

Germany and EU Foreign Policy

Sebastian Harnisch

Universität Heidelberg

Email: Sebastian.Harnisch@ipw.uni-heidelberg.de

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1. Introduction¹

The Foreign Policy of the European Union (EU) pertains to the organized, agreed-upon and coordinated actions of the EU and its political relations towards the outside world, which was first legally specified in the commitment to establish a Common Foreign and Security Policy (CFSP) in the Treaty of the European Union in Maastricht (TEU-M 1993). The CFSP was preceded by the European Community's (EC) foreign policy, which incorporated for the most part foreign economic policy aspects of the European foreign policy, such as the EC's trade, development and association policies (Carlsnaes et al. 2004). More recently, the European Security and Defense Policy (ESDP) was launched to augment the CSFP, focusing on military challenges and capacities to quell conflicts in the EU's periphery and beyond (Howorth 2014). Since 1993, when the CFSP superseded the European Political Cooperation (1986), the EU foreign policy has undergone fundamental changes with regard to its institutional underpinnings, its functional and geographical remit as well as the effects on member states' foreign policies, i.e. Europeanization (Keukeleire/Delreux 2014; Müller-Brandeck-Bocquet/Rüger 2015; Wong 2011).

Germany's policy towards the EU's evolving foreign policy may therefore manifest itself in different dimensions of the EU's foreign policy process.² As a member state of the EU, Germany may or may not support the establishment of new norms and institutional structures, thus either seeking to strengthen or weaken EU competences vis-à-vis member states and entities (polity). Similar to other member states, the biggest economic power in the EU may also seek to bolster or undercut, or otherwise influence the process of EU foreign policy coordination through using unilateral means or colluding with outside powers, such as the United States (US), Russia or China (politics). Last but not least, in the policy dimension: Berlin may or may not support a common or joint policy decision or strategy of the EU towards a specific conflict, i.e. the Yugoslavian wars, or policy area, such as migration (policies) in as much the EU pursues policy goals similar or at least compatible with Germany's national foreign policy.

This chapter proceeds as follows. It first examines different concepts of how to tackle the interaction between German and EU foreign policy, dwelling on theoretical explanations and the empirical work done on different regional and functional policies. Second, it assesses Germany's constitutional policy towards the CFSP, focusing on the role of societal actors in the process. Third, the article traces Germany's substantial policy contribution in three cases, testing the hypotheses that Germany's CFSP policy has become more intergovernmental over time. The conclusion sums up the findings and outlines the extent and limitations of the literature in the field.

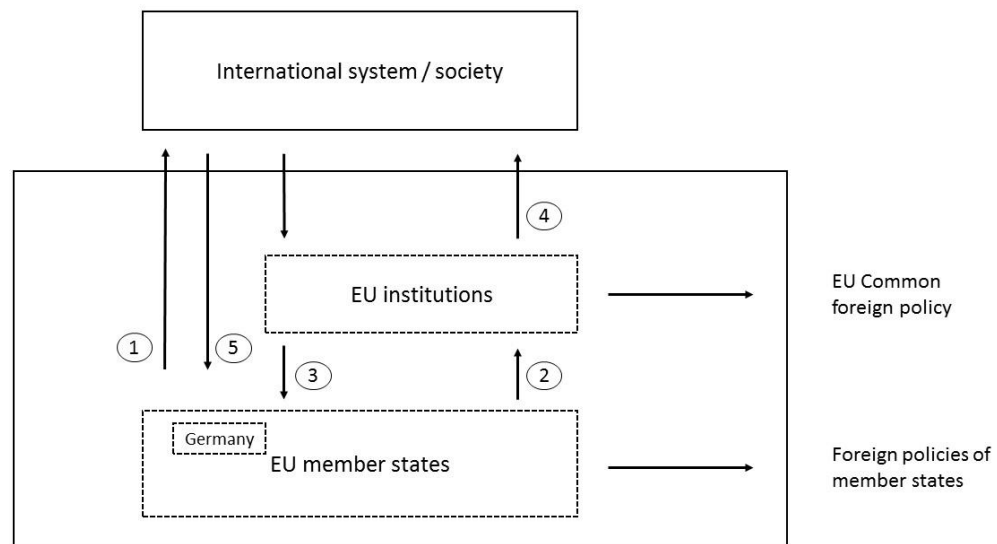
¹ I thank Isabella Lauber for her excellent research assistance in the preparation of this article.

² Wagner (2001a) identifies two policy dimensions: regulative politics and constitutional politics, focusing on the latter of the two.

