

NATO's Two Strategies and the Legitimization Challenge

The Baltic States, Germany and NATO's Policies in the
Border Zone

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I. INTRODUCTION

One of NATO's most important goals after the Cold War is to secure order and stability in its eastern border zone. To achieve this, NATO mainly follows two strategies. *One strategy* is the expansion of NATO's institutional arrangements for the area through the establishment of a Euro–Atlantic Partnership Council and Partnership for Peace and through the inclusion of three new members. With this strategy, NATO wishes to promote positive and peaceful relations between the participating parts, with an emphasis on values such as democracy and human rights. *The other strategy* involves changing NATO's strategic concept and adjusting the Alliance defence structure in favour of more mobile military forces. This enables NATO to prevent possible conflicts in the border zone from escalating and making the so-called Euro–Atlantic area unstable. The importance of these new kinds of tasks was confirmed by NATO's revised Strategic Concept in April 1999 and also by the Kosovo operation that took place in the same spring.¹

This study will examine how NATO justifies these two strategies in a border zone which until recently was under Russian influence. NATO can legitimate its policy in several ways. This study will concentrate on one kind of legitimization, which is related to the question of what kind of argumentation NATO uses to justify these two strategies or, more precisely defined, what kind of rationale lies behind such argumentation?

The study examines the validity of NATO's legitimization of the two strategies in the Baltic region. It distinguishes between three relevant actors: Russia, the Baltic states and NATO's member states. NATO's policy towards the Baltic states is double-sided. The Alliance wants to include the three states in a Western economic and political sphere. At the same time it seems to accept the area as a Russian military sphere of influence.² This raises fundamental questions: Can NATO comply with its own legitimization strategy? How valid is the legitimization in an area where NATO encounters actors with other values and/or interests? To what extent does NATO refer

¹ The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, 23 and 24 April 1999. In this article this is referred to simply as NATO's Strategic Concept.

² This is further developed in Takle, Marianne, 2000. 'NATO and the EU – The Question of Delineation in the Baltic Area' in Peter Burgess ed., PRIO Report, forthcoming.

to universal rights?

How NATO justifies the two strategies is dependent on which dimensions of NATO one wishes to emphasize. With the end of the Cold War, Russia's role as the common threat to NATO members has less relevance, and NATO cannot justify its policy in the border zone by referring to Russia as a common threat. This implies that the earlier reasons for NATO's actions have changed, and NATO must find new arguments for a new policy. The Alliance will not use a kind of legitimization that leads to a new dividing of the continent. There is a range of risks described in NATO's Strategic Concept; these can be related to diverging perspectives of different actors.

A marked change in the literature about NATO after the Cold War has occurred. It has moved away from a discussion of whether NATO would survive as an organization, to a discussion of the kind of security organization that NATO is becoming (Varwick, 1999; Yost, 1998; Risse-Kappen, 1996). Because NATO is a mixed and complex organization that is continuously changing, this study will examine two dimensions of NATO and discuss which of them is most decisive in NATO's two strategies. One dimension takes its point of departure in the establishing of a common view in NATO of Euro-Atlantic security, and the study investigates how this is expressed in official NATO documents. The other dimension of NATO is more oriented towards each member state's different visions for NATO, and the ways in which these are expressed in different arguments for NATO's two strategies. This study uses German argumentation as an example, and compares the German view on NATO with US policy. Germany is not representative of the European states, but in Germany the fundamental sides of the legitimization process are especially clear. Germany and the US have been the driving forces in the enlargement process, but when it comes to the question of NATO's role in out-of-area operations they have different visions for the Alliance.

The differences between German and US approaches are a part of the differences between Europe and the US. This study claims that the the slowness exhibited by the European states, as compared with the USA, in their adaptation of the defence structures can be explained by insufficient political legitimacy in Europe for the carrying out of such operations. This explanation is discussed in relation to an

assertion that NATO's new kind of operations outside the Alliance's territory requires a new kind of legitimation inside each NATO member state.³ The German example, used in this study, is important for an understanding of the challenges facing Norway. The countries face the same problems in the current restructuring of the defence structures. In both countries a debate is needed about how possible new operations outside national and Alliance territory can be publicly legitimated.

This analysis is divided into three parts. The *first* part discusses the concept of political legitimacy in the study of international relations and in relation to the two dimensions of NATO. The *second* part of the analysis examines how NATO legitimizes the establishment of cooperation structures in the border zones in the east, and discusses the validity of the strategy in the Baltic region. In this process NATO is seen as a collective actor. The *third* and last part investigates NATO's reasons for the Strategic Concept, with focus on the competing visions of NATO. This part also examines the validity of NATO's legitimization in the Baltic region.

II. POLITICAL LEGITIMACY AND TWO DIMENSIONS OF NATO

Political legitimacy reflects both a quality and a process. It refers to a recognized form of political organization. Political legitimacy is conditioned by its context, as the concept moves within a historically changing environment (Beetham, 1991). The literature on democratic legitimacy often employs multidimensional concepts made up of three different elements: (i) legality, (ii) public recognition, and (iii) normative justification. These can be seen as three different meanings of legitimacy (Schmidt, 1995). In this study they will be understood as three *dimensions* of legitimacy, (Beetham, 1998) and the main emphasis will be laid on normative justification.

The criterion of normative justification provides a key element. The normative justification lays the ground for the legal dimension and for recognition. Citizens act in accordance with the law because they recognize and respect the law. Recognition of a political leadership can be based on various elements such as propaganda, customs or appeal to ethnic communities. But a fundamental democratic legitimacy is based on the use of rational arguments. It is the rational component that will be

³ For this study interviews have been carried out at Stiftung Wissenschaft und Politik in Ebenhausen, Deutsche Gesellschaft für Auswärtige Politik in Berlin, Konrad Adenauer Stiftung in Berlin and the

examined in this analysis.

This study examines how NATO justifies the two strategies. It concentrates on NATO's argumentation. This is a kind of legitimization, and is related to three different forms of rationality: instrumental and strategic rationality, contextual rationality and communicative rationality (Habermas, 1984).⁴

To be able to identify the different forms of rationality in the argumentation it is necessary to identify different criteria in the investigation. While an instrumental and strategic rationality refers to utility and the relationship between input and output, contextual rationality refers to common cultural values and a more or less clear idea of the good life. The communicative form of rationality refers to rights and a set of universal norms and principles (Eriksen, 1999; Eriksen & Weigård, 1999). These forms of rationality are not mutually exclusive. It is rather a question of which logic of rationality is most decisive in different connections, and in which hierarchical order they are standing.

Habermas' (1992:309) distinction between norms and values is used in this analysis. The most important aspect for this analysis is that norms are universal, while values are relative and related to different cultural communities. While values can be graduated as more or less good, norms are either to follow or not. There lies an obligation in universal norms. Values have more of a teleological character.

