumsfeld, an ambassador to NATO in 1970, was fulsome in his praise of the Belgian, French, and German ambassadors to NATO with whom he served. He continued. It is remarkable how Europe has changed over the course of my lifetime. Thanks to NATO's efforts, the center of Europe has indeed shifted eastward-and our Alliance is the stronger for it. A few days earlier, President Bush addressed representatives of seven new members in Vilnius, Lithuania. His comments were brief and

laudatory, not the sort of praise one might lavish on a NATO member about to be described as a bully from the Oval Office. Yet the Bush unilateral posture and his him or us dialog has caused hackles to rise in Europe. French, German and Belgium must have been surprised at Rumsfeld's language in Munich.

As to Iraq, he said, we still hope that force may not be necessary to disarm Saddam Hussein. But if it comes to that, we already know that the same will hold true some countries will participate, while others may choose not to. The strength of our coalition is that we do not expect every member to be a part of every undertaking. On February 11, France, Germany and Russia agreed to defy the United States by declaring that war was unjustified and implored Washington to give peace every chance.

As of September 11, 2001, the North American Treaty Organization (NATO) had been operating as the defensive shield of the European continent. It had some nineteen members including the United States, Great Britain, Canada, France, Germany, the Czech Republic, Hungary, Iceland, Luxembourg, Norway, Poland, Italy, Spain, Portugal, Greece, Turkey, Denmark, the Netherlands and Belgium. At the Prague Summit of November 2002, NATO welcomed seven new members: Bulgaria, Estonia, Latvia, Lithuania, Rumania, Slovakia, and Slovenia. By 2004, these new members will become charter members of NATO.

The next day, President Bush addressed a crowd in Vilnius, Lithuania. Neither Bush nor Rumsfeld even mentioned the speed with which all nineteen NATO countries expressed their unanimous support for the United States after the tragedy of September 11. Some 3,000 people died in the bombing of the World Trade Center by suicide pilots who hijacked four commercial passenger jets and used them as missiles. NATO's response was the first time in its 53-year history that the Alliance invoked Article V, the NATO self-defense charter that says if one member state is under attack, all other members would defend it. Having created a reserve of good will, NATO has seen it squandered by Bush who is hell bent on disarming a tinpot dictator. Furthermore, he has lost the goodwill of Europe, which may not matter to him. Bush simply wants to go to war riding roughshod over the constructive work of Presidents Truman, Kennedy, Johnson, Nixon, Ford, Reagan, Bush Senior, and Bill Clinton.

NATO's responsibilities were embodied in Article Five. It took effect in 1949 with the then Soviet Union, as the potential aggressor allied with the Warsaw Pact states of Poland, Hungary, Czechoslovakia, Yugoslavia, Rumania, and Bulgaria. In 1955, the Soviet Union withdrew from occupied Austria. NATO survived all this turmoil and saw its mission as protecting its members from war during the tumultuous years between 1949 and today. In 1989, the Soviet Union collapsed, an utter failure that devolved as the Confederation of States (CIS), with comparative freedom for the constituent states once ruled from Moscow. On October 3, 1990, the last step in the process occurred, West and East Germany were united. Poland, Hungary, and Czechoslovakia, became independent, as did Rumania and Bulgaria. Czechoslovakia agreed to divide and the state spun off was Slovakia.

With respect to Article V operations, the United States made eight requests for support in its war against terrorism. These were accepted by October 4, 2001. Those publicly accepted included the offer of seven of NATO's early warning aircraft which flying out of Tinker Air Force in Oklahoma patrolled American skies. US requests to NATO included access to alliance members' ports, airspace and airports, an invaluable contribution.

Robert Kagan, a distinguished European scholar living in Brussels, has his own theory of division within NATO. He notes that Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less. The gap between the United States and

Europe opened wide as a result of World War II and has grown wider in the past decade. America's unparalleled military strength has predictably given it a propensity to use force and a more confident belief in the moral legitimacy of power. By this standard, NATO members offered the United States help only one day after the tragic World Trade Center devastation of September 11, 2001. The actual help the nineteen members gave reflected a belief that terrorists harbored in Afghanistan needed to be driven out by military force. It is my belief that the war against Al Qaeda provided the foundation for the Bush Administration proposed attack on Iraq. Bush never really understood the limited war in Afghanistan. He simply saw power as a way of settling differences by military means with diplomacy only as last resort. Secretary of State Powell was the quarterback pushing Bush through the preliminaries in Congress (declaration of war was not necessary), and the United Nations had a role in settling the dispute with Iraq. Bush never had a chance to make points except for whining that Saddam Hussein was not disarming Iraq as it should. No official in the Bush Administration could possibly and convincingly make a case that Iraq presented a clear and present danger to the United States. At this point, possibly the only country that meets this standard is North Korea. If a missile from Pyongyang threatens any American, he should



sue Bush for negligence. Bush really reminds people of Charlie Chaplin without the talent.