
Germany and WMD Proliferation

HARALD MÜLLER

Glaring U.S.-German differences over Iraqi policy, highlighted by personal animosity between President George W. Bush and Chancellor Gerhard Schroder, have been seen by many observers as signaling the emergence of a rift between the United States and many of its European allies. However, the differences between the United States and Germany in the area of WMD proliferation that have become so obvious during the 2002-03 Iraqi crisis are not just a recent development, nor are they restricted to this single area of security policy.¹ Rather, they reflect deep-seated differences between the two countries and their leaders on the precise meaning of proliferation as a security problem; on threat assessment, notably the connection between proliferation and terrorism; on the instruments best suited to deal with the problem; and on the broader issues of how a world order should be shaped in which the policies to counter proliferation can be optimized.

The present German position is the result of almost half a century of policy evaluation in which Germany emerged from being the main—and restive—target of nonproliferation policy into a proactive player and advocate of nonproliferation. In parallel, the German attitude

to the use of force also underwent subtle change from an absolute restriction to homeland (and allied) defense to a willingness to participate on out-of-area operations in a multilateral and legalized context.

This article begins with an empirical account of this evolution and describes in detail present German attitudes and strategic preferences regarding proliferation and nonproliferation. The German position—and its evolution over time—is then interpreted in the light of different theories of international relations and foreign policy. (Readers who are more interested in the policy side of the issue and less in the theoretical discussion of it may choose to jump to that section). The article concludes that the pattern of evolution, as well as present policies, can best be accounted for by a constructivist approach that interprets policy change as an outgrowth of evolution in the country's identity and understanding of appropriate behavior in the light of this evolution. Germany, while sticking to basic tenets of its postwar identity, adapted its concrete meaning several times in reaction to conflicts between that identity and the role expectations that important allies placed on Germany. No other approach is capable of accounting for the evolution in Germany's

nonproliferation policy in as coherent a way. This finding has important policy implications: It means that as German policy is rooted in a deep ideational structure, it is likely to continue, and, therefore, so are current U.S.-German disagreements. Repairing the U.S.-German rupture revealed by the Iraqi crisis will not be a simple reconciliation after a quarrel in the family, but will require much more serious efforts on both sides to understand the perspective of the other. The arguments made herein will be illustrated mainly with evidence from the nuclear proliferation/nonproliferation sector, using additional material from other WMD areas as appropriate.

A QUICK LOOK AT THE EVOLUTION OF GERMAN POLICY

If we count the 1946 MacMahon Act—the U.S. law that prohibited the United States from offering nuclear assistance to other countries—as the start of nonproliferation policy, then it is fair to say that Germany found itself at the receiving end of it for the first quarter-century after World War II. This position was the natural outcome of a war that many viewed as caused by German military potential. The Manhattan Project had been initiated principally in order to neutralize a supposed German nuclear weapons program, and the relief of the Allied leaders after they learned that Hitler was nowhere near achieving a nuclear capability was considerable. Consequently, the Allies wanted to make sure that postwar Germany—a member of uncertain character and reliability in the emerging new world order after 1945—would not disturb European and global balances by becoming a nuclear weapon state.

Regaining Status: From Dismantlement to the NPT

Immediately after WW II, Germany was forced to dismantle its nuclear research establishment.² All uses of weapons-usable nuclear material, even in basic research, were prohibited for the vanquished state. Later—from 1955 on—Germany was constrained by the milder form of legally binding commitments. Thus, the victors of World War II provided for a non-nuclear Germany as a pillar of stability for the postwar security order. This was the one subject on which all four victors in the European theater—the United States, the United Kingdom, France, and the Soviet Union, were in agreement despite all the troubles of the Cold War. The concern that a nuclear

armed, resurgent Germany could once more emerge as a major threat to peace in Europe loomed large on either side of the Iron Curtain. Germany renounced nuclear weapons in the London Protocol to the German Treaty (which restored limited sovereignty) and signed the Protocol to the Brussels Treaty (1955) and the NPT (1969) grudgingly and as a consequence of strong political persuasion by its allies, notably the United States.³

In the fifties, the predominant expectation in the German leadership was that this renunciation would be temporary; as soon as Germany was recognized as an equal and trustworthy member of the family of civilized (that is, Western) states, it would be accorded the right to obtain what its peers Britain and France already possessed or were in the course of acquiring as a symbol of power.⁴ Indeed, as is now known, Germany agreed with France—which was still in shock over what it perceived as American betrayal over the Suez war—and Italy in 1957 to develop nuclear weapons together (on French territory, thereby circumventing the German commitment not to make them in Germany); however, Charles de Gaulle, with his vivid World War II memories, called off the deal immediately upon taking power in 1958.⁵

It was not by chance that the German government had kept the 1957 deal secret. Nuclear armament was a highly contested issue in Germany, which as a legacy of the traumatic experience of WW II had a strong pacifist undercurrent. This undercurrent came into the open during the 1950s with public demonstrations against German rearmament. Even stronger protests opposed equipping German military forces (Bundeswehr) with dual-use launchers (aircraft, artillery) that would be provided with U.S. nuclear warheads in case of war. Unions, churches, the majority of the Social Democratic (SPD) opposition, and many German citizens joined these protests in the late fifties. This first German peace movement died out, however, after the planned dual-use equipment was introduced into the Bundeswehr.

The postwar West German state was a fairly uneasy polity. The unspeakable crimes of the Hitler regime were not really understood, recognized, or fully uncovered in the fifties. There was a lot of anxiety about whether Germany would be admitted into the circle of Western nations and doubts that the United States was really willing to defend the country against the menace of Soviet communism. The German political elite wanted to develop, as soon as possible, a viable nuclear technology base, and to participate, as fully as the allies permitted, in the nuclear deterrent. The U.S. offer to deploy dual-key systems—the

warheads under U.S. custody, the launcher/carriers deployed with allied (in this case, German) armed forces—was emphatically welcomed.⁶ When the U.S. State Department explored the idea of a NATO multilateral nuclear force (MLF) in the early sixties, the Germans were enthusiastic, much more so than other European allies. Eventually it turned out that Germany had more enthusiasm for this idea than its American authors. The proposal fell through, mainly because nonproliferation became a major US objective, and the MLF was seen as a hindrance to achieving consensus on that issue with the Soviet Union. Unresolved questions about the viability of a reliable command and control system for a fleet manned by a great number of different nations also played a role in the proposal's failure. The U.S. decision to drop the MLF project left then German Chancellor Erhard in limbo.⁷ In other words, throughout this period, civilian and military nuclear rehabilitation ranked high on Bonn's political agenda, and this ambition was constrained primarily by the unwillingness of West Germany's allies, especially the United States, to agree to Germany's entrance into the nuclear club.

By the time the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was signed in 1969, the center of German concern had shifted to securing continuation of U.S. nuclear security guarantees (rather than providing for a national deterrent). German leaders also wanted to protect the emerging German nuclear industry from restrictions that would not apply to its competitors from nuclear weapons states—that is, to avoid all competitive disadvantages. This shift in priorities does not mean that there were no voices denouncing the NPT as incompatible with German interests based on status and security concerns.⁸ Prominent politicians on the right, like former Chancellor Adenauer (who described the NPT as “a Versailles of Cosmic Dimensions”) and former Defense Minister and leader of the Bavarian conservatives Franz-Josef Strauss (who termed it “a squared Morgenthau Plan”) were not precisely friends of the NPT. They viewed it as definitively consigning Germany to second-rank status. It took a change of government for Germany to sign the NPT; conservative Chancellor Kiesinger had not dared to take this step, because resistance within his party was deemed too strong.⁹ Only after the new liberal-left coalition under Chancellor Willy Brandt took power in 1969, did German signature of the NPT become possible.

The center-left shared with the conservatives the objective of Germany's full reintegration into the Western family of nations and continued with the policy of

full support and a significant German contribution to NATO. However, the center-left was more willing to recognize the restrictions on the country desired by its neighbors and allies, viewed civilian—particularly economic and social achievements—as equally or more important than being on a level playing field with France and Britain in military terms. The Brandt government was also willing to take steps to ameliorate the fear and distrust of Germany's Eastern neighbors, including the Soviet Union. In that sense, military self-restraint was part of the Ostpolitik developed by the center-left government after 1968. As a result, German concerns focused finally on the economic aspects of nonproliferation, though the accompanying statement made by the German government when it signed the NPT also contained security conditions that needed to be met in order to maintain Germany's membership in the Treaty. The most important of these was the continuation of NATO and the U.S. nuclear umbrella. Status issues, however, did not appear in the statement.¹⁰

Years of Export: From INFCIRC/153 to the Awakening

Ratification followed only in 1975, reflecting Germany's concerns—shared by other non-nuclear members of the European Community (EC)—about the safeguards system slated to be developed by the International Atomic Energy Agency (INFCIRC/153), which was to monitor compliance with the NPT. These concerns focused on the lack of verification measures in nuclear weapon states and other states that would not become parties to the NPT. Extensive verification, it was feared, might put the nuclear industries in non-nuclear NPT parties like Germany at a decisive competitive disadvantage compared to the privileged nuclear weapon states. As a result of these concerns, the non-nuclear weapon states of the EC insisted on and eventually achieved a verification system restricted to verifying declared sites and focused on the flow of fissile material. This system protected the export interests of these countries' nuclear industries, but at the cost of seriously handicapping the ability of the IAEA to uncover clandestine nuclear weapon programs.¹¹ After these negotiations were concluded, it took considerable additional time to work through the ratification process in all non-nuclear EC member states. The German parliament ratified the NPT with an overwhelming majority; nevertheless, a third of the conservative caucus objected, a clear sign that their security and status concerns had not been completely laid to rest.¹²