2. Concepts, explanations and state of the literature

Conceptually, the three dimensions of the EU foreign policy (polity, politics, policies) do interact with each other in different ways, depending on the theoretical lens introduced to explain a member states' interaction with the EU foreign policy process. Neorealism holds that international organizations, such as the EU, are instruments of the most powerful states. After unification, Germany was thus expected to seek autonomy and to avoid binding commitments in the CFSP either through blocking the delegation of further competences (polity) or unilateral strategies and actions (politics & policies) (Hyde-Price 2001).³ Liberal institutionalism, in turn, suggests that state governments represent a subset of domestic political interests, the selection of which is determined by the institutional structure, especially veto positions, which may pool at or delegate to the EU level national competences to pursue common or compatible policy goals. Given that German citizens have a strong preference for a more unified CFSP but exert little direct policy pressure in this field, while Germany's Länder (federal states) and the Bundestag have started to claim more participatory rights in the policy process, liberal institutionalism suggests that Germany will try to upload its constitutional policy preferences to the EU treaties but will resist further Europeanization of the German polity (Harnisch/Schieder 2006).⁴

Graph 1: EU Foreign policy process: changing patterns of EU-member state interaction



³ Unilateral moves to maximise autonomy are depicted in Graph 1 through arrow (1).

⁴ Arrow (2) represents the process of uploading German policy preferences to the EU level (Börzel/Risse 2003), whereas arrow (3) depicts the process of Europeanization. Radaelli (2003: 30) defines Europeanization as "Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies."

Source: Graph adopted from Jorgensen 2004: 34 and revised

Social constructivist approaches, then, expect the federal government to further European integration because the Grundgesetz stipulates in its preamble as well as Art. 23 (new version from 1992) that Germany shall contribute to a united Europe. In addition, further integration within the EU foreign policy has figured prominently in most major party programs and has been supported by strong majorities in the population (Wagner 2001b: 190). Hence, rather than conceptualizing German interests as fixed, constructivists insist that interests may change when underlying norms, identities or foreign policy role conceptions change, resulting for example in processes of further Europeanization through De-Atlantization (Berenskoetter/Giegrich 2011) or De-Europeanization through re-nationalization (Hellmann 2006).⁵

The pertinent research literature on Germany's CFSP policy has focused upon three distinct but interconnected areas: first, the interaction between Germany's domestic institutions and normative order, suggesting that the country has been highly influential in the 1990s in shaping both the structure and content of the emerging EU foreign policy (Bulmer/Paterson 1996, 2010; Bulmer et al. 2000). In a book-length comparative study, Wagner (2001a) argues that Germany held firm to its pro-integrationist CFSP policy after unification despite dramatic changes in the material and institutional environment because of its "europeanized identity". Second, several studies have analyzed Germany's influence on the course of the CFSP during a particular time period (for the 1980s and early 1990s: Schmalz 2004; the later 1990s: Lüdecke 2002; and the 2000s: Daenhardt 2011) or focused on a particular policy realm (for the Middle East: Müller 2011; for Afghanistan and Congo: Gross 2009; for the Caucasus region: Lypp 2008; for China: Fox/Godemont 2009; for Eastern, Central Europe and Africa: Helwig 2016). Overall, these studies find that Berlin has increasingly, if hesitatingly, used the EU foreign policy process to further common and rarely purely national goals (Hellwig 2016; Müller-Brandeck-Bocquet 2016). And third, several analyses concentrated on the emerging military aspects of the CFSP, i.e. the European Security and Defense Policy (Berenskoetter/Giegrich 2011; Miskimmon 2007; Miskimmon/Paterson 2006). While significantly turning towards ESDP engagements, missions, and practical support, these studies suggest that "the limits of German Europeanization [in this policy area, S.H.] are largely due to the fact that EU's military capabilities remain extremely modest ... [while, S.H.] NATO remains the security institution with far the most credibility and as such, defense establishments across the EU will continue to view it as the most credible institution to work within" (Miskimmon 2007: 186; see also Wagner 2005).

⁵ Whereas arrows (2) and (4) depict the transfer of German civilian power norms first to the EU and then the international society level, arrow (5) may be conceptualized as international socialization forces that either "teach" further European integration, e.g. experience of Yugoslav wars, US unilateralism or UK exiting the EU, or interactions that re-socialize Germany into a more detached social position or into another international group, e.g. Great Powers (cf. Daenhardt 2011: 50).

Out of the universe of different dimensions and potential cases for analyzing German policy towards the CFSP, this study is focusing on two pertinent research hypotheses in the field: On the one hand, this chapter assesses whether and to what extent Germany's constitutional policy has been dominated by actors of the political and administrative system rather than societal actors (Wagner 2001b: 188). On the other hand, the chapter dwells on the notion that Germany's foreign policy has become de-europeanized, i.e. a process by which its policies changed in such a way that state interests are accorded precedence over (state transcending) "European" interests (Daenhardt 2011; Hellmann 2006: 166). The remainder of this chapter unpacks the empirical data in greater detail.

3. Constitutionalizing CFSP: Germany's policy contribution

Unified Germany has employed a relatively consistent model of foreign policy integration to the EU over the last two decades, animated by varying domestic and international dynamics and the interaction between those two. During the Maastricht negotiations, the model developed and used since the Single European Act (1986) emphasized embedding the united and larger Germany firmly into a more integrated European Political Union, thereby supplementing Economic and Monetary Union (EMU) and the introduction of the Euro. Germany's CFSP-model then arose under, and in many ways came to be characterized by, attempts by leading European states to quell the Yugoslav secession wars and a growing number of humanitarian crises beyond Europe's traditional security parameter. The key shift in the EU foreign policy was from reassurance among EU member states to providing (military) security in failing states.

