

# **Pushed to the Sidelines?**

## **Germany and the EU's New Diplomatic Actors**

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*While Germany has been one of the key drivers behind the institutional development of European Union's (EU) Common Foreign and Security Policy (CFSP), Berlin's diplomatic track record reveals that during major diplomatic initiatives EU actors remained on the sidelines. How can we explain this ambiguity in German diplomacy? The article identifies two German leadership models, building on strong international institutions, or increasingly also based on German power. With a change in Germany's role, its traditional 'reflexive EU multilateralism' is more and more being replaced by a 'selective EU unilateralism' – a more functional use of EU instruments in international diplomacy. The analysis shows that stronger, more singular international involvement by Germany can be healthy for European diplomacy as long as EU instruments and institutions are sufficiently involved in the preparation, decision-making and implementation of policies. Three case studies on the Western Balkan Contact Group, the Iran Nuclear negotiations, and the Normandy format during the Ukraine conflict provide the empirical material for the analysis.*

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Germany has been one of the key drivers behind the development of the Common Foreign and Security Policy (CFSP) of the EU. When European member states decided to create the CFSP as a second intergovernmental pillar of the European Union in the 1993 Maastricht treaty, it was Berlin and France that pushed for this new quality in foreign policy cooperation. At the time, German Chancellor Helmut Kohl praised what he achieved together with his French counterpart President François Mitterrand: “we are moving significantly beyond the bounds of European political cooperation as it has functioned hitherto. This means that we may gradually develop a common foreign policy that is actually worthy of the name” (Kohl 1991: 7). The creation of CFSP was part of the overall push of Germany to create a Political Union in Europe and mitigate worries of France and other European partners of a reunified Germany (Moravcsik 1998: 430ff).

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It did not take long until the new European foreign policy structures, which included the provision that the rotating Council Presidency represents the regional bloc to the outside world, failed its first test. During the crisis management in Bosnia Herzegovina in 1994, the three biggest EU member states (the UK, France and Germany) created a Contact Group together with Russia and the US to help finding a solution to the conflict in the Western Balkan (Neville-Jones 1996). To the dissatisfaction of other EU member states, such as Greece and Italy, the European Commission and the EU Council Presidency had a status akin only to observer in the informal meetings on various political levels (Schwegmann 2000). The shiny new CFSP was side-lined in its first years.

The gap between the stated commitment to joint European diplomacy and actual state-based diplomatic activities is a constant and puzzling feature of German foreign policy. With Germany playing increasingly the role of a leader in EU foreign policy matters in recent years, this contradiction is worth revisiting. A key part of the 2009 Lisbon treaty reform was the creation of the High Representative of the Union for Foreign and Security Policy (HR) and the European External Action Service (EEAS). However, almost a decade into their existence these EU diplomatic actors are conspicuous in their absence from major diplomatic initiatives, such as the ‘Normandy format’ where France and Germany represent the Europeans in the efforts to find peace in Ukraine. Germany, which pushed for a strong HR and EEAS in the first place, takes centre stage in these negotiations.

How can we explain the inconsistency in Germany’s approach to European diplomacy? To answer the question, this article suggests that Germany’s leadership is based on different, sometimes contradicting, leadership modes. Berlin’s tendency to invest in the development of common European diplomatic structures is an expression of its *leadership by institutions*. From the perspective of institutionalist scholars of Germany (Katzenstein 1997, Bulmer and Burch 2001), Germany’s foreign policy is guided by its inherited preference for diplomacy as a tool in international relations, as well as by the interplay within multilateral institutions. By basing its policies on wide-spread rejection of military power as a means of international politics among the German people and politicians, Berlin became one of the strongest advocates of a common European diplomacy and seeks to advance its preferences through joint action.

However, the institutionalist German approach reaches its limits in a world that often lives by a realist playbook. From a neorealist viewpoint, it is not institutions but the relative power of states that decides their actions in international relations. Berlin is bound to take a more central role in international crises as the biggest economy and centrally located power in Europe, scholars in a realist tradition assume (Münkler 2015, Szabo 2015). EU actors have only a role to play, when they are perceived as functional in realising the preferences of states. Realists pronounce Germany's *leadership by power*.

The gap between the EU's aspiration as a global actor and its struggles in playing a joint role when facing concrete policy problems is not a surprising or new dilemma. Nevertheless, there is disagreement, whether minilateral action by bigger member states (here defined as diplomacy conducted by a subgroup of EU member states) is ultimately a healthy boost for EU's foreign policy or an undermining of the CFSP institutions (Harnisch 2007; Bailes 2006; Moret 2016). By analysing three cases, the Western Balkan Contact Group, the Iran Nuclear negotiations, and the Normandy format in the Ukraine Conflict, this paper contributes to the debate on minilateralism and its effect on European diplomacy.

The article continues as follows. First, the two schools of thought, institutionalism and neorealism, are briefly discussed in the context of German diplomacy. Second, the article analyses Germany's preference for strong EU diplomatic actors since the end of the cold war (Germany's reflexive EU multilateralism). Third, the article turns to concrete cases of European diplomacy and explains how Germany repeatedly found itself as part of minilateral initiatives (Germany's selective EU minilateralism). Finally, the article evaluates the consequences of Germany's amplified diplomatic role for European diplomacy.

