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BOUND TO FAIL? – GERMANY’S POLICY IN THE IRAQ CRISIS 2001–2003

Introduction

Over the past ten years, Germany has gradually changed its policy on military operations for its armed forces abroad. A key source of this change in so called “out-of-area” operations has been allied countries’ external expectations that a unified Germany should play a more active role in quelling civil wars and fighting hostile state and non-state actors. In Germany, these foreign expectations and domestic learning processes have shaped the public discourse by introducing such concepts as “Germany as a responsible power” or “a grown-up power” in international relations.¹ Indeed, shortly after the September 11 attacks on the United States, German Chancellor Gerhard Schröder pressed his own Red-Green coalition to accept German participation in the US-led military campaign against terrorism and the Taleban regime in Afghanistan by linking this decision with a confidence vote in Parliament on November 16, 2001.² Germany, at last, appeared to becoming ever more “normalized” as several pundits of German Foreign policy pointed out.

What went almost unnoticed in the heady days post 9/11 was, that the German Chancellor on September 19, 2001, when introducing a resolution to the Bundestag calling for “unconditional solidarity” with America, determined that Germany would not participate in any “adventures” and that the duty of helping allies corresponded with its right to consultation before the initiation of military action.³ As it turned out this early shot across the bow of those in the Bush administration, who favoured military action to change the Iraqi regime, had little influence on the following course of events. Instead, Germany’s refusal to participate in military action in Iraq and even to

¹ Cf. N. Philippi, *Civilian Power and war: the German debate about out-of-area operations 1990–1999* (in: S. Harnisch, H. W. Maull (eds.), *Germany as a Civilian Power? The Foreign Policy of the Berlin Republic*, Manchester 2001, pp. 49–68; R. Baumann, G. Hellmann, *Germany and the Use of Military Force: ‘Total War’, the ‘Culture of Restraint’ and the Quest for Normality* (in: D. Webber (ed.), *New Europe, New Germany, Old Foreign Policy? German Foreign Policy since Unification*, London 2001, pp. 61–82.

² Cf. S. Harnisch, W. Brauner, *The German Response to the September 11th Terrorist Attacks: A Shift in the Domestic Political Debate and Party Politics?*, “German Foreign Policy in Dialogue” 2(2001) 5, <http://www.deutsche-aussenpolitik.de/publications/newsletter/issue5.html#shift> [10.06.2003].

³ Cf. *Regierungserklärung von Bundeskanzler Gerhard Schröder vor dem Deutschen Bundestag zu den Anschlägen in den USA, am 19. September 2001*, “Stichworte zur Sicherheitspolitik,” September 2001, <http://www.bundesregierung.de/Anlage255644/September+2001.pdf> [02.07.2003], p. 16.

support US diplomatic initiatives in the United Nations created one of the worst crises within the transatlantic alliance and a serious blow to the emerging European Security and Defence Policy (re)launched in the midst of the Kosovo war.

To date, two explanations of Germany's Iraq policy have emerged: one group of scholars, which could be dubbed "domesticists" stresses the role of the electoral concerns of the Schröder government in the run up to the federal elections on September 22, 2002. They argue that the SPD, and the Chancellor in particular, in August 2002, used the wide spread scepticism in the German public vis-à-vis a military intervention in Iraq on the grounds of Weapons of Mass Destruction (WMD), and a general resentment against the Bush administration's proclivity for unilateral and military action in order to turn the tide in the election campaign.⁴ More pointedly, Michael Hedstück and Gunther Hellmann hold that the "German way" Chancellor Schröder propagated during the campaign signified a further normalization of German Foreign and Security Policy, a process through which Germany was "resocialized" as a great power and has become ever more estranged from Washington.⁵

The other group of scholars argues that Berlin's Iraq policy can be understood best when looking at ideational factors in general and Germany's persisting "culture of restraint" concerning the early resort to military force.⁶ As Anja Dalgaard-Nielsen points out:

"The German Chancellor may have been moved by tactical considerations rather than deeply held convictions when he chose to run on an anti-war platform. But his success in mobilising voters on this issue and his subsequent inability to stop the anti-war buzz once back in office had to do with ingrained German beliefs and convictions."⁷

Thus one could argue that as long as this culture of restraint prevails Germany is likely to remain on a collision course with its main ally and several European partners when it comes to military action. This paper extends some of the arguments developed by these two schools of thought while taking issue with their main findings.

To begin with, the German opposition to US military planning for an intervention dates back to the immediate aftermath of September 11th and has been fairly consistent ever since. Electoral considerations played a prominent role in popularizing concerns held by some key policymakers, but they did not bring them about. If this had been the main concern, the Schröder government should have changed course after the elec-

⁴ Cf. M. Hedstück, G. Hellmann, "'Wir machen einen deutschen Weg.' Irak-Abenteuer, das transatlantische Verhältnis und die Risiken der Methode Schröder für die Außenpolitik," <http://www.uni-frankfurt.de/fb03/prof/hellmann/mat/irak/pdf> [25.06.2003]; M. Walker, *The Winter of Germany's Discontent*, "World Policy Journal" 29(2002/03) 4, pp. 37–47; Ch. Hacke, *Deutschland, Europa und der Irakkonflikt*, "Aus Politik und Zeitgeschichte" B 24/25(2003), <http://www.bpb.de/files/H1H7MN.pdf> [03.07.2003], pp. 8–16.

⁵ Cf. M. Hedstück, G. Hellmann, "'Wir machen einen deutschen Weg.'...", op. cit., p. 2.

⁶ Cf. A. Dalgaard-Nielsen, *Gulf War: The German Resistance*, "Survival" 45(2003) 1, pp. 99–116; K. Larres, *Mutual Incomprehension: U.S.–German Value Gaps beyond Iraq*, "Washington Quarterly" 26(2003) 2, pp. 23–42.

⁷ A. Dalgaard-Nielsen, *Gulf War...*, op. cit., p. 101.

tions to mend fences with Washington or, at least, have been able to form a common European position.

Secondly, while Berlin’s opposition to military action against Saddam Hussein has been fairly consistent, it has neither been coherent nor as clear cut as the “cultural explanation” would have it. In March 2002, Chancellor Schröder suggested that Germany would probably back US military action in Iraq if there was a clear UN mandate. In December 2002, Foreign Minister Joschka Fischer, stated that US military action without a second Security Council resolution would be legitimate and in February 2003 Berlin supported a European Council Statement on Iraq which held that military action may be necessary as a last resort to enforce UN resolutions. Therefore, if there was a “German way” in the Iraq crisis, it should be considered a winding road between foreign expectations and domestic considerations.

The following paper argues that the early public opposition against military “adventures” in Iraq by Chancellor Schröder in September 2001 and the ensuing Iraq policy can be best understood when taking into account the domestic political consideration of preserving the Red-Green Government in the face of considerable opposition within the coalition government to foreign military interventions in general and early military action against Iraq in particular. Because he had had to link the decision that Germany participate in Operation Enduring Freedom against international terrorism, to a vote of confidence in order to sustain the government’s majority in the Bundestag, Chancellor Schröder felt compelled to rule out any further military adventures (even before the Bush administration had publicly committed itself to military action), because this could well have meant the end of his government.

In nuce, while electoral concerns and ideational factors can claim some explanatory reach, the Schröder government was bound by concerns for its political survival when it came to active participation in the war against the Iraqi regime and thus it failed to either promote a coherent European alternative to the Bush administration’s approach or consistent resistance to expectations from the coalition of willing for acquiescence. Instead, the Schröder government supported the US war effort indirectly by sending German “Fuchs” NBC reconnaissance vehicles to Kuwait (under the mandate of Operation Enduring Freedom), by allowing allied forces to use bases in Germany as staging areas for the war, by providing 3.500 additional German soldiers to guard US installations in Germany, and by sending Patriot missile defense systems/components to Israel and Turkey for defensive purposes against an Iraqi counterattack.

There are four parts to the analysis. The first covers the early phase of the German opposition from September 2001 to August 2002, the run up to the election. This chapter focusses on the reactive and ambivalent nature of the German stance, the first dispute within NATO on preemptive military action against Iraq in January and the Schröder-Bush Summit meeting in May. The second part discusses the electoral campaign dynamics as a factor in hardening the German opposition which led to a phase of vocal disagreement between Berlin and Washington (August 2002–January 2003). It shows the central dilemma in the Schröder government’s approach which appeared when the Bush administration decided to engage the UN Security Council in Septem-

ber 2002. By going through the UN, the Bush administration exposed the premature determination that German armed forces would not participate in military action against Iraq, even if the UN SC was to decide that force would be necessary to implement its former resolutions. The fourth part examines the phase from January 2003 to the outbreak of the hostilities on March 20th. During this period the Red-Green Government, still under constant pressure from its own parliamentary party, used a shift in French policy to form a common position with Russia to prevent a UN resolution which may have legitimized the use of force against the Iraqi regime. The last part summarizes the main claims of the paper and argues that Germany's policy vis-à-vis Iraq should not be viewed as a precursor to a radical shift in its non-proliferation policy or its relationship with the United States. It posits that Germany's foreign policy can still be best understood when taking foreign and domestic expectations into consideration, although the latter has gained in influence due to the fluidity in Germany's institutional environment.

1. Phase II: From “Rash No – To No Go”

In the 1980s German non-proliferation concerns towards Iraqi programs for weapons of mass destruction were subordinated to commercial and energy interests.⁸ Dozens of German corporations and medium-sized enterprises (as well as a host of British, French, Russian and American companies) exported sensitive technologies thereby supporting Saddam Husseins quest for nuclear, chemical and biological as well as advanced missile and artillery technology and its use in the Iran-Iraq war 1980–1988.⁹ Under intense pressure from Washington and Jerusalem, the Kohl government subsequently changed its lax export control policy after the Persian Gulf War and supplied chemical protection gear as well as Patriot Anti-Missile batteries to Israel. Furthermore, and in contrast to its strict export policy, Bonn also decided to help finance two submarines for the Israelian marine forces.¹⁰

The involvement in Iraqi programs for weapons of mass destruction resulted in the later 1990s in an effort by the German government to strengthen the international non-proliferation regime. Not only did Bonn become, one of the most ardent supporters of the Chemical Weapons Convention (CWC) but also assisted the UNSCOM mission by supplying equipment and personnel.¹¹ In early 1998, during the UNSCOM crisis fol-

⁸ Cf. J. Krause, *Strukturwandel der Nichtweiterverbreitungspolitik*, München 1998, p. 383.

⁹ Cf. A. Zumach, *Blühende Geschäfte. In sämtlich Rüstungsbereichen haben Firmen aus den ständigen Ratsländern Irak unterstützt*, “TAZ,” 19.12.2002, <http://www.taz.de/pt/2002/12/19a0076.nf/textdruck> [03.07.2003]; *Exklusiv: die geheime Liste der Waffenlieferanten – Saddams Geschäftspartner*, “TAZ,” 19.12.2002, [http://www.taz.de/pt/2002/12\(19/a0012.nf/textdruck](http://www.taz.de/pt/2002/12(19/a0012.nf/textdruck) [03.07.2003]; *Infobox*, “TAZ,” 19.12.2002, <http://www.taz.de/pt/2002/12/19/a0080.nf/textdruck> [03.07.2003].