In the seventies and eighties, Germany behaved according to the letter of her NPT obligations. At the same time, Germany concluded nuclear trade agreements (with Iran, Brazil, and Argentina, for example) that were not exactly conducive to the lofty goal of nonproliferation, kept its domestic export control system in a very permissive state, and did its best to limit the IAEA verification system to a bare minimum. Germany had been one of the decisive forces limiting the NPT system to fissile material flow control and restricting the IAEA safeguards system to verifying non-nuclear weapon states' reports of civilian nuclear material flow, a constraint that would prove quite detrimental in hindering the IAEA from uncovering the covert Iraqi nuclear weapons program.¹³ Germany joined the Nuclear Suppliers Group (NSG) after the Indian nuclear test in 1974, but was instrumental (along with France) in the decision of this group not to agree on full-scope safeguards as a condition of supply. Germany agreed to the formula of "restraint" in the transfer of sensitive nuclear technology, but would not accept a straight prohibition. And it insisted on its own right to close the nuclear fuel cycle, planning for a huge reprocessing plant to operate in the second half of the eighties. These latter plans were never realized.

Interestingly enough, for about ten years an all-party consensus emerged: Germany would stay non-nuclear, and observe the NPT rules to the letter, but foster and expand its nuclear industry and trade in an unfettered way.¹⁴ In the mid-seventies, however, resistance to nuclear power emerged at the local level. It intruded into the Social-Democratic Party, but anti-nuclearism remained a minority position; Chancellor Helmut Schmidt, the towering SPD figure who followed Brandt, was a staunch supporter of the nuclear industry. This situation stimulated the foundation of a new party to the left of the Social Democrats, the Greens, that quickly gained support among younger voters and environmentalists. Eventually, growing from the local and regional level into a national party, the Greens began to take 5 to 10 percent of the vote in federal elections—that is, 10 to 20 percent of the traditional SDP vote (the Conservatives lost few votes to the new party). As a reaction to this development (and also as a consequence of a generational change in Germany's Social Democracy) the anti-nuclear forces gained in strength, and the SDP adopted an anti-nuclear platform, with a rejection of reprocessing and an endorsement of a policy of phasing out nuclear power after Schmidt lost power to the conservative Helmut Kohl in 1982.

This growing opposition to civilian nuclear power was paralleled by a sudden surge in pacifist anti-nuclearism during the debate on NATO's deployment of Pershing intermediate-range nuclear missiles and nuclear cruise missiles in Europe, most of them in Germany. Combined with the hawkish rhetoric of the Reagan administration, these plans aroused strong opposition, enhanced the vote for the Green party, split the Social Democrats, and pulled millions out into street demonstrations. The agony in the SPD over the deployment issue contributed to the fall of Chancellor Schmidt in 1982. His successor Helmut Kohl, however, continued the pro-nuclear stance of his predecessor in the civilian sector, in particular with respect to export policy, though the international market at the time offered few opportunities for new contracts. On the NATO issue, he and his liberal partner Foreign Ministry Hans-Dietrich Genscher supported the Pershing deployment, but insisted on reinvigorated efforts at arms control against a reluctant U.S. administration. In that regard, they continued with the Ostpolitik designed by the Social Democrats, of which arms control and disarmament was an indispensable part.

In the late eighties, some export scandals erupted in both the nuclear and chemical weapons fields. German companies had (legally) transferred dual-use technology to Libya, Iraq, and Pakistan that could be, or actually was, used in WMD production programs. In some cases, German companies had gone even further and had violated German law by exporting specifically designed items for such WMD programs. The initial insights gained from domestic investigations were politically amplified through publicity in the United States—William Safire coined the expression "Auschwitz in the Sand" for the Rabta chemical weapons plant constructed by a mid-size German company in Libya—triggering very strong pressures for a policy change.¹⁵ The drive accelerated, even after it was revealed by United Nations Special Commission (UNSCOM) activities in Iraq that a large number of German companies—around 150—had been involved in various ways in Iraqi WMD programs, and that, in particular, the assistance of German engineers had been invaluable to pushing forward the Iraqi effort to develop centrifuges for uranium enrichment.

After 1989, German policy shifted dramatically to a much more responsible and proactive role. While commonly associated with the revelations about Iraq that followed the Gulf War, reforms were already well under way before the findings of UNSCOM confirmed the weaknesses of German export control policies. Driven by a

determined Foreign Minister Genscher, Germany adopted the full-scope safeguards condition for new nuclear supply contracts in 1990, paving the way for the NSSG to agree on this policy. Germany further helped improve the NSG guidelines, notably by including dual-use equipment and technology to its control list and adding a catch-all clause (Germany had already changed its national law before the NSG achieved agreement on these issues). Within the European Union (EU), the previous laggard Germany became a driving force in the negotiations on a joint export control policy, a major achievement EU common security policy in the early nineties.¹⁶

Germany was also a constructive negotiation partner in reforming the IAEA safeguards system. In this area, Germany's main concern was to impose reciprocal obligations on the nuclear weapon states. Germany initiated the EU Joint Action on promoting indefinite extension of the NPT in 1995, a vast diplomatic campaign around the world. German participation in this program included visits by high-level German diplomatic delegations to several key countries aiming to persuade them of the merits of indefinite extension. During the 1995 NPT Review and Extension Conference, the German delegation worked actively in the formal and informal bodies that shaped the negotiation process, and supplied the solution to one of the key issues at the end, the linking of the extension decision with three other decisions (on "Principles and Objectives", on the "Enhanced Review Process," and on the Middle East) that ensured the extension of the treaty.

After 1995, the German government worked tenaciously—against the initial resistance of quite a few member states—for the development of an EU Common Position for the NPT Review Conference in 2000. This stance made a contribution to the unexpected success of the conference.¹⁷ Meanwhile, voices in the German political debate supporting a German nuclear deterrent—especially within the established parties—evaporated. Even French offers in the mid-nineties concerning the possible development of an EU nuclear deterrent were met with great reluctance in Germany. In other words, German policy passed through about three phases that are distinct by the specific combination of attitude, objectives, policy, and practices. The comparison of 2000 to 1955 betrays quite a substantial change in all four aspects.

GERMAN-U.S. DIFFERENCES

Germany today has come to view WMD nonproliferation as a cornerstone of its security policy and expends consid-

erable effort in its conceptualization and operation. Given the fact that the proliferation of WMD figures very high on the list of U.S. concerns as well, one might be tempted to expect harmony among the policies of the two allies.

However, this is a far cry from reality. U.S. and German approaches to the subject matter are marked by substantial differences regarding the security problem emerging from proliferation, threat assessment concerning the combination of state proliferation and terrorism, the priority and effectiveness of nonproliferation policy instruments such as multilateral regimes, export controls, and military means of counterproliferation. Underlying all these differences is a fundamental disagreement on world order issues stemming from differing assessments of multilateralism and the value of international institutions, and disagreement about the utility of the threat and use of force in dealing with proliferation risk.

WMD Proliferation as a Security Problem

There are two interconnected differences between the U.S. and German views of the security challenge presented by WMD proliferation. The United States sees it as a direct challenge to American national security emerging from specific states whose attitudes and policies are seen as hostile and dangerous to vital U.S. interests. The term *rogue state* catches this meaning best, defined as states that are dictatorial; possess, or try to obtain, WMD; support terrorism; and pursue policies that threaten U.S. interests.¹⁸ Proliferation as a security threat is intrinsic in that combination; this approach allows for little or no variation in terms of the particular situations and motivations of these rogue states. In some sense, there is also no variation in terms of capability, at least not after there are first indications of an incipient WMD program. The U.S. view is that, as rogue state WMD programs inevitably mature through time, what starts as incipient risk will become direct, manifest threat, and that conventional means to cope with this threat, such as diplomacy, containment, and deterrence, will most probably not work. A further consequence of this thinking is that the security risk in proliferation is case-specific to rogue states and not universal. There may be good, neutral, and dangerous proliferation, depending on the character of the proliferator (i.e. whether it is a "rogue" or not) and its relationship to the United States.¹⁹

Most German politicians and experts, in contrast, think of proliferation as a universal problem that causes risks independent of the particular actor pursuing it. While

Germany is shy to address Israel's nonconventional weapons capabilities openly, since the German-Israeli relationship is seen as a special one and as a matter of *raison d'état* owing to historical circumstances, Germany still regards Israeli WMD capabilities as highly problematic since they trigger regional reactions by Arab states in the Middle East that threaten to shatter the whole edifice of nonproliferation. Likewise, nuclear proliferation in India and Pakistan, today largely condoned by U.S. policy, is seen with great anxiety in Berlin, since the tacit signals of tolerance for these de facto nuclear weapon states might be perceived by others as an invitation to follow suit.

