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THE IMPLICATIONS OF UNIFICATION FOR GERMANY'S ROLE  
IN THE EUROPEAN UNION

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## **DECLARATION**

Material utilised in Chapter Five formed the basis for a joint article. This chapter underwent a period of germination from an initial conference paper written and presented solely at the Annual Conference of the Political Studies Association in March 1994. The paper incorporated key arguments contained in Chapter Five. The paper formed the foundations of joint work resulting initially in a conference paper given at the ASGP Annual Conference and, IPPR and later into an article. The preparation process involved an exchange of ideas and discussions of the fundamental arguments presented in the chapter.

## ABSTRACT

This study analyses the nature of Germany's role in the EU after unification. The thesis posits a two tier approach, first examining Germany's relationship in the EU at a 'high' politics, and then utilising a sectoral approach to Germany's role in the EU, focusing on two key policy areas: migration and agriculture.

The thesis reviews theories of European integration assessing their applicability to Germany's specific case. It is argued that it is an oversimplification to characterise Germany as either an 'assertive' or 'compliant' actor. In the broader context, the thesis notes a continuity in Germany's pro-European position after unification. However, the thesis also concludes that Germany has acquired a stronger role. Unification has presented Germany with a number of challenges in the domestic arena.

Borrowing from the ideas of Lowi, the thesis argues that Germany's role in the EU is policy specific and differs in contrasting policy sectors. The thesis also specifies the characteristics within the policy sector that shape Germany's actions in the EU. Furthermore, it is argued that the EU serves as an important arena for solving important domestic concerns. The thesis attempts to develop a taxonomic model comprising three characteristics: dynamics of the policy sector, policy circumstance and policy-making structures to test these hypotheses.

The two policy sectors analysed illustrate how Germany's role can vary according to the issue in question. Germany's attitude towards migration gravitated towards an attempt to seek European solutions and Europeanise policy in an issue which represented a major domestic challenge after unification. Conversely, agriculture continued to be dominated by the Germans seeking wholly 'German' outcomes in the EU institutions. The thesis highlights the utility of European frameworks in particular policy sectors. In the case of migration, domestic and European policy making structures acted as a formidable constraint for policy solutions. On the contrary, in agriculture the nature of policy making at the domestic and European level enhanced the position of farmers and the agricultural sector in general.

## LIST OF ABBREVIATIONS

|         |   |
|---------|---|
| AA      | Auswärtiges Amt (Foreign Office)  |
| BDI     | Bundesverband der Deutschen Industrie (Federation of German Industry)                                     |
| BMI     | Bundesministerium des Innern (Federal Ministry of the Interior)   |
| BML     | Bundesministerium für Ernährung, Landwirtschaft und Forsten<br>Federal Ministry of Agriculture)           |
| BVS     | Bundesanstalt für vereinigungsbedingte Sonderaufgaben<br>(Federal Agency for Unification - Related Tasks) |
| CAP     | Common Agricultural Policy  |
| CDU     | Christliche Demokratische Union (Christian Democratic Union)  |
| CEE     | Central and Eastern Europe  |
| COREPER | Committee of Permanent Representatives  |
| CSU     | Christlich-Soziale Union (Christian Social Union)   |
| DBV     | Deutscher Bauernverband (German Farmers' Union)   |
| DGB     | Deutscher Gewerkschaftsbund (Federation of German Trade Unions)   |
| DVU     | Deutsche Volksunion (German Peoples Union)  |
| EAGGF   | European Agricultural Guidance and Guarantee Fund   |
| EC      | European Community  |
| ECJ     | European Court of Justice   |
| ECSC    | European Coal and Steel Community   |
| ECU     | European Currency Union   |
| EDC     | European Defence Community  |
| EEC     | European Economic Community   |
| EFTA    | European Free Trade Association   |

|         |   |
|---------|---|
| EMS     | European Monetary System  |
| EMU     | Economic and Monetary Union   |
| EPC     | European Political Co-operation   |
| EPU     | European Political Union  |
| ERDF    | European Regional Development Fund  |
| ERM     | Exchange Rate Mechanism   |
| EU      | European Union  |
| EURATOM | European Atomic Energy Community  |
| FDP     | Freie Demokratische Partei (Free Democratic Party)                                      |
| FRG     | Federal Republic of Germany   |
| GATT    | General Agreement on Tariffs and Trade  |
| GDR     | German Democratic Republic  |
| IGC     | Inter-Governmental Conference   |
| LAG     | Landwirtschaftsanpassungsgesetz (Agricultural Adjustment Act)                           |
| LPG     | Landwirtschaftliche Produktionsgenossenschaften (Agricultural Production Co-operatives) |
| MCA     | Monetary Compensatory Amounts   |
| MGQs    | Maximum Guaranteed Quantities   |
| NATO    | North Atlantic Treaty Organisation  |
| OEEC    | Organisation for European Economic Co-operation   |
| PDS     | Partei Demokratisches Socialismus (Party of Democratic Socialism)                       |
| SEA     | Single European Act   |
| SED     | Sozialistische Einheitspartei Deutschlands (Social Unity Party)                         |



|     |   |
|-----|---|
| SPD | Sozialdemokratische Partei Deutschlands (Social Democratic Party) |
| TEU | Treaty on European Union  |
| U/A | Unit of Account   |
| VEG | Volkseigene Güter (State-owned Estates)                           |

# CHAPTER ONE: INTRODUCTION

## INTRODUCTION

Since German unification there has been a great deal of debate both in academic literature and in the political sphere in Germany and in Europe about Germany's future role in the European Union (EU)<sup>1</sup> and its continuing commitment to European integration. Contrasting views, both positive and negative, have emerged in the literature on post-unification Germany. The German Chancellor, Helmut Kohl, has declared his continued support for integration and a leading role for Germany in that process. In September 1994 he stated, "My government has always been the motor of unity. That will remain the case." (The Independent, 30.09.94)

One view that is put forward is that Germany will ultimately become economically and politically stronger, and that this development will aid the European unification process. The European Commission's statement on German unification on October 3rd 1990 clearly stated,

German unification provided new impetus for a stronger and more united Community moving towards economic and monetary union and political union. The solution of the German problem in the Community framework will speed up the Community's own progress towards unity. (Commission of the European Communities, 1990: 7)<sup>2</sup>

In contrast, there is a negative view of Germany's stronger position. It has been argued that the unified Germany will become some kind of hegemon and come to dominate the European Union. Advocates of this pessimistic view include the late Nicholas Ridley. He commented in an article in the Spectator in July 1990 that Economic and Monetary Union

---

<sup>1</sup> The term European Community (EC) is used throughout the thesis to describe the Community prior to November 1993. The term European Union (EU) is adopted to refer to the situation thereafter, with the enforcement of the Treaty on European Union (TEU).

<sup>2</sup> At the time of unification the seventeen Commissioners confidently declared that, "...German unification gives a new élan to a stronger and more united Community, leading to the economic and monetary and political union.." (Financial Times, 03.10.90: 1)

was a "German racket designed to take over the whole of Europe." (The Spectator, 14.07.90: 8) Ridley's comments are particularly significant because it is generally assumed that his views mirrored those of the former British Prime Minister, Mrs Thatcher, who was originally opposed to German unification.

Those who contradict this pessimistic view point to the functional and institutional explanations for the benign effect of German unification on European development. Hodge argues,

The nature of the Federal Republic's domestic politics, as well as the relationship with the European Community, apply substantial constraints on the ability, or desire, to bring about radical reorientation. (Hodge, 1992: 223)

The optimists suggest that the self-serving German power has been tamed by involvement in international institutions.

Some integrationists fear that Germany will become less committed to European integration. There are those who believe that Germany has become economically and politically weaker as a result of unification. It is argued that as a consequence, Germany has become more inward looking and may well turn its back on the European Union. Advocates of this view suggest that a weaker Germany will lead to a weaker Europe. Marsh argues,

without a strong Germany at its centre, able to play a constructive role in the integration of the entire continent, Europe will become a strife-ridden economic and political backwater unable to master its own destiny in a world where economic growth will have migrated to the United States. (Marsh, 1994: front cover)

Conversely, anti-integrationists take a positive view of a weaker Germany within the EU.

## **1.1 PERSPECTIVES IN THE LITERATURE**

Studies examining the behaviour of a member state in the EC came to the fore in the 1980s. Germany proved to be a prime candidate for

analysis. (Kohl & Basevi, 1980; Bulmer, 1986; Bulmer & Paterson, 1987; Hrbek & Wessels, 1984a; Wessels & Regelsberger, 1988; Lützler, 1986; Feld, 1981). A number of these studies came in the form of edited collections concentrating on various aspects of Germany's relations with the EC. The volume of studies also generated a variety of approaches. Some studies concentrated on the analysis of policy-making structures and how they have an impact on Germany's role in the EU. (Bulmer, 1983; Bulmer & Paterson, 1987) Others concentrated on Germany's interests in the EC. (Hrbek & Wessels, 1984a) The economic dimension of Germany's relations with the EC was incorporated into most studies seeking to analyse this relationship. (Wessels & Regelsberger, 1988) Studies took a sectoral approach focusing on particular policy areas and the institutional dimension. (Kohl & Basevi, 1980)

The reunification of Germany and its integration into the EU was an interesting yet unprecedented event. The possible implications of reunification for Germany's role in the EU were bound to arouse the interest of academics and journalists alike. In the immediate aftermath of unification, a number of descriptive and chronological accounts outlining the collapse of the communist regime in the former German Democratic Republic (GDR) and Germany's path to unification were generated. These were accounts in both English and German. (Dohnanyi, 1990; Golombek & Ratze, 1990; Grunberg, 1990; Heinrich, 1990; Knopp, 1990; Lau & Lau, 1990; Senghaas, 1990; Glaessner, 1992; Glaessner & Wallace, 1992; Grosser, 1990) Some accounts detailed the negotiation process and went on to speculate about the possible consequences of Germany's reunification on the European Community. (Spence, 1991; Grosser, 1992) Others examined the international aspects of Germany reunification outlining the views of the four occupying powers. (Kaiser, 1991) Others attempted to detail the

international reactions to German unification. (James & Stone, 1992) Some authors focused on the economic aspects of unification, taking a sectoral case study approach. (Ghaussy & Schäfer, 1993) Some examined the international aspects of unification looking at the economic implications of unification for national and international environment. (Heitger & Waverman, 1993; Welfens, 1992)

Several accounts attempted to analyse the “new” Germany’s relationship with the EU and Europe. (Lankowski, 1993; Baring, 1994) Most accounts came in the form of edited collections focusing on the internal and external implications of unification. These accounts concentrated on areas such as security policy, foreign policy, economic policy and implications of unification for both eastern and western Europe. (Stares, 1992; Merkl, 1993) Others sought to examine the political, economic and social consequences of unification. (Kurz, 1993) Some authors chose to take a sectoral approach examining key policy areas. (Lippert, et al, 1993; Heisenberg, 1991)

## **1.2 OBJECTIVES OF THE THESIS**

The overall objective of the thesis is to investigate what Germany’s future role in the European Union will be. A further objective is to ascertain what impact unification has had on Germany’s role in the EU. Has the “power” of Germany increased since unification? Will Germany discontinue working through multilateral frameworks and turn away from integrated actions towards the pursuit of ‘national interest’? Is Germany as committed to European unification as before or is its commitment going to waver under the pressure of domestic unification? An essential part of looking at Germany’s role in the EU is the part that Germany will play in the process of European integration. These represent some of the core issues addressed in the thesis.

### 1.3 MAIN ARGUMENT

Since unification a whole body of literature has emerged which attempts to deal with Germany's "new" role in the EU. Some views broadly reflect the Realist or Intergovernmentalist interpretations of European integration. In other words that Germany will become "assertive", some kind of hegemon in the pursuit of national interests. (Reich & Markovits, 1991; Garton-Ash, 1993 & 1994; Sperling, 1994) Others, however, reject these arguments by pointing to the benign effect of unification on Germany's role in the EU. These writers point out the benefits Germany has derived from the EU membership and joint action. The functional and institutional constraints in the domestic arena are cited as evidence negating a "hegemonic" resurgence on the part of the Germans. Others point to the policy-making structure, mitigating against the argument that the state can act as a coherent actor and on the existence of a national interest. These arguments loosely correspond to the "integrationist" (or interdependence) approach and the Domestic Politics Approach. (Hodge, 1992; Goldberger, 1993; Paterson, 1993)

My contribution to the debate about Germany's future role in the EU differs somewhat from the above contributions. The argument presented here can be placed at a midpoint in this continuum of extremes; of assertive and hegemonic interpretations on the one hand, and completely compliant explanations which argue that there has been no change after unification on the other hand. In the broad context, it is argued that Germany will remain committed to the EU in the post-unification period. The completion of the internal market and the implementation of Maastricht Treaty bear witness to this fact. Furthermore, Kohl continues to espouse the virtues of joint action through integration.

It would, however, be wrong to argue that unification has had no effect at all. Indeed, Germany's role has become "stronger" but by no means hegemonic. It is contended that unification has brought some challenges in the domestic sphere. Despite Germany's continued commitment to the EU and the process of European integration, domestic concerns have become more important for Germany since unification. The two case studies, on migration and agriculture, are two of these areas of concern and offer good tests of this hypothesis. (Unification has affected these domestic concerns more directly in the case of agriculture and indirectly in migration). In this thesis it is contended therefore, that Germany has unavoidably in the short-term become more inward looking in order to deal with the mammoth task of unification and its consequences.

Even though domestic problems have been high on the German agenda and the Germans have been more inward looking, this does not correspond to less commitment to Europe or vice versa to assertive behaviour. The Germans are unlikely to turn their backs on Europe. The EU retains its importance for Germany. It is maintained that the Germans are unlikely to move away from integrated actions in the pursuit of some "national interest". Integration has borne dividends for the Germans in the past, and can continue to do so in the future.

It is argued that the EU serves as an important arena for solving domestic problems. It is perhaps more politically viable in certain policy areas to work within the European context. As William Paterson asserts, "The Community...provides a more acceptable framework for a number of pressing German concerns....than any other conceivable arrangement." (Paterson, 1993: 172) Migration is one of these pressing problems where the Germans are seeking transnational solutions. Certain domestic concerns can be advanced in international

frameworks. (Milward, 1993: 4) Some German problems are best solved in the European arena. It is maintained that unification has not slowed down the pace of integration. The recent enlargement of the EU bears witness to this fact.

However, an overall assessment of Germany's role in the EU is beyond the scope of this thesis. A useful tool for analysing Germany's role in the EU is by looking at specific policy areas. Thus, a case study approach is utilised. The two policy areas chosen are Migration and Agriculture. These two areas also happen to constitute domestic concerns which were given a new dimension by unification.

#### **1.4 CASE STUDY ARGUMENT**

Another hypothesis tested in the thesis is that Germany's role in the EU differs in contrasting policy sectors. It is the contention of the thesis that the policy sector itself shapes whether Germany takes a pro-European, Euro-compliant, less assertive position or vice versa. Thus, I borrow from Lowi, who has argued that policy determines politics. Lowi contends that different policy arenas produce different policy patterns, processes and actors. It is argued that agriculture and immigration provide a contrast of Germany's approach to, and role in, the EU. In the case of migration the Germans may lean towards the "Euro-compliant, less assertive" end of the spectrum. This contrasts with agriculture, where the Germans may seek more "German" oriented solutions.

Another contention in the thesis is that the EU serves as an optimal environment for pursuing or solving certain domestic concerns. Where the Germans are able to utilise this resource for solving a domestic problem, they are likely to be more European-oriented i.e. less assertive. This begs the question of how the EU framework can be useful to Germany.



One then has to ask what it is about these policy sectors that makes them important enough for detailed examination. The thesis tries to develop a typology of characteristics which affect Germany's role in the EU in each of the policy areas. Thus, the argument put forward rests on three characteristics to be found, in different forms, in each policy sector: the dynamics of the policy sector, policy circumstance, and policy-making structures. The dynamics of the policy sector refers to the nature of the policy issue itself, incorporating the factors within the policy area which bring about change. Policy circumstance deals with issues which at first glance may appear peripheral to the policy in question, but which nevertheless have an impact on policy decisions. The policy-making structures are vital in the role that a member state plays within the EU. It has been argued that the structure of the policy-making process in Germany has a direct effect on decisions taken at the European level. Thus, an examination of a particular policy area includes an analysis of the main domestic political actors and processes.

#### **1.4.1 MIGRATION**

The migration case study examines three characteristics: the dynamics of the policy sector, policy circumstance and policy-making structures. In the case of migration, the dynamics of the policy sector includes an analysis of characteristics intrinsic to the issue of migration. The section examines the political sensitivities surrounding the migration issue, the inconsistencies in policy and the inability of policy-making structures to deal with the issue. The definition of migration as a transnational issue, which needs transnational solutions, is also examined.

The unification of Germany had an indirect effect on policy, but associated events in the international arena were important to the whole migration debate. Policy circumstance analyses the significance of, and

the effect of unification, the collapse of communism and the dissolution of the Soviet Union as a contributory factor towards policy reform. The mass migration from the east intensified the pressure for change.

The section on policy-making structures investigates the impact of the constitutional and political deadlock in Germany's attempts to Europeanise policy. The Germans perceived the European framework as a legitimate arena in which to solve their migration problem. Germany readily and willingly attempted to seek European solutions. The section analyses the Germany's failure in the European arena and in turn its eventual agreement on the asylum compromise. The section on policy-making structures also involves an analysis of Germany's future actions in this policy sector.

#### **1.4.2 AGRICULTURE**

The dynamics of the policy sector, policy circumstance and policy-making structures are analysed in depth in each of the policy areas. With reference to agriculture, the dynamics of policy sector includes an analysis of the agricultural sector in the East and the inherent differences in the sectors in East and West which are inevitably going to influence policy. The section entails an examination of the problems in the transition process and the degree to which this has changed Germany's position on agriculture. Dynamics of the policy sector incorporates an investigation of the traditional importance of, and role of, agriculture in German politics as well as the German attitude towards agriculture.

Agriculture is inherently a complex issue both at the domestic and European level. The problems in agriculture have existed for a while and have not completely arisen as a direct result of unification. Policy circumstance endeavours to examine the serious challenges facing agriculture which have an affect on the German position at the European

level. The incorporation of the new Länder into the Common Agricultural Policy (CAP), the whole debate on CAP reform and the General Agreement on Tariffs and Trade (GATT) negotiations are considered in this section.

Institutional and constitutional factors have a direct affect on agricultural policy decisions. The integration of domestic and European policy making at national level ensures that domestic political actors have a fundamental role in the policy process and they are thereby able to control both the national and European agricultural agenda. Therefore, the section on policy-making structures includes an analysis of the main actors involved in agricultural policy-making, namely the German Farmers Union or Deutsche Bauernverband (DBV), the Minister for Agriculture, the Ministry for Agriculture or Bundesministerium für Ernährung, Landwirtschaft und Forsten (BML), the political parties, particularly the Christian Social Union (CSU) and the Länder. The sections also examines the co-operation and close relationship between DBV and BML and the role of the CSU in the governing coalition and its attitudes on agriculture.