## TWO MODELS OF GERMAN LEADERSHIP

Two distinctive perspectives are applied here to explain different dynamics in Germany's relation to European diplomacy and to unpack Germany's sometimes incoherent approach to international crises. It should be stated that this paper does not contribute to theory building, but rather uses the different theoretical lenses as heuristic devices.

Germany's leadership by institutions is based on a world view that is shared by institutionalist scholars of international relations. Institutionalists start from the assumption that states seek

cooperation in an interconnected world. Setting-up common rules of interaction stabilizes collaboration and allows states to solve problems jointly and create win-win solutions. In particular, rational choice institutionalist (Kahler 1992; Downs, Rocke and Barsoom 1998) highlight the importance of diplomacy and multilateral institutions as means to increase communication between states and lower costs of collective action. Over time, the international institutions themselves have a lasting effect on how states view their foreign policy options and approach international relations, historical institutionalists argue (Katzenstein 1997).

Germany's love for strong institutions should not be disregarded as a naive belief in a post-national world, in which states' individual preferences cease to play a role. Instead, it is widely acknowledged that institutions allow states to set the agenda and to advance preferences in the decision-making process (Barnett and Duvall. 2005; Tallberg 2006). According to this perspective, Germany seeks to advance its preferences by creating a favourable institutional environment. It has been thoroughly analysed how EU member states seek to shape the common institutions as to achieve a "goodness of fit" (Cowles, Caporaso and Risse 2001: 6) that aligns their domestic preferences and structures neatly with the overall direction that the EU as a whole is taking.

Germany's traditional approach to international diplomacy shares many of the characteristics that institutionalists highlight. In the decades after World War II, the strong preference for diplomacy and close interstate relations helped West Germany to regain its role as an international accepted player, while at the same time preserving peace in Europe (Yoder 2017). The politics of rapprochement in the 1970s helped Germany to manage its relations with the Soviet Union and East Germany. Franco-German leadership couples, such as Helmut Schmidt and Francois D'Estaing and or Helmut Kohl and Francois Mitterrand, intensified the interconnection between the two former arch enemies and helped advance European integration. International diplomacy and institution-building was a success story for the Germans in the second half of the 20<sup>th</sup> century and eventually helped Germany achieving its biggest goal, a peaceful reunification (Szabo 1992). German diplomacy focused on creating joint pan-European institutions and, at the same time, advanced German interests.

Reunification had a deep impact on Germany's European vocation. The peaceful showcase of a revolutionary developments strengthened the inclination of German's elite in "seeing themselves

as Europe's unifiers" (Hamilton 1991: 131). In addition, the experiences during the post-war period shaped Germany's approach to international relations. According to Maull (2007), Germany's post war identity was that of a "civilian power". The country's horrific past led to a "negligence of power" (Schwarz 1985) as a means of international relations. Instead, Germany pursued a multilateral foreign policy.

In line with what institutional theory would assume, it was only natural for a country with this foreign policy experience to go forward with leadership by institutions and to advocate a common diplomatic framework in the European Union. A forceful joint diplomatic representation aligned closely with Germany's preference for diplomacy over military force. Leadership by institutions highlights Germany's reflexive EU multilateralism: an in-built tendency to prevent international crisis situations through strong EU institutions and joint diplomatic efforts.

Scholars in a realist tradition would not agree with this analysis and would supposedly highlight other aspects of German diplomacy. Neo-realists, such as Mearsheimer (2003), assume that foreign policy is not advanced through institution building. Instead, states are solely focused on maintaining a balance of power in order to ensure their survival in an anarchical world. As international institutions are unable to enforce rules, states ultimately do not trust each other and are caught in a zero-sum game, where one's loss is the other one's gain.

Based on this perspective, Germany conducts leadership by power. Germany's structural power is mainly based on its economic strength, while it remains a second rank foreign policy power at best. From a pure neo-realist perspective, Germany remains a political dwarf as it possesses few natural resources and a weak military compared to its French and British neighbours (Matthijs 2016). However, following a broader, more interactional interpretation of power as the availability of means to influence other actors (Dahl 1957), Germany might have resources to offer in terms of ideational, political and diplomatic capital.

From a realist perspective, Germany's post-war diplomacy was an act of necessity rather than choice. With limited military sovereignty, the security of West Germany depended on NATO and Bonn was limited to diplomacy as a means to manage its international relations. Elements of realism can be detected in Germany's reunification process and the subsequent creation of the European Union with the Maastricht treaty. Harnessing the stronger, reunited Germany in a

deepened EU can be interpreted as ‘integrative balancing’ and in the security interest of Germany’s neighbours (Link 2002). Some policy-makers in the UK and the US saw a strong Germany as a welcomed counterweight to Russia in Europe (Hayes and James 2014).

The creation of common diplomatic representation for Europe is more problematic to explain in realist terms. Realists argue that international institutions only operate when they mirror the interests of the states. This limits the role of EU’s diplomatic actors to cases where they are functional to member states, for example if they can represent the EU as a bloc more effectively than individual member states could, or when highly technical negotiations are concerned. Furthermore, any joint diplomatic activity is reduced to questions which do not impact security calculations of member states.

German leadership by power assumes clear limits of the role of EU’s diplomatic actors. Germany sees EU institutions and actors as a means to an end and uses them selectively. Leadership by power underlines Germany’s selective EU unilateralism: a functional and case-by-case use of EU diplomacy.