While approaching the issue on more generalized terms than the United States in that regard, Germany takes a more specific, non-generalized approach to the cases lumped together by Washington as the "rogue state problem." The German government holds that it is important to understand the motivations and reasons that drive these countries to strive for WMD in order to develop case-tailored counterstrategies. Likewise, capabilities matter in the German mind, as time frames for addressing the problem differ considerably in different cases, allowing different approaches to deal with them. The urgent need for forceful preventive action is thus just not seen in Berlin—here, risk analysis, threat perception, and choice of strategy are immediately and inexorably interconnected.

There is an additional element that distinguishes mainstream German and American attitudes toward proliferation problems. Germany has a history of hundreds of years of acute dangers to its very existence, plastered by a sequence of bloody and devastating wars. The second half of the 20th century was peaceful, but Germans living through this period were very aware of the 17 crack Soviet divisions stationed along their border; of the million soldiers, German and allied, deployed in the country to stem the Communist wave, should it ever come; and of the 6,000 tactical nuclear warheads waiting in storage to be used in the hour of truth, many of them, incidentally, over German soil.

The German government understood quite well that the proliferation of WMD was a very serious security challenge.²⁰ But it put this challenge in perspective. Generally, it was felt that in many aspects the problem was even mitigated by the end of the Cold War, as long-standing proliferation threats like that in South Africa were disappearing, military governments in Argentina and Brazil had long given way to civilian governments not at all eager to continue with the military nuclear heritage of their pre-

decessors, and the successor states of the former Soviet Union that found themselves equipped with strategic nuclear weapons proved willing, after some back and forth, to relinquish these capabilities and become non-nuclear weapon states.²¹

Germany understood that in the new period, the proliferation of WMD had become the major concern largely by default—because no country was around to take the role of the Soviet Union as a powerful challenger of the Western world. And it understood as well that the assistance rendered to potential proliferators consciously or unwittingly by Russia, China, and North Korea was a serious disturbance that needed to be addressed.

Threat Assessment: Proliferation and Terrorism

From this general consideration, a more specific assessment of the most crucial cases of WMD proliferation emerged.

Iraq

After the Cold War, the German Federal Intelligence Service (BND) had, like peer organizations in other Western countries, redirected its resources to focus on new risks. After the considerable contributions Germany had made, unwittingly, to Iraq's WMD programs, the BND made efforts to improve its capabilities to obtain information about Iraq. As a consequence, the German government was relatively well briefed on the situation there throughout the second half of the nineties. The German assessment was that UNSCOM had, to a large degree, worked well. While the government recognized that there were still open questions and that the likelihood of residual, hidden WMD capabilities was large, it concluded that Iraq did not pose a clear and present danger. Even after the 1998 departure of the UNSCOM inspectors, German analysts believed that, despite all its efforts, Iraq was having great difficulty rebuilding its WMD activities, since the international embargo and the great attention devoted to the case by Western intelligence agencies and export control officials multiplied the difficulties facing Iraqi procurement agents and led to a couple of intercepts that seriously disrupted whatever Iraqi programs were under way. In addition, it was believed that, with respect to conventional weapons, the international military embargo had further degraded the Iraqi military, and that the whole armed forces were at a much lower level of fighting capability than in 1991. In summary, while Iraq was seen as

the most intractable case of proliferation in terms of motivation and determination, its government was seen as the one most impeded by external constraints. While a growing threat in the long term could not be excluded, in the medium term it was seen as likely to develop only under greatly changed circumstances—that is, in the event of a scrapping of the UN sanctions, slackening of attention by Western intelligence services, and strong outside assistance, all of which appeared improbable. Iraq was thus seen as largely under control.²²

Iran

On Iran, the BND reported regularly about efforts to procure centrifuge enrichment technology and related items, some of which were successful. It was concluded that Iran was conducting a broad nuclear research and development program with a view to keeping all options open. However, the BND did not conclude that Iran had launched a “crash program” such as the one Iraq had under way before 1991. In combination with the development of longer range missile capabilities, Iranian nuclear programs suggested that Iranian concerns extended beyond the immediate region. Iran, it appeared, was acting on the basis of multiple perceived threats, in which Iraq, Israel, and the United States figured prominently. Among the three, Israel was mainly an ideological enemy very much of Iranian choice.

Iraq was viewed for many years as the most intense and serious security threat to Iran. Iraqi use of chemical weapons (CW) during the Iran-Iraq War motivated Iran to develop its own capability and was also the trigger for the Iranian missile program. In the aftermath of the U.S.-led overthrow of Saddam Hussein’s regime in Iraq, however, this threat has receded, depending on the stance of the future Iraqi government. It is quite possible that CW activities will cease in Iran in response to the change of government in Iraq.

With the United States, however, it is different; Iran, the region’s only genuine attempt at indigeneous democratization, had become victim of a U.S.-supported military coup in 1953 that terminated the democratic experiment and reinstalled an authoritarian monarchy. The United States later reacted with hostility—more in rhetoric than in action—to the second Iranian revolution in 1978, even before Iran broke the rules of diplomacy by seizing the U.S. Embassy in Tehran and taking its staff hostage. The United States sided with Iraq, the aggressor in the first Gulf War, even after Baghdad had outrageously used chemical weapons against Iranian soldiers.

The United States even came into conflict with the Iranian navy while escorting oil tankers originating from the northern shores of the Persian Gulf from 1987 on. In the course of this operation, the U.S. Navy destroyed an Iranian commercial airliner mistaken for an attacking military aircraft (an explanation which the Iranians never believed).

In German eyes, contemporary Iran is characterized by two very different traits: as a polity, it is deeply divided between the authoritarian clergy and their supporters, the minority, and the majority of the more liberal, democratically minded. Time is on the side of the reformers, as their supporters are particularly strong among young Iranians. As a nation, though, Iranians share, based on their recent historical experience, an acute sense of security concern. With regard to the United States, it is believed that there is a sharp distinction between the admiration for U.S. values and achievements and the desire of the majority to improve relations on the one hand, and a deep-seated distrust if not fear about Washington’s political objectives, attitudes, and intentions toward Iran on the other. As a consequence, Berlin believes that there is a degree of agreement between hardliners and reformers that a “hedging” deterrent posture is inevitable until and unless the U.S.-Iranian relationship experiences a landmark shift. The conservative clergy, though, is afraid of and opposed to this change at the same time, because better relations with the United States would strengthen the hands of the reformers and would deprive the reactionaries of the main political rallying point for their case. The degree and speed of Iranian proliferation, in other words, is very much a function of U.S.-Iranian relations, and will be accelerated by every American move that enhances the level of confrontation. For this reason, Berlin was very much dismayed by President Bush’s inclusion of Iran as a member of the “Axis of Evil” in his January 2002 State of the Union Address.

Consequently, Germans believe that Iranian WMD programs are principally of a defensive/deterrent character. While the extension of the range of Iranian missiles is seen with discomfort and as a security *concern*, it is not really rated as a major *threat* to European, and German, security because of the lack of aggressive and offensive motivations.²³

North Korea

Developments in North Korea during the early nineties were seen in Berlin as vindicating the success of the new safeguards tools used by the IAEA, as DPRK attempts to

deceive IAEA inspectors about the previous reprocessing work were uncovered. The German government had mixed feelings about the 1994 Agreed Framework. A number of its terms raised concerns. The temporary suspension of the stipulations of INFCIRC/153 was seen as a setback, and the supply of two light water nuclear power reactors to the DPRK was criticized because it could be interpreted as a reward for rule-breaking behavior.²⁴ German analysts also noted that the U.S. approach to North Korea and Iran differed tremendously, and that no good explanation was available for this difference other than political expediency. Nevertheless, the German government grudgingly joined the international consensus that this was the best solution that could be obtained under the circumstances. Later, Berlin supported the accession of the EU to the Korean Peninsula Energy Development Organization (KEDO), which was to implement the Agreed Framework.

As in the Iranian case, Germany views North Korea as motivated by very basic security concerns (including economic security). The regime currently has its back to the wall. It faces a vastly superior opposing alliance, has been deprived of its former allies, and is losing ground economically by the day. It feels threatened militarily by the United States, a feeling acutely enhanced since the first days of the Bush administration. In the paranoid worldview of the DPRK, the United States has not made good on the promise it made in the Agreed Framework to help maintain uninterrupted energy supplies, to keep the supply of the nuclear power reactors on track, and to cease threatening North Korea with nuclear weapons. This North Korean view was further exacerbated when the DPRK was included in the axis of evil and named a nuclear target in the Nuclear Posture Review. The German government has become more familiar with North Korean threat perceptions since the opening of its Pjongyang embassy in 2000. Additional information comes from an ongoing German-North Korean dialogue on arms control and security.²⁵

Germany is concerned about the spillover potential of present and future North Korean nuclear weapon and missile capabilities. As these capabilities develop, they will influence other countries in East Asia, perhaps prompting them to reconsider their own policies. Berlin is also troubled by the direct proliferation potential of North Korean exports. However, since Germany views North Korean motivations as based on security and economic concerns rather than on aggressive designs, it believes that the North Korean threat is limited.