¹⁰ Cf. K. Kaiser, K. Becher, *Deutschland und der Irak-Konflikt. Internationale Sicherheitsverantwortung Deutschlands und Europas nach der deutschen Vereinigung*, “Arbeitspapiere zur Internationalen Politik” 1992, no. 68, p. 33–36; H. Müller, *Bundesrepublikanische NV-Politik am Scheideweg?* (in:) C. Eisenbart, D. von Ehrenstein (ed.), *Nichtverbreitung und Nuklearwaffen – Krise eines Konzepts*, Heidelberg (FEST Reihe A 30), pp. 521–556.

¹¹ Cf. Bundestags-Drucksache 13/4450, 24. August 1996, Chapt. IV, *Abrüstung irakischer Massenvernichtungswaffenprogramme nach dem Golfkrieg*, <http://dip.bundestag.de/btd/13/044/1304450.asc> [02.07.2003], Chapt. IV, *Abrüstung irakischer Massenvernichtungswaffenprogramme nach dem Golfkrieg*.

lowing the expulsion of the inspectors from Iraq, German Foreign Minister Klaus Kinkel even went as far as calling on the Common Foreign and Security Policy (CFSP) of the European Union to consider (military) sanctions if the Iraqi regime did not adhere to the MOU negotiated with UN Secretary General Kofi Annan to bring the inspectors back in.¹²

In contrast to the Clinton administration however, which in December 1993 announced a counter-proliferation initiative that stressed the role of military force, the Kohl government issued a 10-point non-proliferation initiative that called for a strengthening of the non-proliferation regime through additional treaties and protocols, such as registers for nuclear weapons and plutonium.¹³ Friction between Germany and the United States increased due to Washington’s increased reliance on military force in Iraq, especially the enforcement of no-fly zones, which Germany considered to be outside the mandate of UN SC Res. 688.¹⁴ And yet, while France and Russia actively blocked a further “militarization” of the UNSCOM/UNMOVIC regime after 1998, Berlin remained neutral.¹⁵ The Kohl government, however, did support the Clinton administration in 1998 when the United States used pre-emptive military action against Al Qaeda in Sudan and Afghanistan in response to attacks against US embassies in Kenya and Tanzania earlier that year.¹⁶

The Red-Green Government, which came into power in October 1998, continued the course of the Kohl government in non-proliferation affairs as well as vis-à-vis Iraq. While Foreign Minister Joschka Fischer early on in his term called for a reconsideration of the first-use of nuclear weapons option within NATO’s military doctrine, non-proliferation issues and Iraq took a back seat. The new government voiced open scepticism towards US plans to resign from the ABM treaty and to build a Ballistic Missile Defense (BMD) system although it also pressed ahead with Medium Extended Air Defense System (MEADS), a smaller, regionally based anti ballistic missile system.¹⁷

¹² Cf. K. Raible (1998), *Völkerrechtliche Praxis der Bundesrepublik Deutschland 1998: XVII. Friedenssicherung und Kriegsrecht*, Max Planck Institut für ausländisches Öffentliches Recht und Völkerrecht, Heidelberg, http://www.mpiv-hd.mpg.de/de/Prax1998/pr98_50.cfm [24.06. 2003].

¹³ Cf. *Die deutsche 10-Punkte Initiative zur Nichtverbreitungspolitik vom 15.12.1993* (in:) Presse- und Informationsamt der Bundesregierung (ed.), *Bericht zur Rüstungskontrolle und Abrüstung 1993*, Bonn 1994, pp. 147–173.

¹⁴ Cf. Ch. Gray, *From Unity to Polarization: International Law and the Use of Force against Iraq*, “European Journal of International Law” 13(2002) 1, pp. 1–20 (9–10); J. Frowein, *Unilateral Interpretation of Security Council Resolutions – a Threat to Collective Security?* (in:) V. Götze, P. Selmer, R. Wolfrum, *Liber amicorum Günther Jaenicke – Zum 85. Geburtstag*, 1998, pp. 97, 101f.; *Völkerrechtliche Praxis der Bundesrepublik, MPI Heidelberg, Tätigkeitsbericht für das Jahr 1999*, Pkt. 11: Einseitige Durchsetzung und Staatengemeinschaftsinteressen: Kosovo, Irak und der Sicherheitsrat, http://www.virtual-institute.de/de/Taet1999/tat99_13.cfm [03.07.2003].

¹⁵ Cf. Schriftliche Fragen mit den in der Woche vom 8. Dezember 1997 eingegangenen Antworten der Bundesregierung, BT-Drs. 13/9392, pp. 1ff.

¹⁶ Cf. O. Meier (2001), *A Civilian Power caught between the lines: Germany and nuclear non-proliferation* (in:) S. Harnisch, H. W. Maull (eds.), *Germany as a Civilian Power? ...*, op. cit., pp. 68–87 (74).

¹⁷ Cf. E. Lose, *Der außenpolitische Blick schweift nun über Europa hinaus*, “Frankfurter Allgemeine Zeitung (FAZ),” 17.02.2001; J. Krause, O. Thränert, *Raketabwehr und nukleare Abrüstung gehören zusammen*, “FAZ,” 14.02.2001; C. Grand, *Missile Defense: The View From the Other Side of the Atlantic* (in:) *Arms Control Today Online* (September 2000), http://www.armscontrol.org/act/2000_07-08/2000_09/grandsept00.asp [18.06.2003].

The terror attacks of September 11th 2001, considerably shifted the threat perceptions in Germany, but these did not result in a similar change of course in non-proliferation. In the 2001 Report on Disarmament (Abrüstungsbericht) the threat by terrorist groups and the proliferation of weapons of mass destruction took center stage and thus a vigorous effort in disarmament, arms control and non-proliferation policy was called for. But when it came to Iraq, the report did not mention its WMD programs in the section on worldwide and regional proliferation concerns (p. 19) but stated in a later section that the status of disarming Iraq had remained unchanged after the eviction of the UNSCOM inspectors in 1998.¹⁸ Whereas the German Foreign Intelligence Agency (BND) in 1999 had found that a revival of Iraqi WMD programs was likely after the UNSCOM inspectors had been expelled and that several questions remained open concerning the biological and chemical weapons program,¹⁹ the 2001 report did not sense any necessity for a German or European initiative but reflected upon the “difficult consensus finding process” in the UN Security Council. Thus, Foreign Minister Fischer ruled out any military action against Iraq when he met UN Secretary General Annan in March 2001.²⁰

1.1. Unconditional solidarity against terrorism but no military adventures in Iraq

Despite recent accounts that stress the proactive und uncompromising character of the German stance, Berlin’s Iraq policy remained reactive until the August 2002 election campaign. In the immediate aftermath of the September 11th attacks on New York and Washington, Chancellor Schröder stated Germany’s “unconditional solidarity” (September 19th 2001) with the United States in the fight against international terrorism. However, Schröder also hinted that there would be no participation in any foreign “adventures.” In addition, he stressed that any military action within the framework of the North Atlantic Alliance required advance consultations.²¹

“Naturally: Every right corresponds with a duty. But this, of course, also applies the other way around, which means information and consultation. What do we want to achieve as Germans and Europeans: unlimited solidarity with the United States in all necessary measures. Risk, including military, will be shared by Germany but she is not prepared for for adventures. These are not asked for by the American administration, because of its

¹⁸ Cf. *Bericht der Bundesregierung zum Stand der Bemühungen um Abrüstung, Rüstungskontrolle und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotenziale (Jahresabrüstungsbericht 2001)*, <http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/publikationen/jab2001.pdf> [18.06.2003], pp. 7, 31.

¹⁹ Cf. Bundesnachrichtendienst, *Proliferation von Massenvernichtungsmitteln und Trägerraketen* (Oktober 1999) Pullach, pp. 28–31.

²⁰ *Statement by Joschka Fischer, German Minister of Foreign Affairs Meeting with Kofi Annan, UN Secretary General*, 4 March 2001 (Excerpts), <http://www.iraqwatch.org/government/Germany/germany-mfa-iraq-3-4-01.htm> [26.06.2003].

²¹ In the Ottawa Declaration (19.06.1974) NATO partners codified a general consultation clause for (military) actions outside the alliance geographic scope.

considerate position after the attacks, and they they will certainly not be asked for in the future.”²²

This early statement, however, reflected the rapidly emerging post-9/11 debate in the United States on broadening the war on terrorism.²³ Right after the attacks US Deputy Secretary of Defense Paul Wolfowitz had argued that both within the administration and publicly, that the war on terrorism must not be unduly restricted:

“It’s not just simply a matter of capturing people and holding them accountable, but removing the sanctuaries, removing the support systems, ending states supporting terrorism.”²⁴

When Foreign Minister Fischer met with Wolfowitz on September 19th 2001, the Undersecretary informed Fischer that the Pentagon had plans to act militarily against Iraq after the Taliban regime had been dealt with.²⁵

In the fall and winter of 2001, there were clear domestic limits to the extension of the war on terrorism to other regions. When the Red-Green Government brought the necessary mandate for German military participation in “Operation Enduring Freedom” to a vote in the Bundestag, the coalition fell short by several votes because 28 members of both the Social Democratic and the Green party threatened to vote against the bill. Subsequently, the Chancellor invoked the vote of confidence procedure, thereby putting extreme pressure on the dissidents, but still several of them decided to stick to their principled opposition against “the militarization of the fight against terrorism.”²⁶ In order to gain as much support as possible from the parliamentary party, the government’s bill proposal included a clear restriction of the geographic scope of the mandate for German Forces in Operation Enduring Freedom.

“German forces will participate in missions against international terrorism outside Afghanistan only with the consent of the governments concerned.”²⁷

²² Cf. *Regierungserklärung von Bundeskanzler Gerhard Schröder vor dem Deutschen Bundestag zu den Anschlägen in den USA, am 19. September 2001*, “Stichworte zur Sicherheitspolitik,” September 2001, <http://www.bundesregierung.de/Anlage255644/September+2001.pdf> [02.07.2003], p. 16.

²³ Cf. M. Naumann, *Ein Krieg Wider Willen. Mit Amerika gegen den Terrorismus, aber nicht gegen den Irak. Die deutsche Bündnistreue hat ihre Grenzen*, “Die Zeit” 46(2001), http://www.zeit.de/2001/46/Politik/200146_1_leiter.html [18.06. 2003].

²⁴ Cf. B. Woodward, *Bush At War*, New York 2002, pp. 49, 60 (citation).