### **1.5 RESEARCH METHODS**

The methodological approach relies considerably on semi-structured interviews conducted with high level civil servants in the Auswärtiges Amt (AA) (Foreign Office), the BML, Bundesministerium des Innern (BMI) (Ministry of the Interior) and the Bundeskanzleramt (the Chancellery). For the agriculture case study, semi-structured interviews were also conducted with high ranking officials in the Deutsche Bauern Verband, both in Bonn at the DBV's headquarters and at the regional office in Berlin. The agriculture case study also encompassed interviews with officials responsible for agriculture in the party headquarters of the Christliche Demokratische Union (CDU) Christian Democratic Union.

Interviews were also carried out with leading academics working in the field of agriculture in Germany.

Similarly, the migration case study entailed conducting semi-structured interviews with the Bundesbeauftragte für die Belange der Ausländer (the Federal Representative for the Foreigners Affairs), with officials responsible for internal affairs at the CDU party headquarters, with officials at the Friedrich-Ebert-Stiftung, with the Sozialdemokratische Partei Deutschlands (SPD) (Social Democratic Party) "think tank", with officials from the office of an SPD Member of Parliament, and with academics working in the field of migration. Semi-structured interviews were also conducted with officials at the German Permanent Representation in Brussels.

Interviews were carried out with civil servants in the Foreign Office, the Ministry for Agriculture, and the Department of Trade and Industry in London. The interviews conducted in London proved useful in providing a perception of Germany's role in the EU as seen by one of Germany's partners in the EU.

A total of 21 interviews were carried out over a period of two and half years. Initial respondents were identified through existing literature in the various case study areas. Civil servants responsible for agriculture, migration and European affairs were identified through my personal contacts; others were recommended to me either by my supervisor Professor Wyn Grant or by another leading academic in the field of German Politics, Professor William Paterson. Other interviews were arranged through recommendations of previous interviewees. Initial contact was always made in writing.

The majority of interviews were conducted in German. The interviews were semi-structured in that questions were prepared in advance, but a rigid agenda was not adhered to in the interview, giving respondents an

opportunity to identify issues they considered important. The average length of the interviews was around one hour. The questions ranged from particular problems in the case study areas to Germany's changing role in the EU. Making contact with officials in German ministries and other bodies proved unproblematic. Officials were co-operative, answering my questions fully. The interviews proved to be a good source for identifying other key officials and for obtaining documentary material. The interviews were in the main recorded and transcribed afterwards. The interviews provided a major source of primary material for the case studies. The sessions on elite interviewing as part of the PhD research training programme proved to be a useful resource in structuring and conducting these interviews.

The methodological approach also relied considerably on documentary sources. Reports and documents from the German Bundestag were consulted. Reports, documents and official statements from the BML, BMI and AA proved invaluable in outlining the official position of the ministries to the areas being studied. Documents and official publications of the DBV, CDU and the SPD party headquarters were also utilised. Publications of the Friedrich-Ebert-Stiftung provided essential background material and policy positions in the field of migration. The study entailed the use of various reports and documents from the European Commission and the European Parliament. The documentary sources provided a major source of primary research material for the thesis, particularly in the case studies. Conferences and seminars related to the research area, attended in Germany and Britain, again provided useful material as well as fora to discuss ideas for and the main arguments of, the thesis.

The preliminary survey of the literature was conducted at the Library of the German Bundestag in Bonn and the library of the University of

Konstanz. The Deutsche Gesellschaft für Auswärtige Politik provided essential secondary resources on various field trips to Germany. Libraries of the European Commission in London, the BML, the Friedrich-Ebert-Stiftung, the AA archive, the BMI and resources from the former Ministry for Inner German Relations were also used. Informal discussions with individuals at the Institut für Europäische Politik proved beneficial.

The secondary sources consulted included books on post unification Germany, Germany's role in the EU and specialist background literature on the case studies. A whole variety of periodicals and newspapers in both German and English were utilised.

The research was made possible by a three year postgraduate scholarship from the Economic and Social Research Council. A detailed two month research trip was funded by the German Academic Exchange Service. The Department of Politics and International Studies provided funds for residual research in the closing stages of my PhD.

## **1.6 PLAN OF THE THESIS**

The thesis comprises seven chapters. Chapter One provides an introduction into the subject matter. It includes a survey of the major works on Germany's role in the European Union. The chapter goes on to outline the principal objectives of the thesis and the main arguments. The chapter also contains a section on research methods, outlining how the study was carried out and methods and sources utilised in the study.

Chapter Two provides a theoretical review for the thesis. The Chapter begins with an analysis of Intergovernmentalism, proceeding on to a review of the Domestic Politics Approach and the ideas of Alan Milward. It then sets out the ideas of Lowi, considering the general literature on 'policy style'. Chapter Two advances to an analysis of the relevant theoretical literature on German 'policy style' and German policy-

making in general. The chapter moves on to consider approaches which look at the linkage of domestic and international factors such as Putnam and his so-called Two-Level Games Approach, the Interdependence theorists and finally Moravcsik's Liberal Intergovernmentalism. In conclusion the chapter considers the applicability of the various theories surveyed for the policy case studies. Thus, the final section provides the theoretical framework for the thesis.

Chapter Three provides a historical overview of Germany's relationship with, and role in, the EU. The chapter considers the aims and objectives of the Germans at the time of the establishment of the European Communities. Chapter Three considers the economic and political importance of European integration for Germany from the time of Adenauer up until unification.

Chapter Four considers the debate after unification. The chapter contains an overview of the immediate reaction to German unification and the fears and expectations of Germany's partners in the EU. The chapter goes on to consider the main contentions of the thesis as regards Germany's role in the EU.

Chapters Five, Six and Seven contain an analysis of the case studies, migration and agriculture, presented in the light of the theoretical concerns and policy issues highlighted in earlier chapters.

## CHAPTER TWO: THEORETICAL REVIEW

### INTRODUCTION

The aim of the thesis is to analyse the nature of Germany's role in the EU after unification. The study posits a two tier approach, first examining Germany's broader relationship with the EU, and then using a sectoral approach to analyse Germany's role in the EU, concentrating on two key policy areas: migration and agriculture. The research is informed by a number of relevant theoretical frameworks. The aim of this chapter is to provide the theoretical background for the thesis.

The thesis surveys a plethora of diverse theoretical literature. However, the starting point of any theoretical analysis of the role of a member state within the EU and the process of European integration has to be the theories of European integration. Scholars have viewed European integration and the role of member states in the EU in a variety of ways. Broadly speaking, the theoretical approaches to European integration can be categorised into those that concentrate on either the 'supranational' dimension of integration <sup>1</sup> or those that highlight the primacy of the nation-state.

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<sup>1</sup>This category includes Functionalism, Neofunctionalism, Federalism and Transactionalism. Functionalism found its roots in the writings of David Mitrany, whose sole purpose was the development of a 'working peace system'. For the functionalists, "the dynamic of integration....was the learning process of citizens who were gradually drawn into the co-operative ethos created by functionally specific international institutions". (Taylor, 1983: 4) For a comprehensive explanation of David Mitrany's ideas see: (Mitrany, 1966 & 1975) and (Pentland, 1973: 64-99). The two scholars particularly associated with neofunctionalism, an adaptation of David Mitrany's functionalist ideas, are Ernst B. Haas and Leon Lindberg. Ernst Haas defined integration as, "the process whereby political actors in several distinct settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones". (Haas, 1958: 16) For an in-depth explanation of neofunctionalism see: (Haas, 1958), (Lindberg, 1963) and (Pentland, 1973: 100-146). Neofunctionalism has been the subject of much critical appraisal, not least from some of its own proponents. For a critique of neofunctionalism see: (George, 1991), (Laffan, 1992) and (Mitrany, 1975). The Single Market experiment rekindled interest in neofunctionalism. For a revised model of neofunctionalism see: (George, 1991 & 1993). The main proponents of the federalist approach include Jean Monnet, Walter Hallstein and Alberto Spinelli. For a summary of federalist theory see: (Pentland, 1973: 147-186). The main proponent of transactionalism is Karl Deutsch. See: (Deutsch, 1972) and (Hodges, 1972: 108-123). For an overview of theoretical approaches to European integration refer to: (De Bussy, 1975: 84-123).



Ernst Haas once commented that, "Theories of regional integration retain a good deal of relevance wherever and whenever the setting they were designed to describe and explain continues to exist." (Haas, 1975: 15) However, the theoretical approaches to integration which solely concentrate on the 'supranational' dimension of integration; namely functionalism, neofunctionalism, federalism and transactionalism<sup>2</sup>, are not relevant for the purposes of this study, in that these approaches cannot provide adequate explanations or a comprehensive framework for understanding Germany's changing role in the EU.

The theoretical review begins with an analysis of intergovernmentalism, the theory of European integration which attempts to conceptualise the role that member states play in the integration process. Intergovernmentalism starts from the assumption that nation states are important actors in the process of European integration. The theory is pertinent for the purposes of this study in that it places emphasis on the domestic dimension of EU, focusing on the role, and the impact that nation states can have on EU.<sup>3</sup> The review progresses onto a discussion of the Domestic Politics Approach, which provides a potential framework for investigating the role of a member state in the EU. Furthermore, the Domestic Politics Approach proves to be a useful structuring aid, in that it propounds a framework for analysing case studies. The chapter proceeds with a consideration of the relevance of the ideas of Alan Milward for the purposes of the thesis. Briefly, the analysis assesses the utility of the EU framework for solving domestic concerns, as the thesis advances the hypothesis that domestic concerns have always been important for Germany and that it has always attempted

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<sup>2</sup> The different schools of integration theory have attempted to explain the integration process in Western Europe; but no one approach or theory has ever achieved complete dominance. Rather, different approaches or theories have tended to predominate during various stages of the development of the EU. For example, intergovernmentalism the starting point of the analysis for the purposes of this thesis dominated the theoretical literature on European integration in the 1970s.

<sup>3</sup> The utility of the intergovernmentalist approach for this thesis is developed further on in this chapter.

to further them in the European arena. Any member state will, of course, do this, but in Germany's case, it is particularly important to attempt to distinguish between European rhetoric and the imperatives of national interest.

Another hypothesis investigated in this thesis is that Germany's role in the EU differs in different policy sectors. Hence, the assertion that Germany's role in the EU is sector specific.<sup>4</sup> The nature of the policy sector itself determines whether Germany takes a 'German' or 'European' role in the EU in certain policy areas. Any analysis therefore has to be sensitive to sectoral variations. The ideas of Theodore Lowi, who argues that different policy arenas produce different policy patterns, processes and actors, are utilised to some extent.<sup>5</sup> The theoretical framework uses Lowi's ideas in the broadest sense, elucidating the sector specific characteristic of his approach and setting these attributes in the context of countervailing arguments about national policy style.<sup>6</sup> The thesis attempts to develop a taxonomic model of characteristics which affect Germany's role in the EU in each of the policy area. The theoretical discussion sets these arguments in the context of the theoretical literature on German policy-making in general, and on German policy style more specifically.<sup>7</sup>

The theoretical analysis moves on to review the approaches which attempt to combine the domestic and international factors as possible theoretical explanations for European integration, namely interdependence theory and Liberal Intergovernmentalism. Finally, the chapter outlines the applicability of the various theoretical approaches for the purposes of this

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<sup>4</sup> Case studies of contrasting policy sectors, namely migration and agriculture, are used to illustrate these arguments. Refer to Chapters 5 & 7.

<sup>5</sup> A more detailed analysis is included further on in this chapter. See: (Lowi, 1964)

<sup>6</sup> Refer to: (Freeman, 1985) and (Richardson, 1982)

<sup>7</sup> Refer to: (Dyson, 1982), (Katzenstein, 1982) and (Bulmer, 1989b)

thesis in general and more specifically, for the policy case studies.

## 2.1 INTERGOVERNMENTALISM

Intergovernmentalism came to the fore in the conditions of the 1970s when progress towards integration was frustrated by oil and community price shocks, the breakdown of the Bretton Woods Monetary System, 'stagflation' and the consequent emergence of 'Euroclerosis'. However, before proceeding on to a discussion of intergovernmentalism, it would be useful at this stage to define the term 'intergovernmental'. According to Webb, the term 'intergovernmentalism' describes and categorises an international organisation by its decision-making capacity. An international organisation is intergovernmental when it rejects any restrictions on its sovereignty. (Webb, 1983: 22) As regards the European Community the term 'intergovernmental', according to Webb, describes the political processes that have emerged despite the institutional arrangements laid down in the Treaties. It is also used as an explanation for the relationship which has developed between the Council of Ministers and the Commission, a relationship which has definitely been advantageous for the Council of Ministers.

Stanley Hoffmann's name is mostly identified with intergovernmentalism. Hoffmann highlighted the role of governments as major factors influencing the speed of integration.<sup>8</sup> However, it is important to note that this is not a new phenomenon. Voices have continuously been raised about the capacity of national governments to block efforts towards integration.<sup>9</sup> According to intergovernmentalism the state is a major player in the international system and therefore holds the key to decision-making. Hoffmann depicted the role of national governments as, "...gatekeepers

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<sup>8</sup> For a detailed account of Hoffmann's arguments see: (Hoffmann, 1966: 862-915).

<sup>9</sup> The Realist or traditional school of international relations theory has always highlighted the role of national governments in integration.

between the Community and the national level". Intergovernmentalists emphasise the importance of the EC in the revival of Western European states after the war. (Laffan, 1992: 11)<sup>10</sup> In addition, Hoffmann argued that national governments, "...can stop or slow down the building of a central political system and..... resist the transfer of power to a new central one." (Hoffmann, 1982: 30) Hoffmann particularly stressed the strong ability of the national governments to constrict the expansion of EC's central institutions and its policy scope. (Webb, 1983: 22) He questioned the willingness of national governments to give up a part of their sovereignty to an international organisation. Hoffmann distinguished between 'high' and 'low' politics, emphasising that national governments could not be expected to renounce responsibility in areas of 'high' politics since this would mean a direct challenge to their authority and status. He contended that governments would, however, be prepared to collaborate and cooperate in the areas of 'low' politics; since "the bastion of the state would not undermined by such co-operation." (Webb, 1983: 24) From this perspective, European integration is perceived as zero sum bargaining game in which national interest is the predominant interest.

Intergovernmentalism does provide one picture of EU decision-making. The importance of national governments certainly manifests itself in the Council of Ministers, the Committee of Permanent Representatives (COREPER), and in the European Council. The emergence of summitry gives credence to the intergovernmental character of the EU institutions.

However, intergovernmentalism has not remained without criticism. Intergovernmentalism has mainly come under scrutiny due to "...its insistence on the stubbornness of national governments in the face of pressure to engage in international co-operation." (Webb, 1983: 21)

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<sup>10</sup> Paul Taylor reiterates the importance of national in EC policy making. Arguing from an intergovernmentalist perspective, Taylor considers, "national governments as the central actors in EC policy-making in a confederalist phase of integration." (Bulmer, 1983: 349)

Intergovernmentalism does not consider the far-reaching co-operation which occurs between states in the international system and the consequent constraints that can be placed on national governments in an interdependent world. More specifically, Webb argues that intergovernmentalists tend to misrepresent and omit the "consensus-building mechanisms" and the occasional (and increasing) use of qualified majority voting.

Hoffmann's differentiation of 'high' politics and 'low' politics has also been criticised as being "artificial and inappropriate" when considering the manner in which governments react to certain issues. (Webb, 1983: 24) The effectiveness of national governments as 'gatekeepers' has been challenged. Webb asserts that,

Far from being efficient and effective gatekeepers straddling between their national boundaries and the Community, national governments more closely resemble the juggler who must apply himself simultaneously to the tasks of keeping several balls in the air and not losing his balance on a rotating platform. (Webb, 1983: 31)

Webb argues that Hoffmann underrated the problems which confront national governments when co-ordinating policies at the national level. The fact that governments have to bargain and make trade-offs, and satisfy a variety of interests at the domestic level, was not taken into account. (Webb, 1983: 24) Huelshoff contends that intergovernmentalism cannot analyse the domestic sources of the motivations of a member states behaviour in the EU. (Huelshoff, 1993: 304)

Intergovernmentalism in its entirety does not explain the role that Germany can play in the EU. Despite the valid criticisms that can be made of it, intergovernmentalism forms an important basis for the theoretical framework of the thesis in that it highlights the national or domestic dimension of European integration. If one is to examine the implications which unification may have for Germany's role in the EU essentially, whilst

not ignoring the European tier, one has to concentrate on the domestic dimension of European politics. In order to examine whether German power has grown after unification, one has to look at the domestic sphere. If one is to investigate whether Germany is being more "assertive" in the EU, one has to ask does this imply a change in domestic circumstances? Has unification acted as a constraint on Germany's role in the EU? Essentially this is a domestic argument in that unification has been primarily handled domestically. Has Germany's attitude towards the EU fundamentally changed since unification? Is Germany still pursuing, or pursuing to a greater extent, domestic objectives within the EU? This thesis attempts to provide a contribution to answering these questions.

Webb notes that, "the constraints - and occasionally the opportunities generated within the domestic political systems - can impinge directly and emphatically on Community policy-making." (Webb, 1983: 27) Has this been the case in Germany after unification? Intergovernmentalism focuses on the ways in which the national governments and politicians can use the EU context for national gains. Intergovernmentalism certainly highlights the way in which governments are able to use the EU to solve domestic problems, for example by blaming unpopular but necessary decisions on the EU. The Germans have certainly done this. The German government has been ready and willing to export issues which are politically sensitive out of the domestic political arena. As Webb asserts, "Various governments have, indeed, anxiously looked to the EC to find solutions to problems which have persistently eluded them." (Webb, 1983: 31) Wallace argued that,

the EC could be used as a resource in domestic politics by hard pressed governments. The governments may wish to refer to their Community commitments in order to further, or even to clarify, their own domestic policy objectives on a similar or related issue. Back home, by contrast, a government may be able to avoid too close and too comfortable an association with an unpopular or contentious policy by making use of the EC as a political or economic alibi. (Webb, 1983: 29)<sup>11</sup>

National governments undoubtedly have an important role to play in EU decision-making. The German government in particular has an important role being perceived as a driving force behind integration and as the EU's 'paymaster'. But, as the case studies will show, other actors in the domestic arena are of considerable importance in the stance that a government or member state takes to the EU level. As Webb notes, "governments can be ..sensitive to the political clout of some groups." (Webb, 1983: 29) This is certainly the case in agriculture, where the Deutsche Bauern Verband holds a lot of political weight. Webb argues that the dealings that governments have with other domestic actors can improve national participation in the EU, as well as complicate it. As the case studies will show, public opinion is also of great importance. This is particularly the case with migration.

Bulmer and Paterson reject the intergovernmentalist approach as applicable to Germany. They contend that national governments in Germany cannot be regarded as a cohesive actor. (Bulmer & Paterson, 1987: 17) They assert that the premises of intergovernmentalism that, "sovereignty will be defended, that policy will be defined by national interest and that a single, coherent European policy will prevail, cannot adequately explain the German case." (Bulmer & Paterson, 1987: 15)

## 2.2 THE DOMESTIC POLITICS APPROACH

Intergovernmentalism notwithstanding these criticisms, helps to provide

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<sup>11</sup> For original argument see: (Wallace, 1977).

part of the conceptual context for the thesis, highlighting the national dimension in EU politics and EU policy-making. Intergovernmentalism concurs with the Domestic Politics Approach in emphasising the centrality of national governments, and consequently the domestic policy-making environment.<sup>12</sup> However, Bulmer, the main advocate of the Domestic Politics Approach, rejects the assumptions about the monolithic character of national governments in the intergovernmentalist approach.<sup>13</sup> Bulmer argues that intergovernmentalism does little more than stress the importance of national governments. Intergovernmentalist interpretations of the EU do not advance a framework for examining member states' attitudes towards the EU. (Bulmer, 1983: 356) Intergovernmentalism is therefore not enough. The Domestic Politics Approach provides an alternative framework to the various European integration theories for analysing the behaviour of member states within the European Union.