The Maastricht Treaty

Beginning with unification in 1990, the unifying Germany pursued a European foreign policy premised on a European Political Union supplementing the EMU established in the Maastricht Treaty (TEU-M). The primary objective was to reassure EU members and neighboring states that the bigger Germany would not stray off course but actively engage in building a common foreign and security policy against the background of the Gulf War (1990/1991) and the Yugoslav secessionist wars in Slovenia and Croatia (1991/1992) (Schmalz 2004: 363-365). Given domestic opposition to further involvement of the Bundeswehr into military operations (outside NATO's operational area) and given the opposition by other member states to an "ever closer union", Germany (often together with France) supported and even promoted stronger intergovernmental integration in foreign and defense matters.

Germany's CFSP policy for Maastricht was developed and honed through various bilateral initiatives with France (Mazzucelli 1997). A constant was the delegation of foreign policy competences through the introduction of qualified majority voting (QMV) in the Council and the establishment of common European defense policy. This policy was modified only after the United Kingdom (UK), and to a lesser extent France, signaled that they would be willing to accept the intergovernmental pooling of competences but without changing the unanimity rule in foreign and defense policy. Concerned that the West European Union (WEU) could develop into a rival to NATO and/or instrument of further militarization of German defense policy, the Kohl government undertook steps to integrate it into the EU treaty system and co-assigned its forces to NATO as well (Miskimmon 2007: 41-46).

The Maastricht negotiations provide a classic example of Germany's (old) CFSP policy. The united Germany (almost) anxiously entered the Intergovernmental Conference on Political Union (ICGPU) to forestall instability in Europe, brought on by potential counterbalancing behavior against itself and the ongoing transformation processes in Central and Eastern Europe. With the United States opposed to autonomous European capabilities and Russia remaining fragile, the Kohl government assumed responsibility in pushing for a limited Political Union in Western Europe, which was linked to a pan-European dimension, based on the Conference on Security and Cooperation in Europe (CSCE) for Eastern Europe and Russia (Regelsberger 2002).

In Maastricht, then, Germany was only partially successful in establishing a Political Union in the CFSP realm. First, the CFSP remained intergovernmental, excluding the European Court of Justice as outlined in Art. J (TEU-M). Without formal enforcement mechanism, the treaty merely called upon member states to "actively and unreservedly support the Union's external and security policy in a spirit of loyalty and mutual solidarity" (Art. J. 1.4). Secondly, the treaty established two mechanisms – Common Positions and Common Actions – the latter of which could be voted upon under the QMV procedure, thereby opening the way towards expedited action when at least 8 member states (or 54 votes)

agreed (Art. J. 3.2.). Thirdly, the WEU was integrated into the EU as a bridge between the Union and NATO, including a provision to eventually develop a common European defense (Art. J. 4.1.). Last but not least, while keeping CFSP intergovernmental, the Maastricht treaty foresaw a joint right of initiative to the Commission (with the Council) in CFSP affairs and the opening of the EU budget to finance CFSP administrative and (also) operational expenses (Art. J 11.) (Smith 2003: 180-184).

Having extended executive autonomy in European affairs through establishing the European Union, including an intergovernmental Common Foreign and Security Policy, the challenge for the Kohl government was to ensure domestic support for and ratification of the Maastricht Treaty. Seizing the opportunity, the German federal states (the Länder), the Bundestag and several parties concerned with executive prerogatives, especially in deploying the Bundeswehr, successfully pressed the executive branch to change the constitutional provisions on Germany's domestic European policy process in Art. 23 (Grundgesetz) and subsequent laws and rules. In the wake of the sluggish ratification of the treaty, the Kohl government conceded substantial changes in the policy process, amounting to a "domestication of Germany's European policy" (Harnisch 2009).⁶ In particular, the new Art. 23 considerably expands information rights and veto powers by the Länder and the Bundestag while prescribing several guiding principles for Germany's integration policy, the so-called *Struktursicherungsklauseln* (Harnisch/Schieder 2006: 98).

In sum, as the Maastricht negotiations make clear, both domestic and external expectations were important in shaping the Kohl government's policy. Nevertheless, the specter of Germany's past, despite decades of European cooperation, played a crucial role in forming the commitment to embedding the unified Germany into an ever-closer Union, inserting the latter as a "state goal" into the Grundgesetz in 1992. Notwithstanding the Kohl government's commitment to a unified European foreign and security policy, NATO remained the first and most important pillar in Germany's security and defense policy.