²⁵ Cf. G. Hofmann, *Der lange Weg zum lauten Nein*, “Die Zeit” 05(2003), <http://www.zeit.de/2003/05/Hofmann> [19.06. 2003]; Even before Chancellor Schröder, the British Prime Minister Tony Blair had declared that Britain would not participate in military action against Iraq, *ibid*.

²⁶ Cf. S. Harnisch, W. Brauner, *The German Response to the September 11th Terrorist Attacks: A Shift in the Domestic Political Debate and Party Politics?*, “German Foreign Policy in Dialogue” 2(2001) 5, <http://www.deutsche-aussenpolitik.de/publications/newsletter/issue5.html#shift> [10.06. 2003]; a detailed account of this episode provides: G. Hofmann, *Kanzlers Wende. Vom Moderator zum Eisernen Kämpfer – Tagebuch einer Krise*, “Die Zeit” 47(2001), http://www.zeit.de/2001/47/Politik/200147_krise.html [18.06.2003].

²⁷ *Einsatz bewaffneter deutscher Streitkräfte bei der Unterstützung der gemeinsamen Reaktion auf terroristische Angriffe gegen die USA auf Grundlage des Art. 51 der Satzung der Vereinten Nationen und des Art. 5 des Nordatlantikvertrags sowie der Resolutionen 1368 (2001) und 1373 (2001) des Sicherheitsrats der Vereinten*

Opposition parties – with the exception of the Party of Democratic Socialism, the former SED – supported this solidarity course in general and the troop deployment to Afghanistan in particular, but they voted against the bill in order to preserve the chance of toppling the governing coalition.²⁸ In November, Foreign Minister Fischer, again stressed the sceptical view of the coalition during the debate on the budget, adding that Germany was not alone in its opposition to an extension of the war on terrorism to Iraq:

“We know, for example, the European discussion on Iraq differs substantiately from the US debate – which is controversial too. Europeans totally agree, to put it diplomatically, that they view an extension [of the war on terrorism, S. H.] to Iraq with utmost scepticism.”²⁹

1.2. NATO’s war scenario (CMX 02): preemptive military action against Iraq?

If there had been any doubt that Germany and its main ally were on a collision course, the NATO “Crisis Management Exercise 2002” (CMX02) in January 2002 brought these differences to the fore. The war scenario, with all 19 member states as well as SACEUR and SACLANT involved, depicted Turkey and “Amberland” approaching military conflict due to a dispute on the oil-rich territory of “Oilia” (which closely resembles the Midyat Batman region on the Turkish-Iraqi border). Part of the scenario was the inadvertent airing of biological weapons agents, which were threatening NATO forces in Turkey and the presumed launch of other weapons of mass destruction in the case of war.³⁰ It appeared that the Alliance could not reach a *consensus* on the preferred course of action and had to end the exercise early. The United States and Turkey pushed for preemptive strikes against WMD (even without a UN Security Council mandate) whereas the German government together with France and Spain pleaded for deterrence through a public declaration of the use of massive force in the event of an attack.³¹

Thus, the Schroeder government stuck to its (former) interpretation of Article 31 of the NATO-Strategy (Washington Summit 1999), which links the use of NATO’s

Nationen (Antrag der Bundesregierung vom 7. November”) (in: “Stichworte zur Sicherheitspolitik,” November 2001, <http://www.bundesregierung.de/Anlage256835/November+2001.pdf> [02.07.2003], pp. 2–6 (5).

²⁸ Cf. Rede des Fraktionsvorsitzenden der CDU/CSU, Friedrich Merz, in der Bundestagsdebatte vom 16.11.2001, *Plenarprotokoll der 202. Sitzung des Deutschen Bundestages*, <http://www.bundestag.de/plenar-geschehen/pp/2001/140202a.zip> [02.07.2003].

²⁹ Cf. Rede des Bundesministers des Auswärtigen, Joschka Fischer, vor dem Deutschen Bundestag im Rahmen der Haushaltsdebatte am 28. November 2001 (Auszug) (in: “Stichworte zur Sicherheitspolitik,” November 2001, <http://www.bundesregierung.de/Anlage256835/November+2001.pdf> [02.07.2003], Nov. 2001, p. 22.

³⁰ Cf. B. Vestring, *Der simulierte Krieg*, “Berliner Zeitung,” 13.09.2002; <http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2002/0913/politik/0049/index.html?keywords=Simulierter%20Krieg;ok=OK%21;match=strict;author=Vestring;ressort=;von=;bis=;mark=krieg%20simulierter;start=60> [23.06.2003]; A. Monaco, S. Riggie, *NATO Squares Off with Middle East Foe: Threat of WMD Challenges Alliance*, “NATO Notes” 4(2002) 2, pp. 1–2; *Irakkrieg: NATO-Generalprobe CMX02 gescheitert*, “ami” 32(2002) 10, pp. 35–43.

³¹ Cf. A. Monaco, S. Riggie, *NATO Squares Off with Middle East Foe...*, op. cit., p. 1.

crisis reaction forces to a clear mandate under international law.³² A NATO official made the following comment on the premature end to the manoeuvre:

“This game has been far too close to the reality. Decision made during the exercise may have set a precedence for the reality, but at this point no nation wanted to come clear on this and let others know how they would decide.”³³

1.3. The Munich Security Conference 2002

In the aftermath of President Bush’s State of the Union address 2002, in which he counted Iraq as a member state of the “axis-of-evil” against which the United States would have to act to prevent it from threatening the US and its allies the transatlantic divide on Iraq spread into the public. At the 38th Security Conference in Munich, Deputy Secretary of Defense Wolfowitz stated that the US was (still) at war after the September 11th attacks and that the new threats meant that Washington had to act preventively and “to take the war to the enemy.”³⁴ Senator John McCain proclaimed, that the 9/11 attacks had unified decision makers from all parties in the belief that Washington already possessed a mandate for worldwide action against terrorists and states that support or harbor them. He specifically mentioned Iraq when talking about where the next front line may be:

“A day of reckoning is approaching. Not simply for Saddam Hussein, but for all members of the Atlantic Community, whose governments face the choice of ending the threat we face every day from this rogue regime or carrying on as if such behavior, in the wake of September 11th, were somehow still tolerable.”³⁵

In contrast to the American participants, German defense minister Rudolf Scharping stated there were no concrete plans for military action against Iraq and he added that it would be naive to think that European societies would support military action. Only if several conditions were met: a clear mandate under international law, a clear role for the United Nations as well as a multinational political and military approach, publics in Europe may be persuaded.³⁶ In an interview with “Newsweek” Chancellor Schroeder

³² The Alliance’s Strategic Concept, Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999, <http://www.nato.int/docu/pr/1999/p99-065e.htm> [03.07.2003].

³³ Cited in: B. Vestring, *Der simulierte Krieg*, “Berliner Zeitung,” 13.09.2002.

³⁴ Remarks of Deputy Secretary of Defense Paul Wolfowitz, 38th Munich Conference on Security Policy, Munich, Germany, February 2, <http://www.usembassy.de/consular/munchen/speeches/wolfowitz2002.htm> [23.06.2003].

³⁵ Cf. *From Crisis to Opportunity: American Internationalism and the New Atlantic Order*, Remarks by Senator John McCain, 38th Munich Conference on Security Policy, Munich, February 2, 2002, <http://www.usembassy.de/consular/munchen/speeches/mccain2002.htm> [23.06.2003].

³⁶ Cf. Rede von Bundesverteidigungsminister Scharping auf der Münchener Sicherheitskonferenz 2002, 3.02.2002, http://www.securityconference.de/konferenzen/rede.php?menu_2002=&menu_konferenzen=&sprache=de&id=88 [23.06.2003].

declared that he did not expect any unilateral action by the Bush administration but a close cooperation with moderate Muslim states to uphold the “alliance against international terrorism.” An unnamed German official suggested that hardliners in Washington regularly dominated the public discourse but in practical politics moderates, such as Secretary of State Colin Powell, still prevailed.³⁷

During this period, the Schröder government obviously tried to send cooperative signals to moderate policy makers in Washington while hedging against an American course of action that would create problems within the coalition government. Part of this strategy was the offer to send German NBC reconnaissance vehicles to Kuwait under the mandate of Operation “Enduring Freedom” in February 2002.³⁸ While Foreign Minister Fischer made it clear that the circumscribed parliamentary mandate for Operation Enduring Freedom did not cover any participation of the Fuchs reconnaissance vehicles in contingencies involving military action in Iraq,³⁹ Chancellor Schröder declared that the Fuchs vehicles would not be withdrawn in the case of a war in Iraq, because otherwise “no German Chancellor would need to go to Washington for the next 50 years.”⁴⁰ In “private discussions” in early March with several intellectuals (that where leaked to the public at the time) Schröder went even further and suggested that he would not rule out any (political or military) support for military action if there was a clear UN Security Council mandate for this.⁴¹

1.4. A shut mouth catches no flies: The Schröder–Bush Summit

The widening transatlantic gap on Iraq was also the main issue at the summit talks when President Bush visited Berlin on May 23rd 2002. Both, the President and the Chancellor obviously agreed to keep the issue out of the headlines: the Red-Green Government would not speculate in public on American contingency planning on Iraq and the Bush administration would consult Berlin before making the final decision.⁴² If this understanding contained a specific time frame and commitment under which the Bush administration would not request any German support for military action before the federal election in September and Schröder would not make the war a campaign issue, remains unclear.⁴³ It would however explain the kind of personal alienation between the Chancellor and the President that occurred later in the year.

³⁷ Cf. P. Dausend, *Grüne wollen ein ‘Abenteuer Irak’ nicht unterstützen*, “Die Welt,” 05.02.2002, <http://www.welt.de/daten/2002/02/05/weitereartikel> [23.06.2003].

³⁸ Cf. K. Feldmeyer, *Aufgedrängte Füchse*, “FAZ,” 12.06.2003.

³⁹ Cf. Rede von Bundesaußenminister Fischer zur USA–Irak Problematik vor dem Deutschen Bundestag 22.02.2002, http://www.auswaertiges-amt.de/www/de/infoservice/ausgabe_archiv?archiv_id=2725&type_id=3&bereich_id=0 [23.06.2003].

⁴⁰ Cf. Feldmeyer, *Aufgedrängte Füchse*, “FAZ,” 12.06.2003.

⁴¹ Cf. G. Hofmann, *Der lange Weg zum lauten Nein*, “Die Zeit,” 05 (2003), <http://www.zeit.de/2003/05/Hofmann> [19.06.2003].

⁴² Cf. Remarks by President Bush and Chancellor Schroeder of Germany in Press Availability Kanzleramt, Berlin, May 23, 2002, <http://www.whitehouse.gov/news/releases/2002/05/print/20020523> [26.06.2003].

⁴³ Cf. H. Mey, *European Unification and Transatlantic Relations: A View from Germany*, <http://www.fpri.org/www/0403.200306.meyhay.europeanunification.html> [26.06.2003].