#### REFLEXIVE MULTILATERALISM: BUILDING EUROPEAN DIPLOMACY

Germany’s reflexive multilateralism is reflected throughout the evolution of CFSP in the 1990s and 2000s. After reunification, Germany expressed a strong rhetorical commitment to advance the integration of Europe’s foreign policy. One of the main proposals that Berlin advocated at the time was the creation of a ‘Political Union’, which included majority voting on CFSP matters, a strong role of the European Commission, as well as a single institutional framework (Stavenhagen 1991). The idea of a Political Union covered not only economic affairs, but also foreign and security policy matters. Kohl underlined Germany’s preference for a joint European diplomacy: “The European Community has to speak with one voice and act as one unit, if it wants play a credible role on the continent and worldwide” (Kohl 1992).

Yet, the Maastricht negotiations did not proceed the way Germany had hoped. One of Germany’s leading newspapers commented at the time: “On the political union, not at least on foreign and defence policy, most aspects remained vague [...] Make no mistake this is mostly a defeat from a German perspective” (Nonnenmacher 1991). After it became apparent that France was concerned about the sovereignty of its foreign policy decisions and that Paris did not share the German vision

of integrating foreign policy, Germany did not push the matter further in the treaty negotiations (Schmalz 2002). The CFSP was introduced as a separate intergovernmental pillar of the EU. The gap between the German commitment towards further integration of Europe's foreign policies and what was eventually achievable with other EU member states, notably France, continued to be a consistent feature of future treaty changes.

This pattern became visible once more during the negotiations of the 1999 Amsterdam treaty during which the member states for the first time considered the creation of a permanent EU representative. The French idea at the time was to create a political and independent position of a "Mr CFSP" outside of the existing institutional structures, led by a high-profiled individual. Germany opposed the French view and preferred to embed the new position in the existing structures of the Secretariat-General of the Council (McDonagh, 1998: 116). For Germany, it was important that the new EU foreign policy chief would be closely involved in shaping and implementing CFSP policies and that they have a strong link back to the national foreign ministries. Germany partly succeeded and the High Representative for CFSP wore a double-hat as the Secretary-General of the Council. However, the German proposal to entrust the High Representative as the chair of the political committee – the predecessor of the Political and Security Committee (PSC) – fell flat (Loth 2015: 45). Britain and France perceived a formal chairmanship as too much institutional power for the HR.

Germany's affinity to establish close institutional links between the foreign policy structures in Berlin and Brussels was also visible through its active personnel strategy. During Javier Solana's tenure as High Representative, the head of the Policy-Planning and Early Warning Unit (or 'policy unit') of the Council Secretariat was first held by Christoph Heusgen and later by Helga Schmid, both high-profile German diplomats with well-established links back home (Duke 2011). These and other links between Rue de Loi in Brussels and Werderscher Markt in Berlin should become useful during key diplomatic initiatives such as the Iran Nuclear negotiations.

The question of how to make European foreign policy more efficient and ready for an enlarged European Union of up to 28 member states was one of the main concerns during the European Convention in the early 2000s that led to the Lisbon treaty reforms. Germany's EU multilateral reflex was again visible throughout the debate, with the foreign minister Joschka Fischer (2000)

early on advocating a “core Europe” that would advance further in integrating foreign policy. A Europe of different speeds was not a key concern during the European Convention, yet once more Germany emerged as one of the key promoters of deepening foreign policy cooperation. Together with other integration-friendly member states, such as the BeNeLux countries and Finland, Berlin suggested to make the European Commission responsible for implementing EU foreign policy. Other members, such as UK, Spain, and France were sceptical about an expanding the role of EU institutions.

In this situation it was Germany’s representative that introduced the compromise that would eventually become the dual role of High Representative of the Union/Vice-President of the Commission (Matl 2003). The idea of assigning the position of a Commissioner and High Representative for the CFSP to one person had been toyed with before (Quermonne 1999), but by 2003 it finally seemed like a way forward to improve the coherence of EU’s external relations without alienating the integration sceptical member states. In a final input paper, Berlin and Paris plotted out details that also included a plan for what should later become the European External Action Service (Norman 2003). Germany did not fully succeed with its ideas to further integrate foreign policy. Berlin did not push hard for qualitative majority voting or a CFSP role of the Commission after it became clear that other member states did not favour further integration. Nevertheless, Germany continued to look for ways to institutionalise European diplomacy and to create common tools that allow member states to bundle their diplomatic activity.

Given how active Germany was in the institutional leadership of CFSP since the early 1990s, it came as a surprise that Berlin was rather absent during the implementation of the Lisbon treaty following its enactment in December 2009. The treaty articles concerning the new HR and the EEAS were rather ambiguous and many questions regarding the scope and functioning of the new diplomatic administration were left open. A certain degree of German disengagement can be attributed to the fact that the German foreign minister at the time, Guido Westerwelle, had just taken office and did not have any prior foreign policy experience. Instead, he put his trust in managing the difficult task of setting up a new European diplomatic administration into the new High Representative Catherine Ashton, who herself was a foreign policy novice. The Swedish Council Presidency in the second half of 2009 was very active as well and managed to negotiate a first blueprint summarising the position of member states.



Nevertheless, the negotiation process leading up to the EEAS setup decision in summer 2010 was marked by an absence of strategic leadership. In this vacuum, the European Commission and the European Parliament played a strong hand. Member states, including Germany, were busy ensuring that the new diplomatic structures would gain necessary administrative powers to steer EU's external relations according to the policies agreed by member states. This included ensuring that the EEAS received the strategic planning of financial instruments and that the minimum requirement of 1/3 of national diplomats working in the EEAS would be reached swiftly.