The Amsterdam and Nice Treaty

Following the outbreak of the Balkan wars, the practice of Germany's European foreign policy changed in two ways before the Intergovernmental Conference (IGC) leading up to the Treaty of Amsterdam (TEU-A). First, Berlin placed a new emphasis on building more effective institutions and devising functional decision-making. To the extent that effectiveness required more flexibility through limiting unanimity and facilitating solidarity in the form of financial or political support, this was not entirely new, but the support for the establishment of the position of a Mr. CFSP (the High Representative) and a Policy Planning and Early

⁶ Domestication may be defined as the introduction of normative and procedural restrictions substantially altering an executive's (European) external policy to preserve a domestic institutional and normative order (cf. Harnisch 2006).

Warning Unit (PPEWU) was. Facilitated by the belief that the Political Union must complement the EMU, this position was significant because it was only partially shared by France, the UK and other EU member states. Second, a more effective EU foreign policy was understood and expected to follow from integrating the military capabilities of the WEU into the EU. Instead of pursuing an autonomous EU military force, Germany sought to build a common European military force – as based on the German-French Corps (1988) and the later Eurokorps – to strengthen the European voice and contribution to NATO and transatlantic security. This embodied the traditional „Sowohl–als–Auch–Policy (as-well-as-Policy) and the particular German position trying to bridge the gap between France, which prefers an independent European capacity, and the US/UK, which stand for an Atlanticist security and defense model (Rummel 1996: 46-52).

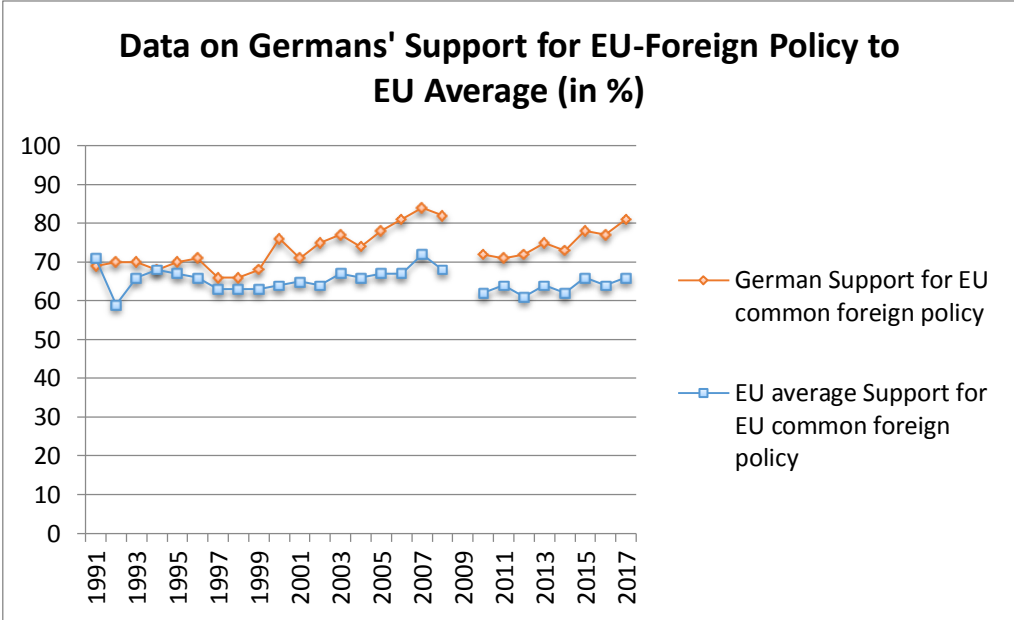
In the negotiations in Amsterdam, the Kohl government succeeded in including new CFSP institutions and procedures (the Position of Mr. CFSP, the PPEWU, a mechanism for flexibility and enhanced cooperation). But Chancellor Kohl and Foreign minister Kinkel were unable to introduce the expansion of the QMV in CFSP and to include the WEU as part of the EU into the treaty right away. Whereas Germany pleaded for an instant integration compatible with NATO assignments of the respective troops, France sought to dissociate European military structures from NATO and to keep CFSP’s decision making structures intergovernmental. As a consequence, Europe’s capacity to speak with one voice, as Kohl had stipulated, remained moderate when the conflict in Serbia’s province of Kosovo broke out in 1998 (Miskimmon 2007: 95-99).

Domestically, the Kohl government’s pro-integrationist stance was embedded in a broad bi-partisan consensus, including the Free Democrats (FDP). With the Federal Constitutional Court holding Bundeswehr out-of-area missions constitutional when based on a previous mandate by the Bundestag (12 July, 1994), German Armed Forces were being deployed in an ever-wider range of military contingencies, e.g. in Bosnia, Albania and Kosovo. However, substantial parts of the Green Party and the Party of Democratic Socialism (PDS) remained opposed to these Bundeswehr missions. As a consequence, these parties (and their voters) contested the inclusion of the WEU into the EU, calling it a “militarization” of an otherwise civilian and diplomatic policy (Philippi 2001).