In July 2002, it became clear that both Washington and Berlin were not really committed to keeping the Iraq issue out of the election campaign. Already on June 1st President Bush had laid out the principles of a new US National Security Strategy in a commencement speech at West Point. The new strategy, which was formally made public in September, featured prominently preemptive military action against the proliferation of weapons of mass destruction in member states of the “axis of evil.”⁴⁴ In the first weeks of July both the Washington Post and New York Times reported comprehensive and detailed plans for military action against Iraq⁴⁵ so that William Pfaff opined that European nations should stick to their opposition against US war plans. This opposition would save rather than destroy NATO because it would rebalance the Alliance.⁴⁶ At the end of July several Congressional hearings dealt with the leaked Pentagon planning for Iraq with senators from both parties urging caution.⁴⁷ With the German government still keeping its head down at the end of July, top US military officials voiced scepticism over the wisdom of military action: no military action was necessary because the strategy of containment was still working, so that Iraq posed no immediate threat to the United States or its neighbors.⁴⁸

The Schröder government remained cautious when a US inquiry for military support in the case of action against the Hussein regime became known: as long as there was no specific request from Washington, a Berlin spokesperson stated, there was no need for a decision.⁴⁹ At the German French summit meeting in Schwerin, both Chancellor Schröder and France’s President Jacques Chirac declared that any military action in Iraq would require previous UN Security Council legitimization.⁵⁰

Thus, at the end of phase one it remained unclear under which specific conditions US military action or German support/opposition would take place. Rumours, such as British Prime Minister Blair and President Bush had already agreed in Spring 2002 to act militarily against Iraq nurtured critical assessments in the German political class. In one widely noticed Op-Ed for the liberal weekly “Die Zeit” former Chancellor Helmut Schmidt wrote that the Bush-Administration was not really interested in a UN mandate for action against Iraq and that allies had to point out the risks of its policies to the administration.⁵¹ Parallel, on the other side of the Atlantic the Washington Times

⁴⁴ Cf. Remarks by President Bush at 2002 Graduation Exercise of the United States Military Academy, West Point, June 1 2002, <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html> [29.06. 2003].

⁴⁵ Cf. E. Schmitt, *U.S. Drafting 3-front attack against Iraq*, “IHT,” 6.–7.07.2002; idem, *U.S. considers Jordan as a base for staging attacks on Iraq*, “IHT,” 11.07.2002.

⁴⁶ Cf. W. Pfaff, *NATO’s Europeans could say ‘no,’* “IHT,” 25.07.2002.

⁴⁷ Cf. “Hearings To Examine Threats, Responses and Regional Considerations Surrounding Iraq,” Hearings before the Cmte. on Foreign Relations, US Senate, 107th Congr., 2nd sess., July 31, August 1 2002, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_senate_hearings&docid=f:81697.pdf [26.06.2003]; B. Knowlton, *Senators urge care on Iraq War Plans*, “IHT,” 01.08.2002; for further military plans leaked to the press: E. D. E. Sanger, T. Shanker, *U.S. Weighs cutting off Iraq Leaders in first hit*, “IHT,” 30.07.2002.

⁴⁸ Cf. T. E. Ricks, *Top Brass express doubts on Bush’s Iraq plan*, “IHT,” 29.07.2002.

⁴⁹ Cf. *Bundeswehr gegen Saddam Hussein?*, “Der Spiegel” (2002)31, pp. 20–21; *USA fordern Zusagen von Europäern*, “Die Berliner Zeitung,” 27.07.2002.

⁵⁰ Cf. *UN must sanction Iraq strike*, “The Guardian,” 31.07.2002.

⁵¹ Cf. H. Schmidt, *Europa braucht keinen Vormund*, “Die Zeit,” 01.08.2002.

opined that even a further blockade of the inspections by Iraq would not convince the Red-Green Government that military action was necessary.⁵²

In sum, in the first phase the Iraq debate on both sides of the Atlantic was characterized by a strong domestic bias and through a lack of any serious consideration of a renewed and reinvigorated inspection process: in Germany a consensus emerged that pre-emptive (military) action against terrorists with a UN mandate was acceptable, but this consensus did not include pre-emptive military action against (potential) weapons of mass destruction in member states of the “axis of evil.” Hence, the Schröder government opposed a “silent extension” of the NATO mission spectrum with respect to the proliferation of weapons of mass destruction, in particular in Iraq. In contrast, the Bush administration, starting with State of the Union address in January and repeated in several strategic documents in 2002, openly argued for military action against the “axis of evil,” pre-emptively or otherwise. In the American Iraq debate, the question of WMD played an important but not a decisive role since different policymakers favored military action for different reasons.⁵³

1.5. Phase II: The instrumentalization of the Iraq question in the election campaign

In this situation the party council of the SPD decided on August 1 to start the final phase of the reelection campaign earlier than planned due to deteriorating public opinion polls.⁵⁴ Franz Müntefering, the party’s General Secretary, took the helm as election campaign manager and proposed a new campaign concept “the German Way,” which initially had a domestic focus and was meant to preserve and reform the German “Sozialstaatsmodell.” Before the discussion of the foreign policy agenda in the campaign Chancellor Schröder left the party board meeting and gave a television interview. Asked how the SPD would try to improve their reelection chances, the Chancellor repeated the central points of his party’s agenda but added ominously: “We have alarming news from the Middle East. There is talk of a war.” While Germany would act in solidarity with its allies, the Chancellor said, “it would not participate in any adventures (Abenteuer).” He also added: “This will certainly be a topic in the election campaign.”⁵⁵ Schröder repeated this position in his first major campaign speech in Hannover, but without linking the Iraq statement to the campaign concept “the German Way.”⁵⁶ In the following weeks only Franz Müntefering spoke of the German Opposition to military action against Saddam Hussein as part of

⁵² Cf. *Germany, reality and Saddam*, “Washington Times,” 27.07.2002.

⁵³ Cf. P. Gordon, *Iraq: the transatlantic debate*, “ISS Occasional Paper” No. 39/2002), <http://www.iss-ue.org/occasion/occ39.pdf> [02.07.2003]; A. Prados, *Iraq: Divergent Views on Military Action* (RS 21325), CRS-Report for Congress Updated March 31, 2003, <http://fpc.state.gov/documents/organization/19443.pdf> [03.07.2003].

⁵⁴ Cf. *Jetzt wird geholt*, “Der Spiegel” (2002) 33, pp. 22–25.

⁵⁵ Cited after J. Rieker, *Schröder und der Irakkrieg*, “Neue Gesellschaft/Frankfurter Hefte” 49(2002) 12, pp. 717–719.

⁵⁶ Cf. Rede von Bundeskanzler Gerhard Schröder am 05.08.2002 in Hannover, http://www.spd-stormarn.de/wahlen/btw2002/wk_start020805.htm [02.07.2003].

a “German Way,” but this fact was missed in most press reports. In September, the SPD further distanced itself from the US position, when Chancellor Schröder, after the speech by Vice President Dick Cheney, criticized the Bush administration for shifting (common) policy goals vis-à-vis Iraq from WMD disarmament to regime change.⁵⁷ In an interview with the magazine “Stern” Schröder elaborated his position by saying that Germany, under his leadership would not participate in a military intervention in Iraq and that the coming election would not change his stance. SPD-Secretary General Müntefering stressed that the Chancellor’s No was definite: “We should not participate in any case.” “The UN will not decide,” Müntefering added, “that all nations of the world will march there.”⁵⁸

The governing parties further strengthened their opposition vis-à-vis Washington in the heated end phase of the election campaign. On August 11 the new Defence Minister Peter Struck said, picking up on a theme Helmut Schmidt had introduced into the debate, that the Federal Republic was not a “charge of the United States.”⁵⁹ The anti-American rhetoric peaked when German Justice Minister Herta and Paul Amirian suggested that President Bush was instrumentalizing the Iraq war to distract attention from the worsening economic situation in the US. A tactic, Ms. Däubler-Gmelin added, that had also been used by “Adolf Nazi.”⁶⁰ The Bush administration, reacted, understandably, with indignation and declared that this lapse was far beyond acceptable limits. A personal letter from Chancellor Schröder, who obviously misread the situation, did not mend fences in Washington so that American-German relation took a first serious blow.⁶¹

In comparison to the Social Democrats, the Green party, led by Foreign Minister Fischer, stressed security arguments in its sceptical assessment of military options in Iraq.⁶² Fischer did not use the metaphor “the German Way” as used by some SPD officials, but focussed on the lacking necessity and risks of a military intervention in Iraq. In an interview with the liberal daily “Süddeutsche Zeitung” on August 7th Fischer argued that Saddam Hussein was a tyrannical dictator, but that the present containment strategy was working. The biggest threat, Fischer continued, was posed by Islamic terrorism and international networks such as Al Qaeda. Since there was no proof of a direct link between Bin Laden’s group and Iraq no immediate military action was needed. The second biggest concern was the conflict in the Middle East that could not be resolved without close international cooperation with Muslim countries. These two

⁵⁷ Cf. S. Erlanger, *Schroeder cautions Bush on ‘big mistake’ over Iraq*, “IHT,” 05.09.2002.

⁵⁸ Cf. *Kein Krieg, keine Waffen, kein Geld*, “Spiegel Online,” 10.09.2002, <http://www.spiegel.de/politik/deutschland/0,1518,213296,00.html> [23.09.2002].

⁵⁹ Cf. *Kritik an Schröders Irak-Äußerungen*, “FAZ,” 12.08.2002.

⁶⁰ Cf. N. Busse, *Die Entfremdung vom wichtigsten Verbündeten. Rot-Grün und Amerika* (in:) H. Maull, S. Harnisch, C. Grund (eds.), *Deutschland im Abseits. Rot-Grüne Außenpolitik 1998–2003*, Baden-Baden 2003, p. 28.

⁶¹ Cf. *Der Brief des Kanzlers besänftigt US-Präsident Bush nicht*, “Frankfurter Rundschau,” 23.09.2002.

⁶² Still, a majority in the Green Party was highly sceptical of the Bush administration’s Iraq policy, cf.: <http://www.gruene-linke.de/aussenpolitik/irak/> [02.07.2003].

conflicts required utmost attention. Opening a “third front” would certainly interfere with efforts in resolving the former.⁶³

Fischer called for a “European Way” which had to include a reintroduction of UN weapons inspectors through direct talks between the Iraqi government and UN Secretary Annan. In addition, progress had to be made in the conflict between Israel and Palestine for which a strong US input was needed. Anti-American statements were inadequate and particularly unhelpful.⁶⁴ On August 15th Fischer declared that in the case of clear proof that Iraq had provided terrorists with WMD’s, this would change the whole situation. Obviously, he added, this was not the case at the time.⁶⁵ Parts of the oppositional Christian Democratic Party (CDU) mirrored Fischer’s position but were more concrete in terms of a German military contribution to a UN mandated intervention. Wolfgang Schäuble, the CDU’s grey eminence in foreign and security affairs, denounced Chancellor Schröder for irresponsibly proclaiming a “German Way” which had isolated the country.⁶⁶ Instead Schäuble pleaded for the commitment of German troops if there was a UN Security Council resolution legitimizing military action.