The extent to which we find references to utility, values or universal rights makes it possible to identify the logic of rationality NATO's argumentation for the two strategies to establish order and stability is based on. An empirical analysis like this finds mixed forms of rationality, where the argumentation refers to utility, values and universal rights. The analytical tools make it possible to distinguish between the main lines in the argumentation and examine what kind of legitimization strategy NATO's policy is based on.

The Concept of Rationality in the Study of International Relations

Friedrich Ebert stiftung in Berlin.

⁴ Each of these forms of rationality is combined with different models of democracy: liberal, republican/communitarian and deliberative discourse theoretical models. A nearer explanation of these models is in part four of this analysis.

Can an international security policy action be legitimized by referring to utility, values or universal rights? (Sjursen, 2000; Risse 2000.) How are these legitimization strategies related to each other? It is still the instrumental and strategic concept of rationality which dominates the study of international relations. This perception is based on an assumption that the international system is an anarchical system, without a superior authority that could sanction the nation-states. The system is based on a struggle for power. Actors in the international system are defined as rational if in their policies they seek to maximize their own interests from a given set of preferences.

In such an international self-help system there is no room for values and norms. Such factors are reserved for internal national relations. Security policy has as its objective the defence of the national territory against external threats. The precondition for a common act in an Alliance is the member states' common interests.

The new diffuse and changeable threat perception, which also provides the basis for NATO's Strategic Concept, challenges the traditional perception of security policy as a strategic national interest policy. This stands in sharp contrast to the situation during the Cold War, when the threat was concrete and therefore clearly defined both geographically and politically. The new threat consists of many different risks that can be seen in different ways by different persons in various situations: the enemy is mobile and changeable; it might be different fundamentalist movements; the risk also can consist of diffuse groups, such as refugees; the threat can be anomies in the modern world, such as terrorism, drug trafficking and organized crime (Beck, 1992). All these are threat against a wished order. The reason for NATO's two strategies is its wish to secure an order. However, the kind of order NATO wants is not clearly defined.

The new threat perception is loosening the connection between interest on one side and the nation and the territory on the other. The interests are not related to the myth about the nation and the defence of the territory of the nation-state and the Alliance. One must therefore ask what kind of interest forms the foundation for NATO's two strategies to establish order and stability. A reasoning for NATO's two strategies, which is related to a strategic rationality, requires a discussion about whose interests shall be decisive for the policy.

To what extent can the argumentation used by NATO to legitimate its policy regarding the border zone be based on a contextual concept of rationality? This kind of argumentation refers to common values.

NATO has to a larger extent placed emphasis on the integrating forces that lie in the common values of the member states in response to the reduced importance of the common threat perception (Risse-Kappen, 1996). Especially emphasized are the values defined in the Washington treaty from 1949: democracy, individual liberty and the rule of law.⁵ This conception of values is an unclear one: it includes both universal rights, such as human rights, and wide concepts, such as democracy. The wide concepts must be nearer defined if they are to have a meaning; but they are important in the legitimization process because they can hide the different views on the process. NATO's conception of values can be understood as revolving around universal rights. The main point in this analysis is to discuss to what extent NATO's conception of values is oriented towards the Alliance's self-understanding, and to what extent this is leading to conflict with other actors.

NATO's increased emphasis on the Alliance as a value community can be seen as an attempt to counteract possible diverging interests or a possible collision of values between the member states. The legitimating of NATO's two strategies, which refer to values, will be related to the Alliance's self-perception as a value community. If the member states have different value-based reasonings for NATO's two strategies, there exists the possibility of a collision of values inside the Alliance. On a nation-state level a value-based argumentation implies a policy that is based on self-perception as a national community. Both on the Alliance level and on the nation-state level these are values which are related to one special community's self-understanding and identity, and such culture-related perceptions can be problematic to defend outside the Alliance or the nation-state border.

A legitimization process based on common interest and utility (strategic and instrumental rationality) is problematic to use when one relates to risks which disconnect the national unity and the Alliance common threat perception. A legitimization based on values and conceptions of 'the good community' (contextual

rationality) is often related to national cultural identity and can lead to disagreement inside the Alliance. If the common values are related to NATO as a value community, this legitimation will affect actors outside NATO. This can lead to conflicts with those who do not share the same values.

With the new strategy, the Alliance uses another source of legitimacy. NATO sees itself as a defender of universal rights, such as human rights. Such a legitimizing of NATO's policy outside its own territory requires mental and physical structures for discussion, and that one seeks understanding with all the related actors (communicative rationality).

Because a common binding international legal system or a communication system is not sufficiently developed, a justification with reference to universal norms can easily be perceived as a cover for strategic-interest-based acts.⁶ In this, the media play an important role because discussions of values and norms are central elements in modern journalism.

In spite of a weakly developed international legal system, one can argue that human rights are not only moral entities. They are juridical entities increasingly integrated into international law and the constitutions of modern states (Eriksen, 1999). One cannot overlook the binding forces that lie in a reference to human rights. By referring to human rights one raises normative expectations (Eriksen & Fossum, 1999). If this argumentation is brought further, one can claim that an interest policy based on arguments that refer to universal rights can lead to a strengthening of international law and enforce a public debate that improves the communicative element in international relations. This must be understood in relation to the new media situation and the community's relation to defence politics. But on the other side, a reference to universal rights that is not followed up in practical politics will undermine such a legitimating strategy.

NATO is often described as having been very successful in its adaptation to the new security situation after the Cold War. But through its ability to adapt, NATO has

⁵ The North Atlantic Treaty, Washington, DC, 4. April 1949.

⁶ In a formulation after Carl Schmitt's 'Wer Menschheit sagt will betrügen', referred to in Habermas, Jürgen, 'Bestialität und Humanität. Ein Krieg an der Grenze zwischen Recht und Moral', in *Die Zeit* Nr. 18, 29 April 1999.

placed itself in a situation where the tasks the Alliance has decided to meet can create different views on NATO. This situation makes it difficult for NATO to maintain its traditional cohesion (Varwick & Woyke, 1999). NATO can be seen as a successful collective actor, on one side, and as a defence Alliance composed of states with concurring views, on the other. The extent to which NATO is marked by both dimensions has been more obvious after the Cold War.

The two dimensions have different importance in various situations. While NATO in some connections is acting as a collective actor, the concurring view aspect is more explicit in other situations. In those situations where the concurring visions of NATO are decisive, they must be explained in terms of each state's unique geography, history and political tradition.

NATO's Kosovo operation showed differences in political culture between the USA and Europe. Different reasoning for the Kosovo operation took place in the USA and Germany. This shows that the two NATO member states have dissimilar views on international relations.⁷ Germany, to a larger extent than the USA, would like to see potential military operations being supported by international institutions like the UN.