The Domestic Politics Approach is particularly pertinent to this thesis because it provides a framework to examine a member state's role in the European Union. Hence, the Domestic Politics Approach can partially provide the theoretical framework for analysing Germany's role in the European Union. The Domestic Politics Approach is also a useful tool for this thesis in so far as it provides a framework for analysing case studies.<sup>14</sup> One particular element of the Domestic Politics Approach is relevant for the thesis; namely the argument that domestic political factors can be utilised to

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<sup>12</sup> Bulmer distinguishes the importance of national governments in intergovernmentalism and the Domestic Politics Approach. Bulmer cites the Luxembourg Compromise of 1966, which ensured that all important decisions were taken by unanimity. Governments were able to have recourse to a veto in matters affecting "vital national interests". These factors enhanced the role of national governments. The introduction of this idea of "vital national interests" ensued from De Gaulle's boycott of the Community in 1965. According to the Domestic Politics Approach, this concept, "served notice on all sectional interests that they could aspire to be vital." (Bulmer, 1983: 358) Bulmer alluded to the development of summitry and the economic recession as reasons for the importance of national governments. (Bulmer, 1983: 358-360)

<sup>13</sup> The federal structure of Germany precludes the national government behaving as a monolithic actor. The federal system allows for other actors in the policy making process to have a say in the making of European Policy. For instance, the DBV is fundamental in the formulation of agricultural policy.

<sup>14</sup> The analysis of Community policy-making, especially via case studies, came to the fore in the 1970s and early 1980s when the development of integration theories slowed down.



explain actions in the EU.<sup>15</sup> (Bulmer, 1986: 26) The Domestic Politics Approach also explains the way in which governments can use the EU. This is visible in the case of immigration, where government's support for harmonisation of immigration and asylum policy can be explained in terms of the domestic political context whereby, "governments may have considerable powers to impose a policy on affected domestic interests so that they can derive power from their formally authoritative position in domestic politics and from their important position in the Council of Ministers." (Bulmer, 1983: 354)

The Domestic Politics Approach was formulated as a response to neofunctionalism and provided a contemporary alternative to the Neorealist model. Bulmer examines the linkage between domestic politics and the European Union. The Domestic Politics Approach seeks to explain how EC policy-making is affected by behaviour within the nation-state, thereby examining member states' attitudes and interests in the EU. Firstly, Bulmer, considers the domestic policy-making structures and secondly, he examines the attitudes held within the member state concerning the EU. (Bulmer, 1983: 350) Bulmer asserts that the purpose of investigating the linkage between domestic politics and EU policy-making is, "to synthesise these two dimensions with a view to illuminating the behaviour of individual member states in the Community." (Bulmer, 1983: 350) Bulmer believes that the Domestic Politics Approach provides a useful tool for analysing case studies. It provides a method for explaining the reasons why national governments hold certain policy positions in the Council of Ministers. (Bulmer, 1983: 350) More broadly, the Domestic Politics Approach

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<sup>15</sup> This point is reiterated by Bulmer and Paterson who argue that, "domestic political factors will remain key determinants of political developments at the European level in the foreseeable future." (Bulmer & Paterson, 1987: 14) This is certainly the case in migration policy, where the Germans have identified a problem in the domestic sphere and have attempted to find solutions in the European arena. Domestic issues are shaping European policy. The European arena is proving beneficial to the Germans. The EU policy arena is increasingly used by national governments seeking transnational policy solutions to intractable domestic policy issues.

contributes to the, "putting together of a composite picture of a member state's behaviour in the EC, to examining the continuing sensitivities of individual member states towards Community activity." (Bulmer, 1983: 351)

The Domestic Politics Approach assumes that EC policy-making comprises two tiers: "the upper tier - the formal institutional framework of the Communities and the lower tier - domestic sources of national negotiating position." (Bulmer, 1983: 353) The 'lower tier' is particularly important in explaining Germany's role within the Community and why it has adopted certain positions in the Council of Ministers. The Domestic Politics Approach stresses one of the main arguments of the thesis, that the policy sector itself influences whether Germany takes a 'European' line or a 'German' line. In other words, the policy sector itself shapes whether Germany will seek a transnational solution. The policy sector itself influences whether Germany argues for a solution in a particular policy area which is more akin to its domestic interests. Studies conducted by Rosenthal and Wallace<sup>16</sup> in the 1970s concluded that, "policy-making patterns differ according to the area concerned." (Bulmer, 1983: 349) This argument is reinforced by the Domestic Politics Approach, which emphasises the fact that the domestic policy-making arena or the lower decisional tier "is rooted in policy environments which differ between member states and the **policy area concerned**". (Bulmer, 1983: 353)

Bulmer utilises the concept of "policy style"<sup>17</sup> to examine how national negotiating positions are arrived at and to characterise the different policy-making environments. Another element of Bulmer's argument that is pertinent to this thesis is the contention that the social and economic conditions in the domestic arena help to form the national interests and the

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<sup>16</sup> See: (Rosenthal, 1975) and (Wallace, Wallace & Webb, 1977).

<sup>17</sup> Richardson, Gustafsson and Jordan define "policy style" as "the interaction between (a) the government's approach to policy-making and (b) the relationship between government and other actors in the policy process." (Richardson, 1982: 13).

composition of policy. Thus, the political importance of the migration issue in the years after unification shaped the domestic policy position on that issue. Bulmer argues that,

Each national polity has a different set of social and economic conditions that shapes its national interests and policy content. Each state has differing ideological cleavages which determine the extent of consensus. (Bulmer, 1983: 353 ).

Bulmer poses an important question when he asks why member states perceive the EU as the most suitable arena to solve certain policy issues, rather than the nation-state or other international organisations. (Bulmer, 1983: 356) The answer to this question with reference to this thesis is that particular domestic objectives are better achieved at the European level within the European structures. The domestic context or domestic policy-making structures determine the policy position individual ministers will take at the European level.

Thus, using the upper tier as a medium, the patterns of negotiation on EC issues at the domestic level of the member states will determine the progress on individual policy issues and integration in general. (Bulmer, 1983: 357)

The Domestic Politics Approach concentrates on the policy-making structures in the domestic arena. This is a useful tool for structuring the case studies. The thesis moves beyond the institutional aspects of the domestic environment. The thesis examines other 'domestic variables' which are specific to the policy sectors analysed. For instance, in the case of migration one considers the special nature of the issue and the nature of the policy process associated with it. The fact that migration is a politically sensitive issue meant that the Germans, seeing the European policy-making level as a legitimate extension of domestic policy-making in Germany, constructively used the EU to further particular national interests.

### 2.3 ALAN MILWARD

In his book, "The European Rescue of the Nation-State" Milward critiques the major theoretical explanations for the integration process in Europe. He argues that theories of European integration have had "little predictive value and historical research." (Milward, 1993: 1) Milward challenges the fundamental tenets of the theories which assume that the process of integration would lead to the disappearance of the nation-state. (Milward, 1992: 2) He contests the assumptions of both the Realists and the Neofunctionalists that there is a basic antagonism between European integration and the nation-state. Milward argues that this contention has not been borne out by historical research. Milward maintains that the development of the European Union does not mean the demise of the nation-state. Moreover, he asserts that the expansion of the European Union since 1945, "has been an integral part of the reassertion of the nation-state as an organisational concept." (Milward, 1992: 2-3) He contends that without the evolution of the European Union the reassertion of the nation-state may have been unachievable. He goes further to maintain that,

The development of the European Community, the process of European integration, was,...a part of the post-war rescue of the European nation-state, because the new political consensus on which this rescue was built required the process of integration, the surrender of limited areas of national sovereignty to the supranation. (Milward, 1992: 4)

Thus, it is argued that the nation-state was able to reassert itself within the process of European integration. Milward points out, from historical evidence, that nation-states had a substantial part in the formation of the European Communities and that the nation-state kept command of the process of their development. Milward claims that nation-states remain the

locus of power with only limited surrender of national sovereignty. He further claims that integration was a process undertaken by the nation-states "for their own purposes". (Milward, 1992: 18) Thus, the European Union was a construct of the nation-state for the satisfaction or achievement of its own domestic policy objectives. He asserts that, "states were able to assert the priority of a national interest within the integrationist framework." (Milward, 1993: 4) He hypothesises that certain policy objectives could be advanced more successfully via international institutions. Thus, in order to achieve these domestic policy objectives, nation-states would be willing to cede sovereignty in particular policies to common institutions. They would then be able to restrict the transfer of sovereignty and retain the balance of power in their favour. (Milward, 1993: 19)

Alan Milward's arguments mirror one of the central contentions of this thesis: member states will use the international framework at hand to pursue domestic policy objectives. Milward's argument in summary is that,

Nation-states have a certain portfolio of policy objectives which they will try to realise in the face of economic and political internationalisation. These policy objectives are almost entirely shaped by domestic political pressures and economic resources and will therefore vary from country to country and over time. In order to advance these objectives, nation-states will attempt to use what international framework there is at hand. (Milward, 1993: 21)

Milward maintains that the western Europe's recent history, in terms of support for the integration process, can be explained through the pursuit of domestic objectives. The whole integration process becomes acceptable to most domestic constituencies if it is tied to the attainment of specific aims. (Milward, 1993: 185-186) These arguments may be an overstatement, but they are an interesting overstatement which contribute to the debate.

Thus, Milward explains integration as,

a new form of agreed international framework created by nation-states to advance particular sets of national domestic policies which could not be pursued, or not be pursued so successfully, through the already existing international framework of co-operation between interdependent states, nor by renouncing international interdependence. (Milward, 1993: 182)

Alan Milward's arguments, to a certain extent, mirror those of Werner J. Feld, who also dismisses the integration theories. (Feld, 1981: 17-22) Feld puts forward a theoretical approach defining integration in terms of the domestic and foreign policy objectives of the member states. (Feld, 1981: 22) Feld argues that integration is based on "national interests" of the nation-state. He contends the member states determine whether integration progresses forward or stagnates.<sup>18</sup> Thus, Feld's view of the purpose of integration echoes that of Alan Milward. Feld argues that member states can utilise the EU to maximise national interests. He asserts,

integration is a vehicle through which member states maximise or attempt to maximise their national interests on a long-range basis through the creation of regional institutions and the evolution of regional policies. (Feld, 1981: 23)

Feld's claim relates to one of the arguments of the thesis particularly in the case of migration.

## **2.4 LOWI AND THE CONCEPT OF POLICY STYLE**

The thesis utilises a case study approach to analyse specific policy areas in relation to Germany's changing role in the EU. It is contended that Germany's role in the EU differs in contrasting policy sectors. Hence, the

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<sup>18</sup> Feld states, "...regional integration from its lowest form (a free trade area) to its highest form (political union) is seen from the perspective of the nation state's economic, political and strategic interests and foreign policy goals. These goals largely set the scope and level of integration and define the parameters of the regional institutions to be created." (Feld, 1981: 22)

assertion that Germany's role in the EU is sector specific, with the case studies of migration and agriculture providing a contrast of that role. The thesis further contends that characteristics within the policy sector itself shape Germany's course of action in that policy area.

The argument propounded in the thesis rests on a typology of characteristics which affect Germany's role in the EU in each of the policy areas. The thesis identifies the dynamics of the policy sector, policy circumstance and policy-making structures, as characteristics which can be found, in different forms, in each of the policy sectors.<sup>19</sup> The underlying assumption is that the nature of the policy issue (in other words characteristics within the policy area itself), together with the institutional dynamics of the policy process (policy-making structures) combine to affect Germany's role in the EU. The thesis suggests that sectoral variations exist, not only in the dynamics of the policy issue, but also in the institutional make up, culminating in the conclusion that Germany's role in, and approach to, the EU is sector specific. It is proposed that these sectoral variations in policy areas have implications for the nature of Germany's role in the EU.<sup>20</sup>

Gary Freeman attempted to explain structured variation in the policies of states, by reviewing two important analytical perspectives, the national styles approach and the policy sector approach. He proposes the integration of the concepts of style and sector, each complementing the other. (Freeman, 1985: 469)

The policy sector approach departs from the premise propounded by the national styles approach that 'politics determines policy'. Many scholars, including Lowi, the best known proponent of the policy sector approach,

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<sup>19</sup> See chapter one for a general explanation of these terms. For a detailed analysis of these characteristics in relation to the policy areas studied refer to Chapter Five for migration and Chapter Seven in the case of agriculture.

<sup>20</sup> These arguments are developed in greater depth in Chapters Five, Seven and Eight.

suggested "reversing the direction of causality" by asserting that "the nature of political issues themselves causes the politics associated with them". <sup>21</sup> (Freeman, 1985: 467)

What relevance is Lowi for the purposes of this study? Lowi's basic premise is that 'policy determines politics'. Lowi's conception of the policy process, which forms the linchpin of the policy sector approach, is rooted in the assumption that particular kinds of policies produce certain types of politics and shape policy outcomes. <sup>22</sup> Lowi illustrates the sector specific characteristics of the policy process. He makes a causal link between the nature of policy issues and the pattern of politics associated with them. (Lowi, 1964) Therefore, the assertion that the policy issue itself maybe a determinant of the manner in which a problem is processed. Lowi states that, "a political relationship is determined by the type of policy at stake, so that for every type of policy there is likely to be a distinctive political relationship". (Lowi, 1964: 688) In maintaining that different types of policy promote different types of political activity Lowi's argument is by nature sector specific. (Lowi, 1964) Lowi asserts that, "areas of policy or government activity constitute real arenas of power. Each arena tends to develop its own characteristic political structure, political process, elites and group relations". (Lowi, 1964: 689-690) <sup>23</sup>

Various aspects of Lowi's argument are directly relevant to the central hypothesis of the thesis. The thesis suggests that the dynamics of the policy sector, defined as the nature of the policy issue has a direct impact on policy outcomes. For instance, as illustrated by the case study on migration, characteristics intrinsic to the migration issue, such as the

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<sup>21</sup> In other words, the policy sector approach focuses on categories of issues and outputs of the political system.

<sup>22</sup> This supposition is grounded in various theoretical perspectives, apart from Lowi. For a summary see: (Freeman, 1985: 482-484)

<sup>23</sup> In other words, he argues that different policy arenas produce different policy patterns, actors and processes.



political sensitivity surrounding the issue in the domestic arena and the definition of migration as a transnational issue, were directly related to the German government's attempt to Europeanise policy in this sector. Conversely, characteristics specific to the agricultural issue produced a protectionist and essentially 'German' oriented approach to agricultural matters in the EU. Not only did policy dynamics demonstrate sectoral variation, but the varying role of the actors involved in the policy process indicated sectoral nuances. This undoubtedly had an effect on policy outcomes. The structured and the consensual approach towards agricultural policy making has not only enabled agricultural issues to dominate the political agenda but also result in favourable policy outcomes. In contrast, the case of migration demonstrated a much less formalised institutional framework.

Lowi relates policy to politics by typifying policy. In doing so it is automatically assumed that policies differ in their political connotation. Lowi outlines the sectoral variation in policies by defining areas of policy into functional categories in terms of their impact or expected impact on society. (Lowi, 1964: 689) Lowi develops a typology of policy types: distributive, regulatory and redistributive.<sup>24</sup> Lowi's categorisation of policy types is of limited relevance for the thesis, since the thesis does not adopt Lowi's typology nor does it attempt to formulate one. For the purposes of this thesis, Lowi's ideas are considered in the broadest context. However, the thesis does outline a typology of characteristics which affect Germany's role in the EU.

Lowi's ideas have both admirers and opponents. Freeman observes that, "while the claim that policy problems significantly shape politics goes against the grain of many common presumptions about political systems,

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<sup>24</sup> For a definition of Lowi's policy types and an illustration of his scheme in a diagrammatic form see: (Lowi, 1964: 690-715).

there is much to be said for the idea". (Freeman, 1985: 482) Greenberg praises Lowi, commenting that, "no single theoretical construct has been more important to the development of public policy case studies than Lowi's categorisation". (Greenberg, 1995: 203) Freeman goes further to suggest that the policy sector approach could be utilised in testing the premises of the national styles approach. "By starting with policies and working backward we may be in a better position to assess the relative impact policy styles might be expected to play". (Freeman, 1985: 482) He maintains that sectoral tendencies evident in policy making undermine the predictive value of the concept of style. (Freeman, 1985: 482)

Richardson points out that Lowi's scheme of policy types has had "more admirers than followers". (Richardson, 1982: 4) Nevertheless, many attempts have been made to improve and modify Lowi's approach.<sup>25</sup> However, the main critique pitched at Lowi is the criticism inherent in the study of policy typologies in general and the problem of classifying policies correctly into specific categories.<sup>26</sup> Lowi, by contrast, does not perceive the classification of policies as presenting a problem. (Greenberg, 1995: 206)

Richardson advocates the concept of a national policy style, which he defines as 'policy *making* and *implementation*' style. (Richardson, 1982: 2) Richardson assumes that Lowi would oppose the idea of a *national* policy style, arguing that policy content would have to be stipulated first. (Richardson, 1982: 4) The concept of 'policy style', according to Richardson, comprises two primary features; firstly a government's approach to problem-solving which he characterises as either anticipatory or reactive; and secondly, the nature of a government's relationship with other actors in the policy making process. Richardson maintains that this relationship can

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<sup>25</sup>See: (Steinberger, 1995: 220-233) and (Spitzer, 1995: 233-244)

<sup>26</sup> Since the thesis does not adopt a policy typology for Germany's role in the EU, the argument is not given fuller consideration. However, for a general critique of Lowi and policy typologies see: (Greenberg, 1995: 201-220)

be one of imposing decisions or reaching consensus.<sup>27</sup> (Richardson, 1982: 12-13)

Richardson does, however, concede that all policies are not dealt with in exactly the same way and that there are difficulties in identifying policy style. To an extent Richardson's comments justify the policy sector approach. He alludes to the phenomenon of sectorisation as one of the main problems in attempting to identify a dominant policy style. (Richardson, 1982: 3) He remarks that,

if policies are formulated independently in each policy sector....then this may invalidate a search for one policy style. If each policy area develops into a semi-watertight compartment, ruled by its own 'policy elite', then quite different policy styles may develop within the same political system. (Richardson, 1982: 3)

The sectorisation of policy making in the German case, certainly allows for sectoral variation of a dominant policy style. (Dyson, 1982)

Freeman questions the existence of a dominant policy style, by pointing to 'conceptual and methodological' problems. He argues that, "policy styles are susceptible to a variety of cultural shocks and cyclical developments". (Freeman, 1985: 479) Freeman identifies five short-term and long-term conjunctural factors which put in doubt the presence of a predominant style. Firstly, Freeman implies that policy style might oscillate with alterations in the complexion of a government. Secondly, he notes that standard policy making procedures may change with shifts in government. Thirdly, Freeman alludes to the possibility of less severe types of regime transformation instigating modifications in the predominant policy making style. Fourthly, he states that 'situational factors' may bring about temporary changes in the 'normal' policy making style. Finally, Freeman points to unusual prosperity as a cause for changes in policy making behaviour. (Freeman, 1985: 477-

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<sup>27</sup> For a fuller analysis of the concept of national policy style see Richardson's edited collection on dominant policy styles in West European states. (Richardson, 1982: 1-14) For a contrast of this approach with the policy sector approach, propounded by Lowi refer to: (Freeman, 1985).