“We want that mandates of the United Nations to be implemented and if there is a United Nations decision no one can stand aside.”⁶⁷

The Christian Social Union in Bavarian and their candidate, Edmund Stoiber, held a considerably more sceptical view. However, when the governing coalition gained in public opinions – especially after Vice President Cheney’s speech at the end of August – the CSU position drew nearer to that of Chancellor Schröder. On August 27th 2002 Stoiber warned the Bush administration in public that unilateral action without consultation and a UN mandate was not compatible with the UN Security Council’s monopoly on legitimate decisions and actions.⁶⁸ Michael Glos, leader of the CSU group in the Bundestag declared, mirroring Schröder’s earlier rhetoric, that Germany was not prepared to participate in any “adventures in Iraq.”⁶⁹

⁶³ Cf. Remarks by Joschka Fischer, German Foreign Minister, August 7, 2002 (Excerpts), <http://www.iraqwatch/government/Germany/germany-mfa-fischer-080702.htm> [23.06.2003]; Deutschlandfunk-Interview with Joschka Fischer, German Foreign Minister, August 28 2002, <http://www.iraqwatch/government/Germany/germany-mfa-fischer-082802.htm> [22.06.2003].

⁶⁴ Cf. Interview with Joschka Fischer, German Foreign Minister (Excerpts), August 10, 2002, <http://www.iraqwatch/government/Germany/germany-mfa-fischer-081002.htm> [22.06.2003].

⁶⁵ Cf. Interview with Joschka Fischer, German Foreign Minister (Excerpts), August 15, 2002, <http://www.iraqwatch/government/Germany/germany-mfa-fischer-081502.htm> [23.06.2003].

⁶⁶ Cf. W. Schäuble, *Heuchelei der SPD nützt Iraks Diktator Saddam*, “Die Welt,” 06.08.2002, <http://www.welt.de/daten/2002/08/06/0806de348939.htm?search=Sch%E4uble+Interview+Irak&searchHILI=1> [03.07.2003].

⁶⁷ Cf. W. Schäuble, *Interview mit dem Deutschlandfunk*, 20.09.2002, <http://www.wolfgang-schaeuble.de/interviews/deutschlandfunk-020920.pdf> [02.07.2003].

⁶⁸ Cf. *Auch Stoiber auf deutschem Weg*, “Spiegel Online,” 28.08.2002, <http://www.spiegel.de/politik/ausland/0,1518,211356,00.html> [30.06.2003].

⁶⁹ Cf. P. Schwarz, *Union sagt Nein zum Irakkrieg*, “TAZ-Online,” 17.08.2002, <http://www.taz.de/pt/2002/08/17/a0085.nf/text> [30.06.2003].

In comparison to the other parties the Liberal Free Democratic Party took a middle position. On the one hand the FDP criticized the SPD sharply for the “German Way” rhetoric in combination with the Iraq issue, claiming that it would not only isolate Germany, but also harm further European integration.⁷⁰ On the other hand, the liberals called on the Bush administration (and the Schröder government) to act exclusively through the United Nations in order to strengthen the international rule of law.

“With regard to an intervention in Iraq and its unknown effects utmost attention must be paid to the compliance with international law. This requires the indispensable preservation of the monopoly of the United Nations for the use of force. Questionable reinterpretations or interpretations of former UN resolutions are inadmissible from a liberal point of view.”⁷¹

1.6. “Participation in war: no; Alliance preservation: yes”⁷²

After successful reelection in September, the Schröder government made an effort to improve the relationship with the Bush administration, but without any significant change in its position on military intervention. Hence, the Chancellor welcomed the decision by the Administration to seek a UN Security Council Resolution.⁷³ But Foreign Minister Fischer stressed that this Security Council Resolution should not contain any mechanism that would justify immediate military action in the case of Iraqi non-compliance (Two-resolution approach).⁷⁴ On September 27, Fischer also restated the earlier position that Germany would not participate in a military intervention even if there was a clear UN mandate for military action.⁷⁵

At the same time Berlin actively sought to bring about a consensual statement on Iraq at the NATO Summit in Prague in November. NATO nations agreed that Iraq may face serious consequences if it did not completely and verifiably implement UN SC Res. 1441.⁷⁶ Thus, the Red-Green Government relied upon the US and Great Britain to apply military pressure but it also started initiatives to improve relations with Washington. After the Iraqis accepted further UNMOVIC inspections the federal govern-

⁷⁰ Cf. W. Gerhardt, *Der Irak und der ‘deutsche Weg*, “Liberal” 44 (Dezember 2002), pp. 39–43 (39).

⁷¹ *Ibidem*.

⁷² Cf. Interview von Bundesaußenminister Fischer mit der Frankfurter Rundschau vom 13.12. 2002 (Auszüge), http://www.auswaertiges-amt.de/www/de/infoservice/presse/presse_archiv?archiv_id=3866 [02.07.2003].

⁷³ For the decision of the President to engage the UN, after intense consultations with both Colin Powell and Condoleezza Rice: B. Woodward, *Bush at War*, op. cit., pp. 331–334; for the German reaction: Rede des Bundeskanzlers vom 13. September 2002, <http://www.bundesregierung.de/rede,-440810/Rede-von-Bundeskanzler-Schroed.htm> [30.06.2003].

⁷⁴ Cf. die Äußerung Joschka Fischers am 18. September 2002 im Fernsehsender ntv: Schröder: Chance für eine kooperative Neuordnung im Nahen Osten jetzt nutzen, <http://www.bundesregierung.de/Nachrichten-417.439497/Schroeder-Chance-fuer-eine-koo.htm> [02.07.2003].

⁷⁵ Cf. Interview with Joschka Fischer, German Foreign Minister, September 27, 2002, <http://www.iraqwatch/government/Germany/germany-mfa-fischer-092702.htm> [30.06.2003].

⁷⁶ NATO Prague Summit Declaration, November 21, 2002, <http://www.nato.int/docu/pr/2002/p02-127e.htm> [02.07.2003].

ment immediately offered German experts help in the hunt for weapons.⁷⁷ At the end of September Foreign Minister Fischer declared that Germany may participate in a post-war UN mandated force although it still opposed a military intervention in the first place.⁷⁸ On November 15th Parliament extended the mandate for the German contingent for Operation Enduring Freedom including the NBC reconnaissance unit in Kuwait.⁷⁹ In addition, the Federal government, in spite of concerns of several members of the governing coalition who deemed this would violate international and German constitutional law granted transit rights for German territory and air space as well as rights for the use of US installations in the case of military intervention.⁸⁰ Chancellor Schröder promised to protect US military installations with a Bundeswehr contingent (3,500 soldiers) but he rejected the expansion of the operational scope of the NBC unit to Iraq. Upon request, Berlin also provided Patriot missile batteries to Israel.⁸¹

The Red-Green Government also adapted its policy position in two other questions addressing US expectations. First, in the run-up to the EU Summit in Copenhagen, Berlin pushed for a clear signal to Turkey for a membership perspective.⁸² Secondly, at the Warsaw NATO Ministerial Meeting, German Defense Minister Struck offered that Germany and the Netherlands would take on the role as lead nations for the ISAF mission in Afghanistan.⁸³

In sum, it appears that the Red-Green Government stuck to its former threat assessment also in the second phase. It even ranked the Iraqi issue considerably lower than the risks involving the conflict in the Middle East, between India and Pakistan and international terrorism. The early and increasing opposition to a US military intervention in Iraq was obviously based on two assumptions: first, that the Bush Administration would not be able to produce enough counter arguments to German scepticism and secondly, that the US would not act through or at least in accordance with the United Nations. This, seemed to have been in consensus with large segments of German society which viewed the vocal opposition by “their Government” as legitimate. From this perspective it was the Bush Administration that had showed little respect for common values, i.e. not acting according to international law, and not the German government. The governing parties, especially the leadership of the SPD used this

⁷⁷ Cf. Presse- und Informationsamt der Bundesregierung, Pressemitteilung Nr. 488 vom 17.09.2002, Bundeskanzler Schröder: Großer Verhandlungserfolg für UN-Generalsekretär Annan, <http://www.bundesregierung.de/pressemitteilung,-439676/Bundeskanzler-Schroeder-Grosse.htm> [30.06.2003].

⁷⁸ Cf. *Bagdad-Debatte: Berlin dreht bei*, “FAZ,” 26.09.2002.

⁷⁹ Cf. *Einsatz der Bundeswehr innerhalb von “Enduring freedom” um ein Jahr verlängert*, 15.11.2002, <http://www.bundesregierung.de/artikel,-447590/Einsatz-der-Bundeswehr-innerha.htm> [30.06.2003].

⁸⁰ Cf. *Berlin Sends Mixed Signals on Iraq Issue*, in: http://www.dw-world.de/english/0,3367,1430_A_687406,00.html [20.12.2002].

⁸¹ Cf. *Bundesregierung gewährt USA und NATO Überflug- und Transitrechte für möglichen Militäreinsatz gegen den Irak*, 27.11.2002, <http://www.bundesregierung.de/artikel,-451588/Bundesregierung-gewaehrt-USA-u.htm> [30.06.2003].

⁸² Cf. Interview mit Hans Martin Bury, Staatsminister für Europa im Auswärtigen Amt zur Diskussion über einen EU-Beitritt der Türkei, Deutschlandradio, 27.11.2002, in: Außenpolitik im Monatsrückblick, November 2002, pp. 26–29.

⁸³ Cf. the report by the national television channel ZDF: <http://www.heute.t-online.de/ZDFheute/artikel/26/0,1367,POL-0-2015994,00.html> [02.07.2003].

widespread sentiment in the election campaign (at least in part) to cover its vulnerability when it came to producing the necessary majorities for the implementation of UN Security Council mandates and German participation. As a result, the Schröder Government faced a formidable dilemma: the more convincingly the US presented its case at the United Nations, the less legitimate Germany’s opposition to participate in a military operation sanctioned by the Security Council appeared to be.

Of course, Berlin supported the UNMOVIC inspection process substantially and in January 2003 it even started to provide Luna unmanned air vehicles (UAVs) to monitor Iraqi territory. But the German Government proved unable to start constructive initiatives in this phase, such as a the search for a common European position or a beefed-up and structured inspection framework. The reason for this was the fragile state of the coalition majority in the Bundestag. With just a few votes more than the opposition, the Government was bound to circumvent any decision involving military assets because that would have required a formal mandate for which there was no firm majority in the coalition parties.