Underlying the practice of German foreign and security policy becoming more robust was thus a strong belief among the German elite and populace that (increasing) German power should be institutionalized in both an ever more integrated EU and a firm transatlantic security community (Endres 2017). As Graph 2 indicates, soon after unification – and despite considerable skepticism in Eastern Germany towards Western institutions – German societal support for a more integrated CFSP of the EU starts to hover between 5-10 % above the EU average in the 1990s. It is the difference during the early days of the Yugoslav secession wars in Slovenia, Croatia, Bosnia and Serbia, especially in 1992, that is most distinctive in this phase. Whereas the European average drops to 60%, German societal support remains steady

around 70%. Rather than reacting negatively to the intra-European conflicts over the response to the Balkan wars, German citizens polled appear to stick to an integrationist model as a remedy, seeking more instead of less integration.

Graph 2: Eurobarometer – Data on Germans’ Support for the CFSP relative to the EU average



Source: Own calculation as based on Eurobarometer 1991-2017⁷

During the Kosovo conflict (1998-1999), the new red-green (Social Democrat/Green) government found itself under substantial domestic and international pressure to both find a diplomatic solution as the country holding the rotating EU Presidency in the first half of 1999 but also provide credible military support to the NATO-led air campaign, despite strong domestic contestation to the contrary. Rather than being planned, the ambitious policy to develop a European Security and Defense Policy, including a substantial pool of various military and civilian assets, evolved against the background of the British-French St. Malo initiative (December 1998) and the diplomatic, military and humanitarian impact of the Kosovo War. Indeed, the European dependency on US military assets and the lack of European influence on US policy and combat targeting decision called for improving autonomous European capabilities, both military as well as diplomatic and civilian (Berenskoetter/Giegerich 2010).

Germany’s Presidency of the European Council coincided with both the WEU Presidency and the Chairmanship in the G-7, giving ample opportunity to steer the diplomatic and military process ending the NATO Kosovo campaign in June 1999. In this way, the Kosovo

⁷ Note that Eurobarometer data for 2009 could not be identified and that respective questions regarding CFSP preferences changed slightly over time.

War and the triple presidencies created a political opening for the Schröder government to accord military force a much higher priority in the EU foreign and security policy than before. But there were many different notions of what was necessary to end the killing in Kosovo and to make the EU's foreign policy more effective. Three different tenets of CFSP were important and fit together into an integrated strategy.

First, common institutions, such as the PPEWU as well as the position of the High Representative for Foreign and Security Policy had to be substantiated and supplemented by new institutions in the field of military crisis management (the Political and Security Committee and Military Committee) and civilian Post-Conflict Management (The Committee for Civilian Aspects of Crisis Management) (Algieri 2001). Although the military component of the CFSP, the European Security and Defense Policy (ESDP) remained contested domestically, and some assets, such as the subsequently created Euro Battlegroups, were never deployed, the Schröder government can claim political leadership for pushing the institutional capacity to speak with one European voice. In 2000, Foreign Minister Joschka Fischer, in his Humboldt speech, reasserted the idea of a “Kerneuropa” (core Europe; an avant-garde or pioneer group) promoted in the famous “Schäuble-Lamers Papier” (Schäuble/Lamers 1994) and called for a group of willing and able member states to pioneer in the field of the CFSP (Fischer 2000). Second, the operational capabilities of the WEU were integrated into the Nice treaty (TEU-N), thereby ensuring that the emerging ESDP could improve the transatlantic burden-sharing by making better use of European assets and by also ensuring more autonomous European capabilities. Institutionally, the WEU defense clause rested within the WEU, which remained in hibernation status until it was dismantled under the new EU common defense clause in Art. 42,7 (TEU-L). Third, at the insistence of the Schröder government, civilian crisis management instruments were introduced into the CFSP/ESDP provisions of the Nice treaty, thereby addressing societal preferences for multilateral and diplomatic crisis management and allaying partisan concerns about a further militarization of German foreign policy by means of Europeanization (Würzer 2013).

In all three reasons, but particularly in the establishment of civilian crisis management instruments, societal preferences for peaceful, diplomatic and multilateral conflict resolution played an important role. This public reservation about the use of force informed the critical German reaction to the robust anti-terrorism measures in the aftermath of the 9/11 attacks and subsequent military interventions in Afghanistan and Iraq (Harnisch 2004). It also informed the E3/EU3 initiative towards Iran, which was launched to prevent a prompt military escalation and to give (European) diplomacy a chance to make “multilateralism work” (Cronberg 2017).

The problems with the institutional provisions in the Nice Treaty were manifold. It comes as no surprise then that they already reached an early nadir in the member states split over the Iraq intervention in 2003. This failure – symbolized by Donald Rumsfeld’s adage of an “Old” and a “New” Europe – was recognized by all member states, leading directly to the E3/EU3 initiative and the drafting of the first “European Security Strategy 2003” (ESS 2003). However, the willingness to push for deeper integration ensued only in some EU capitals, among them Berlin. During the “Convention on the Future of Europe” (2000-2001), which led to the aborted EU Constitutional Treaty, the Red-Green coalition had already proposed to integrate the CFSP into the Commission’s sphere of competences and to strengthen the High Representative by also entrusting him/her with the chair of the political committee (the predecessor of the Political and Security Committee established in Art. 25 TEU-N). Now, after the Iraq debacle and the failed referenda on the Constitutional Treaty, the Merkel government started to push for the EU Commission to be put in charge for implementing the EU foreign policy (Helwig 2016b: 34).