479)

So far the discussion has revolved around the concepts of policy style and the policy sector approach in general. The analysis has focused on the relevance of the policy sector approach and more specifically, the ideas of Lowi for the purposes of the thesis. However, the task relating of these theoretical ideas to the German policy making arena remains.

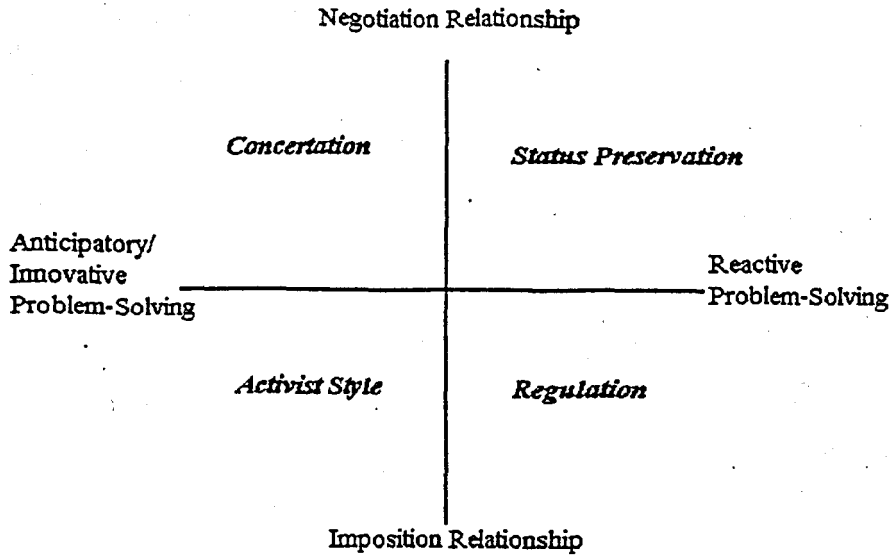
## **2.5 A GERMAN POLICY STYLE?**

Various scholars have employed the case study approach to categorise, characterise and study policy making on a national level. Among them, Dyson's study on German Policy Style, Katzenstein's seminal analysis of the Federal Republic's internal policy-making structures and Bulmer's examination of 'institutional pluralism' in the German policy process are worthy of detailed examination.

### **2.5.1 DYSON: THE SEARCH FOR A RATIONALIST CONSENSUS**

Dyson identifies the predominant policy style in Germany as that of a 'rationalist consensus'. (Dyson, 1982: 17) Dyson's model diverges from Richardson's exclusive advancement of a national policy style, by allowing for the sectoral variation of policy style within a state. Dyson points out the distinctive, yet diverse and complex, nature of the German policy process, which he attributes to Germany's specific 'historical experience and the cultural attitudes' that have emanated from that experience. (Dyson, 1982: 17) Dyson asserts that, "policy is made in different ways not only between sectors, but also in the same sector". (Dyson, 1982: 17) Dyson devises a model to categorise policy making style in different policy sectors in Germany.

**FIGURE 2.1: DYSON'S MODEL OF POLICY STYLE IN WEST GERMANY**



Source: Dyson, Kenneth. (1982), "West Germany: The Search for a Rationalist Consensus", in Richardson, J. (Ed), Policy Styles in Western Europe, London: Allen & Unwin, p. 20

Dyson charts the concept of policy style on a two-dimensional axis, with the horizontal axis mapping Germany's approach to problem solving and the vertical the government's relationship with other actors in the policy process. Dyson characterises Germany's approach to problem solving as either 'reactive' or 'anticipatory'. Reactive policy style, according to Dyson, stresses the 'passive and responsive' character of, and the unbiased role of the government as a referee. Dyson classifies reactive policy style as 'deductivist', and aspiring to a 'language of principles'. (Dyson, 1982: 17) On the opposite end of the spectrum, the anticipatory style denotes a 'pre-emptive' style which assumes an innovative and committed role for the government on the basis of obtaining knowledge and information. By contrast to the reactive style, the anticipatory style is grounded in "the language of goals, options, appraisal and effectiveness". (Dyson, 1982: 17-

18)

The vertical axis characterises the relationship between the government and other policy actors in the policy process as one of 'negotiation' or 'imposition'. The style of negotiation highlights the interdependence within the policy process and the search for consensus in policy. This style is characterised by power sharing between actors in the policy process, with the balance of power being embodied in the "co-operative norms of the 'state-society' ideology, of German federal arrangements and of coalition politics". (Dyson, 1982: 18) The negotiation relationship is distinguished by the sanctioning of group power, with interest groups in a position to gain favourable access and higher institutionalised status. (Dyson, 1982: 18) Conversely, interest groups are deemed as executing a potentially 'disruptive and irresponsible' role in the imposition relationship. Imposition involves enforcing the 'technically correct solution' in order ensure the 'overriding common good'. (Dyson, 1982: 18) German suspicion and apprehension of party political imposition guarantees that this authoritative style is used as the last possible course of action.

Dyson's classification results in four kinds of models of policy style in Germany. Both 'concertation' and 'status preservation' emphasise the role of 'co-operative and trustworthy' interest groups, which gain a favoured institutionalised position. These two models are distinguished by the salience of the policy area concerned. Hence, status preservation alludes to those policy sectors which involve routine relationships and co-operation between interest groups and the government. Concertation is, by comparison, denoted by the "pursuit of enlightenment and innovation via a politics of summit diplomacy". (Dyson, 1982: 19) 'Activism' and 'regulation' constitute authoritative styles of imposition. Activism is essentially, an innovative style of imposition, which is a short-term and rare attribute of German policy making. Whilst regulation "is the traditional style of

bureaucratic legalism, which embodies the highly formalised character of the *Rechtstaat* conception and a neo-liberal political outlook". (Dyson, 1982: 20)

Dyson discerns a general 'rationalistic style' of politics, expressed in the notion of *Sachlichkeit*, which emanates from a normative aversion to politicking. The tradition of rationality is realised by the predominance of senior civil servants in both the political and administrative spheres of policy making process. Dyson identifies the concept of power sharing as a trait of the German policy process, which is borne out in the interdependent relationship between the federal and state governments in the making and implementation of policy. He asserts that the institutional structure of the FRG acts as mediator between these overriding norms and the behaviour of governments. More specifically, "coalition politics and federal politics are institutional guarantors of power sharing and respond to deep cultural fears of a concentration of political power". (Dyson, 1982: 22)

Having delineated the general character of policy style in Germany, Dyson analysed three different policy sectors; nuclear policy, health policy and economic policy, to illustrate the variety of style that could be found in the German policy process.<sup>28</sup> The crux of Dyson's model rests on the notion that, "a given policy sector or a particular case may display various policy styles as well as shifts in the dominant policy over time".<sup>29</sup> (Dyson, 1982: 21) The sectoral variation in policy style is enhanced by the existence of the phenomenon of sectorisation. The constitutionally guaranteed principal of departmental autonomy facilitates this process by creating powerful centrifugal tendencies which become unmanageable at the centre. The institutional sectorisation of German policy-making is particularly

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<sup>28</sup> For a detailed discussion of the policy sectors analysed by Dyson refer to: (Dyson, 1982: 25-41)

<sup>29</sup> Dyson discerned a change in the predominant policy style of the 1960s from one of regulation and status preservation to one of concertation and status preservation. (Dyson, 1982: 21)

relevant to the case studies examined in this thesis.<sup>30</sup>

### **2.5.2 KATZENSTEIN: SEMISOVEREIGNTY AND THE INSTITUTIONAL DYNAMICS OF THE POLICY PROCESS**

In his seminal analysis of the Federal Republic, Peter Katzenstein characterised the state as semisovereign. The concept of semisovereignty was used to explain the dispersal of German power on both an external and internal level. Although Katzenstein refers to external constraints of semisovereignty, his analysis explored the internal constraints more fully. Institutional constraints, according to Katzenstein, limited the scope of radical policy making and the capacity of the German state. Thus, Katzenstein asserted that power of the German state has been “tamed rather than broken”. (Katzenstein, 1987: 10)

According to Katzenstein, “the interaction between policy and politics is shaped by specific West German institutions”. (Katzenstein, 1987: 35) The institutional structure in Germany comprises a decentralised state<sup>31</sup>, where power is dispersed among competing institutions and a centralised society<sup>32</sup>, which allows the concentration of power in large social groups. The institutions in the policy process perform the function of linking state and society, and different levels of governments into a tight policy network. (Katzenstein, 1987: 35) Interdependence between these actors reduces the possibility of departing from established policy positions. Hence Katzenstein's assertion that, “institutional interpenetration has moderated political power and encouraged cautious policies and incremental change”. (Katzenstein, 1987: 10)

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<sup>30</sup> The sectorisation of policy-making forms an important component of the section on policy-making structures in each of the case studies. The differing impact of this process is illustrated in Chapter five and Chapter seven.

<sup>31</sup> Germany's federal structure, the jurisdiction of the Federal Constitutional Court, the inflexible bureaucracy and the finite co-ordinating capacity of the Chancellor all constitute important components of this decentralised state. (Katzenstein, 1987: 15-23)

<sup>32</sup> According to Katzenstein, a centralised society is denoted by the strong employers groups, trade unions and professional organisations of the private sector. (Katzenstein, 1987: 23-30)



Katzenstein formulates a distinctive configuration of institutions, which act as internal constraints to the accumulation of power, and upon which policy is determined. Political parties, co-operative federalism and parapublic institutions constitute the three institutional nodes of all policy networks. The structure of political parties, government by coalition and the institutional rules of the Bundestag all foster centrist, consensual political outcomes and a culture of incremental policy change. (Katzenstein, 1987: 35-45) Many scholars have cited the system of co-operative federalism, which rests on a harmonious relationship between Bonn and the Länder, as a constraining factor on the purposive exercise of German power. Indeed, the federal structure which is divided by functions and not policy areas<sup>33</sup>, performs the task of bringing together divergent interests to formulate consensual policies, and acts as a barrier against attempts to force radical policy developments. (Katzenstein, 1987: 45) The federal structure is, however, amply flexible to accommodate change. Katzenstein attributes the flexibility of the federal structure to the close links between 'conflict and consensus' and 'centralisation and decentralisation' which guard against blockages. The third node of the policy network comprises a composite set of parapublic institutions, most notably the Bundesbank, which connect public and private actors. According to Katzenstein parapublic institutions,

act like political shock-absorbers. They induce political stability both directly and indirectly. They tend to limit political controversies in the process of policy implementation. And they limit the scope of policy initiatives. (Katzenstein, 1987: 58)

Katzenstein's model is instructive for the thesis on two levels. Firstly, Katzenstein's approach demonstrates the important role that institutions

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<sup>33</sup> Katzenstein notes that the role of the relevant actors varies considerably between the policy sectors which are under the sole competence of the federal government and those which are exclusively under the domain of the Länder. Katzenstein points out the policy sectors where the both the federal and state governments share competence would be most instructive for an investigation of intergovernmental relations. (Katzenstein, 1987: 45)

play within the German policy making process. Although, Katzenstein's model comprises a comprehensive configuration of institutions which influence policy making in general, his model engenders a degree of sectoral diversity. The sectoral variation is borne out in the different mix of actors; and the varying importance, and influence of , particular institutions in different policy sectors. Katzenstein contends that, "the institutional structure creates particular capacities and incapacities in different policy sectors". (Katzenstein, 1987: 361) In his analysis of six policy sectors, Katzenstein illustrates the differing role that institutional structures play in different policy sectors.<sup>34</sup> In particular, Katzenstein notes the instance of parapublic institutions, which have a varying degree of influence according to the policy sector in question. He delineates the sector specific institutional role of actors in the policy process. Secondly, Katzenstein's model highlights the institutional sectorisation of policy making in Germany. The policy case studies contained in this thesis illustrate the institutional sectorisation of policy, and the impact that it has for Germany's role in the EU in those policy areas.

Secondly, Katzenstein's model is useful for the broader questions posed in the thesis about Germany's future role in the EU. Katzenstein links the institutional make up of the state with the debate about the exercise of German power. He argues that institutions foster an interdependent approach to policy making, where actors are tied together in a policy network. This interdependent approach mitigates against an accumulation of power and radical policy changes, cultivating a propensity towards incremental policy change. Hence, Katzenstein argues that the sectorised nature of policy making places institutional constraints on the capacity of the

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<sup>34</sup> Katzenstein analysed economic management, industrial relations, social welfare, migrant labour, administrative reform and university reform. His book, *Policy and Politics in West Germany: The Growth of a Semi Sovereign State*, includes detailed chapters on each of these policy sectors. For a comparative analysis and summary of his findings refer to: (Katzenstein, 1987: 361-367)

German state, thereby reducing the scope for the exercise of power. Katzenstein concludes that German power has been 'tamed' by the institutional structures. He notes, "because it incorporates many of the institutions that weaken it, West Germany's state is best described as semisovereign". (Katzenstein, 1987: 82) It could be argued that Katzenstein's characterisation of Germany as a semisovereign state is outdated, as it refers to pre-unification Germany. However, in a more recent analysis on semisovereignty, Paterson notes that the concept still retains relevance for the new Germany. He argues that unity has not disturbed the semisovereign state in the internal domain. Paterson, thus, concludes that, "semisovereignty persists as an internal condition of the new German state". (Paterson, 1996: 167)

### **2.5.3 BULMER: INSTITUTIONAL PLURALISM**

Bulmer examines the "unity, diversity and stability" of the German public policy agenda. He observes the wide variety of "policy communities" in the German policy process, and the varying degrees of influence the same institutions enjoy in different policy sectors. <sup>35</sup>Bulmer argues that,

politics are conducted in a highly institutionalised manner...However, the exact balance between institutional 'players' varies according to the policy area in which the 'game' is being played. (Bulmer, 1989b: 14)

Bulmer utilises an institutional approach to illustrate the role of institutions in shaping the arena in which policy is formulated. Bulmer notes Peter Hall's argument that institutions develop their own dynamics which are capable of affecting policy content in their own right. (Bulmer, 1989b: 17) Institutional pluralism is a concept used by Bulmer to characterise the public policy making process in Germany. Firstly, the term describes the 'plurality' in the policy process. Secondly, it correlates to the institutional

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<sup>35</sup> Bulmer demonstrates the diversity of the policy process by illustrating the different roles that institutions can play in varying policy sectors. He argues that policy outcomes in different sectors are dependent on the 'balance of authority' between the state and federal governments, the role of the 'lead' ministry and sector-specific semi governmental bodies. (Bulmer, 1989b: 13)

perspective of the policy process proposed by Bulmer. (Bulmer, 1989b: 15) Bulmer utilises the concept of institutional pluralism to demonstrate the issues of unity, diversity and stability.

Bulmer points out that institutional pluralism is most readily identifiable in the organisation of government structures in Germany. It is here, that Bulmer's approach proves most fruitful for the theoretical analysis of the thesis. Bulmer identifies a vast array of institutions, and the varying degree of their influence, in different policy sectors in the policy process. The component on policy-making structures in the taxonomic model suggested in the thesis, is essentially, modelled on Bulmer's approach in terms of its organisation.

Bulmer outlines ten dimensions of institutional pluralism. Bulmer stresses the significance of the federal system, particularly co-operative federalism, which generates manifold variations on the way in which responsibility for policy is allotted. Responsibility for policy formation and implementation is shared between the federal and state governments according to the area concerned. The Bund and the Länder enjoy exclusive powers in some sectors, and competence is shared in matters falling under 'framework conditions' and 'concurrent legislation'.<sup>36</sup>

Bulmer also cites the importance of ministerial autonomy and coalition politics,<sup>37</sup> where both ministers and political parties protect their lot. Bulmer notes the process of sectorisation which is particularly prevalent in the German policy making process, a tendency which is reinforced by coalition governments. These two features of institutional pluralism act as a barrier to policy innovation. (Bulmer, 1989b: 25) The remaining eight characteristics

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<sup>36</sup> The impact of the federal structure for policy making is discussed in greater detail in relation to the case studies in Chapter five and Chapter seven. Bulmer provides a diagrammatic scheme of the distribution of policy competence between Bund and Länder. Refer to: (Bulmer, 1989b: 20)

<sup>37</sup> Bulmer cites the constitutionally guaranteed principles of ministerial autonomy, the Chancellor principle and the principle of collegiality. Refer to Chapter five and Chapter seven for an analysis of these principles in relation to the case studies.

include: bureaucratic politics and administrative culture, which focuses on the search for a 'rationalist' consensus as identified by Dyson, the role of the law and the Federal Constitutional Court, parapublic institutions, the institutionalisation of industry and finance, the institutionalisation of labour, powerful interest groups such as the DBV, international institutions including the EU and NATO and political parties, which Bulmer argues are institutions in their own right.

## 2.6 THE MARRYING OF NATIONAL AND INTERNATIONAL

Several writers have attempted to look at the linkage between national and international factors. Earlier in this chapter, whilst concentrating on the influence of domestic political structures, Bulmer was seen to examine the linkage between domestic politics and EU policy-making. More recently, Andrew Moravcsik has attempted to integrate theories of domestic and international politics in his "liberal intergovernmentalist" approach.<sup>38</sup> Gilpin, espouses the increasing importance of interdependence, but maintains that the state preserves most of its capacity for national choice. Katzenstein has looked at the interaction of international and domestic forces in the shaping of the international political economy. When referring to the international political economy, Katzenstein argues,

International and domestic forces have been closely intertwined in the historical evolution of the international political economy since the middle of the 19th century. Shifts in domestic structures have led to basic changes in the British, German....strategies of foreign economic policy. The international context in which these countries found themselves in turn influenced their domestic structures and thus, the strategies they adopted in the international political economy. (Katzenstein, 1984: 11)

Putnam also examines the linkage between the domestic and international system in his Two-Level Games Approach.<sup>39</sup> Putnam argues

<sup>38</sup> See: (Moravcsik, 1993a: 473-524) and (Moravcsik, 1993b: 1-42)

<sup>39</sup> For a detailed analysis see: (Putnam, 1988: 427-460)

that decision-makers are simultaneously involved in interlinked negotiations. One takes place at the international level among nation-states via intergovernmental bargaining. The other occurs at the domestic level. Evans explains the connection between the domestic and international level. He asserts,

Deals at the international level change the character of domestic constraints, while the movement of domestic politics opens up new possibilities for international accords. Domestic goals are pursued via international moves, and domestic politicking is central to international negotiation. The role of international and domestic factors in the determination of outcomes is simultaneous and mutual. (Evans, 1993: 397)

Several writers have drawn on the Two-Level Games Approach to explain Germany's relationship with the EU. Huelshoff (1993) argues for a model of European integration which categorically links domestic politics to intergovernmental bargaining. Huelshoff links a member state's domestic interests, ideology and institutions to their bargaining positions in the EU.

John Woolley examined the reasons behind the linkage of Economic and Monetary Union (EMU) and European Political Union (EPU) at Maastricht. His analysis also draws on the work of Putnam. Woolley argues that domestic politics can shape the behaviour of international negotiators. He asserts that international negotiators have to take domestic institutions, obligations to coalition partners and electoral challenges into consideration. (Woolley, 1994: 69)

The Interdependence Approach sees integration in a completely different light. The interdependence theorists begin to take into account the interdependent relationship between the national governments and international organisations.