2. Phase III: From Paris with Love

In the third phase Germany’s Iraq policy was characterized by the self-inflicted dilemma of having ruled out German participation in military action even under a UN mandate and thereby seriously limiting Germany’s diplomatic leverage to influence the inspection process under UN SC Res. 1441. In this situation, the Foreign Minister took the initiative in an interview on December 30th 2002, to expand his diplomatic room of manoeuvre through drawing closer to the French Position, which was at this time still open for a participation in the military implementation of Res. 1441. When questioned, on whether Germany – which would join the Security Council on January 1st as a non-permanent member and take over the Presidency on February 1st – would vote against a resolution legitimating military action Fischer did not repeat the former German position, but said:

“No one can predict this, because no one knows the conditions under which the Security Council will take up this issue.”

When asked to clarify, whether Germany would vote against a war, Fischer declared:

“We have always made clear, that we will not send soldiers. However, we are on the United States’ side in the alliance against terrorism und we have an vital interest, that this alliance is preserved.”⁸⁴

⁸⁴ Cf. J. Fischer, *Die Hoffnung wird immer kleiner, Spiegel-Interview mit Joschka Fischer*, http://www.gruene-partei.de/rsvgn/rs_dok/0,,18255,00.htm [30.06.2003].

In addition, in early January, the new German Ambassador to the UN, Günther Pleuger, a close confidant of Fischer, told the “New York Times,” that a second Council resolution would be welcome but not necessary.⁸⁵ Pleuger added, however, taking up the position of the Chancellor that more time was needed for the inspectors to do their job.⁸⁶ The Chancellery reacted angrily to this pressure from the Foreign Ministry,⁸⁷ because a considerable number of members of the governing coalition were opposed to the Foreign Ministry’s initiative.⁸⁸ Hans-Christian Ströbele, a vocal opponent of the use of the Bundeswehr against international terrorism, stated that he thought German approval of military action in the Security Council was “unthinkable.”⁸⁹ Thus on January 6th Chancellor Schröder himself tried to mend fences within the Coalition by saying that although decisions would be made according to the situation at the time, the government would stick to its “principled position.”⁹⁰

The Chancellor failed however to quell the conflict. After Defense Minister Struck had remarked that the NBC reconnaissance vehicles deployed in Kuwait would protect US troops and Kuwaiti installations (in Kuwait) even if they were involved in military action against Iraq, members of the coalition and the oppositional CDU/CSU called for a new parliamentary mandate for the NBC unit. This, however, was anathema for a small blocking minority in the Green party, so that the government tried to avoid by all means any vote on a new mandate for the NBC unit or any other military contingent already deployed.⁹¹

Trapped between the possibility, that the Government had to withdraw previously approved rights of passage to US forces stationed in Germany and thereby putting the NATO Alliance at risk and the option of voting for a second resolution, thereby cleaning the way for a legitimate German military participation – actively or passively – under German constitutional law, the Government again tried to circumvent and postpone the issue, in order to avoid an almost certain defeat in such a vote on the neces-

⁸⁵ On December 17th Fischer himself had taken this position in the Talkshow “Maischberger” on n-tv, cf. *Interview von Bundesaußenminister Fischer u.a. zur deutschen Position im Irak-Konflikt in der Sendung “Maischberger” des Fernsehsenders n-tv am 17.12.2002 (Auszüge)*, http://www.auswaertiges-amt.de/www/de/aussepolitik/ausgabe_archiv?archiv_id=3888&type_id=4&bereich_id=11 [13.07.2003].

⁸⁶ Cf. J. Preston, *Threats and Responses: The U.N.; Germany will not insist on 2nd vote, Envoy*, “New York Times,” 09.01.2003.

⁸⁷ Cf. P. Schwarz, *Rot-Grün setzt auf Zeitgewinn*, “TAZ,” 15.01.2003.

⁸⁸ A responsible staff member of the Green party characterized the situation in early January as following: “If the Federal government had voted for a second resolution legitimizing military action or if the government had abstained and thereby German officers would have been able to participate in missions of AWACS planes under international law, then the Federal government would have had no own majority to approve the necessary mandate for this military action under German constitutional law.” Telephone interview with a Staff member of the Bündnis90/Die Grünen July 2nd 2003.

⁸⁹ Cited after *Interview mit Gernot Erler, Außenminister Fischer schließt Ja zum Krieg im UN-Sicherheitsrat nicht aus*, 30.12.2002, http://www.ndr4.de/pages/info_std/0,2235,OID55354,00.html [30.06.2003].

⁹⁰ Cf. G. Schröder, *Keine Änderung der deutschen Politik*, 06.01.2003, <http://www.bundesregierung.de/index-413.456959/Schroeder-Keine-Aenderung-der-.htm> [02.07.2003].

⁹¹ Cf. *Parteien streiten um Bundestagsmandat zum Bundeswehreinsatz*, “Financial Times Deutschland,” 20.01.2003; *Grüne und Union wollen neues Mandat für Spürpanzer*, “Berliner Zeitung,” 21.01.2003; *Überflugrechte der USA bei Irak-Krieg umstritten*, “Frankfurter Rundschau Online,” 23.01.2003; http://www.fraktuell.de/uebersicht/alle_dossiers/politik_ausland/krieg_gegen_irak/?cnt=96795 [02.07.2003].

sary mandate in the Bundestag was almost certain.⁹² Thus, on January 21st the Chancellor in an election campaign speech for regional elections in his home state Lower Saxony, declared:

“Do not count on Germany to approve a second resolution that legitimizes war. Do not count on it.”⁹³

Schröder further noted that Germany fulfilled its duties as well as any other state, spending some € 2 billion a year on peacekeeping operations. Therefore, Schröder concluded, Germany’s strong commitment gave it the right to tell its partners when they are wrong.⁹⁴ What was missed in the public debate was that Schröder precluded only the approval of a second resolution and that this would leave the option to abstain thereby facilitating the adoption of a resolution!

2.1. The controversy in NATO on the defense of Turkey

In this difficult domestic situation for the Schröder Government, the Bush Administration actively started planning the defense of Turkey in the event of a military intervention in Iraq. Washington requested German contributions, Patriot missile batteries, German participation in AWACS planes, mine sweepers to guard the Mediterranean as well as substitutional forces in the Balkans for American units leaving for the Iraq theater. A formidable conflict ensued during which Secretary of State Colin Powell called the German behaviour “unexcusable” and Secretary of Defense Donald Rumsfeld branded France and Germany as exponents of the “Old Europe.”⁹⁵

For the German Government approval of the American requests would have meant a clear step towards military intervention but more importantly it would have required formal approval in the German Parliament which in turn could have brought the Government down.⁹⁶ The debate in NATO lasted several weeks. A solution was found only after Turkey had initiated formally Article IV and after the Defense Planning Committee (in which France is not represented) presented a compromise.⁹⁷ The Federal Government decided to deliver 46 Patriot missiles, which had to be fitted on Dutch Patriot batteries in order to avoid any participation of German personnel which would have required a mandate by the Bundestag. Wolfgang Schäuble, CDU/CSU foreign and defense policy expert, rightly argued that the Government

⁹² Cf. *SPD scheut Debatte über Mandat für Bundeswehr-Einsatz*, “Frankfurter Rundschau Online,” 24.01.2003, http://www.fr-aktuell.de/ressorts/nachrichtens_und_politiki/deutschland/?cnt91299 [03.07.2003].

⁹³ *Schröder schließt Ja zur Kriegsresolution aus*, “FAZ Online,” 22.01.2003, <http://www.faz.net/s/Rub0FD2A01780F049ABBF1810273C0524C3/Doc~E32C8579B82894ED09988DF916C3B8365~ATpl~Ecommon~Scontent.html> [30.06.2003].

⁹⁴ Cf. *Keine Zustimmung Deutschlands zu einem Irak-Krieg*, <http://www.spd-goslar.de/Irak.html> [02.07.2003].

⁹⁵ Cf. C. Smith, *Debate over Iraq Raises Fears of a Shrinking Role for NATO*, “New York Times,” 26.01.2003; S. Schmemmann, *The Quarrel Over Iraq Gets Ugly*, “New York Times,” 26.01.2003.

⁹⁶ Cf. A. Monaco, *Iraq: Another test for NATO?*, “NATO Notes” 5(2003) 1, pp. 1–2.

⁹⁷ Cf. A. Monaco, *16-to-3: The Allies at loggerheads over Iraq*, “NATO Notes” 5(2003)2, p. 1.

tried by all means to avert a voting in the Bundestag because it would not find a majority in the coalition.⁹⁸

Already in December the Government had promised its NATO partners that Berlin would not withdraw its officers from the integrated AWACS planes even in the case of a war in Iraq. The Government reasoned that since the AWACS systems would not participate in any offensive military action, but only in the defense of Turkish territory and the NATO troops deployed there, no Bundestag mandate would be necessary.⁹⁹

2.2. The German dilemma and the French solution

In early 2003, the German Government faced a considerable dilemma. After the reintroduction of weapons inspectors on November 27th, and the presentation of the Iraqi weapons report on December 7th, Chief inspectors Hans Blix and Mohammed ElBaradei issued preliminary reports on the inspections' progress finding that Iraq was cooperating but that important issues remained.¹⁰⁰ At the same time, the Bush Administration signaled that inspections could not go on forever, because the Inspectors needed full Iraqi cooperation to do their job and that this cooperation was not forthcoming.¹⁰¹ While this situation called for an improved and speeded up inspection process, the German government was unable to present any initiative when it took over the Security Council Presidency on February 1st 2003.¹⁰² In this situation, Berlin closed ranks with Paris, which had shifted its position only in early January. Previously, the French Government had been open in principle to a military implementation of Security Council resolutions including Res. 1441. However, in January, after the Inspectors had made some progress, President Chirac changed course and pleaded for an extension of the inspection period and openly opposed a military intervention at this time.¹⁰³ On January 20th, the Security Council convened upon a joint German and French request to discuss international terrorism. When Secretary Powell showed up after being pressed by his French colleague, he was confronted with the charge by Dominique de Villepin "that nothing could justify a war at this time."¹⁰⁴

At the 40th Anniversary German-French Summit Meeting in Paris German Chancellor Schröder and French President Jacques Chirac agreed to cooperate closely to

⁹⁸ Cf. S. Haselberger, *Verheerende Entscheidung*, "Die Welt," 28.02.2003, <http://www.welt.de/data/2003/02/28/46304.html> [30.06. 2003].

⁹⁹ Cf. *Germany Will Participate in NATO Operations Against Iraq*, 12.12.2002, http://www.dw-world.de/english/0,3367,1430_A_712661_1_A,00.html [20.12.2002].

¹⁰⁰ Cf. *12th Quarterly Report by the Chairman of UNMOVIC, January 27, 2003*, <http://www.un.org/Depts/unmovic/documents/2003-232.pdf> [02.07.2003]; T. O'Brien, *Cooperation falls short, Blix says*, "IHT," 28.01.2003.