Nonproliferation Policy Instruments

The Regimes

The nonproliferation regimes stand at the center of Germany's nonproliferation policy. Particularly in the nuclear field, that sounds curious, given the rather cool and later lukewarm attitude Germany previously held toward the NPT regime. The German government is convinced that strengthening the international regimes and working for their universality remains the pivotal tool for preventing the proliferation of weapons of mass destruction. It believes that the cases of acute and serious proliferation concern are relatively few precisely because nonproliferation regimes have created norms that inform the behavior and security calculation of an overwhelming majority of member states. The regimes themselves provide a solid basis for dealing with the hard cases, even though they in themselves might not suffice to come to grips with all of them. Germany acknowledges that additional tools of diplomacy or other means may need to be employed to resolve difficult cases. In this regard, there is no shift of emphasis between the Kohl and the Schroeder governments.²⁶

As a result, strengthening and deepening the regimes, and working for complementary international agreements where needed, has become a priority of German nonproliferation policy. This position explains the German investment in the NPT Additional Protocol in the negotiations between 1992 and 1997 designed to repair the weaknesses revealed by the Iraqi experience, even though the Additional Protocol will impose new burdens for inspected states. It also accounts for the German contribution to the ultimately unsuccessful attempt from 1994 to 2002 to work out a Protocol to the Biological and Toxin Weapons Convention (BWC). Further, it explains the new German initiative in the Conference on Disarmament to explore the possibility of an agreement banning radiological weapons.²⁷ This particular proposal derives from an understanding that the existing regimes (and, eventually, new ones) can be exploited in the fight against terrorism if the domestic obligations derived from the treaty obligations—in particular to take all measures to avoid contributing to the proliferation of WMD—are framed and implemented in a way that would also hamper the access of nonstate actors to the material, equipment, and technology concerned.

Germany is concerned about the potential threats to the regimes. The regimes must withstand challenges from rule breakers and outsiders. A strong effort to keep ten-

sions and quarrels among faithful regime members at a minimum is thus essential. In this regard, Berlin is unhappy with some of the policies pursued by the Bush administration. It sees the implementation of the "Fourteen Steps" toward nuclear disarmament agreed on in the 2000 NPT Review Conference by the United States and other nuclear weapon states, as lackluster at best. Germany also views U.S. withdrawal from previous negative security assurances as a likely stone of contention with the non-aligned in the future. Disputes over these issues could disrupt the NPT regime. The rejection by Washington of the proposed Verification Protocol to the BWC was also a great disappointment. Germany fears that these acts may alienate nonaligned parties to the treaties and that, in general, the ostensible lack of interest shown by the Bush administration in the legal instruments of nonproliferation may fatally weaken the regimes.

Export Controls

The previously unloved child of the nonproliferation regimes, grudgingly accepted as a necessary evil and implemented more to the letter than to the spirit by Germany in the seventies and eighties, export control has now come to be fully accepted as part and parcel of German nonproliferation policy. The export control reforms of the early nineties have addressed the dual-use problem. These reforms included clauses on intangible technology and catch-all, introduced harsher penalties for perpetrators, and reorganized and strengthened the agencies responsible for licensing, investigation, and prosecution. Despite some requests by German industry and its supporters to revoke some of the stipulations, the main body of the reform legislation and regulation has weathered the storm and, after some ten years of practice, can be viewed as largely successful.

For an export-dependent developed economy like Germany, export controls always present a conflict of interest and a dilemma. Leaning too strongly in the direction of export permissiveness means a very high risk of supporting developments that are contrary to one's own security interests and, eventually, will lead to a loss of reputation within the international community. This situation faced Germany at the end of the eighties. Excessive constraints on the export industry, by contrast, will damage the economy and provoke complaints by developing countries that the promises of cooperation contained in the nonproliferation regimes are being broken by the German government. Berlin thus tries to walk the fine line between

a strict and effective policy of export control while avoiding embargos where they appear not to be justified by the situation and where no international legal basis is available to deny all license applications. For example, the German license denial rate on proposed exports to Iran is high compared to other developing countries, but there is no technology embargo against Iran. As a consequence of this policy, cases of the involvement of German companies in illegal WMD-related trade appear to have been rare in the nineties. A few cases were uncovered, however, and the responsible were tried.²⁸

Germany sees offers of transparency and cooperation as a necessary complement to export control policy, and as an important measure to keep controversies about this subject between the export control regimes and the developing countries at the inevitable minimum. The German government has defended the regimes against unjustified accusations of serving the objective of hampering development, and has, together with its peer exporters, refused requests to abolish them. On the other hand, Germany has strongly supported offers of dialogue by the NSG and the Australia Group and endorses the effort by the Missile Technology Control Regime to open up to non-members by developing a global Code of Conduct.

Dialogue

The third element of German nonproliferation policy is dialogue with the countries of proliferation concern. Germany recognizes that some cases may be beyond repair: No one in Berlin seriously believed that Saddam Hussein could be persuaded to relinquish his quest for WMD; containment and deterrence was the fallback strategy in this case (see below). Where, however, security problems are perceived as central to a proliferator's motivations, the German government sees an opportunity to approach the country in question, to explore how serious the concern is—if misperceptions are involved, if actors are fully aware of the consequences their own proliferant behavior will have on the attitudes and policies of other actors, and how these consequences, then, will affect the proliferator's own security situation. Berlin believes that in some cases this approach might prove effective in persuading the target of dialogue to change policy.²⁹

The confrontational axis of evil approach adopted by the United States toward North Korea and Iran was thus criticized not only for its—in German eyes—inflated threat analysis, but also for its perceived strategic shortcomings.³⁰ Like other EU members, Germany has opened an embassy

in North Korea and entered a security dialogue with Pyongyang. Germany has also supported the “critical dialogue” of the European Union with Iran and, in addition, held repeated consultations on security issues with the Iranian government. Besides listening to the arguments and positions presented by their Iranian and North Korean dialogue partners, German participants raised Berlin’s concerns about the implications of Iranian and North Korean activities for regional and world stability and, by implication, for German security interests.

Military Aspects of Nonproliferation Policy

When the Clinton administration introduced the concept of counterproliferation into NATO discussions, Germany reacted at first very skeptically. On thorough analysis, however, Germany understood that—particularly for out-of-area operations in WMD-prone environments—precautions against enemy WMD use were a prudent and necessary preparation. Germany even agreed that extreme cases could require preemption.

At the time, the German attitude toward out-of-area operations was changing. Germany had been a passive supporter of the 1991 Gulf War, respecting the UN mandate and helping to reimburse the allied investment in the war by lavish payments afterwards. But Germany had not participated militarily because its constitution was at that time interpreted as prohibiting operations other than self- and alliance defense. After the Gulf War, the country underwent a soul-searching exercise regarding its role in the changed world. Part of this reconsideration included a reinterpretation of the constitution, vindicated by the Constitutional Court in a landmark judgment of 1994, in which German participation in operations mandated by due procedure under international law was explicitly permitted.³¹ Following this decision, German forces participated in UN operations in Kampuchea, Somalia, Bosnia (within the context of the NATO bombing under a UN mandate as well as in the post-Dayton peacekeeping mission), East Timor, the NATO strikes against Serbia during the Kosovo War and the KFOR peacekeeping force afterwards, Macedonia, operation Enduring Freedom in Afghanistan, and the ISAF peacekeeping force in Kabul. These out-of-area deployments increased German concern with counterproliferation, as at least in the Bosnia, Kosovo, and Afghanistan deployments, there was a remote risk that chemical weapons could be employed by hostile forces against German troops.

The need for passive defense, and some interest in tactical, mobile anti-missile defense, was thus accepted (Germany joined the not-too-successful MEADS tactical missile defense development program together with Italy and the United States). National missile defense remained a low priority for Germany owing to its relaxed threat assessment (see above).³² Preemption was seen as a possible tactical requirement in situations of acute military conflict. Since Germany conceived of its troops participating only in multilateral deployments, not in purely national missions, German planners assumed that if the need for preemption arose, it would be carried out as a joint action with other (notably U.S.) forces and that the acquisition of German capabilities specifically tailored to this mission was not necessary. The idea of preemption/prevention as a general strategic principle was never considered, and when it appeared in official U.S. strategy during the Bush administration, it was greeted with concern, disbelief, and rejection. For security problems beyond self- and allied defense, Germany prefers a collective security system based on the UN.³³ If NATO acts in such contingencies, it should do so on the basis of a UN mandate.

Compared with preemption, which is seen as a remote choice in extremis, containment and deterrence enjoy higher support in Germany. There is a principled conviction that the present proliferators are deterrable, and the record of their external behavior, unusual as it may appear at first glance, is taken as confirming this assessment. The Iraqi experience prior to 2002, as well as the relatively stable situation on the Korean peninsula, are taken as evidence that containment can be successful. In the German view, defensive military preparedness, combined with (as in Iraq before 2003) occasional limited offensive action, is sufficient to constrain the aggressive ambitions and military options of revisionist powers with WMD ambitions or potential.

The weak spot in the German position is obvious. Germany relies quite heavily on others to do this containment/deterrent job. As far as nuclear deterrence is concerned, this is just fine: Germany is a non-nuclear weapon state, and this status is preferred not only by the Germans themselves, but also by their friends and allies and the international community. But for the conventional military capabilities needed to ensure containment and deterrence, this excuse is not so acceptable. It is simply a fact that Germany has never actively considered a contribution to a military capability aimed at enforcing compliance with the rules of the regimes that Berlin regards as the central element of her nonproliferation

policy. This single aspect has given her nonproliferation posture a hint of unworldliness; it is little consolation that it shares this trait with most other non-nuclear weapon states, and that the United States, in turn, has spoken and acted in this field out of its own national security concerns and with little regard to the regimes.³⁴ However, the recent EU nonproliferation strategy that envisages the use of force as the ultimate guarantor of the regimes appears to fill this blank spot in the German position.³⁵

The Context of German Nonproliferation Policy: Multilateralism

German nonproliferation policy does not stand alone. It is one component of a foreign and security orientation that is geared to multilateralism, international organizations, and international law.³⁶ Germany envisions the world as a highly interdependent, complex, and heterogeneous place with a panoply of problems that can be dealt with only in a cooperative way. If not adequately addressed, these problems will exact a price from both nation states and humanity as a whole. Germans thus see an urgent need for global governance, and, where appropriate, for regional governance. International law and international organizations are viewed as necessary and adequate tools for this purpose. In this view, the security sector is not principally different from other fields of international politics: It is in need of global governance as well.