### 2.6.1 INTERDEPENDENCE

The concept of interdependence came to the fore in the 1970s when the study of integration became unfashionable due to the failure of the EU to move towards some kind of political union. For some, the term interdependence described the network of relations and collaboration in the EC better than integration. The scholars associated with this approach include Robert Keohane and Joseph Nye.<sup>40</sup>

According to the relevant body of literature in international relations, interdependence refers to

the close and persistent relationship between two or more states or international actors, based on mutual reliance and therefore carrying a cost to one side or the other, or both, if the relationship were to be ended. (Webb, 1983: 33)

When applied to the European Community, Webb argues that interdependence has been employed to describe, "...the conjuncture of economic conditions in Western Europe which give rise to the EC initiatives; to the economic and political consequences of policy collaboration; to indicate the limits of regional co-operation; and as a justification for maintaining the EC inspite of disagreements amongst its member states about its ultimate political purpose." (Webb, 1983: 33)

As mentioned above, some interdependence theorists regarded interdependence as a better term for the process that was occurring in the EC. Interdependence theorists argued that 'interdependence' referred to a state (of intensive economic exchange) when political relationships may be influenced, but an integrative response may not necessarily be invoked from those affected. Interdependence theorists are also less concerned about institutionalised forms of co-operation. Thus, unlike the neo-functionalists

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<sup>40</sup> For a detailed discussion of the Interdependence approach see: (Keohane & Nye, 1977).

who postulate a central role for the Commission or the intergovernmentalists who stress the role of the national governments, the interdependence theorists do not put forward an equivalent institutional model.

However, as Webb argues, the interdependence theorists do emphasise the diffusion of power in the EC. They see this as a consequence of the erosion of national governmental authority and the inability of the Commission to become a counter force in key policy areas. The interdependence theorists explain the erosion of national authority in terms of the rise of transnational and transgovernmental activity. An increase in international trade, the flow of international capital, the location policies of multinational companies and economic specialisation, have reduced the exercise of national sovereignty. Interdependence theorists suggest that an 'international regime' may be a more appropriate label for the EC. Keohane and Nye argue that, "...under conditions of 'complex interdependence', international regimes will emerge to regulate inter-state relations. In the absence of a central authority in the international system, regimes are based on coalitions between governments and involve procedures, rules, norms, and institutions for the conduct of inter-state relations." (Laffan, 1992: 12-13)

The interdependence approach has been criticised as a framework for examining EC politics. Firstly, the interdependence approach lacks appropriate empirical evidence to back up its general propositions. Secondly, some interdependence theorists have tended to play down the distinctiveness of the Community framework. Nonetheless, interdependence theory provides a view on the European Union which centres on "...its incompleteness as an integrated regional system, and its incipient tensions as a policy-making forum, stemming from the



combination of external pressures and internal divisions.” (Webb, 1983: 36)

## 2.6.2 LIBERAL INTERGOVERNMENTALISM

In putting forward the liberal intergovernmentalist approach Moravcsik modifies traditional intergovernmentalist theory by marrying liberal theories of state - society relations and intergovernmentalist theories, which are often seen as contradictory, to conceptualise the EU as, “a successful international regime designed to manage economic interdependence through negotiated policy co-ordination.” (Moravcsik, 1993a: 474) Moravcsik responds to the weaknesses of earlier intergovernmentalist interpretations which view the state as a “black box”. He develops his earlier approach of “intergovernmental institutionalism” by,

refining its theory of interstate bargaining and institutional compliance, and by adding an explicit theory of national preference formation grounded in liberal theories of international interdependence. (Moravcsik, 1993a: 480)

Liberal intergovernmentalism proposes a two-step process. The first step is national preference formation, which Moravcsik believes is determined by “constraints and opportunities imposed by economic interdependence.” (Moravcsik, 1993a: 517) He also details how national preferences are formed by state-society interaction. The second step is interstate negotiation or bargaining among EU Member States. The outcomes of these negotiations are, according to Moravcsik, “determined by the relative bargaining power of governments and the functional incentives for institutionalisation created by high transaction costs and the desire to control domestic agendas.” (Moravcsik, 1993a: 517) Moravcsik contends that EU negotiations can be regarded as a “co-operative game”. The level of co-operation indicates the pattern of preferences of national governments. He comments,

The more intensely governments desire agreement, the more concessions and the greater the effort they will expend to achieve it. The greater the potential gains for a government from co-operation, as

compared to its policy alternative, the less risk of non-agreement it is willing to assume and, therefore, the weaker its bargaining power over the specific terms of agreement. (Moravcsik, 1993a: 499)

Hence, Moravcsik concludes that the EU can be explained in terms of interstate bargaining through the use of "bargaining game" analysis. Thus, He believes that major EU decisions can be explained by a sequential examination of national preference formation and intergovernmental strategic interaction. (Moravcsik, 1993a: 480) Moravcsik asserts that national preference formation defines the **demand** for international co-operation and interstate bargaining determines the capacity of the international system to **supply** co-operation. He argues that explanations of European integration which concentrate on either demand or supply are, "at best incomplete and at worst misleading." (Moravcsik, 1993a: 482)

In his final section Moravcsik goes on to argue that it is a mistake to view supranational institutions as the antithesis of intergovernmentalism. Traditional intergovernmentalist theory purports that,

the unique institutional structure of the EC is acceptable to national governments only insofar as it strengthens, rather than weakens, their control over domestic affairs, permitting them to attain goals otherwise unachievable. (Moravcsik, 1993a: 507)

Moravcsik goes on to demonstrate how EU institutions strengthen rather than limit the power of governments in their pursuit domestic goals. He argues that this is possible through the increasing efficiency of interstate bargaining and the strengthening of the autonomy of national leaders vis-à-vis particularistic groups within their polity. (Moravcsik, 1993a: 507) Moravcsik describes this 'two-level' process, which allows national governments to surmount domestic opposition via EU institutions in detail. He argues,

The mantle of the European Community adds legitimacy and credibility to Member State initiatives. Domestic coalitions can be mobilised more easily in favour of policy co-ordination. This adds weight in domestic debate to both major reforms and everyday decisions emanating from

the EC. ..The institutional structure of the EC strengthens the initiative and influence of national governments by insulating the policy process and generating domestic agenda-setting power for national politicians. National governments are able to take initiatives and reach bargains in Council negotiations with relatively little constraint. (Moravcsik, 1993a: 515)

Moravcsik puts forward a comprehensive and detailed analysis of a liberal intergovernmentalist interpretation of the EU. Moravcsik has not remained without criticism. He places great importance on the role of domestic groups who inform state preferences. Moravcsik also emphasises the importance of states. Perhaps, liberal intergovernmentalism places too much emphasis on the role of domestic groups. Indeed, they do have a part to play in determining the policies that member states take to the European arena. But other factors in the domestic arena also influence the way a member state decides its priorities.

For instance, in the case of migration the very nature of the issue necessitated a policy solution in the European arena. The mass movement of asylum seekers into Germany since 1989 and the growing concern among the general public about this movement have acted as key catalysts for policy reappraisal. The accompanying rise in right wing extremism and the fact that Germany was facing a General Election in October 1994 also intensified pressures for policy reform. Thus, other factors in the domestic arena can shape the priorities of member states in the European arena. That is not to argue that domestic groups are irrelevant, indeed they can be of fundamental importance; particularly if one considers the role of the German Farmers Union in influencing domestic policy priorities in agriculture. Nevertheless, the Ministry of Agriculture, and the junior partner in the governing coalition, the Christian Social Union, also have an influence in shaping policy.

The criticisms levelled at Moravcsik are both theoretical and empirical in nature. Wincott argues that liberal intergovernmentalism can be described as, "an approach rather than a theory." (Wincott, 1994: 5) If Moravcsik's arguments can be considered to be an approach, then Wincott argues that it, "leaves the analysis open to empirical criticism." (Wincott, 1994: 5) Wincott cites Moravcsik's bias against supranationalism.

Some of Moravcsik's points are interesting for this thesis. Firstly, he acknowledges the importance of domestic politics and focuses on national actors. Liberal intergovernmentalism espouses that, "governments are assumed to act purposively in the international arena, but on the basis of goals that are set domestically." (Moravcsik, 1993a: 481) Foreign policy goals of governments are affected by pressure from domestic social groups. These groups aggregate their preferences through political institutions. National interests emanate from political conflict as these groups compete for political influence. Moravcsik gives great importance to societal groups and the nature of their influences and to the amount of influence these groups have domestically. He argues that the factors that determine the above criteria are both domestic and transnational. Moravcsik highlights the importance of national politicians who determine state priorities and policies but are constrained by domestic and transnational civil society.

Secondly, the assumption that EU institutions augment the power of national governments to achieve domestic objectives, and the way in which they do this, is relevant for the case studies. According to the theory, national government leaders can play a two level strategy that undermines, "potential opposition by reaching bargains in Brussels first and presenting domestic groups with an 'up or down' choice." (Moravcsik, 1993a: 515) This was certainly the case in migration where the German government attempted to

surmount the policy deadlock in the domestic arena and overcome domestic opposition by attempting to export the migration problem to the European arena.

## **2.7 THEORETICAL APPROACH: APPLICABILITY OF THE THEORIES TO POLICY CASE STUDIES**

The overall aim of the thesis is to analyse Germany's future role in the EU. A number of studies during the 1980s have endeavoured to examine the relationship between Germany and the EU, utilising a variety of approaches. This thesis posits a two tier approach, firstly analysing Germany's broader relationship with the EU, and then employing a case study approach to examine Germany's role in the EU, focusing on two key policy areas; migration and agriculture.

The thesis contends that, on the whole, a pro-integration stance prevails in Germany. Germany will, without a doubt, remain committed to the EU in the post-unification period. Nevertheless, unification has brought some challenges in the domestic sphere. It is argued, therefore, that in the short-term Germany has unavoidably become inward looking. It is asserted that Germany is unlikely to move away from integrated actions in the pursuit of some "national interest". Integration has proved beneficial for the Germans. However, it is contended that the EU serves as an important arena for solving certain domestic problems.

The thesis notes a sectoral variation in Germany's role in the EU, despite this predominant pro-integration approach. The thesis tries to develop a taxonomic model of characteristics to demonstrate the sectoral nature of Germany's role in the EU. Briefly, the model identifies dynamics of the policy sector, policy circumstance and policy-making structures as important variables. It is contended that Germany's role in the EU differs significantly in different policy sectors. Hence, the thesis suggests that

Germany's approach to the EU is sector specific. Furthermore, it is proposed that, it is the nature of the policy sector which determines the role that Germany plays in the EU. In other words, the policy sector itself shapes Germany's approach in the EU, be it pro-European or anti-European. The two case studies provide a contrast of Germany's approach to, and role in the EU. The thesis asserts that certain policy sectors are able to bypass this overall European approach, utilising the EU as an optimal arena to solve domestic problems. In this sense the EU policy making arena serves as a policy resource. Where the EU serves as a framework for solving certain specific policy problems, and where the Germans are willing to utilise that resource, they are likely to be more European-oriented. The institutional sectorisation of policy making in Germany sanctions this practice due to the integration of domestic and European policy making at the national level. Therefore, the institutional structures within the policy process allow actors to pursue their own agendas at the European level.

A whole host of theoretical approaches have been surveyed in this chapter, yielding varying degrees of relevance for the theoretical analysis of the thesis. The study used theoretical approaches to European integration as its point of departure. It was concluded that intergovernmentalism in its entirety does not account for Germany's role in the EU. Germany is unlikely to become some hegemonic actor wishing to dominate Europe. However, intergovernmentalism does emphasise the importance of the national/domestic dimension and the impact that nation states can have on the EU. Intergovernmentalism elucidates the way in which national governments and politicians can utilise the European frameworks to solve domestic problems. The thesis propounds the argument that the EU can serve as an arena for solving domestic problems. Governments under siege from domestic problems can use the EU as a "resource".

The ideas of Lowi, Dyson's work on 'policy style', the Domestic Politics Approach, Institutional Pluralism and Katzenstein's approach all help to frame the theoretical approach for the thesis. They all inform the central hypotheses of the thesis and in particular the taxonomic model of characteristics proposed in the thesis.

The Domestic Politics Approach has proved to be a structuring aid for the case studies. Bulmer's approach is instructive for the taxonomic model, firstly by looking at policy-making structures to examine the behaviour of member states in the EU. Bulmer uses the concept of policy style to characterise the policy making environment and patterns, which he argues differ in different policy areas. (Bulmer, 1983: 353) In so doing, Bulmer illustrates the diversity of the policy process. The case studies undertaken in the thesis analyse the role of actors in the policy sectors, to illustrate the varying nature of Germany's role in the EU. The thesis suggests that the nature of the policy sector shapes the role which Germany's plays in the EU. Bulmer highlights the fact that different social and economic conditions shape the position a member state takes at the EU level. (Bulmer, 1983: 353)

The Domestic Politics Approach remedies the deficiency of intergovernmentalism which places too much emphasis on the role of national governments. The case studies follow the lead of the Domestic Politics Approach, by analysing the role of a whole range of actors in the policy process to explicate their contribution to the decisions Germany takes and the role it plays in the EU. The thesis, however, moves beyond a purely institutional analysis of the domestic environment, to include the role of other 'domestic variables' such as the dynamics of the policy sector and policy circumstance.

The Domestic Politics Approach and the ideas of Alan Milward are an

important point of reference for the hypothesis that the EU serves as an optimal arena for solving domestic problems. Milward sets the broader framework by arguing that certain policy objectives are better advanced through international institutions and that member states will use these frameworks to pursue these objectives. (Milward, 1993: 21) He notes that the EU framework can be a useful resource for solving domestic problems. Similarly, the Domestic Politics Approach highlights the fact that domestic political factors can explain actions in the EU and demonstrates how the EU can prove to be an aid for national governments. (Bulmer, 1983: 354) The case studies analyse the way in which certain institutional characteristics can explain how some domestic concerns are extracted out of the domestic environment onto the European agenda.

Taken in its broadest context, the work of Lowi has proved relevant for this thesis. The thesis argues that Germany's role in the EU differs in different policy areas and that the policy sectors themselves influence the course of action in that policy sector. It is suggested that sectoral variations exist, not only in the dynamics of the policy issue, but also in the institutional set up, culminating in the conclusion that Germany's role in the EU is sector specific. Lowi illustrates the sector specific characteristics of the policy process. Firstly, Lowi argues that the nature of the policy issue affects policy outcomes and the politics associated with that. This aspect of his argument is particularly pertinent for the component on dynamics of the policy sector. Lowi illustrates the sectoral variation in the policy process and the sectoral nature of policy-making by suggesting that each policy arena develops its own characteristic political structure, process, patterns and actors. By alluding to different political structures and actors, Lowi emphasises the varying role of actors in the policy process.

The work of Dyson, Katzenstein and Bulmer is particularly useful in that



it focuses on various elements of the German policy-making arena. All three scholars utilise the case study approach to examine policy sectors, in order to demonstrate the diversity in the policy making process. Dyson draws on the cultural norms which underpin the German public policy making process to outline the distinctive, yet general character of policy style. Dyson's analysis provides an insight into the general approach to policy-making and the relationship between actors in the policy process. Dyson model allows for the sectoral nuances of the policy process, by illustrating the variety of policy styles. He observes that policy is made differently between sectors. The case studies illuminate these sectoral tendencies, by providing a contrast of policy making. Although, there is a general approach to policy making, the case studies noted differences in the areas of migration and agriculture.

Katzenstein and Bulmer enlighten important aspects of the section on policy making structures. Both Katzenstein and Bulmer emphasise the role of institutions in shaping policy. Katzenstein presents a comprehensive configuration of institutions which influence policy making in general. However, Katzenstein's model exhibits a degree of sectoral diversity. The diversity manifests itself in the different mix of actors and their varying influence in different policy sectors. Katzenstein highlights the institutional sectorisation of the policy process and the way in which it places constraints on the German state. The case studies examine the role of the policy actors, and the implications of the sectorisation of policy making in each of the policy sectors.

Katzenstein's model is of relevance for the wider questions posed in the thesis about Germany's role in the EU. Katzenstein argues that Germany's institutional structure has implications for Germany's wider role in the EU. He relates the concept of semisovereignty to the internal dynamics of

German policy making, arguing that it has a constraining effect on the exercise of German power.

Bulmer's model formulates the basis for the organisation of the section on policy making structures. He reveals the diversity of the policy process by again emphasising the differing role of various institutions in different policy sectors. More importantly, Bulmer highlights the importance of the concept of institutional pluralism and the sectorisation of policy making. Both these concepts are analysed in depth in each of the case studies. Like Katzenstein, Bulmer examines the impact of these processes for Germany's wider role in the EU. The thesis make a connection between the institutional sectorisation of policy and the broader questions about Germany's role in the EU in the conclusion.

# CHAPTER THREE: GERMANY AND THE EC: A HISTORICAL OVERVIEW

## INTRODUCTION

Before one can embark on an assessment of the impact that German reunification will have on its role in the European Union and consequently on Germany's future attitude towards European integration, it is important to delve into the past. The study requires a historical analysis of Germany's<sup>1</sup> role in the European Community/Union, examining Germany's motivations behind joining the EC and assessing the position that the European Community/Union holds for Germany. Therefore, the aim of this chapter is to provide a historical overview of Germany's relationship with the European Community from its foundation up to reunification.

The thesis contends that Germany will remain committed to the EU. Germany is unlikely to move away from integrated actions, as co-operation in EU has proved beneficial for the Germans. The EU has been an important arena for solving certain domestic problems. This chapter seeks to demonstrate how important the integration process has been for the Germans and how the Germans have utilised European frameworks to solve problems or achieve objectives since the establishment of the FRG. Thus, the chapter examines Germany's principal objectives in the integration process dating back to the post war years and how the Germans have been able to solve domestic problems in the European framework. However, it is important to mention that the existence of domestic priorities does not necessarily conflict with a pro-integration stance.<sup>2</sup> The thesis also

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<sup>1</sup> The term refers to the former Federal Republic of Germany. This chapter concentrates on an analysis of the Federal Republic's role in the EC up until unification. The chapter does not consider the fate of the German Democratic Republic in the years of the division.

<sup>2</sup> The whole debate about the existence of German "national interests" has been discussed extensively in the literature. There are those who posit that Germany does not have "national interests" and others who argue the opposite. Hrbek and Wessels argue that it would be wrong to start from the premise that "national interests" do not play any role in the integration process. They state, "...die Analyse von europäischer Einigung und Europapolitik - dem sicherlich fortgeschrittensten Fall eines Integrationsprozesses - bedeutete stets auch die Beschäftigung mit nationalen (und verschiedenen

maintains that domestic political factors can explain actions in the EU.<sup>3</sup> In other words, if one seeks to investigate Germany's past relationship with and role in the European Community/Union, one has to consider the domestic political arena. One has to look at the way in which domestic concerns have altered Germany's attitude towards the European Community/Union. Have domestic objectives of German policy been served through the integration process?

