
Foreign Policy Implications: Germany as a Partner in Europe and the World

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Two Hypothesis on German Foreign Policy

1. As long as Germany has not digested its own unification domestically, both financially and mentally, it will not be able to take over its traditional role as a integrating force between smaller and bigger, poorer and wealthier states in the Union.
2. Because Germany has been the most pro-integrationist among the big powers in the EU, important domestic political actors, the Länder and the Federal Constitutional Court, have found that EU integration has gone too far and tempered with their own domestic political competences. As a result these actors have set clear limits as to how far the German executive can transfer competences to the EU.

FCC Judgement on European Arrest Warrant 18.07. 2005

1. Law on EAW is unconstitutional, because the Bundestag has not made sufficiently sure that the domestic implementation of the European framework decision protects the basic rights of German Citizens (Leitsatz 3).
 - Judgment rejects the idea of an partial improvement of the law and demands a general revision of the EAW law.
2. Judgement argues that a „limited reciprocal acceptance“ of national legal systems is possible - as in the case of the EAW - if these Framework decision protect the „national identity and statehood“ in a unified European legal system (Leitsatz 2).
 - Judgement supports the so-called „Lückentheorie“, which means that Germany has not transferred sovereignty through the EAW but that the legislative had opened the German constitutional space for the (temporal) implementation of European law.
 - FCC calls for structural conformity between Germany and the EU (i.e. the EU's member states) if integration touches the inner core of the constitution.

EUHBF- Urteil vom 18.07. 2005: Struktursichernde und strukturentsprechende Wirkung von Art. 16, Abs. 2 S. 2

- Art. 16 Abs. 2 Satz 2 GG erlaubt als qualifizierter Gesetzesvorbehalt eine Auslieferung Deutscher nur, "soweit rechtsstaatliche Grundsätze gewahrt sind". Diese Voraussetzung für eine Auslieferung ist nicht nur die Wiederholung der ohnehin für Grundrechtseinschränkungen nicht verfügbaren Geltung des Rechtsstaatsprinzips, insbesondere des Verhältnismäßigkeitsgrundsatzes. Vielmehr handelt es sich um eine auf den ersuchenden Mitgliedstaat und den Internationalen Gerichtshof bezogene Erwartung im Sinne einer Strukturentsprechung, wie sie auch Art. 23 Abs. 1 GG formuliert. Der die Auslieferung Deutscher erlaubende Gesetzgeber muss insoweit prüfen, ob diese rechtsstaatlichen Voraussetzungen von den ersuchenden Stellen erfüllt werden. Urteil des Zweiten Senats vom 18. Juli 2005, 2 BvR 2236/04, Teil B I, 1c,aa Rnr. 77.

German –US relations

1. „Improved continuity“
 1. Chancellor Merkel will work on style and language.
 2. Grand coalition will cooperate on Iran.
 3. Chancellor Merkel will probably use London and Warsaw as go-betweens to improve ties with Washington thereby trying to limit the domestic fall-out of close cooperation with the Bush administration.
2. Grand Coalition will recalibrate its relationship between Washington and Paris.

German-EU relations

1. „Do not expect too much“.
 1. German role as a bridge between bigger and smaller/poorer and wealthier is gone.
 1. Germany lacks resources to use side-payments as deal making instruments.
 2. Franco-German motor no longer represents major cleavages in the EU.
2. Expect some German action in CFSP and ESDP.
 1. CFSP/ESDP is cost-efficient for a country lacking resources.
 2. CFSP can help to make strong bilateral ties with Russia and China less controversial.
 3. CFSP is a must for Germany (and other European powers) to improve cooperation with the Bush administration.