III. NATO'S EXPANSION OF INSTITUTIONAL ARRANGEMENTS

After the withdrawal of the Soviet Union (later Russia) from Central and Eastern Europe, NATO has expanded its institutional arrangements in this area. The process has been gradual, with the establishing of the North Atlantic Cooperation Council (NACC) in 1991, followed by the Euro-Atlantic Partnership Council (EAPC) and Partnership for Peace (PFP) in 1994.

NATO's institutional arrangements in Central and Eastern Europe cover today every shade from fully integrated membership to essentially loose cooperation, and the cooperation in different areas has different levels of contact. NATO's new eastern borders differ from the traditional borders of a nation-state and from the total character of the Iron Curtain – where the military, economical, political and cultural borders were at the same place. The most controversial part of this process is the question of membership. However, this is down played as being merely a step that

⁷ Comment by Habermas, Jürgen in *Die Zeit* Nr. 18, 29 April 1999.

NATO is tanking in the road to establishing a greater European security architecture, which also includes the EU's (WEU's) and OSCE's roles within the same process.⁸ With this NATO attempt to reduce the importance of membership and to steer away from an overly precise definition of the borderline between membership and non-membership, borders are often described as being temporary as the enlargement is seen as an ongoing process.

Traditional Logic of Security - NATO as a Collective Actor

NATO's establishing of institutional arrangements in the border zone in the east is a further development and expansion of territorial arrangements and follows a traditional territorial logic of security. It does not require fundamental changes either in ways of thinking or in the defence structure inside each NATO member state. In this way this strategy is in sharp contrast with what is required in the member states to adapt to NATO's Strategic Concept, as discussed in the next part of the analysis.

Although there is much evidence that the USA and Germany have been the driving forces in the enlargement process and also that some member states have expressed a sceptical view on the enlargement, the establishing of institutional arrangements in the east has not led to open disagreement inside NATO. This analysis will examine NATO's collective reasoning for this strategy towards Central and Eastern Europe.

NATO's Argumentation

According to NATO's official documents, the enlargement of the cooperation structures eastwards is justified as an expansion of the area for stability and security in Europe. NATO argues that this stability will be secured through an order based on values. All states that agree with NATO's values and are introducing political systems which correspond with those values will be included in NATO's institutional arrangements and assessed as aspiring members.⁹

This reasoning, with its reference to values, must be seen in connection with the

⁸ The Baltic states signed a Baltic Charter of Partnership with the USA in Washington in January 1997. This can be seen as a compensation for membership in NATO. But the USA did not give the Baltic states military guarantees.

⁹ *NATO's Study on Enlargement*, September 1995.

increased weight after the Cold War placed by NATO on the integrating forces which lie in the common values of the member states. NATO legitimates the expansion of cooperation structures by referring to NATO's own self-understanding as a community based on liberal values. The expansion of institutional arrangements is described in several documents as an expansion of an area with stability and order against a disorder.¹⁰ Through this argumentation NATO tries to play down the importance of a new border and the fact that the enlargement affects actors with other interests and values.

NATO has a wide conception of values. This comprises political arrangements, universal rights as human rights and culturally decided factors that are taken as given and seldom discussed. This gives NATO room to act, but can lead to problems when this vague conception of values has to provide the foundation for concrete actions. One decisive question in this analysis is to what extent the concept of values solely can be seen as values exclusively combined with NATO as community, or if they are universal rights that go beyond one concrete community.

In the question of membership, this process is sharpened. It is therefore interesting to investigate *NATO's Study on Enlargement*, which was published in September 1995. This has been the central foundation document in NATO's first round of enlargement, and is still NATO's benchmark document for future applicant countries.¹¹

In a premeditated move, NATO has not presented any strict criteria for countries that are to be admitted as new members. The NATO study explains that decisions on enlargement are scrutinized with a view to 'whether doing so will contribute to security and stability in the North Atlantic Area at the time such a decision is to be made'. NATO's demands are general and the message passed is based on values.

Under the official justification, which refers to NATO as a value community, one can find assessments in relation to NATO's strategic interests. This is done through denials. In several places in chapters one and two of *NATO's Study on Enlargement* one can find arguments of what an enlargement must not lead to. All of the arguments

¹⁰ *NATO's Study on Enlargement*, September 1995. NATO's declaration from Madrid 9. July 1997

¹¹ *NATO's Study on Enlargement*, September 1995. The study was also referred to as NATO's benchmark document in the declaration from Madrid, 9 July 1997.

very clearly outline the potential problems raised by the enlargement, and it is denied that these will become a reality:

- The enlargement shall not lead to a new dividing of the continent.
- The enlargement shall be a part of a process that does not threaten anyone.
- No outside country has right of veto concerning the enlargement process.
- NATO does not accept any spheres of influence in present day Europe.¹²

Each point pertains to the drawing up of a border towards an undefined third party. The points show that the boundary question is the expansion's underlying sore point, and that NATO denies that it exists. This means that at the same time as the official reasoning for enlargement is obviously based on the expansion of liberal values, a series of strategic priorities is present in the argumentation. Here the central underlying theme is the demarcation line with Russia.

NATO's official argument for the enlargement and the establishment of new institutional structures in the border zone is that it is the area for liberal values that is expanding. The Alliance does not wish to enhance its strategic priorities; nor does it want the enlargement to create new borders against others. This strategy is legitimized by arguing that NATO is a value community. It would have been more difficult to legitimize this strategy through use of strategic arguments. The fact that the strategic assessments are denied raises questions about which consequences this can have for the validity of the value-based legitimation of the enlargement process.

The Baltic States

In the analysis of the validity in NATO's legitimation process in relation to the expansion of institutional structures in the Baltic area, the study distinguishes between the affected parts: Russia, the Baltic states and NATO's member states.

The Russian interests in the area make the relationship with Russia the central theme in the question of including the Baltic states in the western community (Carrafiello & Vertongen, 1997; Herd, 1999). The question is: To what degree is Russia acknowledged as a centre with its own rights? In NATO's official rhetoric, the Baltic

states are seen as a Western periphery and the question is to what extent they can move closer to the West. In the underlying (and denied) perspective in NATO's enlargement process, the Baltic states are situated between the West and Russia. The question of adherence to the West for the Baltic states is not simply a question of their distance to NATO, but also a question how NATO will treat the Baltic countries in its own balance with Russia (Asmus & Nurick, 1996). This balance is to a lesser degree dependent on what happens in the Baltic Sea region than is the case in other areas where the potential for conflict is higher, such as the Balkans. Due to the Baltic states' geopolitical position, the importance of Russia in relation to the Baltic states is relatively much greater than what might be suggested by Russia's generally weakened position internationally.

