

Closing remarks to ‘Trump’s World’: The Trump Administration and International Law

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of the Advisory Council on International Affairs (AIV), Leiden University)*

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In times, I think, in international relations which are the times of big egos: Trump, Vladimir Vladimirovich, Recep Tayyip Erdoğan and we see a lot of hubris in international relations. Now, as you know, hubris comes from ancient Greece, where it was punishable by the Gods. But we see a lot of it in the present international relations environment, and there hubris stands for excessive pride, egotism, extreme self-confidence. What is the risk of egos and what is the risk of hubris in international affairs in my opinion? The risk is that in times of crisis, reason, *ratio*, might fall victim to egotism, and that is a danger and a risk in international relations. Exhibit one: Turkey. From zero problems with its neighbours - Ahmet Davutoğlu, its Foreign Minister - to problems with almost everyone and everybody. Ottomanesque foreign policy overstretch. Now, in a *marriage de raison*, Erdoğan with his sworn nemesis Vladimir Putin. Exhibit number two: Donald Trump. Transactions rather than principles, the big ego democratically elected, let's stop moaning and complaining, democratically elected. Leading an independent, more unilateral, perhaps even retreating, America. Perhaps, I am saying, we are not sure yet. I do not have an established opinion on that. I say independent, more unilateral, and perhaps even retreating, America. But if he, Donald J. Trump, retreats from *Pax Americana*, which after all has sustained seventy years of relative peace and stability, we might enter a world of Hobbesian great power conflict. And, is that a world we are looking for? I ask rhetorically. I am saying we are not sure yet and I am not sure yet because the signals of course, and they have been discussed this afternoon, the signals are contradicting. Giving up the one China policy, cosying up to Taiwan? Non-negotiable for Beijing. Beijing will go to war for Taiwan, if necessary. The South China Sea and Rex Tillerson's remarks about the, I quote, "unacceptability", unquote, of China's behaviour vis-à-vis disputed islands. What comes in diplomatic language and in I.R. after the word "unacceptable"? Language matters, as has been said this afternoon. Military action? That is not retreating. And that is why I am saying I am not sure. Safe areas, which should have been established in Syria as Donald Trump said during the campaign? That is not a retreating America. So, independent yes, unilateral yes, retreating remains to be seen. And all this leads me to one of the key questions facing me and facing us, I think, facing us all. And

¹ This is a literal transcript of Jaap de Hoop Scheffer's speech, which was not based on a fully written text.

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that question is: can the United States at all afford not to be an indispensable nation, in the words of Madeleine Albright? In other words, how strong will the constant factors in United States foreign policy be vis-à-vis the variables? How strong are those constant factors? If I listen to the Senate hearings of Rex Tillerson and Secretary of Defence, James Mattis, who I remember very well from my NATO days, there are constant factors. There should at least in their opinion be constant factors in United States foreign policy. We have to wait and see. But in my view, and I give you an example, the United States of America cannot afford to create a political vacuum in East Asia by abandoning TPP. In this I would add to the final panel that trade is of course trade, but trade is highly political. TPP is highly political. What was the ambition of Barack Obama with the TPP that was part of his pivot, not completely successful, to Asia? To gain and to keep political influence. What do we see now? TPP has been abandoned and we have seen the Philippines and Malaysia setting sails to Beijing. We see Australia yesterday suggesting TPP including China without the United States of America. And this happens in the week where Ireland, Canada and Ethiopia are joining the Asian Infrastructure Investment Bank set up by the Chinese. So, also for Donald J. Trump that is the geopolitical reality. And I repeat my question: can the United States ever afford to abandon that region politically? And do not forget, ladies and gentlemen, it is an area – the South China Sea – where roughly 70% of all the world's commercial shipping passes through sea lanes. Is that an exclusive responsibility we leave to China? Is it, speaking as a European, an exclusive responsibility we Europeans leave to the United States of America as we have always done? I hope from my intonation you know what my answer is. So, in one way or another, the United States of America, also under a Trump Presidency, will have to take, this is my opinion, a political and military responsibility for this crucial part of the world. So, I repeat, unilateral, more independent, but not retreating.