While Germany had been active in its personnel policies earlier, it took the Auswärtige Amt more time to find the right strategy to promote its diplomats for key positions in the service (Adebahr 2015). Helga Schmid was without a doubt the most profiled German diplomat in the EEAS. She served as political director under Catherine Ashton and became the Secretary-General of the EEAS in summer 2016. Around the world, the number of German EU heads of delegation remained modest. According to the EEAS website in summer 2017, German diplomats headed ten EU delegations, while France posted 17 EU ambassadors, and Spain 13. From the G20 countries, only South Korea was on the list of German-led EU delegations. Nevertheless, some of the countries with a German EU ambassador, such as Belarus, Libya and Egypt, were hot spots with political importance to Germany.

With the Lisbon treaty in place, a diminishing role for German leadership by institutions can be observed with regards to the development of common European diplomatic structures. This was partly because the Eurocrisis absorbed a large amount of German attention and political capital. The more pragmatic view on EU institutions of Chancellor Angela Merkel was an additional factor. While her party's predecessor in the chancellery, Helmut Kohl, had a strong integrationist agenda born out of the experience of reunification, Merkel advocated her 'Union method' (Merkel 2010) which included a more functional role of EU institutions. More support for a strong role of the EEAS came from the Social Democratic coalition partner that controlled the federal foreign office. Under Frank-Walter Steinmeier (2012-2016), the federal foreign office saw the EEAS as a key ally to enhance the role of the foreign ministry in EU policy making vis-a- vis the dominating Chancellery under Merkel.<sup>1</sup>

The Federal Foreign Office was also a key force in driving the 2013 EEAS review. In particular, the diplomats on the Werderscher Markt emerged as a main coordinator for the member states' input. The Federal Foreign Office pushed for a High Representative with a stronger role as Vice President of the Commission. The EU foreign policy chief should especially be the authority with regards to the European Neighbourhood Policy (ENP), an area where Catherine Ashton had happily delegated powers to the ENP Commissioner and the Commission services that administer the financial instruments. Berlin also suggested some reforms to strengthen the EU ambassadors' roles including entrusting them with political leadership also on Commission portfolios. The thrust of the German-led proposals was clearly to make EU diplomacy more political and more connected to member-state priorities – a goal that Germany also pursued during the rewriting of the European Global Strategy in 2016.

25 years of CFSP evolution show that Germany approaches EU foreign policy questions often from an institutional angle. From a German perspective, problems arising from different national priorities or inconsistencies of the various external policies can be fixed by strengthening competences of Brussels' actors. The German position is not without changes though. In the late 2000s, Germany visibly disengaged from the CFSP leadership and concentrated on matters related to the public debt crisis in Europe. When Germany returned to the debate on the future of EU foreign policy a couple of years later, the German government had experienced a series of foreign policy crises (especially in Ukraine). It continued to lead by shaping European institutions, but with a new awareness that foreign policy needs a powerful role and political guidance of national diplomacies in order to succeed.

#### SELECTIVE MINILATERALISM: GERMAN CRISIS DIPLOMACY

While the EU's diplomatic structures became more and more institutionalised in the 1990s and 2000s, Europe was faced with foreign policy crises that required attention. Instead of addressing policy problems with the common set of diplomatic instruments, time and again member states, including Germany, side-lined the European Union and engaged in different diplomatic formats. Three cases will be analysed in the following: The Western Balkan Contact Group, The Iran Nuclear negotiations, as well as the 'Normandy format' during the Ukraine conflict. All three cases have in common that Germany is engaged in a minilateral format comprising a group of states involved in crisis diplomacy. However, the role of EU diplomatic actors varies. Does this represent

a change towards German leadership based on power rather than institutions, or are situational factors to blame when the EU is muted?

### *The Western Balkan Contact Group*

After the CFSP was introduced with the 1993 Maastricht treaty, it did not take long for the relevance of the new political structures to be tested. At the time, the crisis in former Yugoslavia, especially the war in Bosnia, was on top of the international agenda. The EU and UN co-led talks at the International Conference on Former Yugoslavia in Geneva had failed. Closely involved negotiators realised that no progress towards peace between the rivalling factions could be made without a substantial buy-in of the US and Russia.<sup>2</sup> When the US decided to step up its involvement in early 1994, it had little interest in engaging the EU as an entity, given that the twelve member states had conflicting views on the nature of the crisis and the future of Yugoslavia (Peen Rodt and Wolff 2012). Nevertheless, as US contacts in the region were scarce, and potential tensions with Moscow were looming, Washington saw clear benefits of engaging European partners (Neville-Jones 1996). Washington favoured an informal setup, including only the other European permanent members of the UN security council, the UK and France, plus Germany. The Contact Group, including Russia, was born. The EU should only have a limited role in the new setup with the rotating Presidency and the European Commission playing a passive part in the negotiations (Schwegmann 2000).

The establishment of the Contact Group, which continued also to be active with regards to the crisis in Kosovo, was surely not driven by Germany. As Maull (1995) argued, while Germany had been much more involved in the earlier EU-led diplomatic initiatives, the establishment of the Contact Group was a turning point of the German efforts on the Western Balkans. The new phase of the crisis management meant that US leadership, backed up by the threat of a NATO military intervention, was the key factor in facilitating peace talks aimed at stopping Serbian hostilities. The recently reunited Germany was at the time still hotly debating whether it would be historically and constitutionally able to make a military contribution to the stability of former Yugoslavia (Dalgaard-Nielsen 2006) and thus did not project any forceful role in the peace diplomacy. Instead Germany, together with France and the UK, played a prominent part in advising constitutional reforms and brought the economic power of the European continent to bear (Schwegmann 2000).