The objective from the Russian side seems to be to retain the Baltic states within Russia's sphere of economic and political influence, and to restrain Western military presence within the region (Herd, 1999). The Russian interests in the Baltic area make it difficult for NATO to argue for membership for the Baltic states. NATO's approach has both an including and an excluding element. The establishing of unclear and temporary borders is an answer to this dilemma. One tries to give the borders less importance and a less dividing character. In a one-sided legitimation with reference to Western values this seems unproblematic. This is a legitimation that is oriented towards NATO as a value community. This will not undermine the legitimation in relation to NATO and the Alliance's understanding of itself, but it can create conflicts in relation to Russia.

NATO's relation to Russia is ambiguous. If one acknowledges Russia to a larger extent, it is problematic because the result of these policies is the establishment of agreements with Russia (S+F, 1999).¹³ NATO's legitimization strategy is oriented towards NATO's member states and the self-perception of the Alliance: it is not oriented towards finding a common understanding with Russia, nor to including Russia in a community based on universal rights.

One possible source of conflict from basing the legitimization on values is that the

¹² *NATO's Study on Enlargement*, September 1995, chapters one and two.

¹³ Both the creation of the Permanent Joint Council (PJC) and the Russian membership in G-8 can be viewed as concessions NATO has afforded Russia for the enlargement, and not as attempts to pull the Russians into Western institutional cooperation.

Russian appreciation of the situation is simultaneously rejected. What NATO describes as a process leading to increased security and stability for the entire continent is seen by the Russians as a military bloc that is expanding its territory. In this, NATO's perception of the situation is in opposition to the Russian perception of the same process. NATO's way of replying to Russian protests against enlargement is to emphasize that no country outside NATO shall be accorded the right to a veto in the question of expansion.

NATO's basing its justification on internal values – together with its simultaneous denials of underlying strategic evaluations – can create problems in relation to the counterpart that is not included or respected, as in this case with Russia. But the importance of this problem for the legitimization strategy is dependent on the strength of the opponent. Today, Russia is weak. But if Russia were to gain increased weight in international relations, NATO's value-based legitimization could lead to conflicts.

For their part, the Baltic states use NATO and the EU in their national liberation projects aimed against Russian domination. Since Estonia, Latvia and Lithuania became independent states in 1991, they have worked to introduce liberal democracies and market economies with the aim of being included in the Euro–Atlantic community (Jopp & Arnsward, 1998). The Baltic states have been part of NATO's post–Cold War attempts to establish all-European stability-promoting measures right from the start. They participated in the foundation in 1991 of the NACC, of which the EAPC became an extension. The Baltic states' framework document for PFP was signed in 1995. These cooperation structures have been complemented with the membership action plan (MAP) in 1999, which shall help the candidates set practical objectives and climb the next steps leading to membership.¹⁴

The Baltic countries are explicitly addressed as aspiring members, and NATO has recognized the progress achieved towards greater stability and cooperation by the states in the Baltic region.¹⁵ NATO also stresses that all future aspiring members are evaluated independently of their geographical position, and no European state that

¹⁴ MAP was agreed upon at the Washington summit in April 1999. MAP can be regarded as evidence of NATO's commitment to continuing the enlargement process.

¹⁵ At the meeting in Madrid in July 1997 and also explicit in the Washington summit communique, North Atlantic Council in Washington, DC, 23–24 April 1999.

fulfils the membership criteria will be excluded from this assessment.¹⁶ According to NATO's situation description, the Baltic states are in the process of fulfilling NATO's criteria for membership: they are three small, peaceful states who espouse NATO's values, and who are in the process of introducing free, democratic judicial systems and market economies following Western patterns. If NATO really means that it does not accept the existence of spheres of interest in modern-day Europe, the Baltic states should be given full membership.

But NATO has clear reservations concerning bringing the Baltic states into the fold. Taking into account Russia's military interests in the region, the Baltic states are widely considered as 'undefensible' (van Ham, 1998). Nevertheless, the Baltic states are regarded as part of a Western economic and cultural sphere. NATO is attempting to define the Baltic states as part and parcel of the Western economic and cultural community. Through this integration one tries to raise the threshold for Russian ambitions in the area, without giving the Baltic states military guarantees.

The Baltic case shows the weakness of using the idea of a value community as the definitional basis for an alliance. NATO defines itself as community based on common values, but this does not always secure an implementation of those values. A justification based on values is not valid as long as it is not followed up in practical politics. This can create problems for those states that are in an exposed position for such double legitimization, such as the Baltic states. The Baltic states are stuck in a dilemma between politics based on values and politics based on strategic interests, a dilemma that reflects the split between Russia and the Western institutions.

Because the legitimization is related to NATO's self-understanding it will not create conflicts inside the Alliance unless there are internal disagreements. One potential conflict lies in the different perceptions of Russia, and how to treat Russia in the European state system. NATO has one policy towards Russia, but the USA's relations to Russia are different from those of the European states, especially Germany.

US policy towards the Baltic states is less bound by the relationship to Russia than German policy is. One example of this is the fact that the USA led the first military

¹⁶ Declaration from Madrid, 9 July 1997. Repeated in the Washington declaration, where also a new date was set for the next summit before 2002 where NATO members will consider a new enlargement.

exercises with the Baltic states – ‘Baltic Challenge’ in 1996 – and gave financial support to a study that laid the basis for BALTNET.¹⁷ Another example is the Northern Europeans Initiative (NEI) which was launched in 1997.¹⁸ One underlying initiative was to strengthen and secure US presence in the region. The Baltic–American Partnership Charter signed in January 1998 can be regarded as compensation for the Baltic states for their not being included in the NATO enlargement. The Charter does not foresee any security guarantee, but it might constitute a strong insurance policy for the Baltic states at a critical point of time (Lejins, 2000).

According to State Secretary Ischinger (2000) in the German ‘Auswärtiges Amt’, Germany feels a special commitment to the Baltic states. This special concern is rooted in history. However, Germany’s relations to Russia and preferential support for Poland, the Czech Republic and Hungary overshadow German sensitivity towards the Baltic states (Lange, 2000). Germany has an ambiguous relationship to Russia: German policy is based on Germany’s desire to have as close a relationship to Russia as is possible while at the same time maintaining as great a physical distance between the two countries as possible (Stürmer, 1994:58). Although Germany has built a new relationship with Russia after the Cold War, this relationship is secondary to German integration in the Alliance, and will not go beyond Alliance policy.

IV. NATO’S NEW OUT-OF-AREA TASKS

NATO’s change from being exclusively an organization for collective defence to placing more weight on being prepared to use military means outside NATO’s territory can be seen in the Alliance’s investments, exercises and official declarations during the 1990s. The change has been manifest by the establishing of Combined Joint Task Force (CJTF) with its corresponding head quarter (CJTFFHQ), the Strategic Concept from April 1999 and the Kosovo operation.

NATO’s main function is still described as the defence of territory against an external

¹⁷ BALTNET is a surveillance system, that will connect the three Baltic states via Poland to NATO air traffic control and surveillance networks.