In the German view, nonproliferation regimes are essential ingredients of such a governance system. They rest on reciprocity and confidence among the vast majority of their members, which ensures their continued viability. Breaches of the rules are thus a disturbance, and the occasional cavalier attitude of the more powerful parties is seen as contrary to the stability of the regime. In the United Nations and its Security Council rests the ultimate responsibility for upholding the regimes, not in the national decisions of even the most powerful state.

Germany pursues her political objectives—derived from her perceived national interests—as a matter of principle in multilateral settings. It has entrusted its security to NATO and keeps a keen interest in the further development of the Alliance. Her foreign and increasingly her security policy is embedded in the EU; significantly, Germany is an advocate of majority voting on decisions even in this realm, where the other major EU member states want to preserve a national veto in order to ensure that no decisions are taken that would violate their national interests.

The German attitude rests in historical experience that suggests Germany is fine when together with others but in jeopardy when walking alone. Even the single case where Germany tried unilateral action, the premature recognition of Slovenia and Croatia in 1991, ended in a disaster, the Bosnian civil war. In contrast, remaining embedded in NATO and the EU has brought Germany an unprecedented degree of stability, security, welfare and, after all, influence.

The German experience and attitude contrasts starkly with that of the United States. Never having been entangled in the same way as its German partner, and with a deep-seated aversion for “entanglements,” the United States has in recent years increasingly insisted on freedom of action, unconstrained by international law and the UN Charter. The 1999 Kosovo conflict, seen by Germany as an exceptional case at the edge of what was permissible, was handled by the Clinton administration almost routinely, and it was the United States that kept the option open, in the new NATO Strategic Concept, to conduct similar operations in the future while the Germans—like many other Europeans—would have preferred to state explicitly that future out-of-area operations must be authorized by a UN mandate.³⁷ Of course, the concept of preemptive/preventive defense in President Bush’s 2002 National Security Strategy pushes the U.S. claim to unilateral decisionmaking on war and peace even further. This approach is contrary to the German position that such decisions can be taken only multilaterally and pursuant to due procedure under international law—that is, through a UN Security Council mandate taken under Chapter VII of the UN Charter.

THE IRAQI CRISIS

It is against this background that German behavior in the Iraqi crisis must be understood. German threat analysis concluded that Iraq presented a problem and a long-term risk, but no current and present danger that required immediate military action. The unmistakable preparation by the U.S. government for military action, that became quite unambiguous during the summer of 2002 and could no longer be ignored after the President’s June 2002 West Point speech, was watched in Berlin with increasing concern and dismay.³⁸

After the 9/11 terrorist attacks, a wave of sympathy for the United States swept over Germany. Huge crowds took to the streets in the first pro-American demonstrations since President John F. Kennedy had visited the

country in 1963. The most impressive gathering, consisting of several hundred thousand people, came together in Berlin. Chancellor Schroeder, with the general support of the public and an all-partisan nod in Parliament declared “unlimited solidarity” with the United States.³⁹ Military support was offered, and the United States selected from a list submitted by the German government special forces for Afghanistan, a naval task force for patrolling the waters around the Horn of Africa, and a biological and chemical weapons defense unit (one of the German armed forces very best specialized units) for exercises and permanent deployment in Kuwait.

As a result, Germany joined operation Enduring Freedom in Afghanistan with a small but capable contribution of combat units, and, later on, took a leading role in ISAF, mandated with peacekeeping in Kabul.⁴⁰ Through these actions in defense of its ally, Germany moved from useful hinterland to enemy and target of Al Qaeda. German tourists were targeted, most likely intentionally, in the April 2002 terrorist attack on the synagogue in Djerba, Tunisia. Osama bin Laden’s deputy al Zawairi later issued a stern warning that more attacks would come if Germany continued active support for the United States.⁴¹ The Germans took real risks for their allies, a point completely disregarded in the biting criticism issued later against the German policy on Iraq by the U.S. government and its media supporters. It was thus greeted with disbelief and resentment when President Bush, on the very day when the German troops serving in Kabul suffered their first two fatalities, announced steel import tariffs that would cost the “wartime ally” probably several thousand jobs in an already tight economic situation. “Unlimited solidarity” went out the window that very day.⁴²

In addition, the deployment in Kuwait put Germany in a particularly awkward situation. It was clear that, one way or the other, the German soldiers there would be implicated in a war against Iraq. Even though Germany refused to participate in actions against Iraq, it was recognized in Berlin that, in the event of a chemical attack against Kuwait and the U.S. troops there, these soldiers would be bound to assist in defense, turning Germans into combatants against the express will of the government.⁴³ While Berlin tried to avoid a discussion on the Iraqi issue well into summer 2002,⁴⁴ the government became more and more disturbed that consultations promised by the United States regarding the direction of the “war against terror” simply did not happen.⁴⁵ The United States was steaming full speed into a war and was taking its old ally for granted. When more and more details about war strat-

egy scenarios were leaked to the Washington press, the German government felt it could not avoid a public reaction.⁴⁶ Most likely, the upsurge in support by German public opinion after Chancellor Schroeder’s first antiwar remarks persuaded his spin doctors to advise him that making this a major issue in the election campaign could turn an apparently lost cause into victory. For that purpose, an absolute “no” to participation in military action against Iraq no matter what became Germany’s political position.⁴⁷

As a reflexive reaction to the equally stubborn pursuit of war preparations by the U.S. government, the frustration about what was perceived as abuse of German solidarity, and a (successful) attempt to ensure electoral success, that position might have been understandable. There is also no doubt that there were (and are) good reasons to be skeptical about the wisdom of an Iraq war because of its possible long-term consequences, an issue on which the jury is still out. Yet considering Germany’s traditional nonproliferation position, the policy pursued by the Schroeder government was illogical: The restoration of inspections in Iraq was highly desirable as a stabilizing force for the nonproliferation regimes, the success of these inspections was equally important, and the role of the UN Security Council as the enforcer of compliance was essential. For all three objectives a strong and credible military threat was, according to all experience with the Iraqi dictator, an indispensable condition, and only the lack of such a threat in the nineties had permitted him to flaunt the UNSCOM inspection regime. If any proof was needed, the concessions made by Iraq in late 2002 and early 2003, which included readmitting the inspectors, reluctantly starting to offer them additional information, and beginning the destruction of al-Samoud missiles, provided vivid proof.

Germany would have been put on the spot if the United States and Great Britain had sincerely given UN inspectors a chance and if reasonable benchmarks would have been defined by the UN Security Council for Iraqi compliance and for the point of no return at which a war would have been inevitable. If a blatant case of Iraqi non-cooperation would have prompted a vote in the Security Council, with a strong majority in favor of military action, the German government would either have had to agree—thereby abandoning a promise given to the electorate—or to abstain or vote against, thereby isolating itself completely, even from France.

As it turned out, Germany could hide behind the French position—which had never excluded the use of

force if necessary—and was spared a difficult decision through the U.S. determination, from the beginning, to go to war if Iraq would not submit to the demand for a regime change.

The German government could correctly and convincingly point to the lack of evidence that Iraq still had major weapons of mass destruction programs and could reasonably argue that the supposed remnants of previous programs presented no significant current threat. The German government also judged—and public opinion agreed—that UNMOVIC was working reasonably successfully, and that Iraqi resistance against full cooperation could be worn down by additional requests by the UN Security Council. Secretary Powell's February 5, 2003, presentation to the UN Security Council was analyzed thoroughly in Berlin and found unconvincing. Some of Powell's statements contradicted the analysis of the German Federal Intelligence Service, some were seen as resting on unreliable sources, and some were simply dated. In particular, the strong connection Powell made between the Iraqi regime and the Al Qaeda spring-off network led by al Zarqawi contradicted the conclusions of German intelligence; that analysis rested on focused attention on al Zarqawi's activities for an extended period of time by several European intelligence services, as this terrorist and his group had concentrated their activities on Europe and were viewed as particularly threatening.