The early CFSP experience sheds some light on how Germany approaches international diplomatic initiatives. In principle, Bonn remained committed to a strong common EU diplomatic approach in the crisis. However, Germany foreign policy was still in its infancy after reunification, leaving Bonn with few other diplomatic tracks apart from joining the US-led Contact Group. Leadership by power was yet no option for Germany. In this situation, the Contact Group offered Germany the best possibility to stay included in the political process and to have a joint approach with key international partners (Maull 1995). The multilateral diplomatic initiative, matched Germany's preference for diplomacy and included also Russia, which was crucial in persuading the Serbian leadership to agree to a compromise.

Some authors see the Contact Group not only as a good example of international diplomacy, but also as a positive development for EU foreign policy. Schwegmann (2000) argues that the Contact Group emerged as the EU missed the appropriate instruments to address the crisis in the Western Balkan. The informal grouping allowed the necessary flexibility for the EU and its member states to matter in this crisis scenario. Big member states represented the whole EU and served the European interest (and thus also the interest of the smaller member states).

Nevertheless, smaller member states quickly raised concerns that important decisions - for example with effects on their UN troops stationed on the Western Balkan - were taken over their heads. Italy even went as far as to threaten to deny US access to airbases if Italy was not included in the Contact Group – with success (Williams 1995). It was obvious that despite some diplomatic achievements on the Western Balkan, especially in Bosnia with the Dayton agreement, the question of finding a more legitimate setup to include the EU in international diplomacy had to be found. The 1999 creation of the office of High Representative for CFSP, as advocated by Germany, can be seen as a way to address the legitimacy gap and to bring the European diplomacy closer to the EU decision-making bodies in Brussels.

### *Iran Nuclear negotiations*

Similar to the Western Balkan contact group, the negotiations on Iran's nuclear program between 2003 and 2015 started off without the involvement of the EU diplomatic tools that had just been reformed by the 1999 Amsterdam treaty. In 2003, Teheran had reportedly signalled to the Bush administration in Washington the possibility for a 'grand bargain' to settle differences, including

on matters of nuclear proliferation (Harnisch 2007). After President Bush- who initially aimed at regime change in Teheran - ignored the offer, the German foreign minister, Joschka Fischer, suggested a diplomatic initiative together with his British and French colleagues (Borchard 2015). The 'E3' foreign ministers travelled to Teheran in October 2003 and managed to negotiate a first diplomatic success that paved the way for further negotiations and secured a temporary suspension of Iran's nuclear program. This first trip defined the EU's distinctive role as a bridge builder between Iran and the US, and set the stage for a more ambitious agreement in Paris a year later (Sauer 2008).

The German role in the start of the Iran Nuclear talks was thus different from the earlier Contact Group engagement. While Germany had been passively involved in the directoire's efforts on the Western Balkan, Berlin was one of the main initiators of the Iran talks. In addition, Europe's position was a different one from the start. On the Western Balkan, the US was the main driver behind the Contact Group's diplomatic initiative. The Iran nuclear talks were a truly European initiative and a reaction to the American reluctance to look for a diplomatic solution for the growing tensions surrounding Iran and the Middle East. Only in 2006, following a set-back in the negotiations and the need to increase the pressure on the Iran regime, the other three members of the UN security Council, US, Russia and China joint the diplomatic initiative. The European dimension of the enterprise as well as the idea of a multilateral engagement of Iran – the EU had just presented its idea of advancing 'effective multilateralism' in its 2003 European Security Strategy (European Union 2013) - were amicable with German leadership on this high-profile security issue (Bailes 2006).

While the start of the Iran initiative was informal, the format was further institutionalized over the years. The Iran nuclear talks raised similar concerns among unrepresented EU member states that would ultimately be affected by the sanctions and security implications connected to the progress towards an agreement.<sup>3</sup> This time around, however, Europe had better instruments in place to deal with the negotiations. In November 2004 Javier Solana, High Representative for CFSP, became the chief negotiator on behalf of the E3. It was argued that Javier Solana was eager to expand his role after his office was side-lined and muted during the 2003 Iraq war and that he 'bullied' his way into the negotiations (Bilefsky 2006). The EU institutional framework also proved useful in other respects. Throughout the Iran Nuclear talks the E3 diplomacy was organized as an

intergovernmental activity between the political directors of the national foreign ministries and (since 2004) the office of High Representative. However, the Political Security Committee and the Council became the place for EU officials and E3 diplomats to debrief the other EU member states on aspects of common concern that stem from the negotiations (Meier 2013).