With these questions in mind, an attempt will now be made to provide a historical account of West Germany's policies towards European integration and to examine the diversity and potency of West German integrative input. This will be carried out chronologically, since the Federal Republic's (FRG) role in the Community/Union and its attitude towards European integration has gone through different phases and concomitantly changed over time. Therefore, this chapter assesses Bonn's approach to the Community in the 1950s and 1960s, when the FRG's commitment to European Integration might have been conditioned by its desire to be on an equal footing with its partners in the Communities, both in the economic and political fields. It then analyses West German European policies in the 1970s and 1980s, when developments in the international economy and changed political circumstances had put the FRG in the forefront of international politics. The motivations behind the FRG's attitude towards European integration and domestic constraints on the process of integration will also be examined.

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Gruppen-) Interessen." (Hrbek and Wessels, 1984: 31) Author's translation, "...the analysis of European unification and European policy - which certainly the most advanced case of the integration process - always meant occupation with national (and various group) interests". Hrbek and Wessels argue that analysis of European unification and European policy always means looking at national interest. Chapter Four includes an in-depth analysis of the role of domestic priorities or national interests in Germany's approach to the EU after unification.

<sup>3</sup> The Domestic Politics Approach, the ideas of Alan Milward and elements of Andrew Moravcsik's "liberal intergovernmentalism" demonstrate how important the domestic arena is for actions taken at the European level. The views of Donald Puchala demonstrate the importance of the nation state. He argues, "...not only have nation-states not become less important as the Communities have evolved, but they have actually become a great deal more important, and, analytically speaking, they have become the key to understanding the EC." (Hrbek, 1986: 26) Chapter Two contains an analysis of these ideas and how they apply to the thesis.

### **3.1 THE FEDERAL REPUBLIC OF GERMANY AND THE EUROPEAN COMMUNITY: A HISTORICAL OVERVIEW**

#### **3.1.1 THE FOUNDING OF THE FEDERAL REPUBLIC AND EUROPEAN INTEGRATION**

Developments both in Germany and in Europe in the immediate post war period acted as a catalyst for the establishment of an international organisation into which Germany could be anchored. The continent was expeditiously carved up into two opposing blocs; with the two superpowers, the United States of America and the Soviet Union, at the helm. The increased antagonism between the two superpowers with their two ideologically opposed political systems guaranteed the institution of the Cold War, which was to last forty years. The increased conflict between the two powers had a direct effect on the fate of Germany and the policies being pursued there, as they were the holders of supreme authority in Germany along with France and the United Kingdom. The Occupying Powers were unable to reach a consensus regarding Germany's future. East and West appeared determined to consolidate their respective Occupational Zones into blocs. Thus, Germany was divided into the Federal Republic and the German Democratic Republic.

With the establishment of the Federal Republic, the Western Allies, along with the Benelux countries, came to the decision that, "...for the political and economic well-being of the countries of Western Europe and of a democratic Germany, there must be close association of their economic life." (Hrbek, 1986: 19) The decision to establish the Federal Republic was a decision in favour of West European integration. Hence, European integration has been important for the FRG since its creation in 1949; it was considered so central that European unification found constitutional grounding in the Basic Law through Article 24 which provides for the transfer of sovereignty to international organisations such as the European Community. Thus, the fate of the Federal Republic of Germany is

inextricably linked with West European integration. Integration was a priority for the Western allies in order to tie the FRG to the West and to control it. The FRG was increasingly tied into western alliances to prevent the atrocities of the Second World War from being repeated. The integration of the FRG into a European constellation was also seen as a means for solving its economic and political problems. It was reiterated at the Hague Congress of the European Movement in 1948 that, "the integration of Germany in a united or federated Europe alone provides a solution to both the economic and political aspects of the German problem." (Feld, 1981: 29) It is, however, important to point out that the Germans did not have a choice between independence and integration.

### **3.2 THE ADENAUER ERA: NATIONAL INTERESTS OF THE FEDERAL REPUBLIC AND EUROPEAN INTEGRATION**

Konrad Adenauer, the first Chancellor of the Federal Republic, had very clear objectives in mind. Not only was Adenauer decisively in favour of integration, but the nature of integration to be pursued was immensely significant. The Occupying Powers had been granted considerable rights, particularly in military and foreign policy. Adenauer was skilful in countering this by utilising every favourable opportunity to extend the realm of authority and freedom of action of the Bonn government. (Saeter, 1980: 16) The role of Adenauer is crucial to understand the FRG's actions towards integration in the post-war period. Adenauer was never an ardent nationalist. He believed that the nation-state belonged to the past. He firmly believed that the whole project of European integration offered new opportunities. Adenauer was of the opinion that the European Coal and Steel Community (ECSC) would, "change not only economic conditions on our continent but all of the thinking and political feeling of European man as well." (Feld, 1981: 32) The ECSC would extend the boundaries of peoples' lives into Europe and enrich their lives.

Hrbek outlines five objectives in the Adenauer era which could constitute national interests. Firstly, the Federal Republic wanted to re-establish sovereignty, both in domestic and international affairs. Secondly, Adenauer was concerned with the economic reconstruction in Germany. He wanted to bring about economic transformation and recovery. Thirdly, after two world wars the Federal Republic wanted to secure peace and security. Fourthly, Adenauer was eager to strengthen the Federal Republic as a democracy. Finally, Adenauer's ultimate aim was the reunification of the two parts of Germany. (Hrbek, 1986: 27) Hendriks adds that Adenauer aimed to take the FRG back to the "cultural and political forces of Western Europe"; to redeem the FRG after the crimes of the Nazi regime; to regain foundations of national power; to reconcile differences with the Allies, particularly with France. (Hendriks, 1991:10)

In the immediate post-war years European integration represented a lifeline for the FRG. The Germans had specific interests in the project of European integration, which were economic and political in nature. Feld adds that Germany's attitude towards European integration in this period was conditioned by foreign as well as domestic policy considerations. He argues that Germany's foreign policy emanated from strategic and security concerns connected to the Cold War. As mentioned previously, the attitude of the political leaders of the time, particularly of Adenauer, was of utmost importance. (Feld, 1981: 28) It is, however, important to note that there was opposition to membership of the Communities<sup>4</sup> within Germany.<sup>5</sup> The SPD

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<sup>4</sup> "The Communities" essentially refers to the European Coal and Steel Community, the European Economic Communities (EEC), and European Atomic Energy Community (EURATOM). Reference is also made to the failed European Defence Community. The ECSC was the supranational organisation to be established. The EDC failed in 1954 together with an attempt at European Political Co-operation (EPC). The Treaty of Rome established the EEC and EURATOM in 1957. The ECSC, EEC and EURATOM were amalgamated into the European Communities.

<sup>5</sup> Werner Feld has examined the attitudes of various sectors to the German political spectrum to the establishment of the Communities. Feld argues that opposition was raised against the establishment of the European Coal and Steel Community from industry. The Federation of German Industry (Bundesverband der Deutschen Industrie) (BDI) pledged support for the ECSC in theory, but they also had doubts. The Federation was concerned that the ECSC might act as an instrument for French control of German industry. Alternatively, support was stronger amongst the Federation of German

specifically raised concerns about membership of the Communities and the diminishing importance of the objective of reunification.

It is important to examine these objectives individually; to ascertain whether Adenauer's principal objectives were realised in the European frameworks; and to demonstrate the importance of European integration for the Germans. As mentioned previously, the FRG's objectives in Europe were political, economic and foreign policy related.

### **3.2.1 THE POLITICAL SIGNIFICANCE OF EUROPEAN INTEGRATION**

Germany's defeat in World War Two had led to a change in Germany's standing in the international system. Not only had Germany been divided but it had also been completely discredited. The war resulted in a loss of Germany's traditional power base in Central Europe. Having been divided and then de facto occupied, Germany had also lost its freedom of independent action. In the period immediately after division, the FRG had restricted and revocable measures of sovereignty; being controlled essentially by the Allied High Commission. Hence, the FRG had to explore alternative solutions, which would enable the FRG to gain some of trappings of a sovereign state. The FRG had to be reintegrated into the international system and accepted as a credible partner. In other words, the Germans had to build up credibility and reliability in international politics. (Bulmer & Paterson, 1987: 7) Thus, European integration enabled the FRG to achieve national sovereignty and international respectability. The FRG was gradually able to restore sovereignty by being admitted to the ECSC. European integration was of mutual benefit. The Germans obtained

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Trade Unions (Deutscher Gewerkschaftsbund) (DGB), but this was by no means unanimous. Fears about unemployment were amongst the main concerns of the Trade Unions. As far as the political parties were concerned, the CDU, who were in government during the negotiations, were most in favour of the ECSC. The FDP took the middle ground, concerning themselves with the worries of industry but at the same time sanctioning ratification. The SPD vehemently voiced its opposition to the ECSC. The SPD's opposition was largely based on emotional and nationalistic grounds. The SPD were worried about the impact that the ECSC would have on the objective of German reunification and how the ECSC would institutionalise French hegemony. (Feld, 1981: 29-32) For a detailed analysis of the Germany attitude towards the establishment of all three Communities see: (Feld, 1981: 29-42)



sovereignty and their partners were able to secure assurances of good behaviour from them in return. (Bulmer, 1989a: 211) European integration worked in favour of the FRG. The Germans, devoid of sovereignty due to the atrocities of the Third Reich, were able to work within multilateral frameworks and to achieve objectives. European integration was the vehicle through which Germany was able to achieve equality with its partners in Europe. As Bulmer notes, European integration aided the Germans in, "obtaining international acceptance as an equal of France, while gaining some, if not complete, control over the coal and steel industries which had been under allied control." (Bulmer, 1989a: 212). Bulmer also argues that the Germans were mainly in favour of European integration because it facilitated the progression of the FRG, "from a position of dependence to interdependence." (Bulmer, 1989a: 211) The European frameworks acted as "an arena of co-operation"<sup>6</sup> which allowed the FRG greater freedom of manoeuvre in international affairs. Grosser argues that, "For Germany it was easier to give up rights that she had not yet regained than for her neighbours to abandon those they still possessed." (Hendriks, 1991: 11).

Hrbek suggests that European integration assisted the development of the Federal Republic as a democracy. He argues that integration helped to ground basic human rights, democracy, social justice and the rule of law as the foundation of the Federal Republic. (Hrbek, 1986: 27-28)

Hrbek also contends that European integration ensured peace and security in Europe. This was a major priority for the Federal Republic; having been through two world wars. The project of European integration excluded a defence component, particularly after the failure to ratify the EDC in 1954. Bulmer and Paterson suggest that in the early stages of the Communities the security aspect was not salient. Hrbek contends that in the early years

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<sup>6</sup> Term coined by Bulmer and Paterson. See: (Bulmer & Paterson, 1987: 7)

European integration led to the formation of a "security community"<sup>7</sup>, as Karl Deutsch saw it. Thus, membership of the Communities had resulted in a degree of "mutual dependence" which ruled out the prospect of military conflict between the six member states. (Hrbek, 1986: 27)

Thus, Adenauer's conscious emphasis on European integration bore ample dividends. Hendriks argues that for the Germans integration was a means to an end. She suggests that this was a calculated move on the part of the Germans. "In accepting the supervision and control of foreign powers, the FRG made a virtue out of necessity by using the channels thus opened to further its economic, social military and growing political influence." (Hendriks, 1991: 15) Hendriks is not alone, Hrbek<sup>8</sup> and Kirchner<sup>9</sup> also emphasise this point.

It can therefore be deduced that Adenauer's emphasis on integration served his political national interest. Adenauer achieved the solution of the Ruhr and Saar problems, the sensitive issue of German rearmament; he recovered partial sovereignty, and above all he eased Franco-German relations. Adenauer also achieved "recognition in Europe and the world, protection from Soviet aggression (whether real or imagined), and economic recovery in a climate of freedom and reasonable security." (Hendriks, 1991: 15).

### **3.2.2 ECONOMIC SIGNIFICANCE OF EUROPEAN INTEGRATION**

After the war Germany was devastated economically. One of Adenauer's primary objectives was economic reconstruction. The division of Germany had resulted in a loss of agricultural territory in the East and East - West trade had practically halted. Hence, the FRG required a new trading system. Hendriks argues that the Marshall Plan, the foundation of the Organisation

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<sup>7</sup> For a definition of "security community" see Chapter Two. For a further discussion of Karl Deutsch's idea see: (Deutsch, 1957)

<sup>8</sup> See: (Hrbek, 1986: 27)

<sup>9</sup> See: (Kirchner, 1989: 425)

for European Economic Co-operation (OEEC), and the separation of Germany had already prepared the FRG to integrate into the economic system of the West. (Hendriks, 1991: 16)

Bulmer and Paterson argue that the economic and political functions of European integration are interlinked for the FRG. They note that the FRG's economic achievements would have been seen as a threat without the Communities as a forum for political co-operation. (Bulmer & Paterson, 1987: 7) Thus, political co-operation aided economic competition. The European Communities undoubtedly facilitated Germany's economic success. Bulmer and Paterson maintain that the ECSC played a vital role in the rebuilding of trade and industry in the FRG. According to Bulmer and Paterson, membership of the ECSC was crucial increasing the FRG's international economic standing. (Bulmer & Paterson, 1987: 8) They also highlight the contribution of the currency reform, the OEEC and the European Payments Union (EPU) in the FRG's economic reconstruction. (Bulmer & Paterson, 1987: 7) Gisela Hendriks points out that, "the creation of the Community with a tariff-free Custom Union and a market of 322 million people was a crucial factor in Germany's spectacular rise to one of the world's most powerful economic actors." (Hendriks, 1991: 21)

The German economy is undoubtedly the strongest in the EU. Germany's economy is highly dependent on exports. Bulmer and Paterson see the EC as fulfilling two purposes for the FRG: an external and an internal role. Firstly, "the FRG sees the EC as a multilateral force working for global trade liberalisation in its foreign economic policy. Secondly, the FRG seeks to ensure that economic liberalisation is pursued inside the EC's internal market." (Bulmer & Paterson, 1987: 12) The former, according to Bulmer and Paterson, emanates from the FRG's export dependence. The FRG has to take the fluctuations in the international economic system into consideration. The latter can be explained in terms of the EC being the

FRG's dominant trading partner. (Bulmer & Paterson, 1987: 12)

Hendriks adds a purposive dimension to the FRG's economic objectives in the Communities. According to Gisela Hendriks, the FRG used the "Community as a vehicle" to achieve its economic aims. She states,

using the Community as a vehicle, the FRG was able to extend the geographical framework of its economic activities, find new markets, participate in the solution of world-wide problems, secure raw materials and increase its influence in the North-South dialogue. (Hendriks, 1991: 21)

It cannot be denied that European integration facilitated the economic success of Germany and was largely responsible for elevating it to the heights that it has now achieved. Thus, Adenauer was able to achieve his economic aims in the European Communities.

### **3.2.3 THE ACHIEVEMENT OF GERMAN REUNIFICATION**

The aim of reunifying the two divided parts of Germany deserves separate attention. German reunification had an important place in the whole debate about European integration. It remained an important objective for Adenauer and his successors. However, German reunification was also the source of discord between the major political parties. The SPD in particular raised concerns about the membership of the Communities and the diminishing significance of the objective of reunification.<sup>10</sup> German reunification could not be accomplished in the early stages of European integration. Nevertheless, German reunification would definitely not have been a possibility, had the Germans abstained from the project of European integration. Gradually, as the Germans became meshed into the European constellations, conditions were brought about where Germany's partners understood the special nature of the FRG's relationship with the GDR. Furthermore, it was with the support of its partners that the FRG was later able to pursue Ostpolitik (Policy towards the East). German reunification

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<sup>10</sup> This question has been discussed earlier in this chapter.

remained an objective throughout the existence of the FRG, all be it in the background in later years. However, it cannot be denied that this ultimate objective could not have been achieved without European integration. German reunification was achieved forty years after the establishment of the FRG and very much under the "European banner".

Germany's approach to European integration reflects Germany's complex post-war history. European integration was of vital importance for the FRG from the very beginning, notwithstanding discord over the objective of German reunification in the earlier years. Despite the fact that European integration was the only acceptable path for the Germans, the Germans were able to make use of the opportunities that integration presented. By emphasising supranationalism, Adenauer was able to achieve certain political and economic objectives. As Hrbek notes,

As far as West German politicians were concerned their decision in favour of integrating the Federal Republic into Western Europe had been founded on their conviction that integration was not only compatible with the principal objectives of the new West German state but would promote their realisation." (Hrbek, 1986: 27)

Hrbek argues that Adenauer's objectives can be considered national interests and that the Communities helped to realise these national interests. (Hrbek, 1986: 28) Kolinsky adds that, "West Germans tend to support European goals, but their orientation towards Europe has been instrumental. Europe is accepted but not liked." (Kolinsky, 1992: 174) Through European integration, the FRG was able to retrieve sovereignty, gaining equal status among its partners; the Federal Republic was able to effect an economic recovery, elevating it to its present economic heights; finally the FRG attained internal and external stability. The Germans' approach towards negotiations in the Communities was "integration oriented." The Germans would back down in negotiations if there was a danger of impeding integration. Morgan argues that, "in the early years of

the Communities German delegations were under instructions to back down in the event of conflict." (Bulmer, 1986: 16).

### **3.3 THE FRG'S RELATIONSHIP WITH THE EC: THE SIXTIES AND BEYOND**

#### **3.3.1 THE END OF AN ERA AND EUROPEAN INTEGRATION**

Adenauer had been committed to Westpolitik. Adenauer had essentially perceived Germany's interests as being identical to those of Germany's western partners. The foundation of Adenauer's approach to European integration was a solid partnership with France. This would later prove to be detrimental to Adenauer. The actions of De Gaulle in the 1960s embarrassed Adenauer and the German government. De Gaulle went on the offensive against the United States and NATO. He also made clear his intense dislike of the supranational elements of the Communities. His actions in essence almost jeopardised the very foundations of Adenauer's foreign policy; namely Germany's security arrangement with the USA, the friendly understanding with France, reconciliation with France and Germany's commitment to European integration. However, it was De Gaulle's veto over British membership to the EC in 1963 which was the final blow for Adenauer. Despite opposition from other members of the cabinet, namely Erhard and Foreign Minister Schroeder, Adenauer, pursuing a pro-French policy, went ahead and signed the German French Friendship Treaty shortly after De Gaulle's veto of British entry in January 1963. Adenauer's actions were not only a blow for his popularity at home but also for the Community ideal. Feld notes that, "Adenauer's acquiescence to the veto casts some doubt upon his declared high priority of European unification." (Feld, 1981, 48) DIE ZEIT even commented that Adenauer was, "destroying the foundations of European unification." (Feld, 1981: 48)

Thus, as Germany was emerging out of the Adenauer era, there was a diversion from a commitment to supranationalism. Supranationalism was at the heart of the debate when Adenauer conceded to General de Gaulle's

veto on British membership of the EC in 1963. West German elites questioned the supranational dimension of the ECSC, claiming it to be too supranational. The Germans were of the opinion that Germany should be entitled to a more dominant economic position due to its growing economic strength.