Germany, Eastern Europe and Turkey

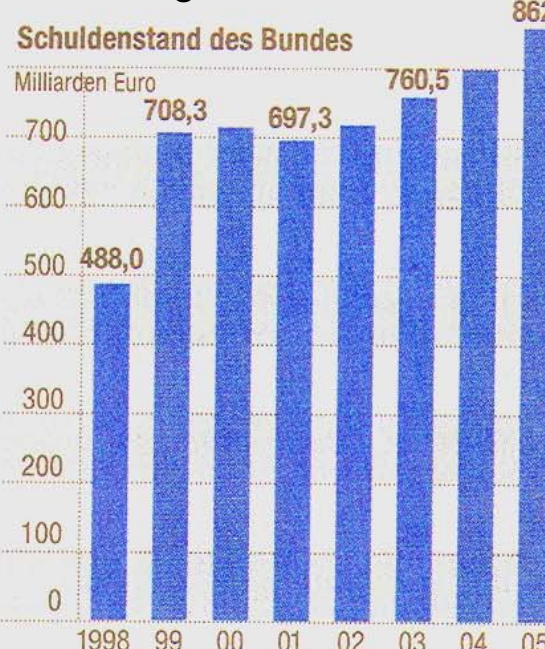
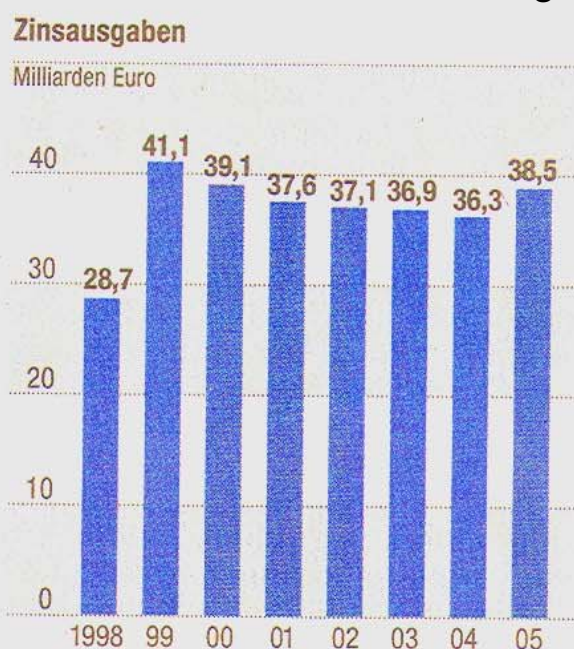
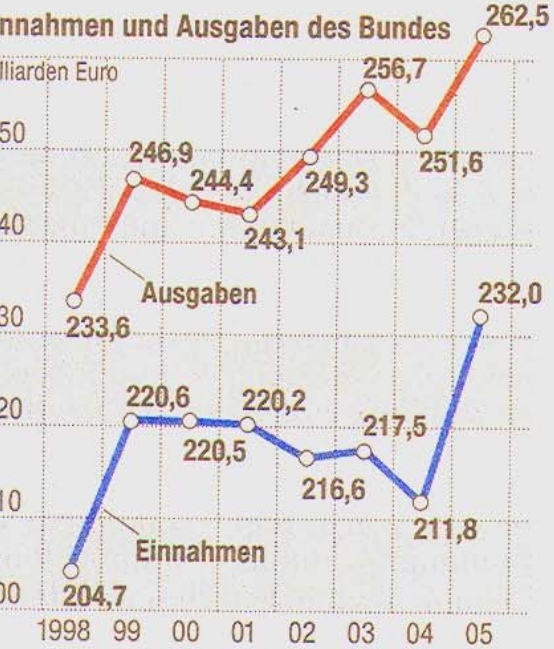
1. Ms. Merkel will probably go to Warsaw as her first abroad.
 1. It helps with smaller countries in the EU.
 2. It strikes a new balance between CEE and Russia.
 3. It strengthens the pro-transatlantic credentials.
2. The issue of a „national center of expulsion“ in Berlin could become a major stumbling block in German-Polish relations.
3. On Turkey: even if the Grand Coalition would push as hard for Turkish membership as Germany has pushed for the Constitutional Treaty, Germany alone can neither guarantee sufficient Turkish reforms nor the necessary EU reforms.