¹⁸ The aim of this initiative was to support the Baltic states in their quest for membership in European and trans-Atlantic organizations and to engage adjacent Russian regions in a wider context of North European cooperation.

threat, and the new out-of-area role is seen as an expansion of the old function. In this way, NATO wants the different tasks to legitimate each other. The new out-of-area tasks create legitimacy by demonstrating that NATO is a relevant organization for the new risks (Knutsen, 2000). The traditional defence function is built on the perception of territorial security and has deep ideological and institutional roots. The change from the old tasks to the new is often described as a continuum (Varwick & Woyke, 1999; Yost, 1998). From NATO's side one emphasize that the different kinds of tasks are complementary.¹⁹

But the connection between the different functions can not be seen as a continuum, and it is doubtful if they are complementary. While NATO's traditional structure is built on an alliance of nation states, the new strategy breaks with the traditional perception of a defensive national territorial defence. The traditional part of NATO, as a common defence organization, is built on a common threat perception. The new, diffuse risks can create conflicts both between and inside member states.

New Logic of Security - Different Legitimization

Although the Kosovo operation was carried out with support by all member states, it simultaneously demonstrated increased differences between the European states and the USA. The differences not only apply to the ambitions for NATO's mobile operations out of area, but also apply to the weapons technology and the capability to undertake such operations. These differences led the European states to reactivate plans to strengthen common European defence cooperation independent of the USA.

The European states' slowness in adapting their defence structures – compared with the USA – can be explained by a lack of political legitimacy to undertake such operations in Europe. The new kind of tasks outside the nation-state and/or Alliance territory requires a new form of legitimization inside each member state.

The legitimacy for the traditional defence of the nation-state is built on the fiction of national unity and national consensus about defence of this territory. National security policy reasoning is connected with such absolute factors as the inviolability

¹⁹ This can be seen with the establishment of CJTFHQ; also in the use of concepts such as 'Article five missions' as complementary to 'non-Article five missions'.

of the territory, each for all and all for each, etc. Following this, the security policy is removed from the public debate. In contrast to this, the new kind of military operations outside Alliance territory requires a new argumentation in each concrete conflict. For NATO's new strategy, questions about *if* one should use military means, *when* the military means are to be sent in, and *how* the operation should be carried out must be debated in the political milieu and in the public view.

This is also linked to the fact that the distinction between foreign and domestic policies is weaker. One side of this is that the new operations to a large extent involve intervention in what traditionally is understood as internal politics. Another side is that the population inside each NATO member state must to a larger extent be convinced about the reasons for using military means. The modern media situation gives the population access to information that to an increased degree obliges politicians to justify their actions to the population. Additionally, because of increased individuality in the community, doubts can be raised about the willingness of the population to accept the same state of emergency for international operations as traditionally has been the case for defence of the national territory (Beck, 1992; Wæver, 1999). Some indicators of lack of willingness to give priority to defence after the Cold War can be seen in difficulties in convincing the populations in most of the European states to use their soldiers and to give priority to the defence budget.²⁰

This must also be seen in the light of a tendency to debate defence policy more often (Knutsen, 2000). While the Cold War terror balance provided a demilitarization of the community and made security policy assessments a question for specialists, it is now possible to use military means as a more flexible political instrument (SNU, 1995).

Any possible use of military means for operations outside NATO's territory is dependent on convincing argumentation to make each operation legitimate.²¹ In this way there is a sharp contrast with the closed nature of traditional security policy debate. In the member states, both politicians and population must be convinced that

²⁰ One of the problems in Germany at the beginning of 2000 is the shortening of the defence budget, and therefore the question of how Germany can follow up what has been promised in the EU and NATO. Demographic tendencies also show that there will be problems in a few years in securing enough soldiers. Today's discussion in Germany indicates that a shortening will come.

²¹ Also in the military field it is important that the political goals of an international operation are accepted deeper down in the military hierarchy. The soldier must be convinced *if, when and how*. This was emphasized by NATO Deputy Supreme Allied Commander Europe, General Sir Rupert Smith,

it is necessary to use military means; the European states are less prepared for this than the USA is.

Germany is central to understanding the slowness of the European states, as compared with the USA. Germany is oriented towards the USA, but in questions related to NATO's new out-of-area role the German official view stands in opposition to the USA's NATO policy. There is fundamental disagreement between the USA and Germany about NATO's need for a mandate from the UN in military operations such as Kosovo, about the territorial extension of NATO's operations, and about to what extent Russia should be incorporated in European security structures.

This part of the study will see NATO as an entity containing competing visions for the Alliance. The analysis concentrates on examination of the changes in the legitimization of German participation in military operations outside NATO's territory during the 1990s. The next section examines German argumentation for and against participation. Germany is of special interest because the cruelty of the Nazis during World War II has sharpened the contrasts in views of German participation in military operations and made the principal sides of the legitimization process especially clear.

Excursus: Some Theoretical Aspects

The different concepts of rationality: strategic and instrumental rationality, contextual rationality and communicative rationality are related to different views on the nature of society. Each of them is related to different models of democracy. While strategic and instrumental rationality provides the basis for liberal models of democracy, contextual rationality is the basis for republican/communitarian models, and communicative rationality underpins discourse theoretical deliberative models of democracy.

The *liberal* democracy tradition understands the establishing of a common will as the result of an addition of private preferences. The democracy is an arena for negotiations where it is important to secure procedures for voting and to seek compromises (Eriksen, 1995). In this model, legal systems and procedures are

emphasized. The model sees the strategic and instrumental rationality as fundamental, and legitimacy is dependent on the capability of the democracy to solve problems efficiently. This means that there must be an acceptable balance between input and output. Policy is justified by costs/utility evaluations, and the necessity to achieve goals are legitimizing the use of power (Eriksen, 1994).

A *republican/communitarian* perspective of democracy takes as point of departure that a solidarity between the citizens is built on common identity and common values that establish the foundation for the common will of the community. This is an approach to legitimacy which explicitly refers to the questions of identity, belonging and demos/people (Fossum, 1999). This model of democracy refers to a contextual rationality and argues that the legitimacy of a democracy is based on a collective self-understanding and idea of the good life, and thus dependent on the ability of the democracy to develop a common identity based on common values.

Habermas (1992) combined elements from these two main approaches to politics in his suggestion about a *deliberative discourse theoretical model of democracy*. In his view, politics has a double normative foundation (Eriksen & Weigård, 1999). One side of this is the legal institutionalization of procedures. The other side to this foundation relates to public debate. In Habermas' perspective it is the institutionalization of procedures for argumentation that secures legitimacy in a democracy. For the result of a political process to be evaluated as rational, democratic procedures and the political culture must follow the better arguments.