### **3.3.2 ERHARD AND THE MOVE AWAY FROM INTEGRATION**

Ludwig Erhard took over as Chancellor after Adenauer's resignation in 1963. Erhard's approach towards European integration differed considerably from his predecessor. Firstly, Erhard had a different style of leadership to Adenauer. Adenauer's term in office is characterised by the term "Chancellor democracy".<sup>11</sup> The Chancellor's position has constitutional backing by virtue of the Chancellor Principle (Kanzlerprinzip). The Chancellor principle, guaranteed by Article 65 of the Basic Law, sets out the Chancellor's Richtlinienkompetenz (competence to set guidelines of policy). This principle identifies the Chancellor's formal authority to set the guidelines of government policy. Thus, Adenauer had constitutional grounding to pursue an active European policy. Adenauer used his Richtlinienkompetenz to the maxim as regards European integration particularly political matters. Conversely, Erhard was a "consensus oriented politician", which meant an increase in ministerial autonomy (Ressortprinzip).<sup>12</sup> The principle of ministerial autonomy empowers individual ministers to formulate their policies and run their own departments. Chancellor Erhard was uninterested in external policy, leaving Foreign Minister Gerhard Schroeder to deal with European policy.

Secondly, whilst Adenauer had a firm grasp of all political matters relating to European integration, Erhard being an economist, was the first to emphasise the economic aspects of European integration. Erhard

<sup>11</sup> The term "Chancellor democracy" was used to denote Adenauer's dominant almost authoritarian style of government. Adenauer's dominance manifested itself by the control he exerted over the CDU, his domineering style as head of government.

<sup>12</sup> The Ressortprinzip is also constitutionally guaranteed by virtue of Article 65 of the Basic Law.

remarked, "For anyone with any insight integration means free and comprehensive competition; it means economic collaboration on a functionally higher level." (Erhard, 1958: 213) Erhard was concerned not with the establishment of institutions but with freedom of movement of goods, services and capital, and with the convertibility of currency. He argued that European integration was seen too much in terms of the creation of institutions; the functional was ignored whilst the institutional was overemphasised. (Erhard, 1958: 217) Erhard felt that political integration may be achieved without the corresponding economic developments. Erhard commented,

I must express my concern that the proper priorities may be lost sight of, and that the political forms of Europe may be settled before equivalent economic integration has been achieved. The great danger still exists today that we all want a free Europe, but that, if politics move forward without corresponding economic developments, a centralism might arise - a centralism which might stifle all that is colourful and different in this old European culture. (Erhard, 1958: 218)

Thirdly, Adenauer had put an emphasis on the Franco-German alliance. Erhard's term in office was characterised by a debate between the Gaullists and the Atlanticists. The former emphasised a policy gravitating towards Europe. The latter were primarily concerned with avoiding any conflict with the United States with respect to foreign policy. Erhard stressed the Atlantic alliance, considering the FRG's dependence on the USA for security. The Gaullists were undermined during this period, given Germany's support for France and supranationalism and De Gaulle's animosity towards the Communities. The "empty chair crisis" and De Gaulle's withdrawal from Community meetings in 1965 meant the integration process had begun to stagnate.

### **3.4 BRANDT AND OSTPOLITIK**

However, it was during his time as Foreign Minister under Kiesinger's Chancellorship in the Grand Coalition, that Brandt began the process of



easing relations with the GDR. When he became Chancellor in November 1972, he focused almost exclusively on one area of foreign policy: Ostpolitik.

His achievements in Ostpolitik almost definitely aided his election victory in 1972. Prior to Brandt's Chancellorship relations with the GDR had been constrained by the existence of the Hallstein Doctrine.<sup>13</sup> Brandt hoped that Ostpolitik would normalise relations with Eastern Europe and particularly achieve some progress on German-German relations. Brandt also wished to reduce the FRG's dependence on the western allies. Thus, the main aim of Ostpolitik was the bettering of relations with the GDR.

Brandt was able to realise his main aims of Ostpolitik. The international environment had changed in the 1970s. The process of European integration had certainly aided that change. European integration had encouraged co-operation between the Germans and the western allies. Hence, the achievement of Ostpolitik had signified a reduction of the dependence of the FRG on the western allies. By the 1970s the Communities had also developed other instruments for an integrated foreign policy. This came in the shape of European Political Co-operation. Collective means of achieving foreign policy goals were particularly important for the FRG. EPC represented a particularly important forum for the FRG to present its own foreign policy goals especially since the ability to pursue goals independently had been destroyed by the Second World War. The European label legitimised German foreign policy initiatives, so that by the early 1970s the Federal Republic of Germany was able to achieve its foreign policy goals. Hendriks argues that, "The European label helped the FRG to be emancipated from....historical burden." (Hendriks, 1991: 23) The European framework had certainly aided Brandt in his pursuit of Ostpolitik. It

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<sup>13</sup> The Hallstein Doctrine stated that the Federal Republic of Germany regarded the recognition of the GDR by another state as an unfriendly act.

is commented in Hendriks, "The attempts of my government for better relations with Eastern Europe would have been impossible without the trusting support in the West - the EC and the Atlantic Alliance." (Hendriks, 1991: 23)

Kirchner argues that the approach to political integration became more realistic with Willy Brandt's Chancellorship. "For him [Brandt], there was no automatic development from economic integration to political integration. Rather, European unification was a dynamic development process which must be a continuing object of political discussion among the participants." (Kirchner, 1989: 427)

### **3.5 HELMUT SCHMIDT**

Following the change of the Chancellor the FRG's position on European integration and role in the EC changed. Schmidt's approach towards European integration was largely a result of changed international circumstances. The oil embargo and the oil price shocks of 1973 and the international recession complicated matters for Schmidt. Bulmer argues that international developments had the effect of increasing, "German preparedness to be assertive in bargaining between member governments in the EC." (Bulmer, 1989a: 218) Paterson points out that Schmidt's approach to European integration was incongruous. Paterson notes that Schmidt's Chancellorship was characterised by interdependence, particularly economic interdependence.

Bulmer argued that the FRG became more assertive. Paterson notes that the Schmidt wavered from this position of interdependence. (Paterson, 1994: 148-149) This was no more significant than in the "paymaster" question where the FRG questioned its budgetary contributions to the European Regional Development Fund (ERDF). The FRG emphasised its "paymaster" role in the EC budget. According to Bulmer, the "paymaster" episode indicated that, "the defence of national interests was being

pursued explicitly." (Bulmer, 1989a: 218) Schmidt, however, also attacked the Commission as inefficient. He accused the Commission of "financial irresponsibility and administrative incompetence". (Paterson, 1994: 149) The solution, therefore, according to Paterson, was to increase the role of the Council.

Conversely, economic interdependence was of primary importance to Schmidt. Schmidt increased economic integration by setting up the European Monetary System (EMS) with Giscard d'Estaing. According to Schmidt, the EMS served two purposes. Firstly, it established an area of monetary stability in Europe. Secondly, the EMS precluded the danger of Germany being perceived as pursuing its domestic objectives too clearly. (Paterson, 1994: 149) Clearly, the Schmidt Chancellorship can be associated with a prevalence of economic integration and an elevation of the importance of the Council. As Bulmer notes, "...the political necessity of integration lost precedence to the need to defend economic and social interests in the diverse activities of the EC." (Bulmer, 1989a: 218)

### **3.6 CHANCELLOR KOHL: THE 1980S**

Kohl's approach to European integration has been mixed. When he came to power in 1982 Kohl adopted Adenauer's European policy as a model, stating that his aim was to advance the union of Europe. In a government declaration in May 1983 Kohl commented, "It is our historical task to take the lead energetically on the road to a united Europe." (Leick, 1987: 55) In a foreign policy speech at the Adenauer Memorial lecture in Oxford in 1984, Kohl stated that he considered national interests as secondary to those of the Community. He asserted,

Since Adenauer, German Chancellors have time and time again refused to place their own national interests, as justified as they might be, ahead of those of the Community. I expressly confess myself to holding this same attitude. (Leick, 1987: 55)

However, Kohl's "European rhetoric" does not seem to correspond to his actions, particularly in the early years of his Chancellorship. In fact, Kohl made little progress in his aim of achieving European unification. On the contrary, Kohl made use of the infamous national veto for the first time in 1985 over cereal prices. Furthermore, Kohl stressed German reunification as an important aim at the 1987 election campaign. "It is the historical task of our generation to strive for a united Germany." (Leick, 1987: 56) Leick argues that alongside the usual 'European rhetoric' has emerged a new 'national rhetoric'. Leick comments,

He [Kohl] no longer defined the location of the Federal Republic in the historical dimensions of European unity, but in the process of German unity. Terms and ideas like patriotism and fatherland and national symbols are being used of course to define one's own location. (Leick, 1987: 56)

Kohl perceived German unification and European unification as part of the same process. German unity could not be achieved without European unity. Indeed, this is what transpired in 1990.

Leick suggests that Kohl has been pursuing national interests over Community interests. Leick suggests that if there was a conflict of interests between Community and national concerns, Kohl would choose the national option. This argument is reinforced by Bulmer who contends that, "the German government's defence of its national interests has become more vociferous, with the result that the Federal Republic is catching up with the masters of the art - the French and the British." (Bulmer, 1986: 16) Leick comes to the conclusion that German European policies lack the enthusiasm of the earlier years. In this sense, the Germans have according to Leick, become a "completely normal nation." (Leick, 1987: 59)

Although, Leick's statements may appear exaggerated; it cannot be denied that Germany's approach towards European integration in the 1980s underwent some change. Kirchner has argued that the earlier parts

of Kohl's Chancellorship were characterised by a degree of ambiguity. He points out that Kohl's stance on Europe lacked "clarity or drive." (Kirchner, 1989: 428) The ambiguous nature of Germany's role in the EC during the 1970s and 1980s caused academics and Germany's partners in the European Community to question the reasons for this decline in support. Kirchner puts forward a number of possible explanations for this change.

Kirchner argues that there was "benign neglect of or disillusionment with" the EC. He further subdivided the Germans' attitude towards the EC into three categories: the Germans were either complacent about the EC, disillusioned with it, or arrogant. (Kirchner, 1989: 429-430) Firstly, Kirchner suggests that the degree of economic success in Germany correlated to its decline in support for European unification. Kirchner argues that economic prosperity in Germany produced a complacent attitude amongst the Germans and led to Europamüdigkeit. Kirchner also argues that Germany's history had the effect of making the Germans too cautious; i.e. less willing to take risks and concentrating more on the present. Kirchner tends to suggest that it was for this reason that the Germans concentrated on economic matters rather than on political ones. Secondly, Kirchner maintains that the Germans were simply disillusioned with the EC. The Germans were far too concerned with budgetary and financial contributions, especially to the poorer members of the Community. The Germans, according to Kirchner, perceived this as a liability whilst still deriving economic benefits from the EC. Thirdly, Kirchner contends that the change in attitude could be accounted for by mere arrogance. Kirchner suggests that the concept of "Model Deutschland" reduced policy attempts for further integration. The FRG became more critical of the economic performance of the other member states, and the Commission was deemed inefficient. (Kirchner, 1989: 429-430) Furthermore, Kirchner suggests that a growing national confidence altered the European Community's importance to the

Federal Republic. (Kirchner, 1989: 425-442)

Hrbek argues that the discussions within the FRG at this time produced diverse opinions. There were, of course, those who followed the argument that there was no other feasible option to the EC. Alternatively, others complained about central policy areas, such as the Common Agricultural Policy, as being wasteful. As argued previously, politicians were critical of the bureaucracy as well as highlighting the "paymaster role" of the Germans. (Hrbek, 1986: 30-32)

Germany's role in the EC became the subject of discussion in many of the member states of the EC. This primarily derived from the economic and social challenges the other member states were confronting. Germany's partners in the EC were critical of Germany's self-proclamation as the "paymaster" of the EC. The other member states argued that the German economy should function as a "locomotive". Rather than decreasing its budgetary contributions, Germany's partners were pushing for a further increase.

The French in particular were concerned about Germany's future. The French fears revolved around a possible reorientation of German loyalties to the East. The French were mainly disturbed by, "tendencies in the Federal Republic to loosen her pro western alignment or even renounce it." (Hrbek, 1986: 29) This is not a new fear on the part of the French; they have previously questioned the "reliability and trustworthiness of Germany as a partner." (Hrbek, 1986: 30)

There were those who emphasised economic arguments. Lankowski put forward the argument that the FRG utilised the economy as a means of economic hegemony. There are those that counter this argument, particularly Bulmer and Paterson who point to domestic and external constraints on the FRG's ability to take an assertive stance in Europe. They utilise other arguments for the German decline in support for the EC.

Bulmer and Paterson suggest that the FRG, "formerly the mainstay of European integration and co-operation, has become a less reliable partner in Community." (Bulmer & Paterson, 1988: 231) They contend that Germany's change in attitude can be attributed to, "the loosely co-ordinated nature of European policy." (Bulmer and Paterson, 1988: 231) Bulmer and Paterson put forward the argument that internal policy-making factors and external factors apply constraints on Germany's capacity to play a principal role in the EC. They argue that the FRG has become a "Sorgenkind" because of its incoherent European policy.

Bulmer and Paterson cite limited Chancellorial authority; sectorisation of policy; Bund-Länder dynamics; and the party politicisation of agriculture as the internal factors which apply constraints on Germany's role in the EU. These internal factors are essentially connected with the policy making machinery. (Bulmer & Paterson, 1988: 231)

Bulmer and Paterson particularly highlight limited Chancellorial authority as an internal factor mitigating against a strong leadership role in the EC. Chancellorial authority is a constitutionally guaranteed right of the Chancellor to set the guidelines for government policy. Thus, the Chancellor has the authority to set guidelines for European policy and pursue an active policy. However, the extent to which this resource is utilised and how much attention is given to European policy is dependent on the Chancellor. Konrad Adenauer, the first Chancellor of the FRG, utilised these powers to the maximum. Since Adenauer however, German Chancellors have not used these powers to the same extent because politicians have tended to be more consensus orientated. Bulmer and Paterson also argue that it is harder to assert Chancellorial authority because of the vast increase in the activities of the EC. (Bulmer & Paterson, 1988: 244)

Furthermore, Bulmer and Paterson maintain that the sectorisation of policy has affected Germany's ability to play a leading role in the EC. The

sectorisation of policy is closely connected with the constitutionally guaranteed right of ministerial autonomy or (Ressortprinzip). The principle of ministerial autonomy empowers individual ministers to formulate their own policies. Thus, when there is a lack of Chancellorial authority, ministerial autonomy becomes more important.

Bulmer and Paterson argue that the existence of the Ressortprinzip and the sectorisation of policy can have positive and negative effects on European policy. On the positive side, "it is easy for policies with a low overall governmental priority to be conducted autonomously from ministerial level altogether." (Bulmer & Paterson, 1988: 246) On the negative side, the existence of ministerial autonomy promotes the development of so-called 'house policies'. This operation of 'house policies', according to Bulmer and Paterson, can affect the coherence of European policy. Ministers begin to formulate policy subjectively and individual policies may conflict with overall European policy aims. Bulmer and Paterson point out that, "In their totality, ...sectorized policy areas may bear an inadequate relationship to the government's stated European Policy." (Bulmer & Paterson, 1987: 25) They note that sectorisation has increased in European policy in the 1970s and 1980s. Bulmer highlights the effect of sectorisation on European policy, particularly in relation to the CAP. The operation of 'house policies' certainly had an impact on the efforts of Helmut Schmidt to reform the CAP and the desire of the BML to increase CAP expenditure, so that the German farmer may exploit all the possible advantages. Thus, the policies of the BML obstructed the attempts of Schmidt to reform the CAP.

Bulmer and Paterson also examine the effect of the relationship between the federal level and the state level: Bund-Länder dynamics. Due to the Federal structure of Germany, the Länder governments play a fundamental role in the policy-making process in Germany. Competence for policy areas is divided between the Federal government and the Länder.



Hence, the Federal government does not have exclusive competence for all the policy areas addressed by the EC. The Länder governments have to be consulted on certain issues. The federal structure of the state leads to further incoherence in policy. Bulmer and Paterson argue that complications in the Bund-Länder relations on European policy constitute, "a serious additional impediment to a German leadership role in the EC". (Bulmer and Paterson, 1988: 250)

The ratification of the Single European Act (SEA) was a clear example of how complications in the Bund-Länder relationship can affect Germany's role in the EC. The Länder saw the SEA as a "threat to their constitutional status". (Bulmer & Paterson, 1988: 249) The SEA allotted responsibility for policy areas under Länder jurisdiction to the EC, without the corresponding involvement of the Länder in the policy-making process. (Bulmer & Paterson, 1988: 249) The federal government was forced to make some concessions before the Länder ratified the SEA. A formal consultation procedure on all issues concerning the EC was set up. As Bulmer and Paterson argue, "...this formal consultation procedure will inevitably slow down the process of European policy-making in the FRG." (Bulmer and Paterson, 1988: 250)

There has tended to be a consensus regarding European policy across the political spectrum in Germany. This consensus has been reinforced by the dominance of coalition governments. However, it has been suggested by some that this was not the case as regards agricultural policy.<sup>14</sup>

Bulmer argues that European policy is formulated in a consensual manner. The "institutional pluralism" in the FRG means that the Federal government has to consider the opinions of the Länder, and the Basic Law provides for ministerial autonomy and an independent Bundesbank. The individual ministries and corresponding interest groups tend to work closely

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<sup>14</sup> The relationship between the various parties with agriculture is examined in Chapter Seven.

together. However, these constitutional and institutional factors also act as a barrier to Germany taking a leading role in the EC. Bulmer and Paterson also cited Franco-German relations and inner-German relations as limiting the extent of German leadership in the EC.

Having considered the various arguments regarding Germany's role in the EC during the 1980s it cannot be denied that Germany's role changed. The Germans were perhaps not as assertive in the hegemonic sense, as Lankowski and Leick would appear to suggest. It can be accepted that the policy-making structures have an impact on Germany's stance in the EC. However, by the 1980s the FRG "had become as assertive a member state as the others." (Bulmer & Paterson, 1988: 239)

Moving on from the 1980s, the Germans remained committed to the EU, but they also continue to derive benefits from it. Kohl's record as far as European integration was concerned improved from the earlier period of this Chancellorship. Kohl was instrumental in the formulation of the Single European Act in 1986. Since German unification was achieved under the European framework, Kohl has maintained his objective of European unification. The EU has seen the implementation of the internal market in 1992. Kohl has consistently stressed the importance of political union as well as economic and monetary union.

### **3.7 CONCLUSION**

This chapter has endeavoured to examine Germany's relationship with the EC from its inception. It has shown how the relationship has changed over the years with different Chancellors. The chapter has examined the Germans' initial motivations behind joining the Communities. The chapter concludes that the FRG has been committed to European integration; concomitantly it has been able to achieve domestic objectives within the European frameworks. The extent to which this has been done has essentially depended upon the Chancellor of the time and the way in which

Germany's relationship has shaped up with the Community. In the years following the establishment of the Federal Republic and throughout the Adenauer era the European Community and the objective of European integration remained at the top of the political agenda. European integration was of economic and political significance. However, once these objectives had been achieved, Germany's relationship with the EC changed. It is argued that as Germany grew more integrated and more confident it became more assertive. This can be seen to varying degrees right from Erhard to Kohl. As time went on doubts were raised about Germany's commitment to the EC and its role within it, both from Germans and Germany's partners. Some agree that there is no alternative to the EC, other criticise some of its policies and institutions. There is no doubt that the FRG has benefited internally and externally from the EC. The Germans remain committed to the EC because it provides a mechanism for solving domestic problems. As the case studies will show, the way in which such solutions are pursued and worked through depends on the policy area concerned.