Germany's leadership played a key role throughout the negotiations. To some extent, German leadership was based on its economic and foreign policy power. Germany was again part of a major diplomatic initiative without having a permanent seat in the UN Security Council. The reasons why Germany had the possibility to play a key role from the start were often seen in its close relations to Iran and Israel, the two regional powers in the Middle East (Allmeling 2014). Germany's close historical ties to Israel, which felt threatened by Iran's nuclear ambitions, made Berlin the closest partner for Israel in the EU. Yet, Germany was also one of Iran's biggest trading partner and thus brought economic leverage to the table. At times, the economic exposure of Germany to trade with Iran, caused Germany to react cautiously when Western allies called for more sanctions.<sup>4</sup>

Germany's power was not the only reason that it was elevated to the world stage. Berlin's leadership by institutions strongly contributed to Europe's role as a facilitator between the US and Iran. German diplomats were closely involved not only as part of the German delegation, but also as part of the EU negotiation team. One of the key figures in the technical parts of the negotiations was the German Diplomat Helga Schmid, who was closely involved under the EU High Representative Catherine Ashton and – in the final round – under Federica Mogherini. To establish trust between Iran and the US required a high level of technical know-how on the process of nuclear enrichment, which the Federal Foreign Office was able to provide in partnership with the nuclear industry in Germany (Krüger and Mascolo 2015).

While the High Representative and her team played a key role in the technical aspects of facilitating a deal that could be accepted by the US, the political breakthrough had to be facilitated by the biggest three EU member states. Ahead of a US Congress vote in autumn 2015 on the Iran Nuclear deal, E3 ambassadors and representatives successfully lobbied senators and house members extensively in tandem with the Obama administration (Crowley 2015). European allies

reminded US lawmakers that the deal represented an international diplomatic effort and should not just be blocked by Republicans to undermine the Obama presidency.

The question whether the Iran deal was primarily a success of the leadership of the E3, or whether the EU institutions played an important independent role, was a matter of debate between scholars. Those observers who emphasize the EU's diplomatic role in the Iran talks especially noted the usefulness of the EU instruments that facilitated the technical negotiations. According to Meier (2013, 19), especially "the reform of Europe's foreign security policy under the Lisbon Treaty and the creation of the European External Action Service offer opportunities to bring together several tools at the disposal of the EU to prevent and roll-back proliferation." In addition, Meier argues that the success of the E3 would hardly have been possible without keeping the EU28 informed on key aspects of the negotiations and indirectly represented through the HR. Adebahr (2013) even saw the potential to widen the scope of the EU's engagement with Iran and to improve the EEAS work on the ground.

Yet, the role of EU institutions has been also seen more critically, especially when it comes to the lack of political leadership. Bailes (2006) argued that without Germany, the UK and France taking the lead and side-lining EU institution and other member states in the beginning, "it is hard to see where else in the structure the will to act would have come from, how the decisions could have been taken fast enough, and who else the Iranians would have listened to in the given circumstances" (2006, 132). Harnisch (2007, 19) even concluded that the start of the initiative was not so much due to Europe's policy entrepreneurship, but that the recognition and support of the US was the "single most important factor" that allowed the diplomatic talks to unfold. The scepticism towards the real contribution of EU institutions continued until the end of the talks. Especially Catherine Ashton – who concentrated on technical aspects and was known for her quiet diplomacy – had to endure criticism from the press who mourned her lack of political leadership (Mittelstaedt, Neukirch, and Schult 2012).

In a fair assessment of the political and technical aspects of the Iran nuclear talks, EU diplomacy contributed to the success of the non-proliferation diplomacy. The EU3+3 format can be evaluated as a mix of German leadership by power and by institutions. On the one hand, Germany brought its political and economic power to bear by kick-starting the diplomacy together with France and

the UK and by keeping the US involved until the end of the talks. On the other hand, Germany advocated the use of EU instruments to facilitate the technical aspects of the talks and to keep the other EU member states included.

### *Ukraine conflict and the 'Normandy Format'*

Compared to earlier diplomatic initiatives, Europe's involvement in finding a solution to the Ukraine crisis from 2014 onwards was different in one key aspect. The EU played a critical role from the start and was even seen by Russia as a party to the conflict (Howorth 2016; Karolewski and Cross 2016). The Ukraine crisis erupted after the President Victor Yanukovich refused to sign the Association Agreement with the EU in late 2013 – a move that brought pro-EU protestors to the streets of Kiev. A series of events followed, including the ousting of the pro-Russian president, the Russian illegal annexation of Crimea, as well as a destabilisation of Eastern Ukraine by pro-Russian separatist forces. The conflict in Ukraine was triggered on the question whether the country has a future as a close associate to the EU. It has been argued that the European Commission had pursued negotiations on an economic partnership without “any sense of the broader political context and stakes” (Howorth 2016, 128), thereby “sleep-walking” (House of Lords 2015, 63) into the conflict. While it is beyond the scope of this paper to evaluate the possible mistakes of the EU in the run-up of the crisis, it is clear from the events that followed that the Russian government felt deeply uncomfortable with Ukraine's western transformation associated with EU's neighbourhood policy.

The role that the EU played in the lead-up to the crisis constrained the scope for the diplomatic engagement of Brussels in the mediation of the conflict. In December 2013, High Representative Catherine Ashton travelled to Kiev to show solidarity with the pro-Russian protestors on Maidan square, where she was enthusiastically greeted by the crowds. Russian President Putin was angered by EU's public support of the protests and questioned the EU's legitimacy to get involved in what he saw as a purely Russian-Ukrainian affair (Casert 2014). German representatives also criticised Ashton's appearance on the Maidan, which would undermine EU's offer to play the role of a mediator in the conflict.<sup>5</sup> This indicates that in parts of the German foreign policy establishment the diplomatic role of the EU was already discredited. Indeed, in February 2014, after violent clashes between protestors and security forces in Kiev the foreign ministers from the Weimar



triangle countries, France, Germany and Poland, not EU representatives, brokered an agreement that led to an interim government.