This model is based on a communicative rationality. The actor must adapt to rules for argumentation in order to make its message understandable and acceptable. To justify one's standpoints, one must refer to common norms or principles. In an idealistic situation, one only achieves legitimacy to that extent one manages to combine one's standpoint with universally accepted concepts of justice. Only a norm which fulfils the test of universalizability can be seen as valid in practical discourse. Through the principle about universalizability, it is required that each affected actor must see the case from the perspective of other affected actors (Habermas, 1996). Legitimacy is combined with universal rights and norms of justice.

Based on these three different logics of rationality, the example in the next section

discusses the legitimacy foundation for NATO's new tasks in Germany.

One Example: The German Argumentation

One can find an ambiguity in the German adaptation to NATO's new role which makes Germany an interesting case for studying the dilemmas raised by the changes in NATO. This ambiguity lies in Germany's need to adapt to the transformed NATO because of the German imperative to be integrated in international institutions. The problem arises because of the deep-rooted tradition of self-restraint in modern German military operations.

Within the German imperative to act through international institutions is contained the idea that it is not perceived as legitimate – neither by Germany nor by its allies – for Germany to act outside of an international organization (Schwarz, 1994; Katzenstein, 1997). This was obvious during the Cold War (when the two German states were not formal sovereign states) and is still the case now that Germany is a formal sovereign state. However, Germany's need to be integrated in international institutions makes it problematic to argue for reluctance in military operations outside NATO's area. Following reunification, Germany was reluctant to agree to military operations outside NATO's territory. But German participation in out-of-area operations has gradually increased during the 1990s. The debate started with the Gulf War in 1991, where Germany was prevented from participating because of the possibility of constitutional objections.²² The principal and legal side of the legitimacy problem was solved by the constitutional court in July 1994, and German participation in NATO's Kosovo operation in 1999 marked the end of this period of German reluctance. There the Bundeswehr took part in military operations in areas where the Wehrmacht operated during World War II.

On the surface, this can look like a process of liberation – more or less forced by the German need to adapt to NATO – from the German historical legacy (Hansen, 1999). But this picture does not cover the whole process. A more adequate explanation is that there has been a change in the German argumentation for participation in military

²² One can not oversee the fact that Germany at that time not was a formal sovereign state. Although the 2+4 agreement in relation to German unification was signed, it was not ratified by the Soviet Union before 15 March 1991. The large numbers of Soviet forces on German soil also influenced German foreign policy until the last Russian soldier left German soil on 31 August 1994.

operations.

The German argumentation for and against participation can be divided in two phases:

the first phase covers the period from reunification in 1990 until 1999; the second phase covers the Kosovo operation. The participation in this operation accelerated the discussion about adaptation of the Bundeswehr to be better prepared to take part in mobile operations.²³

The First Phase: A New Foreign Policy Role

The debate about the participation of German armed forces in out-of-area operations was provoked by the Gulf War only three months after German reunification. German non-participation was explained through the argument that it was legitimate only to use the Bundeswehr in self-defence because of the traumatic nature of German history. The question of Germany's participation in international operations was a central element in the process of laying a new foundation for the foreign and security policies of a newly reunified and sovereign Germany. The debate, which on the surface dealt with the practical question of participation, was to a large extent about the new international role and identity of the 'new' nation-state. The real theme of the discussion was the question of how the now united Germany should meet the new challenges. The different views expressed within the debate were based on different forms of self-understanding; the arguments followed a traditional left/right distinction in politics.

One position in the debate, which was dominated by the Social Democrats and the Greens, referred to Germany's historical misdeeds and argued that Germany should follow up West Germany's foreign policy tradition of reluctance. They argued that Germany should show special reluctance in the military field, and only participate in humanitarian and peacekeeping operations.

The underlying foundation in this argumentation was that Germany must take account of its past, even though formal restrictions had been abolished and Germany had become a formal sovereign state. The argument was that Germany must adopt a

²³ A new discussion started also because of the Germany is commitment to establish forces in relation to the european defence structure independent of the US.

policy of self-restraint in *realpolitik* because of moral reasons: on account of its National Socialist legacy, Germany had special obligations to be a peaceful state.²⁴ This type of argumentation is built upon strong resistance – as a matter of principle – to German use of military means. It is also based on a clear moral judgement of the German history: the country has committed such a serious crime that it is necessary to have restrictions. The argumentation follows a contextual rationality. However, although it won broad support in Germany, it was not accepted by the other Western states. In the case of the Gulf War, Germany had to compensate for its non-participation by paying relatively more than the other allies.

The Christian Democrats dominated the other kind of argumentation in the debate. They argued for German participation both in peacekeeping and in more offensive peacemaking operations. The argument was that Germany should change her military policy in a way that would be in balance with the reunified Germany's strengthened position. The standpoint adopted was that Germany was on the same standing as the other states, and a central power which had to take responsibility for world peace.

The position was that Western Germany's foreign policy tradition of military reluctance was not consistent with the reunified Germany's new position. It followed from this that Germany could not hand over responsibility for European security to other states. It was argued that it would be impossible to take more responsibility for European security while at the same time keeping out of *realpolitik* in international relations.²⁵ The consequence of this argumentation was that Germany needs to be able to use power, and if necessary to send her armed forces into military operations which are carried out by institutions of which Germany is a member.

This argumentation is also based on a contextual rationality: the argumentation refers to German self-understanding, though there is a difference between this and the first position: both argumentations are built on self-understanding as a national community; the second position, however, in contrast with the first, is not based on a

²⁴ 'Aussen-, Friedens- und Sicherheitspolitik'. Beschlüsse des SPD-Parteitag, 28–31 Mai 1991. 'Perspektiven einer neuen Aussen- und sicherheitspolitik', Beschlüsse des SPD-Parteitag in Wiesbaden, 16–19 November 1993. 'Reformen für Deutschland', Das Parteiprogramm der SPD, SPD Parteivorstand, not dated but published before the election of 16 October 1994.

²⁵ CDU documentation no. 17, 15 May 1991. 'Freiheit in Verantwortung. Grundsatzprogramm der Christlich Demokratischen Union Deutschlands', Beschluss des CDU Parteitag, Hamburg, 20–23 Februar 1994. 'Aussenpolitik', CDU document, not dated.

moral assessment of the collective historical legacy; instead, the feeling of identity – the ‘we-feeling’ – is based on size and strength and the responsibilities these entail.

Both sides of the debate refer to values. The question underlying the debate revolved around the kind of self-understanding the new Germany should have. Was it a country with a special responsibility to be reluctant in use of the military, or a country which should act equally with other European states?

The question of the utility for Germany of each operation was not a central question for anyone. To the extent that question of German national interests was presented in the argumentation, it was related to the question of in what way Germany should carry out its foreign policy through international institutions. In this perspective one can not overlook the fact that the concept of national interests or themes related to German national interests were taboo at beginning of the 1990s (Ash, 1993).