As for Europe and NATO, the European Union and NATO, let me start by saying that President Trump's remarks on the European NATO allies not sharing the financial burden are of course fully on the mark. You are not expecting anything else from a former NATO Secretary General, but this is what I feel strongly about: fully on the mark. The European NATO allies have shamefully neglected our responsibility in this regard on our side of the Atlantic. We are still cashing the peace dividend, 1989 the fall of the wall, how long is that ago? And I think we should now change course, change direction, and see that we substantially contribute to a better financial balance inside the NATO alliance. I can give you one example. Jochen Bittner, who works for the German newspaper weekly Die Zeit, said 'let the Europeans begin by leasing paying for all the equipment President Obama pre-positioned in Europe shortly before he left the Oval Office'. We leased that equipment.

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We paid for it, because when you want to have your defence budget in order it would take much more time. But here Trump is fully on the mark and he might be, I say again he might be, more serious in this regard than his predecessors have been. On his NATO being obsolete, that was already mentioned, my take is that Secretary of Defence James Mattis might find a few hours on a Sunday afternoon to bring his President up to date. NATO is of course the essential tool to discourage and deter Vladimir Vladimirovich from further adventures in what he defines as his near abroad, or in other words his sphere of influence. Here, Donald Trump's narrow interpretation of US' interests might lead to a reassessment of America's international engagements in transactional terms. A disturbing force when you happen to live in Tallinn, Riga or Vilnius. The Hague is comfortable in that regard, and so is Washington. So is Brussels by the way.

Two further remarks on Putin. I must admit, and I have to give him credit for that, that he plays a weak hand intelligently, given his successful hacking exercises and wrong-footing the United States of America and all of us in Syria. The dark side of this Syrian intervention, of course, for Putin, is that also he has now to face the Colin Powell maxim, the so-called Pottery Barn rule, which reads: when you break it you own it.

Ceterum Censeo, to quote Roman Senator *Cato the Elder*, that we need more direct communication channels with Russia in both NATO and the European Union, despite our differences, despite the need for the moment to keep the sanctions intact. Backroom diplomacy is fine with me and that would be the preferred option. But with all the differences we might have with Russia I think we are not using the communication channels we might have in our dealings with Moscow. Now, what should be done? What can be done I should say? What should be done from the European side? What should be our political priorities? Because you can analyse as long as you want, but analysis is not a policy. I will give you just a few, not limited by the way, policy options, fully realising – after the few years of personal experience – that events usually reign supreme over a carefully planned agenda. Events, my dear boy, events was what the then British Prime Minister Harold Macmillan told a young journalist immediately after the war. What concerns you most Prime Minister? Events, my dear boy, events. In making these points I realise that on some points I am going against the tide. But I say: so be it.

One: I mentioned this already, stop lamenting and moaning over the Trump Presidency. He is sitting in the Oval Office, if we like it or not. Some might like it, some might not like it, but he is in the Oval Office. He is the Commander in Chief. So no further lamenting and moaning. In the words of

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ambassador Schuwer, engage, engage for heaven's sake, engage. And do not think that by not engaging you will win the day. You will lose the day.

Two: Let this Trump Presidency be the raliant cry to take ourselves and the European Union seriously. Economically, politically and, last but not least, militarily. And I agree with James Mathis in the previous panel, let's also have a discussion on legitimacy. Because I do agree if the virus of the referendum will further spread through Europe nothing will be possible anymore. I am a strong fan of a representative democracy. Every four year in this country I have the opportunity to vote, and if I do not like the guys and girls I voted for four years ago I will outvote them. And I think that is an important point in the further functioning of Europe. But let's take ourselves and the European Union seriously. And when I say this, I consider this a message, an important message, to the European political centre and the European political parties in the centre. And my call on them would be: stop leaving the floor in the European Union to the fringes, to the extremes of the political spectre. Stop leaving the floor to Frauke Petry, to Marine LePen, to Geert Wilders, to Beppe Grillo! Speak up! Speak Up! This is against the tide, but if we do not defend the European Union now we might not have another opportunity. So let this be a raliant cry, this Trump Presidency, because we will have a lot to discuss with the other side of the Atlantic Ocean as well. We need, in this regard, Angela Merkel in the *Bundeskanzleramt*, also after the elections in Germany in the fall of this year, and we need *le President de la Republique Francaise* in the Elysée Palace with the gravitas of restarting, or perhaps I should say restoring, the German/French motor, the German/French engine, which in my opinion is a must, a prerequisite for successful European integration and a sound future for the European Union. I add, we need in my opinion also the softest possible Brexit we can achieve, that will not only depend on the British but it will also depend on us. And again referring to the final panel, we are talking and discussing frequently how difficult it is for the British to arrange their exit from the European Union. I can tell you from experience and I know former Minister Hans Wijers will agree with me, to come to a position with the 27 on the European continent might even be a bigger ambition than coming to an agreement with the British. But again, what I said about representative democracy and about referenda is very relevant here as well. I cannot imagine an agreement by the heads of states and governments with Great Britain stranded for years in 28 plus regional parliaments.