Germany’s Presidency of the European Council in 2007 was met with expectations that Angela Merkel would jump-start the integration process after the negative referenda in France and the Netherlands (2005). During the negotiations for the Constitutional Treaty, Germany had already promoted the idea of the High Representative playing a dual role by also figuring as the Commissioner for External Affairs, and the Vice-President of the Commission respectively. In addition, Berlin, together with Paris, had proposed the establishment of a European External Action Service (EEAS) that would succeed the lowkey PPEWU (Lieb/Maurer 2007).

But when the Lisbon treaty was negotiated, Berlin was somewhat less successful in pushing for further integration, e.g. by expanding the QMV or enhancing the role of the EU Commission in the CFSP (Helwig 2016b: 35). In particular, Berlin conceded to the British government that there would be no European Foreign minister but rather a “High Representative of the Union for Foreign and Security Policy”. In turn, however, London withdrew its opposition to the High Representative’s position as the Chairperson of the Council and the establishment of an European External Action Service (Phinnemore 2013:119). Overall, the German Chancellor was credited with laying the groundwork for the constitutional renewal, which was finalized under the French Presidency in the second half of 2008. Crucial to this success were a strong inter-party consensus on EU reforms in Germany, a meticulous preparation of the bi-, plural-, and multilateral negotiations as well as the provision of opt-out clauses for sceptic member states, such as the UK and Poland.

Since Lisbon, Germany’s overall approach to a deeper European integration has become more guarded against the background of the Euro- and migration crisis. Most notably so in September 2017 when the French President Emmanuel Macron proposed a far-reaching overhaul of the Union, no substantial official German response was detectable. This downturn may be traced back to the growing integration skepticism among various political actors.

During the Eurocrisis, fiscal conservatives and Eurosceptics, especially in the newly established “Alternative for Germany” (AFD), used the Federal Constitutional Court to limit further delegation in the European System of Central Banks (ESCB). Under pressure from the AFD and against the migration crisis in 2015-2016, the CSU, the sister party of Chancellor Merkel’s CDU, strengthened its EU-sceptic rhetoric, calling for the reinstatement of national border controls and the preservation of German culture and mores (See the chapter by ??).

However, in foreign, security and defense matters, in 2013 the Merkel government led an initiative to effectuate the newly established EEAS and to put the High Representative in charge of the EU’s external representation (Helwig 2016b: 37). Moreover, the destabilization of the EU’s neighborhood (terrorism), the British decision to leave the EU by 2019 and transatlantic uncertainties after the election of Donald Trump have resulted in a boost of German-French proposals since mid-2016 to create a “European Security and Defense Union”, including a Permanent Structured Cooperation mechanism (PESCO), a fully-fledged civil-military headquarter, a European Defense Fund, and enhanced operational EU-NATO cooperation (Koenig/Walter-Franke 2017).

In sum, under pressure from external challenges and internal contestation, Germany’s constitutional CFSP policy has evolved considerably since German unification: it has become more community-based, more robust and more contentious as EU-sceptic and anti-EU groups have finally established a party (the AFD) and other instruments (political movements and various challenges in the Federal Constitutional Court) to banter the pro-integrationist elite consensus in Germany. While further integration of the CFSP remains less contested than other policy areas, e.g. the EMU or migration, it is fair to say that societal actors now do play an important and growing role in the German debate on the EU’s Common Foreign, Security and Defense Policy.

4. Implementing CFSP: Germany contributes to the EU’s “effective multilateralism”

The case of Germany’s CFSP policy is often used to illustrate the conditions for a trend towards “Europeanization” or “De-Europeanization” (Daehnhardt 2011; Hellmann 2006; Schmalz 2004). In a few exceptional instances, different German governments have departed from an emerging common European position (early recognition of Slovenia and Croatia in 1991), taken a notable different stance than other big European powers on military interventions (Iraq 2003 together with France; and Libya 2011 alone) or used a variety of unilateral mechanisms, e.g. the Western Balkan Contact Group (Yugoslav wars); the German-French, the Geneva and the Normandy formats (Syria and Ukraine); the Weimar Triangle (Ukraine); or the E3, EU3 and EU3+3 (Iran), to pursue a variety of mixes of German and European interests.

In doing so, German governments of differing party composition have stuck with a strong preference for diplomatic and non-military means while accepting a growing “international responsibility” (Steinmeier 2014). As a consequence, Berlin has been an ardent supporter of a strong European External Action Service, pushing for additional competences and Qualified Majority Voting, most notably during the EEAS review process (Adebahr 2015). And yet there remains a perceptible gap between Germany’s above-average contribution to EU’s military missions and substandard (but increasing) engagement in civilian missions (Müller-Brandeck-Boucquet 2016: 379; Harnisch 2014: 3).