The differences between the two positions in the debate can also be seen in the constitutional debate, where two paragraphs were standing against each other. One was the relatively restrictive paragraph 87a, which says that the German armed forces only can be used for purposes explicitly mentioned in the constitution (i.e., for self-defence). Against this, stands the more open formulated paragraph 24, which gives Germany the possibility to join a collective security system.

According to the decision made by the constitutional court in July 1994, paragraph 87a had to give way to paragraph 24.²⁶ The court argued that Germany could take part in military operations within the framework of a collective security system of which Germany is a member, such as NATO, WEU and the UN. With this decision the court favoured German integration into common international structures instead of a special German solution. It opened the possibility of a more dynamic German policy. The court also decided that every use of German armed forces would need support from a majority in the German parliament.²⁷ With this, an important premise that each military operation should involve political debate was set.

²⁶ Urteil des Bundesverfassungsgericht zum Einsatz der Bundeswehr im Rahmen von Systemen kollektiver Sicherheit, 12 July 1994.

²⁷ Urteil des Bundesverfassungsgericht, 12 July 1994.

The decision of the constitutional court decision calmed the debate. Following the court's decision, the participation in operations – in Somalia, in the air control of the Adriatic and in the inspection of the flight prohibition over Bosnia– which had been the cause of the complaint to the court were accepted after the operations had been carried out.²⁸ In the meantime the tasks of the German Bundeswehr had also expanded to include crisis management. The framework for this change was laid in the defence department white book in 1994.²⁹ The reason given by the white book for this adaptation was that the Bundeswehr should not only be prepared for territorial defence. This argumentation to a larger extent referred to Germany's new security policy situation. But it also emphasized the need for Germany to integrate with international institutions, and stressed that it was important for Germany to adapt to the changes in the Alliance.³⁰

The Gulf War was the last operation with explicit German non-participation. The other operations Germany took part in during the 1990s were Cambodia, Somalia, Bosnia and Kosovo. The participation in the UN operation in Cambodia was the first with a German troop contingent, though this consisted of a field hospital. Also, as we have seen, Germany's participation in Somalia and Bosnia was accepted by the parliament after the operations were carried out. The German contribution to the UN peace operation in Bosnia IFOR and later SFOR consists of peacekeeping forces. Because these kinds of operations do not require the use of military means in ongoing military conflicts but only forces to stabilize after a peace agreement is signed, they are easier to legitimate in Germany.

The Second Phase: German Participation in NATO's Kosovo Operation

With the German participation in NATO's Kosovo operation, German armed forces took part in so-called peacemaking operations. This signified the end of the period of German reluctance, with one reservation: it was not perceived as legitimate for German ground forces to take part.³¹ Germany was also the last NATO member to

²⁸ In an extraordinary meeting in the German parliament, 22 July 1994, 424 of the 488 representatives voted for the actions after they had been carried out. Europa-Archiv, Folge 15/1994 D 427.

²⁹ Weissbuch zur Sicherheit der Bundesrepublik Deutschland und zur Lage und Zukunft der Bundeswehr, Bundesministerium der Verteidigung, 5 April 1994.

³⁰ Weissbuch zur Sicherheit der Bundesrepublik Deutschland.

³¹ There was a discussion about ground forces. The political opposition in the parliament was against the use of ground forces.

give her formal support to NATO's threat to use military means against Serbia, after a deception in the parliament in October 1998.

The central argument used for the German participation in NATO's Kosovo operation was based on human rights and the moral responsibility to prevent ethnic cleansing (Scharping, 1999). The argument won broad support, both among the German politicians and in public opinion. The protests against this operation were weaker than in the case of earlier military operations. This can be explained by the fact that those who earlier had organized the protests were now in government positions and had the responsibility to adapt to NATO's common policy.

Another explanation is that the normative justification for participation gave a new framework for understanding. With the moral argument about responsibility for human rights many of the earlier political arguments were made irrelevant.³² This was evident the first day of the NATO's bombing, 24 March 1999. The German parliament had no intention of changing its planned programme to discuss the bombing. PDS' parliamentary leader Gysi raised the case. He argued that Germany could not take part in military operations for the first time since World War II – especially since in his view this was not permitted under the German constitution – without discussing it in the German parliament. The politicians who gave an answer in the parliament rejected the challenge by referring to a new understanding of the situation.³³ The human rights argument was much stronger. PDS' argument belonged to yesterday's debates, and the political party did not win support.

By changing the theme of the debate, the human rights argument was based on a normative principle, which made the other arguments irrelevant. This argument made it impossible to combine the question of participation with issues of German identity. The argument of the utility for Germany of integration with international institutions was less explicitly expressed than in earlier debates. This aspect, however, constituted an underlying premise that was seen as self evident and not emphasized as an important argument. This utility argument was still important for German participation, but could not be emphasized because it would undermine the normative

³² This assertion is confirmed by interviews made with researchers at Stiftung Wissenschaft und Politik in Ebenhausen, Deutsche Gesellschaft für Auswärtige Politik in Berlin, Konrad Adenauer Stiftung in Berlin and the Friedrich Ebert stiftung in Berlin.

³³ ARD 24 March 1999.

argumentation.

Another strategic argument in the German debate was the possibility of a wave of asylum-seekers coming to Germany. Germany had experienced a wave of 350,000 refugees from Bosnia, a significantly higher figure than that of the other European allies. This argument might have been important in German opinion, though it remained in the shadow of the argument about human rights.

A change took place during the 1990s in German discussions of the question of taking part in military operations outside NATO's territory. At the beginning of the decade they referred to German self-understanding. At the end of the decade, the arguments used referred to universal rights. Although the human rights argument won support within German public opinion, not all affected parts will perceive an argument referring to universal rights as legitimate. During the Kosovo operation, Habermas (1999) described the German Foreign Minister and the Defence Minister as partly exaggerating their argumentation for human rights because they were afraid that the operation could be reduced to an ordinary war, and a dirty war at that. One can take this reasoning further: an ordinary war would be based on strategic rationality; the human rights argument would just be a way to hide traditional international-interest-based politics; those who argue that the operation was carried out to secure and expand NATO's sphere of influence in the Balkans would be right.

The problem with today's reference to human rights is that it lacks support in international institutions, and therefore can be perceived by other related actors as a way to cover a strategic way of thinking. This relates to the question of the validity of such a legitimization strategy.

We have seen in the German case that a reference to values during the 1990s has been replaced by a reference to universal rights in the Kosovo operation. The Kosovo operation also led to a new discussion about changes to the German defence structures. In May 1999 the defence department established a commission to prepare suggestions for the restructuring of the Bundeswehr. The result of the work was published one year later. The commission's report has a legitimating function towards German politicians and the German population. The commission took its point of departure in Germany's new security situation. It suggests that the Bundeswehr

should be better prepared for crisis management and that the forces used for crisis management should be the same as those needed for the defence of the German territory.³⁴

The Baltic States

How valid is the legitimization process of NATO's Strategic Concept in relation to the Baltic states? NATO's changes to its strategic concept can affect the Baltic states in two ways: First is the question of the Baltic states' participation in a possible NATO military operation outside Alliance territory. Second is the question of whether NATO would use military means to solve a conflict in the Baltic area.