The position for the EU as a mediator in the Ukraine crisis was thus very weak from the outset. After the annexation of Crimea and the start of the fighting in Eastern Ukraine, the first mediation attempt, the so-called Geneva talks that included the EU and the US, failed. This was the only time that the EU was involved as an institution in high level diplomacy on Ukraine. After the Minsk Protocol – an agreement between Ukraine and Russia and the OSCE - failed in early 2015, German Chancellor Angela Merkel together with the French President Francois Holland got directly involved and negotiated in the so-called Normandy format with Russian President Putin and the Ukrainian President Poroschenko. Even though the implementation is still unsatisfactory at the time of this writing (summer 2017), the Minsk II agreement has become the main framework for the possibility of settling the conflict in Eastern Ukraine. The Normandy format became the main venue of high level diplomacy between Europeans, Russia and Ukraine.

While the EU was sidelined in the negotiations, Germany moved centre stage and became the main European representative to mediate in the Ukraine crisis. Yet, evidence points towards the interpretation that Berlin was not actively seeking the role of a negotiator based on its power. As a perceived factor in the outbreak of the conflict, the EU as a diplomatic actor had lost credibility in the Russia talks. At the same time, the EU was going through a change of leadership in the European Commission and the office of High Representative in late 2014, causing a political vacuum at the top (Fix 2016). The incoming High Representative, Federica Mogherini, was challenged internally by some hawkish member states who feared that she would be too soft on Russia.<sup>6</sup>

The strong German diplomatic engagement was enabled by the US. The Obama administration shared the views of the German government that the conflict should be solved through a diplomatic initiative and coordinated closely with Merkel in the talks with Russia (Packer 2014). Germany's long standing policy of engaging Russia, also known as Ostpolitik, was another factor that made Germany an acceptable negotiation partner in the eyes of the Kremlin (Siddi 2015; Orenstein and Kelemen 2016).

In contrast to earlier diplomatic initiatives on the Western Balkans and with Iran, Germany received little criticism for its role as negotiator on behalf of Europe. The idea to include the High Representative or, more appropriately, the President of the European Council on the level of heads of state or government, was mainly discussed amongst foreign policy experts (for example, Raik 2015), and not considered further. For a long time, none of the member states demanded to be represented in the negotiations.<sup>7</sup> This is particularly remarkable, as for some of the member states, especially the Baltic States and Poland, relations with Russia constituted their main security concern. For other member states, such as Italy, the UK or Cyprus, the future of the Ukraine conflict and a possible normalisation of Russia relations and easing of sanctions had significant economic ramifications.

Germany's leadership on Europe's Ukraine diplomacy was accepted partly because Merkel made a concentrated effort to keep EU partners on board. She used EU and bilateral channels to keep other EU governments informed about the progress of the talks (Natorski and Pomorska 2016). Merkel and Holland took the floor of European Council meetings to inform their peers on the state of the peace process and to give them their assessment on the way forward.<sup>8</sup> Germany's leadership was partly based on EU decision-making institutions that allowed to create necessary internal consensus as well as trust among member states, even though EU's diplomatic institutions ceased to play a meaningful role. Yet, despite the facilitating role of Brussels internal diplomacy, Germany's central position would have hardly been possible without the strong convergence of perception of the Russian threat around Europe at the time (Orenstein and Kelemen 2016).

The EU institutions also played a key role in preparing and implementing European sanctions against Russia. The European Commission and the EEAS prepared the details for the sanction decisions, which included thorough assessments of the potential impacts on the European economies and gas market (Natorski and Pomorska 2016). Just as previously in the case of the Iran Nuclear talks, the EU institutions proved functional with regards to providing technical assistance – in this case in the form of expertise on economic and practical implications of the sanctions. However, Germany was crucial in providing the political leadership to bring the 28 member states together to decide on the sanction regime in the first place. Germany's unexpected far-reaching shift in its Russia policy - from an advocate of close economic ties to a principled supporter of

restrictive measures (including considerable economic costs for the German economy) –is widely seen as the catalysts of relative stable EU unity on Russia sanctions (Wigell and Vihma 2016).

Germany's leadership by institutions remained eventually restricted to EU internal and technical processes that allowed a unified position on key policies and sanctions. Germany did not promote the role of EU diplomatic actors in the process. Given the EU's critical role in the crisis, Berlin also did not advocate the use of the CSDP instruments in the implementation of the Minsk agreements, but pushed the role of the OSCE in monitoring the ceasefire on the ground as the only pan-European organization where Russia and Western countries are represented.<sup>9</sup> German leadership in the Ukraine crisis was instead based on its power –not in the narrow, realist sense, but in terms of the political capital that the Merkel government had accumulated over the years in relation to Russia and its European partners. Thomas Bagger, who was head of policy planning under German foreign minister Frank-Walter Steinmeier, conceded that “the most important weakness and limitation of the ‘German Moment’ therefore lies in being just that: a German and not a European moment” (Bagger 2014).

## CONCLUSION

The research confirms that Germany's diplomatic engagement is driven by both, by its tendency to work through EU institutions as well as by its own foreign policy power. The resulting ambiguity might occasionally raise eyebrows among observers, for example when the German foreign minister underlined the need for strong EU institutions in foreign policy making in a speech in Brussels in early 2015. The proclamation of EU support came just one month after the Normandy format, without any EU representative, achieved its biggest success to date by signing the Minsk II agreement (Steinmeier 2015). This gap between aspiration and reality is likely to remain a constant feature. Nevertheless, the analysis at hand offers insights on two questions. First, does Germany increasingly rely on its power rather than EU institutions in playing a leading role in European Diplomacy? Second, does an increase of the German role in European diplomacy harm the common foreign policy, or support it?