Some speculation on the mechanics of the Grand Coalition

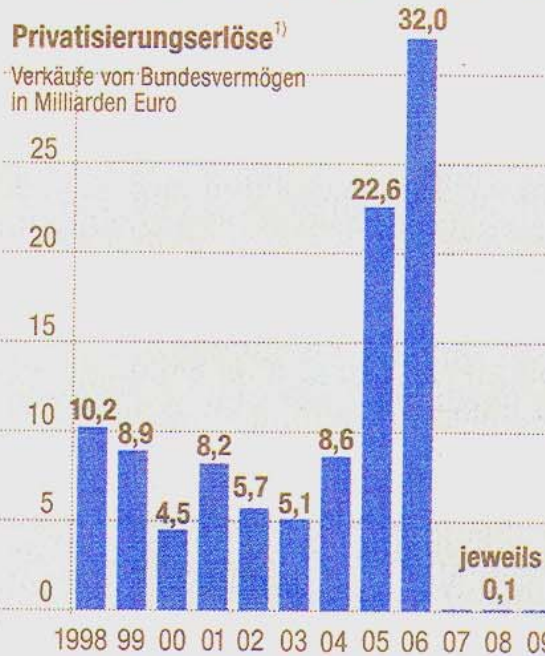
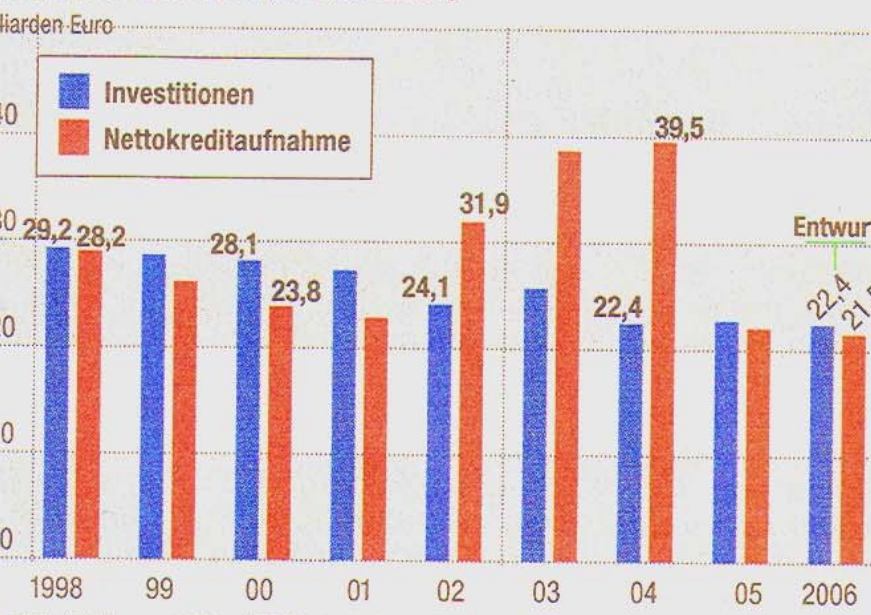
1. Nomination of Walter Steinmeier as Foreign minister leaves room for the chancellor(y) to engage in foreign policy making.
 1. Steinmeier may be an interim solution. He may be replaced as soon as the SPD has a contender for the elections in 2009.
2. The central power axis in the Grand coalition will be Merkel/Stoiber – Müntefering/Steinbrück.
 1. Focus on domestic affairs is strengthened by SPD's concern about the „Linkspartei“.
 2. SPD will try to split the „Linkspartei“ and reintegrate parts of the WASG into its ranks.
 3. SPD ministers will therefore focus on their domestic and social image, making major foreign policy initiatives unlikely.

Grüne Haushaltsbilanz

Source: Frankfurter Allgemeine Zeitung, 03.08. 2005.



Investitionen und Nettokreditaufnahme



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