Contrary to some U.S. interpretations, the German attitude was not based on principled pacifism. German soldiers had deployed on many occasions during the last ten years, including in combat missions. In the Bosnia, Kosovo, and Afghanistan operations, majorities of German public opinion—albeit small ones—supported German participation. In the Iraqi case, opposition ran continuously high. The German public supported the government's policy of refusing participation absolutely. This situation presented the parliamentary opposition with a difficult dilemma. Traditionally, German conservatives have cultivated a close relationship to the United States. But during the election campaign, their candidate for Chancellor in the September 2002 federal elections, Edmund Stoiber, avoided taking a clear position. He criticized the government without laying out a clear alternative policy (at one point he even indicated that he would not grant the United States overflight rights, but he did not repeat this statement).⁴⁸ After Stoiber was defeated in the September election, Christian Democratic Union leader Angela Merkel became an outspoken supporter of U.S. and U.K. policy.⁴⁹ As a consequence, she faced strong

criticism from the rank and file of her party, and the CDU, flying high in the polls because of the government's economic policies, suffered a decline in popularity. The German public remained very determined in its opposition to war with Iraq. In January 2002, one poll showed that 71 percent of Germans did not think a war against Iraq was justified, and 72 percent categorically opposed German participation in such a conflict. One month later (following U.S. Secretary of State Powell's presentation to the UN Security Council), another poll found 84 percent opposed to a war.⁵⁰

The course of the war and its immediate aftermath, in the view of the German government, vindicated its assessment: The Iraqi government clearly had no operational WMD, otherwise the war would have presented the most probable occasion to use them—with Saddam's back to the wall, as a "Samson option," or a last effort at revenge. The failure to date of coalition forces to uncover major traces of WMD or production sites is seen in Berlin as confirming the basic success of UNSCOM, its inspections, and also the effectiveness of the sanctions regime that was in operation before the war. For all the bad news, this assessment also offers some signs of hope. Germany will continue its support for multilateral nonproliferation policy, possibly trying to improve the existing regimes. Such improvements could aim at the area where the regimes have shown the greatest weakness: in response to cases of suspected or real noncompliance.

HOW TO EXPLAIN GERMAN NONPROLIFERATION POLICY

Neorealism

The following section seeks to explain the broad contours of German nonproliferation policy by using international relations theory as explanatory tool. It employs, with some modification, the elaboration on foreign policy theories developed by Volker Rittberger and his colleagues in *German Foreign Policy since Unification*.⁵¹ Starting with neorealism, Rittberger et al. distinguish between neorealism that sees an invariant security threat to states in anarchy, and modified neorealism that holds that security pressures on states vary with the type of environment states are facing. For neorealism, they thus stipulate that states prefer autonomy over influence; for modified neorealism this prediction holds only if security pressures are strong. If such pressures are more relaxed, a state would prefer enhancing influence over enhancing autonomy.⁵²

I have to adjust this approach as I am dealing with an issue area that affects directly the central category of either type of neorealism—capability or power). States have the choice at times to try to enhance capability. Such an opportunity arises when available resources grow or previous constraints are abolished. Moving from a non-nuclear weapon capability to a nuclear weapon capability is certainly a power shift of sorts that promises to enhance both autonomy (because of independence from security guarantees by other states) and influence (because of the chance to extend security guarantees to others, to threaten, and to exert veto power in certain international settings). For neorealism, this shift is imperative whenever the opportunity arises. For modified neorealism, the imperative is less urgent in a relaxed security environment, but that hedging—creating or maintaining the option to move to nuclear weapon status without jumping to it at once—should be expected.

In the case of Germany, the era before the NPT was signed could be seen as partially confirming neorealist expectations: Germany tried to become a nuclear weapon state, developed as much technology and, through participation in NATO's two-key deployment system, as much operational knowledge and experience as permitted in operating nuclear-capable systems. It resisted the unconditional renunciation of nuclear weapons as long as possible, inserted a spatial (no production on German territory) restriction on its renunciation in the Paris Protocol of 1955 and a time restriction (the 25-year duration) in the NPT, and it still took considerable pressure by its superior U.S. ally, and a strong nuclear security guarantee within an alliance to persuade Germany to accede to non-nuclear status.⁵³

In the second phase of German policy, from the signing of the NPT to the 1990s, the change of attitude and the focus placed on the economic aspects of nuclear development make it harder for realism to provide a convincing explanation. Zachary Davis has constructed a type of "enlightened" interpretation of state interests following realist prescriptions: The security gain derived from other states' reciprocal renunciation of nuclear weapons—bolstered by a good verification system—plus an alliance guarantee, allows states to have sufficient confidence in their survival to persuade them to renounce nuclear weapons.⁵⁴ This argument (which is a policy field specification of Rittberger's modified neorealism) cannot explain why Germany was so eager to keep the NPT verification system at a minimum. And it ignores one basic tenet of realism, namely the considerable uncertainty over the

future under the conditions of anarchy: Allies of today could become enemies of tomorrow, and today's security guarantee could turn into a threat tomorrow. To rebut this argument, one might expect renouncing states to seek some insurance in "hedging," that is, in developing capabilities that are in conformity with the commitments undertaken, but present the option for a breakout should the necessity arise. With some effort, one could see the stubborn determination by German governments to pursue the closed fuel cycle, to develop enrichment, reprocessing, MOX fuel fabrication, and fast breeder reactors as the core of such a hedging policy.⁵⁵ The eighties, however, make maintaining this interpretation very difficult, as enrichment was confined to a low-enrichment facility, and not on a national basis, but as part of a tripartite consortium (URENCO), in which the United Kingdom and the Netherlands participated, while reprocessing and the breeder were abandoned.

The last phase of German nonproliferation policy, starting in the 1990s, can be read as a stern falsification of the realist hypothesis. With the post-Cold War revolution in world affairs, doubts about the survival of NATO, huge uncertainties about "new security threats", and her regained sovereignty following unification, Germany should have pursued a nuclear option with a revenge. To the contrary, however, Germany scrapped MOX fabrication⁵⁶ and the small pilot reprocessing plant at the Karlsruhe research center; in 2001, after protracted negotiations between the Federal Government, the scientists responsible for running the reactor, and the Bavarian Ministry of Science, a compromise was found to convert the new research reactor BRM2 at Garching, Bavaria, from 90 percent enriched uranium to 50 percent enrichment. The material to be used is thus still highly enriched uranium, but not exactly the material of choice for nuclear weapons.⁵⁷ Also, Germany has not taken the opportunity to produce ballistic missiles, even though a formal prohibition contained in the Paris protocol to the Brussels (West European Union) Treaty was revoked in 1984).⁵⁸ To the contrary, Germany entered an additional, unconditional and unlimited renunciation of WMD in the Unification ("Two plus Four") Treaty,⁵⁹ worked hard to remove the 25-year time limit on the NPT as well, and agreed to and helped work out an enhanced IAEA safeguards system that would be in a much better position to discover early on if a future German government ever started a nuclear weapons program.

In the light of this failure of neorealism to explain German nonproliferation policy, recent analysis based on

it, such as that presented by Robert Kagan in his article “Power and Weakness,” is called into question as well. Nothing is more detached from reality than Kagan’s caricature of a pacifist, war-unconscious German population, living in Kantian illusions of eternal peace while being guarded by conflict-conscious Americans facing the grim challenges of the real Hobbesian world.⁶⁰ Throughout the Cold War, Germany was extremely aware of the dangers ahead (otherwise, the anti-nuclear movement of the early eighties could have never happened), and paid its price and contributed its share to the common defense. Germany was not a pacifist country, but one that was acutely conscious of the risk of extinction if war would ever come, and that tasked its politicians—whatever the governing party of the moment—to avoid war while preserving liberty and democracy. The experience of permanent existential risk, however, made the Germans much more sanguine—though by no means complacent—about the dangers of the post-Cold War world than their American partners. And after the brief reconsideration of its identity and role after reunification, Germany contributed, selectively, to international military action in Somalia, Bosnia, Kosovo, and Afghanistan—always in a multilateral framework. “Kantian naiveté” cannot therefore account for German attitudes towards the Iraq war and the WMD problems connected to it.

Rationalist Institutionalism

Rationalist institutionalism would expect Germany to pursue its preferences in its interactions with strategic partners and to agree to compromises that would strive to realize as much of these preferences as possible, if a zone of agreement with the partners could be found.⁶¹ While the first phase of German nonproliferation policy can be superficially explained by this proposition—Germany pursued security and the development of its nuclear industry in parallel, obtaining an acceptable combination of both by the alliance guarantee plus Article IV of the NPT—the steadfast refusal by the conservative majority to accept this compromise at the end of this period is somewhat mysterious. This stance risked the wrath of the United States (and a complicated and possibly more threatening relation with the Soviet Union) while diminishing the economic potential of the emerging nuclear industry, since Western allies would probably have refused collaboration on civilian nuclear projects. In the end, the election of Brandt as Chancellor prevented this outcome; but the conservative position at the time defies easy interpretation in rational-actor terms.

The second phase fits rationalism best. The Germans reaped the advantages emerging from the new regime—enhanced security and open nuclear industry collaboration—while vigorously pursuing deals permitted by a literal reading of regime rules. While this was not free riding, it was obviously dictated by a preference for optimal economic gain and a concern that other actors would jump in to take over deals which Germany would refuse on normative grounds (that is, if the Germans had interpreted the NPT in a stricter way, e.g. in accord with the Carter nonproliferation policy). The rationalist explanation can also account for the fact that Germany agreed to limit its exports—stopping the transfer of sensitive technology—only after all other relevant actors had committed to do the same under the NSG guidelines.

Rationalism, however, also faces difficulties with the third period: Germany suddenly stopped pursuing the interests of its nuclear industry as vigorously as it had done before. It is also difficult for rationalism to explain the reaction of Germany to the changed circumstances after the end of the Cold War. While one argument could be that the Germans tried to save the sunk diplomatic investment made in the nonproliferation regime during the Cold War, with a slightly different perspective one could also have predicted Germany to seek a more independent security stance in a situation where regime effectiveness could be seen as less certain, or just to keep the regime and its constraints on German freedom of action. The difficulties noted above result from rationalist institutionalism’s indeterminacy as to the formation and change of state preferences. A theory that would account for what rationalist institutionalism explains, but would also add a convincing explanation for preference formation would have to be regarded as superior.