¹⁰¹ Cf. B. Knowlton, *U.S. tries to rally UN unity on Iraq*, "IHT," 21.01.2003; *State of the Union*, Adress by President Bush, 28.01.2003, <http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html> [03.07.2003].

¹⁰² Cf. A. Zumach, *Aussitzen bis zum jüngsten Bericht*, "TAZ," 06.01.2003.

¹⁰³ Cf. B. Knowlton, *France to rally EU against early war*, "IHT," 22.01.2003; *France's Foreign Policy: Ever awkward, sometimes risky*, "Economist," 01.02.2003, pp. 29–30.

¹⁰⁴ Cf. S. Efron, M. Farley, *France Says It May Veto Use of Force in Iraq*, "Los Angeles Times," 21.01.2003.

find a peaceful solution for Iraq and to oppose a military intervention as envisioned by the Bush Administration.¹⁰⁵ Rhetorically the new found joint position was linked to the joint German-French initiative at the European Convent for a European Security and Defense as proposed in December.¹⁰⁶ However, a joint EU declaration on Iraq (January 27th)¹⁰⁷ which called for an extension of the inspections was sidelined by a joint letter of eight European heads of state and government supporting the Bush Administration’s policy.¹⁰⁸

2.3. Robust inspections as a reaction to Iraqi delaying tactics

In the following weeks the Federal Government coordinated its position closely with France and Russia. The extension of the inspections were the subject of several bi- and multilateral initiatives within the Security Council. In comparison to the Bush Administration, for which Secretary Powell presented the case of lacking Iraqi cooperation to the Council on February 5th,¹⁰⁹ the German Government stressed the progress the Inspectors were making and the necessity of working through the Council in each step. Hence, in his reply to Colin Powell’s presentation Joschka Fischer did not react to any of the allegations but supported a new French proposal for a restructured inspection process.¹¹⁰

Meanwhile the German weekly news magazine “Der Spiegel” reported that a small group of experts in the Chancellory was working on a “secret plan” for a more “robust inspection scheme,” which contained among other things an increased number of Inspectors, continuous satellite monitoring of Iraq as well as the creation of a special panel or court for violations against the UN inspections and sanctions regime.¹¹¹ After the plan had been leaked to the public during the Conference on Security Policy in Munich, the French Government withdrew, stating that there was no plan only “considerations.” Both Foreign Minister Fischer and Secretary of Defense Rumsfeld, who were attending the Conference on Security Policy in Munich, had obviously not been briefed on the plan.¹¹² Thus, the German-French “considerations” were viewed as an-

¹⁰⁵ Cf. J. Tagliabue, *Chirac and Schroeder go slow on war*, “IHT,” 23.01.2003.

¹⁰⁶ Cf. *Neuer Anlauf zwischen Frankreich und Deutschland*, “NZZ,” 23.01.2003, <http://www.nzz.ch/servlets/ch.nzz.newzz.DruckformatServlet?url=/2003/01/23/al/article8MZF.N.nzzoml> [02.07.2003].

¹⁰⁷ Cf. *Die EU für verlängerte Irak-Inspektionen*, “NZZ,” 27.01.2003, <http://www.nzz.ch/2003/01/28/al/page-article8NB6K.html> [02.07.2003].

¹⁰⁸ Cf. H. Maull, *Germany, Iraq, and the Crisis of the Transatlantic Alliance System*, “Opinion Editorial,” 02.06.2003, http://www.deutsche-aussenpolitik.de/digest/op-ed_02.php [02.07.2003].

¹⁰⁹ Cf. Sec. Of State Colin Powell, “Remarks to the UN Security Council,” Febr. 5, 2003, <http://www.state.gov/secretary/rm/2003/17300.htm> [02.07.2003]; *The case made clearer*, “Economist,” 8.02.2003, pp. 25–27.

¹¹⁰ Cf. *Rede von Bundesaußenminister Fischer im Rahmen der öffentlichen Sitzung des Sicherheitsrats der Vereinten Nationen über die Situation zwischen Irak und Kuwait*, New York, 05.02.2003, http://www.auswaertiges-amt.de/www/de/aussenpolitik/ausgabe_archiv?archiv_id=4036&type_id=3&bereich_id=1 [02.07.2003].

¹¹¹ Cf. *Das Projekt Mirage*, “Der Spiegel,” 10.02.2003, pp. 94–102.

¹¹² Cf. *Blauhelmsplan bringt Rot-Grün in Not*, “Spiegel Online,” 10.02.2003, <http://www.spiegel.de/politik/ausland/0,1518,234501,00.html> [02.07.2003]; J. Fitchett, *France and Germany Weigh Plan to Send More Inspectors to Iraq*, “New York Times,” 09.02.2003.

other manoeuvre to undermine the American push for an early conclusion to the inspection process.¹¹³

In his February 13th address to the Bundestag Chancellor Schröder took issue with this view and argued that the UNSCOM inspections regime (1991–1998) had definitely led to more disarmament than the preceding Gulf War and that this showed that inspections could provide a potent instrument against the proliferation of weapons of mass destruction. In particular Schröder noted that the current status of Iraqi WMD programs did not require going to war:

“Iraq does not possess nuclear weapons and definitely no long range ballistic missiles which could deliver what the Iraq does not have. There are indications, however, that Iraq may be able to produce other WMDs. Therefore we have said – that is the core of our reasoning: the Inspectors must be allowed to proceed with their work. We must know, if Iraq has weapons and which these are.”¹¹⁴

After another report by UN Inspectors Blix and ElBaradei on February 14th in which a considerable lack of cooperation on the part of Iraq was noticed,¹¹⁵ Foreign Minister Fischer declared that the inspectors through, for example, the use of drones and surveillance planes had “effectively” reduced the threat posed by Iraqi weapons programs. However, there was still considerable work to be done. The inspection regime had to be improved, verification and control mechanisms (under UN-SC Res. 1284) had to be strengthened so that a restart of Iraqi programs could be precluded.¹¹⁶

In this situation the Red-Green Government gave its approval to an EU-Summit declaration on February 17th that foresaw – as a last resort – military action if Iraq did not succumb to peaceful measures and rid itself of its illicit weapons programs.

“War is never unavoidable. Force should be the last resort. It is the duty of the Iraqi regime to end this crisis by implementing the resolutions of the Security Council.”¹¹⁷

Berlin however resisted fixing a specific date by which the Saddam regime would have to comply. Instead, at this time the German Government, in a joint memorandum with France and Russia, proposed specific measures in the Security Council for im-

¹¹³ Cf. J. Fitchett, *Allies face a fresh crisis*, “IHT,” 10.02.2003; J. Vinocur, *For Paris and Berlin, a drive to stay important*, “IHT,” 11.02.2003.

¹¹⁴ “Unsere Verantwortung für den Frieden,” Regierungserklärung von Bundeskanzler Schröder vor dem Deutschen Bundestag zur aktuellen internationalen Lage am 13. Februar 2003, <http://www.bundesregierung.de/regierungserklaerung,-466959/Unsere-Verantwortung-fuer-den-.htm> [02.03.2003].

¹¹⁵ Cf. T. O’Brien, *Inspectors’ Findings Spur Spirited Debate in Council*, “IHT,” 15.–16.02.2003.

¹¹⁶ Rede von Bundesaußenminister Fischer im Sicherheitsrat der Vereinten Nationen in New York am 14. Februar 2003 zur Lage in Irak/Kuwait, <http://www.bundesregierung.de/rede,-467383/Rede-von-Bundesausse-nminister-.htm> [04.03.2003].

¹¹⁷ Cf. Gemeinsame Erklärung der EU-Staats- und Regierungschefs auf dem EU-Sondergipfel zum Irak-Konflikt. Schlussfolgerungen des Europäischen Rates 17. Februar 2003, <http://www.bundesregierung.de/artikel,-467784/Schlussfolgerungen-des-Europae.htm> [04.07.2003]; Th. Fuller, *Reaching accord, EU warns Saddam of his ‘last chance’*, “IHT,” 18.02.2003.

proving the inspections regime – these mirrored earlier proposals by US think tanks such as the Carnegie Endowment for International Peace – that would have taken considerable time to implement, months if not years.¹¹⁸ Against the background of continuing US efforts for a second resolution legitimizing military action the Foreign Ministers of France, Russia and Germany met to prevent this. In a joint declaration on March 5th, the three stated that they would not approve a second resolution legitimizing war. Instead, they called for an extension of the inspection process.¹¹⁹

Despite intensive efforts to bring about an improvement and extension of the UN-led inspection process, hostilities broke out on March 20th 2003. In a last minute appeal, French President Chirac had called for an all-or nothing meeting of the Security Council at the level of Heads of State and Governments.¹²⁰ Finally, the Russian, French and German Foreign Minister issued another declaration on March 15th in which they sharply criticized the end of the inspection process and declared that military action was not justified.¹²¹ In a speech broadcast on German public national television Chancellor Schröder reiterated that the German Government did not believe that military action was justified by the threat posed by Iraq. He added that Iraq was complying more and more with UN resolutions the longer the inspections process lasted.¹²²

In sum, in the last phase the Red-Green Government stuck to its former threat assessment but changed its strategy and policy instruments. It started several policy initiatives with others, France and Russia in particular, in order to improve and prolong the inspections process. Thereby, the Government could regain some legitimacy and room for manoeuvre, because if Germany’s opposition was joined by others, the chances of success would increase, leaving room for concessions such as the EU Summit statement on the use of force as a last resort. However, even at this late stage the Schröder Government’s primary goal was to prevent a military contingency in which German soldiers might have to participate and that would require a formal vote in Parliament.

Conclusion

Germany’s Iraq policy reflects a greater degree of reactivity and self-centeredness of its foreign and security policy than at any time during the first years of the Schröder government (and probably the 1990s as such). In this sense, the previous diagnosis of

¹¹⁸ Cf. *Memorandum von Deutschland, Frankreich und der Russischen Föderation zur Lage im Irak*, 25.02.2003; B. Knowlton, *U.S. lobbies for UN votes*, “IHT,” 26.02.2003.

¹¹⁹ Cf. *Gemeinsame Erklärung von Russland, Deutschland und Frankreich vom 5. März 2003*, <http://www.bundesregierung.de/artikel,-470338/Gemeinsame-Erklärung-von-Russ.htm> [04.07. 2003]; P. E. Tyler, *Loud and clear, a ‘No’ to Bush is shouted across the Atlantic*, “IHT,” 07.03.2003.

¹²⁰ At the same time, Chirac had publicly stated that France would veto a second resolution that would legitimize military action thus undermining a US-British draft resolution to this effect, cf. B. Knowlton, *France promises ‘no’ vote*, “IHT,” 11.03.2003.

¹²¹ Cf. *Französisch-russisch-deutsche Erklärung zum Irak*, 15.03.2003, <http://www.bundesregierung.de/artikel,-472472/Franzoesisch-russisch-deutsche.htm> [04.07.2003].