Point number three: Based on President Trump's worrying remarks about torture, let us underline that both the European Union and NATO are communities of values. Let us state that under no condition any EU or NATO member will tolerate rendition and/or will tolerate to create secret detention facilities on its territory. I think we should take that point now. We should make that

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statement and, if I am not mistaken, we have Secretary of Defence James Mattis on our side, because he reacted, as you might remember, when Trump started this waterboarding discussion and James Mattis, who I know fairly well and in whom I have trust, said that torture is not only of course out of the question but it does not have any result. Trump came back to the torture issue. I think if we are a community of values we should say this now and make this clear.

Point number four: given the potential, by the way before I forget Paul Ryan said yesterday or today that he was not on the line of President Trump with regard to waterboarding and torture. My fourth point, given the potential narrow interpretation of United States' interests let us not be the witnesses to the funeral of the responsibility to protect. I realised that after the war of choice in Iraq and the war of necessity in Afghanistan, these were Barack Obama's terms as you might remember, and the half-hearted intervention in Libya, I realise that the political climate is not conducive for this type of debate. But here again I think we cannot completely close our eyes in this domain. Responsibility to protect had a big hit after Libya, because it was a half-hearted intervention and we forgot about the responsibility to rebuild and the responsibility to prevent and then the whole system does not work. We do not like intervention anymore, and I am not making a plea this afternoon of course to intervene in Syria or in Yemen or wherever, but what I am saying is this: we should not, if we are a member of a community of values, we should not bury the responsibility to protect, difficult as it is.

Point number five: let's not do away with our rules based in institutions, multilateral institutions, despite their malfunctioning. Are we serious when we think or claim that we can fight terrorism, that we can fight a pandemic, that we can fight the misuse of cyberspace, that we can fight climate change, that we can fight mass migration, the biggest challenge in my opinion certainly for the European continent in the years to come? Are we really having the illusion that we can fight these challenges without a system where the right of the strongest not always prevails and where the less influential can have their voices heard and have their say? Here again, I realise I am going against the tide. But, as I am defending the European Union, I will defend those multilateral institutions we have set up. I realised they have for many nations on this globe now a western flavour, too much of a western flavour and they were set up by us, they were set up, Security Council of the United Nations, by the nations who won the Second World War and I cannot explain in New Delhi that India is not a permanent member of the Security Council. Malfunctioning, but giving them up is another matter. Not paying serious attention is another matter. Now the Chinese understand this. I mentioned the AIB, they will have their own international institutions where they make the rules. Do you want that? Do we want a nation influential, politically, economically, as it

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may be [...] do we want to have our rules set by a nation where last week the Supreme Judge, the President of the Supreme Court, said “we do not have any independent justice system. I am, of course, also answerable to the party”? Do we want that nation? And I take China extremely seriously. Do we want that nation setting the international rules? And if you do not have them at all you are in the Hobbesian environment I spoke about earlier.

Finally, it is my strong belief, and I say this also based on my own experience, that like in your and my personal life, personal relations do matter a lot in international relations and international politics. It is therefore of importance that we take the men and women shaping Trumpian politics seriously. I say again, engage with them. We might need them now, better said we need them now, but we certainly need them in time of crisis. Diplomacy is after all not only saying I detest your views, end of conversation.

Ladies and gentlemen, black swans are to be expected they will also influence Trump’s agenda in the Oval Office, they will influence the agenda of the European Union, they will influence the agenda of international trade, the agenda of climate change, but let us agree at least that the black swans will certainly not ruin the atmosphere during the drinks we are now to be offered.

Thank you very much indeed.