The analysis clearly shows that – in terms of international diplomacy – Germany increasingly bases its leadership on its national power rather than on EU institutions. Germany's reflexive EU multilateralism has weakened over the course of the four latest EU treaty revisions. While

Germany had been one of the strongest principled supporters of integrating European diplomacy, its support for the HR and the EEAS is nowadays more functional in nature. Germany's instrumental view on the European policy actors comes to light when looking at the case studies. During the Iran Nuclear negotiations and the Ukraine conflict the EU's diplomatic role was mainly focused on facilitating the technical details of negotiations and for ensuring the internal EU consensus. The functional role of EU institutions corresponds with the realist interpretation of European diplomacy, whereby the political initiative resides firmly with the nation states. Due to its late reunification and retrieval of foreign policy sovereignty in 1990, it has taken Germany longer to accept leadership by power. The Western Balkan Contact Group exemplifies, how Germany played a key role in international diplomacy from early on after reunification, but remained in the background focusing on technical mediation. The contrast to the Ukraine crisis diplomacy from 2014 onwards, where Germany's political and economic power puts Merkel centre stage, could not be more striking. Germany, also in the Ukraine case, remains firmly committed to the European Union, yet uses the common instruments more selectively.

The shift towards a more power based approach for German diplomacy is not driven by an underlying change in the German attitude towards multilateral diplomacy and the European Union. Instead, situational factors drive the change towards a direct German diplomatic engagement. The Iran case illustrated how the political initiative of the biggest three EU member states, Germany, France and the UK, was necessary to start the diplomatic process and to ensure the completion of the deal in 2015. In all cases, it showed that the support of the US was also a crucial factor in the success of European diplomacy. During the Ukraine conflict German leadership was encouraged and enabled by the policies of the US administration. Rather than actively seeking the spotlight and pushing away EU representatives, Germany time and again found itself in a position where it had to lead by default. The fact that Germany did not choose to lead, might explain why its strong support for EU diplomatic structures is at odds with its lonely leadership in crisis situations.

Where does this leave the CFSP? The analysis shows that Europe displays strong diplomacy when member states lead by power and by institutions. This was the case in the Iran nuclear dispute, where member states' political initiative and economic weight went hand in hand with the detailed engagement of the EU High Representative and the EEAS. It is yet to be seen whether the Ukraine conflict can be solved within the current framework of diplomatic negotiations. It appears that the

extraordinary German leadership in the Ukraine conflict is a special case enabled by the circumstances. The magnitude of the crisis created a ‘rally around the flag effect’ in the EU that for a certain period of time muted criticism of Germany’s privileged position. Based on the experiences analysed in the three case studies, these singular types of European leadership do not prove effective in the long run, as the legitimacy of negotiations and the long-term commitment of stakeholders is better ensured by engaging international institutions. It can be expected that without a greater involvement of EU actors in the medium term, the mood towards German leadership by power might turn sour.

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<sup>1</sup> For a more detailed analysis of the different approaches of the Federal Foreign Office and the Chancellery towards the EEAS, see Helwig (2016).

<sup>2</sup> For a comprehensive account of the genesis and evolution of the Contact Group see Schwegman (2000).

<sup>3</sup> According to one press report about half a dozen member states – including Italy, Spain and Portugal – were questioning the legitimacy of Germany, the UK and France to negotiate with Iran on their behalf, see Associated Press (2005).

<sup>4</sup> When the US and France pushed for more punitive economic restrictions against the Iran, Germany maintained its more cautious approach. Tough sanctions were eventually adapted after the Iranian election in 2009 that worsened the relationship with Iran, see Schmitt (2017)

<sup>5</sup> This view was expressed by Gernot Erler, the Coordinator for Intersocietal Cooperation with Russia, Central Asia and the Eastern Partnership Countries, who also criticized the outgoing German foreign minister, Guido Westerwelle, for doing the same, see Erler (2013).

<sup>6</sup> An input paper by Mogherini on EU-Russia relations raised eyebrows in the capitals, as she seemed to advocate reengagement with Moskau while the Ukraine crisis was still far from unsolved.

<sup>7</sup> The extension of the Normandy format was briefly discussed in the media in late 2016 / early 2017. According to an agency report in December 2016, the Polish foreign minister demanded to include Poland and the US in the talks amid what he saw as slow progress in the implementation of the Minsk agreement (UNIAN 2016). A participation of the US Trump administration had been speculated, but was eventually called-off after talks between the German foreign minister, Sigmar Gabriel, and the US Secretary of State, Rex Tillerson (Associated Press 2017). In February EU High Representative Mogherini suggested that the EU could provide support to the Normandy format, but did not see the need to formally include EU representatives (Mogherini 2017).

<sup>8</sup> For example, Merkel and Holland debriefed the other European heads of state and government during the European Council meeting in December 2016 and gave the clear recommendation to prolong the sanction (European Council 2017).

<sup>9</sup> A CSDP advisory mission to assist the civilian security sector reform was set up in Kiev. But in terms of settling the crisis in the East of Ukraine, the German government repeatedly advocated for a strong role of the OSCE, see, for example, Steinmeier (2016).

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