Germany has attempted to manage the tensions between national legitimacy and European effectiveness by making its leadership preferences increasingly clear and subtly using minilateral mechanisms to build, sustain and implement common European positions. These policies have resulted regularly in more European institutions, most notably the position of the High Representative and the EEAS. The following paragraphs part therefore discuss two minilateral policy episodes, the Balkan Contact Group and the EU3-Initiative, that symbolize this emerging trend.

The Yugoslav wars and the emerging CFSP

Already during the secession of Croatia and Slovenia, the fractured European response was strongly criticized. As a consequence, the CFSP was introduced in the Treaty of Maastricht and immediately put to a test in Bosnia. It soon became apparent that divisions among the 12 member states and the corresponding lack of resources required sustained cooperation with the US and Russia as members of the UN Security Council. The Clinton administration, which took the leadership in early 1994, facilitated the Washington Agreement between Croat and Muslim Bosniaks and created the “Contact Group”, privileging European UN Security Council members UK and France as well as Germany over other EU member states.⁸ The group covered the conflicts in Bosnia and Hercegovina (1994-1997) as well as in Kosovo (1997-1999) but not in Albania (1997).

The Contact Group was set up by the US as an informal forum to quickly align policy positions among the UN Security Council members, including Russia but excluding China, and to reconcile these positions with those EU members that had strong ties and interests in the region (Daalder 2000: 27). As expected, in the Group, Germany played a follower role commensurate with the US leadership, keeping Berlin in line with its diplomacy-first preferences and moving it hesitatingly towards a more robust and interventionist military posture on the Balkans (Maull 1995).

The Contact Group format, although being informal, immediately came under sustained scrutiny and criticism from other EU member states (Schwegmann 2003). On the one hand,

⁸ The format included the rotating EU Presidency and the EU Commission but both played only a marginal observer role in the negotiations (Schwegmann 2000).

member states, such as the Netherlands, feared that they might not be consulted when the Contact Group decided on escalatory military steps, affecting Dutch UN blue helmets serving in Bosnia. On the other hand, larger member states, such as Italy, sought to preserve the status and influence in the Group after serving as rotating EU presidency. In the case of Italy, threats to stop and prevent the US from further using Italian bases for its Stealth bombers led to the toleration of Italy as an additional EU member in 1996, while experts of other EU members rotated in and out of the Group's small policy structures (Schwegmann 2000: 19).

Already under challenge for its disappointing results, Germany and France launched an initiative to effectuate the CFSP in December 1995 and December 1996. In two open letters, they called first to modify the consensus principle by introducing a "constructive abstention" procedure, allowing those EU members that were willing and able to do so to go ahead while others tolerated this communal action. Secondly, they proposed to establish a prominent position to give voice and to present a senior person who could represent the EU on the international stage (Müller-Brandeck-Bocquet/Rüger 2015: 72). While Germany preferred to establish a lower-key position in the Council Secretariat at the time, thereby limiting potential autonomous actions vis-à-vis national foreign ministries, Berlin later pushed for a stronger bureaucratic position of the High Representative and his/her staff during the Nice and Lisbon Treaty negotiations (Rüger 2011).

In sum, Germany's Balkan policies in unilateral mechanisms outside the EU framework, privileging some bigger EU member states while sidelining EU institutions, did not lead to permanent big power intergovernmental structures. Rather, and against the background of the intra-EU discord over Balkan policies, Germany sought to strengthen intergovernmental coordination within the EU through the establishment of the High Representative position and the early warning and policy unit in the Council Secretariat. In addition, by constantly pushing the limits of the QMV on external affairs (with the exception of military and defense matters) and tying the High Representative to the Commission, Berlin also indicated its willingness to delegate some national competences to communal institutions.

The Iran experience and the emergence of EEAS

Given the US-led military intervention in Iraq in March 2003 and the Bush administration's rejection of a comprehensive proposal for the resolution of the nuclear crisis by Iranian authorities in April 2003, three foreign ministers of big EU member states launched a diplomatic initiative in August 2003 to resolve the conflict over unreported and ongoing suspicious Iranian nuclear activities.⁹ The E3 foreign ministers, who traveled to Tehran in October 2003 to negotiate a temporary settlement to suspend disputed activities, were joined in negotiating a second understanding – the Paris Accord in December 2004 – by

⁹ Comprehensive accounts of the European involvement may be found in Cronberg 2017, Adebahr 2017 and Schmitt 2017.

High Representative Javier Solana to become the EU3 mechanism. This Europeanization of the E3 format became necessary when excluded bigger EU member states (Italy, Spain, Netherlands) started to complain about being left-out and the E3 needed additional leverage through the suspended EU negotiations on a Trade and Cooperation Agreement (TCA) with Iran (Harnisch 2007: 5).