All the related actors have perceived the participation of the Baltic states as legitimate. The Baltic states are afforded a possibility of participating in that part of NATO that is geared towards flexible action. With their PFP forces, the Baltic states can participate in joint operations with other NATO countries and other applicant nations, as witnessed in Bosnia.³⁵ The formation of a Baltic battalion (BALBAT) and a number of training programs, carried out by various Western NATO countries, for Baltic states armed forces personnel have been part of the preparations for membership. At the Washington meeting in April 1999, two new initiatives were taken to bring the PFP partners closer to the Alliance: 'Political Military Framework for Partner Involvement in NATO-Led PFP Operations' and 'The Operational Capabilities Concept'.³⁶ Both initiatives focus on crisis management. They can bring the partners interested in membership closer to the Alliance process.

It is nevertheless NATO's mutual defence obligation that the three Baltic countries in principle wish to join (Lejins & Ozolina, 1997). Yet the Baltic states' contributions to NATO's peacekeeping operations will not in themselves be sufficient to grant membership. The three countries also lack the financial resources necessary to make their defence capabilities compatible with those of the NATO countries.

The other question, that of whether NATO would use military means in a possible

³⁴ 'Kommission Gemeinsame Sicherheit und Zukunft der Bundeswehr', published 23 May 2000.

³⁵ The Baltic forces in IFOR, later SFOR, in Bosnia were a part of a larger Nordic brigade, together with contingents from Sweden, Finland and Poland.

conflict in the Baltic area, is also dependent on NATO's relations to Russia. One decisive factor is that Russia in all likelihood would be one of the parties in a possible conflict, because of the large Russian minorities in the area. The more the Baltic states are integrated in Western economic and political cooperation structures, the more pressure will be put on NATO to support the Baltic states in a possible conflict. Their belonging to Western culture and institutions can lead to questions about the validity of NATO's reference to universal rights and about consistency in NATO's military operations if NATO not would give them support. The situation seems to be locked in the Baltic area. The Baltic states are neither fully included in NATO nor excluded from large parts of the Western community.

This question concerns the relationship between reasoning based on universal rights and reasoning based on strategic interests. The Kosovo revealed different balances in NATO's member states between the argumentations for the operation. While the German argumentation mainly referred to universal rights, the US Secretary of State used an argumentation based on a combination of human rights and strategic interest.³⁷ In relation to such a double reasoning, it is decisive for the Baltic states to be of strategic interest for NATO. The validity in a legitimization strategy based on universal rights is dependent on the balance between strategic evaluations and universal rights, and to what extent the rights are supported by international institutions.

V. CONCLUSION

NATO's two strategies to establish order and stability in the border zone in the East can not be based on the Alliance's traditional threat. Russia does not represent the same common threat as it did during the Cold War, and NATO is trying to prevent the two strategies from leading to a new dividing of the continent. The Alliance must find new ways of legitimizing a new policy. This study examines how NATO legitimizes the two strategies, and asks if the legitimization is based on argumentation which refers to interests, values and/or universal rights.

One strategy, that of establishing institutional structures, is legitimated by NATO's

³⁶ North Atlantic Council in Washington, DC, 23–24 April 1999.

³⁷ An interview with the US Secretary of State Madeleine Albright in *Der Spiegel*, No. 30/1999.

reference to the Alliance as a value community. The strategy is described as an expansion of an area of these values, and the existence of strategic evaluations is denied. One problematic side of this strategy is not the existence of strategic evaluations, but that they are denied. The consequences are that Russia neither is accepted as a partner nor included fully in the institutions, and the Russian perception of the situation is rejected. This is especially clear in the Baltic region. Although the Baltic states are included in a Western economic, political and cultural sphere, NATO still treats them as part of the Russian military sphere of influence. NATO's legitimization strategy can be undermined by the fact that it is not followed up in this area. This legitimization is oriented toward NATO's self-understanding, and follows a contextual rationality.

While NATO acts as a collective actor in the expansion of institutional structures, the competing views on NATO are more explicit in the other strategy, which involves a change to NATO's Strategic Concept and adjusting the Alliance defence structure in favour of more mobile military forces. This can be explained by the fact that the two strategies follow different logics of security and therefore require different kind of legitimization processes. In the preparedness to use military means to prevent possible conflicts from making the area unstable we can see differences between the USA and the European NATO members. These differences can be explained by the fact that use of military means outside the Alliance's territory requires fundamental changes of the defence structure, and continuous legitimization processes inside each member state. These processes are dependent on the member states' different geographies, histories and political cultures (Bredow, 1995).

Although civil–military relations are different in Germany and Norway, the German example used in this study is important for understanding the challenges facing Norway. The current restructuring of the defence structures must be followed up by a debate on how the new possible operations outside national and Alliance territory can be legitimated in the public perception. The German case shows reasoning for participation during the 1990s, based on German self-understanding. This was replaced by a reference to universal rights in the Kosovo operations. The case showed that an argumentation with reference to universal rights was stronger than the argumentation based on values. But a reference to universal rights is problematic

because today's international system does not have institutions to support the maintenance of those rights.

The validity of this legitimization strategy is shown in the balance between strategic interests and a reference to universal rights. In the case of NATO's Kosovo operation, different reasoning took place in the different NATO member states. While the German legitimization referred to human rights, the USA provided a double reasoning where both human rights and strategic evaluations were decisive. The Kosovo operation also revealed the different views on Russia held by the two NATO members. Germany tried harder than other NATO members to include Russia in the process. However, although Germany has established a new relationship to Russia after the Cold War, this is secondary to German integration in the Alliance.

The consequences of Germany's problems in legitimizing participation in military operations outside NATO's territory, together with Germany's special relations to Russia, lead Germany to meet security problems on the eastern border with other security policy means. The German policy is to increase the bilateral cooperation with the Baltic states, and to promote integration in common institutional structures. Germany is not alone in following this cooperation line: as we have seen this is one of NATO's strategies in the border zone. But Germany puts more weight on this strategy and, in contrast to the USA, is more reluctant to adapt to the Strategic Concept.

Through one of NATO's strategies, the Baltic states are included in Western economical and political structures. But NATO is reluctant to include the Baltic states in the Alliance's military guarantee as full members. The Baltic states are often labelled as 'undefensible' in relation to Russian interests in the area. This leads to a locked situation in the Baltic region. There is collision between NATO's cultural and value-based assessments and the Alliance's strategic evaluations. The best way to loosen this locked situation is through a long-range policy based on civil dialogue and cooperation.

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