Liberalism

Liberalism, as applied to issues of peace and war, offers the monadic theory of democratic peace as a possible candidate.⁶² Based on the causal mechanisms elaborated by democratic peace theory, it is difficult to derive a tangible hypothesis relating to nuclear weapons. The interest of citizens in avoiding war could prompt support for nuclear deterrence, as the rationale for this posture is that it prevents not just nuclear attack but war per se. However, the residual risk that deterrence could fail, and the ensuing war would be much more costly in terms of death and destruction than conventional war, and the normative aversion of democratic publics against mass murder and genocide, would appear to generate support for nuclear

disarmament. As a result, democratic peace theory is a bit indeterminate in this field.

In the case of Germany, however, this bifurcated hypothesis can be given a clear, unambiguous meaning: It was generally recognized by both Germany's allies and potential enemies, that the acquisition of nuclear weapons by Germany would be seen as particularly destabilizing. As democratic peace theory holds that democracies are risk-averse, the odds in Germany favored renunciation of nuclear weapons, in particular since nuclear deterrence—and thereby the hope for complete war-avoidance—was available through an alliance guarantee. However, if this argument is correct, the attempt by Germany to keep its nuclear weapons option open during the first phase is unexplainable. Germany's renunciation in the second phase is in agreement with these expectations, while its transfers that clearly enhanced the risk of proliferation and thereby of a catalytic war are not. The attempts to work at strengthening and universalizing the nonproliferation regime and to promote stronger steps at nuclear disarmament during the third phase, in turn, appear to fit the hypothesis quite well.

Constructivism

At this point, we have found that realism seems to best account for the first phase of German nonproliferation policy, rationalism for the second, and liberalism—in the shape of monadic democratic peace theory—for the third. This apparent contradiction can be overcome, however, by adopting a constructivist reading of the evolution of German nonproliferation policy which uses a role/identity concept to try to understand policy change. Using this analysis, Germany's basic identity concept remained constant over the phases while its understanding of the "rule of appropriateness" of what this identity meant under changing circumstances in the light of external expectations—the "role" Germany was supposed to play—changed.

For Germany after the Second World War, the overwhelming need was to put an unambiguous distance between itself and the past and to prove its value as a "good citizen" in the international, and particularly the Western, international community. Germans wanted genuinely to be different from what they had been in the horrible Hitler years. Yet what precisely they should become was, given the objective of integration into the international community, also dependent on the international "rules of the game," and the expectations others had of Germany.⁶³

Adaptation of identity went hand in hand with shifts in the composition of the ruling elites and their coalitions.⁶⁴ In the first phase, Germany was ruled by leaders from a generation whose political socialization dated back to the pre-Versailles (1919) years. They expected the international community to be similar to this quasi-classical world: An interaction of great and middle powers in which Germany would have to find its place. They understood that owing to its history, Germany presently had no credit and would thus have to show good and reliable behavior in order to be re-accepted. These leaders saw the proper role for Germany as that of a responsible, equal power at the table of a harmonious Western power concert. Among this privileged group of state, nuclear weapons would be among the attributes of a "good citizen." In this interpretation, there was no contradiction between the identity of a "good citizen" and nuclear weapon possession. The practice of the United States, Britain, and France was viewed as a confirmation of this understanding. It was accepted that for the rehabilitation period, the friends expected Germany to stay non-nuclear. It was also firmly expected that, once this transitional period ended, objections to Germany acquiring nuclear weapons would cease. Meanwhile, the restoration of German nuclear research capability and industry was seen as an appropriate and necessary step toward eventually realizing this embedded sovereignty.⁶⁵ For those who held this view, the negotiation of the NPT and the insistence of the Western allies that Germany must join as a non-nuclear weapon state was deeply disturbing, as it ran counter to their idea of how the identity of a good citizen would be translated in to an international role. The feeling of betrayal—or simply uncertainty about how to react and what to do—was obvious.

The 1969 change of government, which coincided with the beginning of phase two, had two implications for the identity/role scheme: The new leaders were from a younger generation; the median of political socialization moved forward to the late twenties to early forties. Equally important, contrary to a conservative-nationally orientated view, socialist and liberal internationalism entered the ideological world view of the ruling elite. The self-image (identity) of Germany as a "good citizen" was preserved. But this generation believed that there would be no simple reversal for Germany, after a period of rehabilitation, to the earlier role as equal among equals. They knew that the holocaust and German behavior during World War II would have much more lasting effects on the concerns, fears, expectations and, yes, prejudices, of

even their friends than the predecessor ruling elite had supposed. Good citizenship for the new German elite meant a demonstrative, reliable, and perpetual renunciation of power politics, equal rights, and military might. Nuclear weapons were not for Germany, the international community believed. German achievements and a basis for exercising international influence had thus to shift elsewhere. For post-war Germany, the defining success had been the economic miracle, the speedy recovery to world economic class in about a decade. After 1969, Germany's role in international politics (besides being a detente-mover), its accepted role in which it found self-realization, became, using the term coined by Richard Rosecrance, that of a "trading state"⁶⁶, a state that relinquished the claim of military ascendancy—doing its subdued, though important, duty within the alliance, and seeking excellence in international markets. Thus, the appetite for "dual key" arrangements involving nuclear weapons faded; voices arguing for a German nuclear deterrent fell mute; nuclear arms control was embraced, even if it cost the jewel of German nuclear participation, the Pershing IA;⁶⁷ Germany precisely observed its obligations under the NPT. But in its role as a trading state, it insisted with the greatest possible emphasis on its right to develop all aspects of civilian nuclear power, and wanted to export as many nuclear items as its international legal duties permitted, to all possible customers. At the same time, it developed a concept that combined the trading state role and nonproliferation perfectly: civilian nuclear cooperation would create the necessary inducements to convince emerging nuclear powers to abstain from military nuclear ambitions, just as Germany itself had done.⁶⁸

In the third phase, two decisive events again shifted German understanding of the role meaning of good citizenship regarding the nuclear issue: the export scandals, and unification. The identity concept remained unchanged; it even gained in intensity and depth through unification. For achieving this highest national goal very much vindicated the validity of the identity as "good citizen." The old revisionist and power-hungry Germany had cascaded from a large territory covering central and central eastern Europe through two world wars to a middle-sized state squeezed at the center, and ended as the pariah of Europe. Acting as a "good citizen" during the Cold War had helped to win general international acceptance for German territorial enlargement through unification, and even some warmth and sympathy when it happened. The identity concept was thus reinforced. At the same time, the role concept had to be corrected. First, the export scan-

dals had shown that the uncompromising pursuit of the trading state role was not what the international community expected from Germany. The public shaming that Germany suffered suffered—such as William Safire's "Auschwitz in the sand" remark mentioned above—would have forced a change in attitude on its own. Combined with the impulse stemming from unification the impetus for change became overwhelming. Generally, Germany was told that it had now a "higher degree of responsibility" in international relations as a fully sovereign and considerably larger state. That meant, first, that the Cold War-era curbs on external military action had to be removed. Allies expected Germany to do its share in out-of-area military missions when they arose. For Germany, that meant an adaptation of its concept of "civil power" that was closely related to the "good citizenship" identity: The extreme reluctance to use military force as an instrument of policy, and its relegation to a mere instrument of self (or allied) defence. The new requirement was incorporated in the role concept as meaning that Germany would join multilateral military missions subject to international law, which included an UN mandate. The understanding was that this would be a last-resort duty, after all other means of solving a problem were exhausted, and where the failure to act militarily would make things worse rather than better. In nuclear terms, "enhanced responsibility" meant not just abiding by the letter of the rules, but also taking a proactive, visible role in improving nonproliferation regimes and fostering disarmament, even at the expense of German economic (nuclear exports) or military status.⁶⁹ The latter readiness was symbolized by German willingness to address the issue of complete elimination of tactical nuclear weapons in the 2000 NPT Review Conference "NATO Five" proposal⁷⁰ or to relinquish the nuclear role of the German armed forces as part of an overall arms control solution for tactical nuclear weapons, as in the Report of the German Defense Review Commission.⁷¹

From this discussion, it appears that the constructivist approach, using a dual identity/role concept and following the logic of appropriateness, generates the only explanation that covers all three phases of German nuclear nonproliferation policy. The other theories account well for one or two phases, but face great difficulties for the rest, or fail to adequately account for the change in German policy over time.

Using this approach, Germany's treatment of the Iraqi issue can be adequately explained. In fact, we can identify an indeterminacy in the interpretation of "good citi-

zenship” in the context of “enhanced responsibility.” In this case, international impulses were pulling in two opposite directions, and the principle of “force only in the last resort under due procedure” moved Germany away from supporting the Iraq war because of doubts about the appropriateness of using force.