The German role during the EU3-Iran negotiations differed considerably from the Balkan case where Berlin had followed more or less the US leadership. In the case of Iran, European foreign ministers had initiated the dialogue and taken the lead to prevent the US from escalating the crisis through an early involvement of the UN Security Council. Among the E3, Germany held traditionally good (if neutral) relations with the revolutionary Islamic Republic Iran (IRI) and as the most important European trading partner initiated the EU's "critical dialogue" with the regime (Adebahr 2017: 48). During the negotiations, German interlocutors early on, and in contrast to their counterparts from nuclear weapon states, floated the idea of a limited Iranian enrichment capability so as to reconcile the Iranian claim for unrestricted fuel cycle activities with the prohibitive French and US approach (Bergnäs 2010: 499).

Germany's special role among the nuclear powers and permanent members of the Security Council becomes understandable when taking external expectations into account: First, as a strong protagonist of Israel's territorial integrity and thanks to its traditionally close relationship with Iran, Germany was deemed to be a credible interlocutor between the two. Secondly, as a strong protagonist of diplomatic solutions and early critic of the US-led intervention in Iraq as well as due to its relatively strong trade interests in Iran, it was thought to have political and economic clout with several of the parties concerned.¹⁰ Last but not least, the German Federal Foreign Office held the necessary technical know-how and by means of delegation to the High Representative office (and then the EEAS) provided one of the key negotiators, Helga Schmid, to facilitate the comprehensive tit-for-tat structure of the Joint Comprehensive Plan of Action (JCPOA), which (temporarily) settled the dispute in July 2015 (Adebahr 2017: 50; Cronberg 2017: Pos. 960).

Even after the conclusion of the JCPOA in mid-2015, the EU3 proved vital for the diplomatic settlement of the dispute. When Republican lawmakers sent an open letter to the Iranian leadership in March 2015, indicating that the JCPOA negotiated by the Obama administration would not be upheld by Republicans in Congress or a Republican President (after the elections in November 2016), E3 ambassadors and emissaries lobbied in both houses of Congress, arguing that international diplomatic relations should not be held hostage to US domestic politics (Crowley 2015). With the election of Donald Trump, a declared critic of the "Iran deal", the additional function to sustain US compliance with and tolerance of the JCPOA has become even more crucial (Cronberg/Erästö 2017).

¹⁰ Thus, when the EU3+3 considerably toughened the economic sanctions, Germany (and several other smaller EU member states) first resisted further coercive measures, but eventually supported them, cf. Adebahr 2017: 125.

In sum, Germany's active participation in minilateral mechanisms outside the EU framework has not undermined but eventually strengthened CFSP institutions. In this case, the trilateral initiative not only facilitated an intra-EU accord but also eventually led to sustained transatlantic cooperation in upholding and reforming the nonproliferation regime (Harnisch forthcoming). In doing so, it put the High Representative – which led the negotiations from 2008 to 2013 – and the EEAS to work after the Lisbon treaty had substantially strengthened both institutions.

5. Conclusion

The co-evolution of the EU and German political system has substantially changed Germany's CFSP policy over time. The single external biggest shift occurred with the end of the Cold War and the unification of Germany when deeper European integration became a national objective and effective intra-European coordination a necessity during the Yugoslav wars. A second key change took place after the US shift from benign to belligerent State in the aftermath of the 9/11 attacks, which galvanized the EU's preference for diplomatic conflict solutions. More recently, the Euro crisis and the massive influx of refugees from various conflicts in the EU's neighborhood have challenged Germany's pro-integrationist domestic consensus, thereby putting stringer if variant societal limits to the executive's integrationist predilections.

Contrasting these new dynamics with two hypotheses from the pertinent literature on Germany's CFSP policy reveals, however, two problems that hark back to the monodirectional moorings of rationalist or thin constructivist explanations. First, as extensively discussed in the literature on Europeanization, member states and the EU co-evolve over time through up-, down-, and crossloading, thus often frustrating efforts to pin down the relative influence of causal pathways or single countries (or components thereof such as bureaucracies or interest groups). In constitutional terms, Germany's constitutive CFSP policy is thus a primary enabler – but by far not the only one – of deeper intergovernmental cooperation in foreign and security affairs. By minimizing the importance of ideational underpinnings – preference for diplomatic and economic instruments as well as clear limits on delegating military deployment decisions – a pro-integrationist reading risks to oversimplify Berlin's European impact.

Second, a (temporal) decrease of financial engagement or the use of minilateral mechanisms may not be a good indicator for de-Europeanization trends. Governments, seeking to effectuate the EU's often tortuous decision-making process, may legitimate the EU by boosting its output legitimacy. In turn, better performance may legitimate further pooling and delegation of competences on the European level. But the improvement of European effectiveness increasingly needs to be reconciled with national legitimacy because the delegation of competences challenges national institutions and the interests they represent.

Fortunately, a broader and more inclusive European understanding of legitimacy may help to legitimate new forms of co-evolution in the CFSP realm, such as PESCO or an EU-centered civil-military headquarter. Following the election of the first openly nationalist US president after World War II and the subsequent US pullback from a rules-based international order, it is the promise of the EU's effective multilateralism that may help to pull both leaving and wavering member states as well as neighboring transition states into the EU's orbit in order to sustain an institutionalized international order that has served the Union and Germany so well.

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