¹²² *Erklärung von Bundeskanzler Schröder am 18. März 2003 zur aktuellen Lage in Bezug auf den Irak*, <http://www.bundesregierung.de/basisattribute,-472828/Erklärung-von-Bundeskanzler-S.htm> [04.07.2003].

norm- or electoral- politics driven Iraq policy would appear to be rather shortsighted. Germany's Iraq policy reflects that of a status quo power where several of its major allies perceive a major change in international politics. Germany's Iraq discourse was mainly driven by what German policy makers (and the public) perceived as the Bush administration's push for military action. Yet, the debate and the subsequent policy were starkly coloured by domestic considerations, i.e. the eagerness of the Red-Green coalition leadership to preserve its parliamentary majority in the face of a blocking majority in its own ranks. While this blocking majority still holds the traditional "culture of restraint" and thus represents the "good conscience" of the Government, this analysis has shown that the Schröder government's position on military intervention in Iraq was much more flexible – despite the opposition of the blocking majority – than claimed in earlier analysis. In March 2002, Chancellor Schröder could still imagine German military participation if a proper UN mandate existed; in December 2002, Foreign Minister Fischer thought Res. 1441 sufficient legitimization for US military action (although without German participation); in January the Foreign Ministry pondered whether German abstention from approval of a second resolution could strengthen the diplomatic pressure on Iraqi compliance and in February, the Schröder Government agreed that if all other means had been pursued military action might be necessary to implement UN resolutions.

The extent to which the government's Iraq policy was located in concerns about its very survival is unprecedented but it is not all that new. Both in the Kosovo crisis and the Afghanistan operation, the Schröder Government took pains to shape a domestic consensus so that Germany could live up to expectations of its allies and self expectations as that of a responsible power in Europe and of critics within its own ranks that feared a "militarization" (and or Americanization) of German foreign policy. In the Kosovo war, the Foreign Ministry initiated the so-called Fischer plan which brought both a consensus with Russia and in the Security Council as well as the "Stability Plan for South-Eastern Europe." These rules-based and civilian measures (in combination with the strong humanitarian rhetoric of the government) garnered a lot of domestic support so that Germany's participation in a military intervention without a proper UN mandate could pass the critical hurdles in the Bundestag. In the same vein, the Schröder Government, after September 11th, initiated the so-called Petersberg Conference with the participation of all major Afghan factions to contemplate a political process after allied nations (with German support) had attacked Taliban forces. This initiative again served as a critical hedging instrument to gather enough votes in the governing coalition for the mandate for "Operation Enduring Freedom."

In the case of Iraq, the Schröder Government proved unable to bridge the gap between its own domestic supporters and its allies for several reasons. First, as Foreign Minister Fischer pointed out at the Security Conference in Munich in February 2003, leading policymakers were not convinced that Iraq posed an immediate threat to Washington and/or its allies and that it thus had to be dealt with militarily. In contrast to the US debate, where those concerned with Iraqi WMDs were part of a coalition that also included liberal imperialists that wanted to reshape the whole

landscape of the Middle East starting with Iraq and those concerned with Iraqi WMDs were a minority in the German discourse where a strong coalition exists that questions the Bush Administration’s foreign and security policy at large.

Secondly, in contrast to other European discourses on Iraq, the continuing German debate on the use of forces has had a cumulative effect through which the government’s majority shrank with every military commitment abroad. As Chancellor Schröder argued: because Germany had taken up more military responsibilities than most other nations it has the “right” to say no in the Iraq case without its credentials as a trusted ally being questioned. As a consequence of the cumulative effect the German Iraq debate started very early – in fact in conjunction with the debate on Operation Enduring Freedom in November 2001 – with the Government making concessions to critics in its own party also at a very early stage, i.e. the obvious limitations of the Bundestag’s mandate for Operation Enduring Freedom. Thus, the German Government had to or at least felt pressed to establish its position on Iraq earlier than other European government thereby foreclosing a “European Option” and becoming ensnared in its own rhetoric. This, of course, is particularly true for the SPD-led instrumentalization of the hostile public attitude towards military intervention in Iraq during the Federal election campaign. But only because the government had been on opposition course towards a US-led intervention for almost a year, the SPD could tap the reservoir of negative voter sentiment without being charged of hypocrisy.

Thirdly, after an early British initiative in early November 2001 – the so-called London dinner¹²³ – failed to bring about a consensus between France, Germany and the United Kingdom, Germany’s increasing diplomatic isolation in the EU forced the Government in January 2003 to openly side with Russia and France, two permanent members of the Security Council with dubious histories of implementing the Council’s resolution on Iraq. Even if the German-French proposal for the extension and revamping of the UNMOVIC inspection in February 2003 seemed to be a sensible move to test grudging Iraqi compliance, this initiative backed by Germany smacked of previous Franco-Russian delaying tactics in the 1990s. Thus, while many Germans perceived that the Bush Administration was indicating that it would circumvent the UN Security Council (in order to save it!), Washington felt that Germany and its allied tried to again use the UN to avoid action thereby undermining (or killing) the credibility of the UN and compromising the security of the United States.

Of course, this reflects a more general trend in US Foreign Policy in which US elites in general and the Bush administration in particular put less and less trust in a treaty- and/or institution-based strategies whereas German elites still trust and prefer various forms of multilateralism for this and other security concerns.¹²⁴

Hence widespread scepticism characterizes the German political spectrum when it comes to pre-emptive military action against states that pursue programs for weapons of mass destruction. As the positions taken by leading CDU politicians before, during,

¹²³ Cf. *Guess who wasn’t coming to dinner?*, “The Economist,” 10.11.2001, p. 31f.

¹²⁴ Cf. J. Krause, *Die transatlantische Beziehungen seit dem Ende des Kalten Krieges*, “Kieler Analysen zur Sicherheitspolitik” 2003, no. 9.

and after the election campaign, indicate, a CDU/CSU-led government would have preferred and may have insisted – because of the likely coalition partner, the FDP – on a proper UN mandate. However, because a conservative government would not have been under pressure to cement its position early or to avoid any military participation, transatlantic relations would have been much smoother in the run-up to the war. But as the cases of the British and Australian governments suggest, even a conservative government might have been under intense pressure to “sell an immediate threat” by Iraqi WMDs in order to persuade members of its own coalition. Hence, there is compelling evidence that the Iraqi case is less a precedent for any major change in German Foreign and Security policy but much rather the story of a social-democratic led government sandwiched between its strongly conservative ally and its strongly left-leaning coalition partner. Of course, as foreign and domestic expectations as to the right course in German foreign policy diverge, Germany’s old foreign policy role as a “civilian power” becomes ever harder to sustain. Recent events in the non-proliferation area however suggest that the German government is not up in arms against the Bush Administration but slowly adapting to changes in US policy. In June 2003, Germany supported a first draft for a (common) “European Security Strategy” by Javier Solana as well as ambitious EU Council conclusions against the spread of ballistic missiles and weapon of mass destruction that is much closer to US strategic thinking than any EU document before.¹²⁵ In addition, Germany has participated (so far) in the “Proliferation Security Initiative” that will try to deny rogue states trading WMDs through amending national and international rules and intercepting illicit exports. In addition, Foreign Minister Fischer has voiced strong concerns about the Iranian nuclear program, stating that accepting additional IAEA protocol is not enough to address European (and US) suspicions and that Iran would have to stop building a full nuclear fuel cycle.¹²⁶

Thus, the exceptionally high approval ratings for the government’s Iraq policy are a consequence of case-specific factors rather than a viable indicator for a future German non-proliferation policy. Even if there were a strong consensus or concern against a more robust handling of the Iranian (or North Korean) case in Germany at large or the coalition in particular, the Iraq case appears to be unique in the sense that the Iraqi regime was able to form a strong policy consensus within a US Administration that has been riddled by deep divisions in world view, strategy and style.¹²⁷

While the jury is still out to find evidence on Iraqi programs for WMDs (even if there are no WMDs), the deteriorating security situation in Iraq and the Middle East as well as the ongoing campaign against international terrorism may keep transatlantic divisions at bay at least for now. Policy makers in Washington and Berlin concur (at

¹²⁵ Cf. General Affairs and External Relations, Council Conclusion, June 16th 2003, <http://ue.eu.int/pressData/en/gena/76201.pdf> [15.08.2003].

¹²⁶ Cf. Fischer will mehr Druck auf den Iran, “FAZ,” 05.07.2003, <http://www.deutsche-aussenpolitik.de/daparchive/keywordsearch/anzeige.php?zaehler=1895> [18.08.2003].

¹²⁷ This is particularly true in the case of North Korea: S. Harnisch, *US-DPRK Relations under the Bush Administration: From „go slow” to „no go”*, “Asian Survey” 42(2002) 6, pp. 856–882.

the time of this writing) that these concerns have to be addressed first before starting any new engagements.

Therefore, we should be wary of projecting the “evidence” of the Iraq case too far. In particular, we should be sceptical as to the SPD campaigns slogan that there is a “German Way” in foreign affairs. If there was one, that would be a long winding road between foreign and domestic expectations, between German reconnaissance vehicles in Kuwait and transition rights for US troops and forceful but vague rhetoric by leading policy makers. Nevertheless, the case suggests that because foreign and institutionally-rooted expectations become ever more ambivalent or divergent as the Bush administration withdraws the hegemon’s support for institutions of the existing international order – which has served Germany so well that it could unify, democratically, freely and peacefully – Germany becomes more self-centered in the sense that foreign expectations become less important in shaping German conduct. While this does not bode well for transatlantic cooperation it may strengthen the role of European partners in Germany’s foreign policy outlook in the future.

However, the evidence reviewed here reveals that a “European option” (let alone a balancing one towards the United States) should give policy makers reason to pause because a European Union in Foreign and Security Affairs propelled by a Franco-German engine is clearly not in the cards for the foreseeable future. Rather the Iraqi case shows that if Germany wants to keep the “old” rules-based international order it has to make it work better for all its members and in particular the United States. The chances that Germany and its elites are up to this challenging task are small.

From a theoretical perspective, this study holds that German foreign policy is neither driven by external incentives nor domestic expectations alone, but by a mix of both which is gradually evolving. Hence, Germany’s Iraq policy was strongly coloured by its traditional “culture of restraint” which is (still) strongly rooted in German constitutional law and which was activated by the fragile nature of Red-Green Governments coalition forces in the Bundestag. And yet, German behaviour cannot be understood when underestimating the influence of external, especially American expectations. The Red-Green Government tried to address US expectations within the limited scope of its domestically defined room for manoeuvre. While this certainly did not satisfy the Bush Administration, it does not sit well with an explanation that holds that Germany’s Red-Green coalition was executing a predefined strategy to undermine Washington’s push for an early and military solution to the Iraq problem. Rather, the evidence suggests that both policy makers in Washington and Berlin (and elsewhere) should reflect on the causes and consequences of this transatlantic conflict for the alliance and Iraq in order to learn from bad politics and policies.