Enhanced responsibility would force Germany to take a stand in the most important issue of world politics of the day. But which stance was hard to determine, since two different prescriptions arose. First, the imperative to maintain the transatlantic community pushed Germany to take the U.S. side. But on the other hand, the declared willingness of the United States to bypass the will of the UN Security Council contradicted the imperative to stick to international law. In this situation, it may have been decisive for Germany that the use of force to enforce compliance with WMD nonproliferation had never been established as an appropriate and legal means to preserve international order. The United States and Great Britain had avoided raising this issue in the international treaty communities, and apart from an abstract UN Security Council statement of 1992, the matter had not been systematically pursued. NATO had debated and tackled counterproliferation in a much more narrow, alliance sense, and the United States and Great Britain had conducted their occasional air campaigns over Iraq with the faintest regard for international legitimization.

In contrast, humanitarian intervention had been developed as a legitimate action under international law since operation Provide Comfort in 1991, and had on several occasions received a UN Security Council mandate. The 1999 Kosovo intervention was still a very difficult action for Germany to participate in, and only the slogan “Auschwitz never again” swayed a reluctant German public to tolerate the accept it.⁷² No comparative history of international legitimization was available for military action to support nonproliferation, nor did U.S. advocacy make the German public confident that such a case could be made convincingly. With the public unconvinced that participating in this action met the rule of appropriateness, the identity of good citizenship was at stake, and the government could have ignored this clear assessment only at its own peril, even if it had differed from the normative orientation of the public, which it did not. As Chancellor Schroder put it succinctly: “The German public will want to be persuaded very intensively and in great detail in the future about the use of force as a last and unavoidable means of resolving conflicts”.⁷³ In the Iraqi case, such attempts at persuasion by the United States were obviously not successful.

CONCLUSION

German nonproliferation policy follows the evolution of its role concept based on an identity of good citizenship. German attitudes and policies in this sector try to realize a rule of appropriateness based on this identity and role concepts. As this article has demonstrated, tensions between identity and role can emerge, but they must be solved in a relatively short time; otherwise policy may become paralyzed. In the German case, such changes coincided with generational shifts that helped with each adjustment. Interestingly enough, the evolution moved Germany more and more away from a traditional understanding of power politics and more in the direction of a normative orientation and a multilateral policy style.

This analysis augurs a rocky future for German-U.S. relations on nonproliferation. This conclusion does not mean that there will be disagreement on everything. Germany shares the U.S. concern about dangerous shipments of weapons or dual-use material and equipment that could help additional countries or even non-state actors to procure WMD. Berlin has thus joined the U.S. initiative to devise cooperation to intercept such shipments if no other means to prevent the delivery is possible. But even here, different interpretations of international law, notably law of the sea, could interfere with smooth cooperation. Germany is quite concerned about recent developments in North Korea and Iran, and has invested diplomatic capital to develop a common EU position to assist the United States in dealing with these situations. But controversy may flare up again if the United States moves towards confrontation or a military solution while Germany (and other Europeans) see still room for diplomatic maneuvers. The one field in nonproliferation policy where the United States and Germany see completely eye to eye, and where further, intense cooperation appears possible is the G-8 initiative to secure the WMD complex and related facilities and materials in the successor states of the former Soviet Union.⁷⁴

The recent adoption of a nonproliferation strategy by the European Union might offer a way out of the dispute: Europe, including Germany, has accepted that the use of force, in extremis, could be necessary to forestall an immediate threat emerging from WMD proliferation. It thus seems that the gap that has been dividing American and German positions on this issue could be closed. But this assessment may be too optimistic. The EU strategy gives unambiguous priority to strengthening the multilateral regimes and links the use of force strictly to international law.⁷⁵ This position matches German preferences,

but defies the priorities set and the unilateralism claimed by the U.S. National Security Strategy. By good luck, agreement in specific cases may be possible. It is equally likely that Iraq-like controversies will pop up again.

Resolving these disagreements will require more than just “mending fences” and exchanging diplomatic niceties. The way the German identity and role concepts have evolved is contrary to the direction the present US leadership appears to have taken: a return to traditional power politics, increasing emphasis on the utility of military force, and a deemphasis on multilateralism in favor of unilateral superpower decision-making. From this perspective, more conflict is ahead in the German-American relationship, and cosmetic attempts at reconciliation will hardly suffice to heal this structurally rooted rift. A shift in German identity back to a power politics understanding could repair the relationship, since it would enhance understanding of the U.S. approach, and lead Germany to make a realist (bandwagoning) adjustment. It would, however, most likely be connected with a return by Germany to a nuclear hedging policy, just in case. The price in terms of international stability might not be worth the candle. However, German identity appears so deeply rooted that such a shift is improbable to the extremes. A more likely—if still uncertain—way out of the impasse is a shift in U.S. policy?

¹ This article is based on research conducted as part of a Peace Research Institute Frankfurt project, “Paradoxes of Democratic Arms Control Policy,” which is supported by the German Research Society.

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⁸ A good summary of the German misgivings over the NPT is Allan McNight, *Nuclear Non-Proliferation: IAEA and EURATOM*, Occasional Paper No. 7 (Washington DC: Carnegie Endowment for International Peace, 1970).

⁹ Uwe Nerlich, *Der NV-Vertrag in der Politik der Bundesrepublik Deutschland. Zur Struktur eines außenpolitischen Prioritätenkonfliktes* (Ebenhausen, Germany: Stiftung Wissenschaft und Politik, 1973); Helga Haftendorn, *Abrüstungs- und Entspannungspolitik zwischen Sicherheitsbefriedung und Friedenssicherung. Zur Außenpolitik der Bundesrepublik Deutschland 1955-1973* (Düsseldorf: Bertelsmann, 1974), pp. 180-186.

¹⁰ The German statement made at the signature of the NPT is reprinted in Häckel, *Die Bundesrepublik Deutschland*, pp. 76-80.

¹¹ Werner Ungerer, “The Verification Agreement EURATOM/IAEA,” *Außenpolitik* 22 (1973), pp. 363-376.

¹² Häckel, *Die Bundesrepublik Deutschland*, pp. 24-25.

¹³ George Bunn, *Arms Control By Committee: Managing Negotiations with the Russians* (Stanford: Stanford University Press, 1992), ch. 5.

¹⁴ This spirit is well captured in the authoritative volume by Karl Kaiser and Beate Lindemann, eds., *Kernenergie und Internationale Politik*, (Munich: Oldenbourg, 1975).

¹⁵ Harald Müller, *After the Scandals: West German Nonproliferation Policy*, PRIF Reports No. 9 (Frankfurt: Peace Research Institute Frankfurt, 1990).

¹⁶ Harald Müller, Matthias Dembinski, Alexander Kelle, and Annette Schaper, *From Black Sheep To White Angel? The New German Export Control Policy*, PRIF Reports No. 32 (Frankfurt: Peace Research Institute Frankfurt, 1994).

¹⁷ Harald Müller and Alexander Kelle, “Germany,” in: Harald Müller, ed., *European Non-Proliferation Policy 1993-1995* (Brussels: European University Press, 1996), pp. 103-128. especially pp. 123-127, which discuss the EU Common Position developed for the 2000 NPT Review Conference.

¹⁸ Michael Klare, *Rogue States and Nuclear Outlaws. America's Search for a New Foreign Policy* (New York: Hill and Wang, 1995); Robert S. Litwak, *Rogue States and U.S. Foreign Policy: Containment after the Cold War* (Washington, DC: Woodrow Wilson Center Press, 1994).

¹⁹ The White House, *The National Security Strategy of the United States of America*, September 2002, <<http://www.whitehouse.gov/nsc/nss.html>>.

²⁰ Bundesministerium der Verteidigung, *Weißbuch zur Sicherheit der Bundesrepublik Deutschland und zur Lage der Zukunft der Bundeswehr* [Bonn Bundesministerium der Verteidigung, 1994], pp. 34-35.

²¹ See the sober assessment in *Gemeinsame Sicherheit und Zukunft der Bundeswehr. Bericht der Kommission an Gemeinsame Sicherheit und Zukunft der Bundeswehr. Bericht der Kommission an die Bundesregierung*, (Berlin and Bonn: Bundesministerium der Verteidigung, 2000), pp. 25-26

²² For an example of governmental statements on the Iraqi issue, see German Foreign Ministry, Speech of Foreign Minister Joschka Fischer to the United Nations General Assembly, 14 September 2002, <www.uni-kassel.de/fb10/frieden/themen/UNO/fischer-rede.html>. This section also draws on a series of talks with German government officials, including intelligence briefings, which the author conducted during 2002 and 2003, but at the request of these officials, these interviews cannot be attributed or quoted directly.

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²⁴ Mark Hibbs, “U.S. Negotiators Isolated As DPRK Nuclear Talks Mire,” *Nucleonics Week* 35 (September 1994), pp. 5-6; Mark Hibbs, “Siemens Will Supply I&C To DPRK If Bonn Will Pay,” *Nucleonics Week* 36, (February 1995), p. 3.

²⁵ Bericht der Bundesregierung zum Stand der Bemühungen um Abrüstung, Rüstungskontrolle und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotentiale (Jahresabrüstungsbericht 2001), Deutscher Bundestag, 14. Wahlperiode, Drucksache 14/8941 April 25, 2002, p. 25.

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²⁷ Rebecca Johnson, “CD Closes 2002 Still Deadlocked,” *Disarmament Diplomacy* 67 (October/November 2002), p. 20, <<http://www.acronym.org.uk/dd/dd67/67cd.htm>>.

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44 *Archiv der Gegenwart* 72 (2002), p. 45711.

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