## **CHAPTER FOUR: GERMANY'S ROLE IN THE EU IN THE POST UNIFICATION PERIOD**

### **INTRODUCTION**

Chapter Three comprised an analysis of Germany's relationship with, and role in, the EC prior to unification. The previous chapter traced the varying contours of Germany's policies in the EC and demonstrated how Germany's objectives in Europe had changed over the last four decades. The chapter concurred with the central contentions of this thesis that Germany remains committed to the EU. However, Germany has simultaneously been able to utilise the EU for solving domestic problems.

This chapter aims to investigate Germany's role in the EU in the post unification period. The chapter traces the changing nature of Germany's role in the EU and the impact of unification on that role. The chapter addresses fundamental issues such as, Has German commitment to European integration oscillated since unification? Are the Germans still willing to work through multilateral frameworks or are they going to turn away from integrated actions towards the pursuit of 'national interests'?

The thesis asserts that Germany will not waver from its commitment to the EU after unification. The Germans are unlikely to turn away from co-operative methods of operation, as these have proved invaluable for the Germans. The EU has been a vital arena for solving domestic problems and this practice continues after unification. In fact, unification has presented the Germans with a whole host of challenges in the domestic sphere. The Germans have, thus, had to look to the domestic arena. Equally, it is not plausible to argue that unification has not had any impact on Germany's standing in the EU. Indeed, Germany's role has become stronger, but certainly not in the hegemonic sense.

This chapter briefly considers the process of unification and the accession of the former GDR to the EU, examining the immediate reactions to that process. The chapter then moves on to survey the available literature on Germany's role in the EU in the post unification period before considering the some of the core contentions of this thesis.

#### **4.1 GERMAN UNIFICATION AND THE ACCESSION OF THE FORMER GDR TO THE EU**

The former GDR automatically became part of the European Union by uniting with an existing member state, the Federal Republic, via Article 23 of the Basic Law. Eastern Germany's accession to the European Union undoubtedly represented a unique case. The European Union faced the unprecedented task of integrating a country which for forty years had a completely different social, economic, political and even military system. Nevertheless, the European Union accepted unification, declaring that it should take place under the "European roof" and furthermore, that it would help to advance the unification of Europe. The Commission President, Jacques Delors, expressed his support for the unification process as early as January 1990. The European Commission's statement on German unification on 3rd October 1990 stated that, "it has ..been the objective of the European Community to bring about German unification as part of the process of European integration." (Commission of the European Communities, 1990: 7)

Despite the member states' acceptance of German unification, there remained an underlying fear about the potential power of a new unified Germany and the role it would play in the EU. These fears emanated partly from historical as well as economic reasons. Shocks waves were felt through the capitals of the member states trying to guess what Germany's future role would be: one of greater dominance or less commitment.

## 4.2 IMMEDIATE REACTIONS

Virtually since the creation of the two German states, its West European partners have been committed to reunification. However, at the same time, it is completely plausible to argue that Germany's West European partners did not consider, nor expect unification as a realistic and immediate prospect. The post-war order in Europe seemed to be firmly in place, and there were no visible signs of it changing. It is therefore not surprising that the Europeans, along with the Germans of course, were slightly taken aback at the turn of events in 1989/90, which set the wheels of unification in motion.

The initial joy at the fall of the Berlin Wall gave way to consternation and growing concern about a possible change in direction by an enlarged Community. The British and the French were able to express their fears most clearly.

German unification and Germany's future role in the EU received a more straightforward response from Germany's smaller western allies. Denmark, the Netherlands and Belgium had no choice but to consent to German unification, since their economies were inextricably linked to the German economy. Furthermore, these states realised that they had no power to change the situation. Consequently, they gave their blessing to German unification, being pursued as part of European unification. A survey conducted by Eurobarometer in December 1989 showed that 76% of the Dutch, 70% of the Belgians and 60% of the Danes were in favour of unification. (Commission of the European Communities, 1989)

The less advanced members of the EU such as Spain, Portugal and Greece feared that the GDR's amalgamation with the Federal Republic would result in a diversion of attention and resources away from their own economic development. This remains a concern to the present day.

Furthermore, the Mediterranean members of the EU were increasingly concerned about Germany strengthening its eastern orientation.

The British and the French reactions to the prospect of imminent unification were ambivalent. The British and French shared concerns about unification. The French and the British had committed themselves to the principle of German unity in the Deutschlandvertrag of 1952. Britain and France retained formal rights in Germany as occupying powers and risked losing them in the event of unification. Moreover, for Britain and France, the problem of adjustment was not just accepting a united Germany, but coming to terms with a Europe without the Cold War confrontation and the semi-sovereign Germany which gave both Britain and France an international standing which their economic position no longer supported.

The then French President, François Mitterand, publicly voiced his concerns about Chancellor Kohl's Ten Point Plan for unification and did not clearly indicate absolute support for the rapidity of German unification after the falling of the Berlin Wall.

The speed at which developments in 1989 and 1990 proceeded and the way in which the Germans handled reunification aroused anxiety from Germany's partners. An advisor to the then Prime Minister Jacques Chirac is cited in a Newsweek article as saying,

The Germans these days resent any restraint from outside. Understandably they feel that the German unification process is their business, as Chancellor Kohl's 10-point plan made clear. They feel that they do not have to consult anybody, nor give any additional 'conditions' or 'guarantees' to anyone...I am also disturbed by mounting evidence of new German assertiveness - some say outright arrogance - which translates at times into neglect of others' legitimate concerns. (Lellouche, 1990: 4)

French fears of German domination centred on economic domination. A MORI poll conducted in January 1990 showed that 55% of those French questioned were worried about economic domination. The French were

concerned about the Germans' lack of enthusiasm for the European integration process, and more specifically German reluctance to accelerate the process to economic and monetary union. The French approach was to tie German unification with an acceleration of the European integration process.

Fears about Germany's possible domination of Europe in the future were raised in Nicholas Ridley's *Spectator* article, where he asserted that the Germans were planning to take over Europe or to create a 'Deutschmark zone'. He believed that Economic and Monetary Union was, "a German racket designed to take over the whole of Europe." (*Spectator*, 14. 7. 1990: 8) He was of the opinion that relinquishing sovereignty would contribute to German hegemony. Ridley's comments are particularly significant because it is generally assumed that his views mirrored those of the former British Prime Minister, Mrs Thatcher, who originally opposed German reunification.

The British government was caused further embarrassment by the leaking of a Chequers memorandum of 25 March 1990 from Mrs Thatcher's foreign policy advisor, Charles Powell. Powell had listed the following characteristics as describing the Germans, "angst, aggressiveness, assertiveness, bullying, egotism, (and) inferiority complex." (Spence, 1991: 2) Powell believed that the Germans were in favour of European integration just to mislead other member states. (Spence, 1991: 2) Powell was of the opinion that the German's belief in European federalism as an alternative option to nationalism was, "not wholly convincing, given that the structure of the EC tended to favour German dominance". (Spence, 1991: 3)

Mrs Thatcher's views on the containment of Germany necessitated a wider and looser EU and a slowing down of the integration process. German dominance "would be diluted by these restrictions on the scope of Community policies and the effects of further Community enlargement."



(Paterson, 1993: 169) Despite the initial resistance to unification, displayed by Mrs Thatcher, and private remarks made by Euro-sceptics, these reactions did not constitute British policy. A good proportion of the establishment in Britain believed that unification was both an inevitable and positive development.<sup>1</sup>

These fears were further heightened by proclamations of the coming of the 'Fourth Reich'. The Irish historian Conor Cruise O'Brien warned that, "In the new proud, united Germany, the nationalists will proclaim the Fourth Reich". (O'Brien, 1989: 18) These arguments were mirrored by Heleno Saña, who believed that the fall of the Berlin Wall had removed the restraints upon Germany. (Saña, 1990: 22)

The reactions to German unification and Germany's role after unification covered a broad spectrum of views. The broad range of reactions by Germany's partners are reflected in the literature on Germany's future role in the EU.

#### **4.3 GERMANY'S ROLE IN THE EU: THE LITERATURE**

Since German unification, five years ago, a considerable amount of literature has been amassed on the subject of Germany's future role in the European Union. A continuum has developed ranging from those that argue that Germany will rise up again and become more "assertive" devoid of the constraints of the post-war order. (Markovits & Reich, 1991; Garton-Ash, 1993 & 1994) Others reject these "hegemonic" arguments, pointing to Germany's commitment to work within multilateral frameworks. (Hodge, 1992; Goldberger, 1993; Paterson, 1993) Those in favour of integration fear that Germany will become less committed to European integration. Advocates of this view suggest that a weaker Germany will lead to a weaker Europe. (Marsh, 1994) Marsh argues that until Germany is united, Europe cannot be united. Some argue that due to the complexities in the domestic

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<sup>1</sup> Interview with unnamed 'top official' in the Foreign Office, London, 16 March 1995

policy process Germany will perhaps become a more “awkward partner” in Europe. (Jeffery, 1995a) Thus, the reactions to German unification and Germany’s role in the EU have been marked by ambivalence and inconsistency. Some fear a more powerful Germany; others criticise the supposed hesitancy of the unified Germany to take on more international responsibility. The aim of this section is to survey the contemporary view on Germany’s role in the EU in the post unification period.

Concern about the unification of Germany and its possible impact on Germany’s future role in Europe lead some academics to raise the question: “Should Europe fear the Germans?” (Markovits & Reich, 1991) Markovits and Reich provide a survey of the differing attitudes to Germany’s future role in the EU. Markovits and Reich divide attitudes regarding Germany into two categories: the optimists and the pessimists.

Markovits and Reich coincide with the optimists to suggest that the experience of the Second World War is unlikely to be repeated in Germany again. It is argued that the factors which produced atrocities such as Auschwitz have been successfully eradicated. Markovits and Reich depart from the optimists view that Germany has virtually no exercise of power. On the contrary, they argue that amongst the factors making Germany powerful in a “hegemonic” sense is its commercialised and democratic nature. Markovits and Reich assert that Germany derives its power from the consensual nature of its politics, which confers a certain amount of legitimacy in the eyes of its partners, and from its markets. (Markovits & Reich, 1991: 2)

Markovits and Reich examine Germany’s influence in Western and Eastern Europe to assert that Germany already has a “hegemonic” role in Europe. They argue that Germany’s power has increased in the EU over the last ten years, benefiting from the EU’s trading relations. Markovits and Reich argue that Germany’s economic success in the EU has provided it

with the means for hegemony in Eastern Europe. They assert that Germany's power will grow with increasing rapidity in Eastern Europe, where fewer institutional constraints exist. In the pursuit of this hegemony in Eastern Europe the Germans will be also be assisted by the cultural legacies there and by the fact that the East Europeans see the Germans as a model for economic and political transformation. Furthermore, Markovits and Reich argue that, once this hegemony has been established in the East, it will "reciprocally help to cement hegemony in Western Europe." (Markovits & Reich, 1991: 2) Markovits and Reich, however, do point out that,

this emerging hegemony will not be the product of purposive, coercive behaviour by the Germans themselves but of the voluntary behaviour of Germany's partners who associate the idea of trade with economic growth. (Markovits & Reich, 1991: 2-3)

Markovits and Reich maintain that Germany's economic influence in the EU is dominant and growing. They base this assumption on the measurement of intrastate trade flows and share of export. Markovits and Reich assert that the Germans clearly benefit from the EU system and that this is likely to carry on in the 1990s. (Markovits and Reich, 1991: 10) Markovits and Reich contend that along with its increasing economic influence, Germany has acquired a potential to set the policy agenda. Markovits and Reich do not refer to political leadership in the conventional sense. The Germans have not traditionally provided political leadership in the EU. Rather Markovits and Reich contend that,

Germany's quiet influence in the EC has grown - largely by virtue of its ideological leadership...the stabilisation of democratic values within Germany and the country's sustained economic successes have enhanced Germany's influence as a political and economic leader in the Community over time. (Markovits & Reich, 1991: 11)

Markovits and Reich argue that the hegemony of democratic values in the West, with the characterisation of Germany as democratic, has served

German national interests because they produced a view of Germany as fragmented, pluralist and hence benign. Markovits and Reich assert that this view of Germany as democratic and benign has complemented German economic interests because it has made sure that German economic penetration has not been regarded with unease. (Markovits & Reich, 1991: 13)

Markovits and Reich also suggest that the ground is ripe for Germany to repeat the experience of the West in the East. In other words that the Germans are set to achieve economic hegemony in Eastern Europe.

Markovits and Reich suggest Europe should not fear the Germans in "the way it once did." In other words that Germany should not be feared militarily. Markovits and Reich argue that the Germans are not 'intent' on achieving economic hegemony, but that this might be the result. Markovits and Reich assert that this belief that German involvement equals prosperity for its neighbours gives Germany a lot of influence whether it wants or not. (Markovits & Reich, 1991: 20) Thus, Markovits and Reich disagree with the pessimistic viewpoint. Rather they argue,

German power will expand inadvertently rather than wilfully, economically rather than militarily. National aggrandisement is not part of the German agenda but will be a necessary by-product of Germany's hegemonic position in Europe. (Markovits & Reich, 1991: 20)

Bruce Goldberger rebukes the central tenets of the Markovits and Reich article by arguing that the Europeans need not fear an economically and politically strong Germany, but quite the opposite that an economically and politically strong Germany is something from which the European partners can benefit. (Goldberger, 1993: 288) Goldberger suggests that Markovits and Reich's perception of Germany's future role in the EU has its grounding in the realist conception of international relations. Goldberger's article 'Why Europe should not Fear the Germans' is an attempt to show how a unified

Germany deviates from the assumptions of realism. He systematically negates the three assumptions of realism<sup>2</sup> as applying to Germany.

Goldberger characterises Germany's relationship with Europe as one of interdependence in which power is shared with multilateral organisations. He argues that the EU's fate would be worse without strong German participation. (Goldberger, 1993: 289)

Goldberger points to Germany's strong Federal tradition and the power of the Länder in the policy-making process<sup>3</sup> as evidence of Germany's divergence from the state centric model of realism. (Goldberger, 1993: 291) Goldberger argues that the task of integrating two different countries has eroded German sovereignty from below; new Länder and interest groups compete for a share of the government's power and resources. Conversely to Markovits and Reich, Goldberger maintains that Europe should not fear a strong Germany, but an ineffective central government which will not be able to meet the demands of all its constituencies.

Goldberger argues Germany does not desire to become a military power. Markovits and Reich acknowledge that Germany is unlikely to become a military power, but rather point to Germany's economic power. Goldberger makes the point that Germany's economic might emanates from independent corporations, not from the central government. Goldberger contends that Germany is a power in economic terms but that

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<sup>2</sup> See Chapter Two.

<sup>3</sup> The ratification of the SEA and the Maastricht Treaty presented the Länder with the opportunity to increase their leverage in European policy decisions, as both the aforementioned treaties could not be ratified without the consent of the Länder representatives. The most visible gains of the Länder include the constitutional changes of December 1992, particularly to the insertion of Article 23, otherwise known as the 'Article on European Union', and the adoption of the 'Law on the Co-operation Between the Federation and the Länder on Matters relating to the European Union'. Article 50 of the Basic Law was also amended. Goetz argues that the changes to articles 50 and 20 are most important. In doing so, Goetz states, "for the first time the Basic Law acknowledges the right of the Länder to participate in legislation and administration concerning EU matters; this gives a clear constitutional foundation to long-held claims by the Länder". (Goetz, 1995: 106) Article 23 increased the participation of the Länder. Hence, the implementation of the Maastricht Treaty and the new measures agreed within Germany as part of the national ratification process gave the right to be consulted on important European policy decisions. For a fuller discussion of the role of the German Länder in the EU see: (Jeffery, 1996) and (Goetz, 1995).

this power has been contested by unification. He maintains that Germany is economically weaker due to unification. Goldberger quotes Fedorov,

There are many indications that unification tends not only to destroy the added potential but to impair somehow the West German economy, which already lags behind its Japanese counterpart. (Fedorov, 1992: 93)

Goldberger criticises Markovits and Reich's notion of cultural hegemony. He argues that the widespread learning of German in Central and Eastern Europe does not constitute cultural hegemony but a pragmatic approach to business with Germany and Europe. (Goldberger, 1993: 299)

Goldberger criticises the implication in Markovits and Reich's article that Germany is an economic hegemon which is set to conquer Eastern Europe. Once this domination has been cemented Germany will utilise this power against the other EU states. Goldberger argues that the East European states seek to, "emulate the values of democratic federalism and social welfare." (Goldberger, 1993: 300) Furthermore, the Germans show no sign of wanting to turn their backs on the EU.

Goldberger puts forward the view that a strong Europe needs a strong Germany. Goldberger asserts that the more Germany works within the EU the more autonomy it loses.

Markovits and Reich replied to Goldberger's critique of their article.<sup>4</sup> Markovits and Reich argue that Goldberger has wrongly characterised their view of Germany's relations with the EU as realist. Rather Markovits and Reich assert that their original article sought to criticise structural theories such as realism. (Markovits and Reich, 1994: 130-132)

Karl Kaiser's view about post unification Germany concurs with that of Goldberger, characterising Germany's relationship with the EU as interdependent. Karl Kaiser argues that the unification of Germany has by no means produced a state, with its newly acquired sovereignty, which can

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<sup>4</sup> For a critique of Goldberger see: (Markovits & Reich, 1994: 129-132)

pursue its national interests. Rather Kaiser advocates continuity in German relations with the EU. He argues that the unified Germany will continue with the fundamental principles of foreign policy of the old Federal Republic. Furthermore, he contends that Germany is a state which in many ways is bound up in bilateral and multilateral relations. He characterises Germany's relations with the EU as interdependent. (Kaiser, 1992: 266) Kaiser contends that Germany will exercise more responsibility in Europe, but not on its own. (Kaiser, 1992: 267)

Carl Cavanagh Hodge contends that fears about Germany playing a hegemonic role in Europe are erroneous. Hodge asserts that the analogy of Germany as an economic giant but political dwarf has meant that the way in which Germany has been able to utilise multilateral frameworks to further its political influence in Europe has been overlooked. (Hodge, 1992: 223) He argues that a re-examination of Germany's relationship with Europe and the disposal of this giant-dwarf characterisation is long overdue.

Hodge asserts that those who warn about a resurgent Germany ignore the constraints under which foreign policy is made. Hodge emphasises the benefits Germany has achieved through multilateralism. Furthermore, He argues that Germany's long term commitment to integration has itself restrained Germany's freedom of action in political affairs. Hodge points to the nature of domestic politics in Germany as a constraining factor on any potential German dominance. Hodge cites the Federal structure of Germany as mitigating against the accumulation of power by central government.

He also stresses the role of the Länder in the making of European policy. Despite the establishment of information offices in Brussels the relationship between the Federal authorities and Länder remain congenial. The strategy has been to avoid open conflict by maintaining joint competence. The incrementalism with which individual ministries in Bonn operate as regards European policy militates against any one being able to

steer European policy in a particular direction. The result is often an array of 'house policies' which are different to the government's European policy. Policy decisions tend to be sectorised, an argument which ties in with a central theme of this thesis. There is also consensus on European policy across party lines. The domestic structures of policy-making in Germany act as a substantial constraint on any German dominance. Hodge maintains that the future direction of Germany's role in the EU will be determined, as before, by Germany's corporate sector. (Hodge, 1992: 226-234)

In the post Cold War era Germany finds itself in an unaccustomed role as the "architect of foreign relations". (Hodge, 1992: 234) Hodge argues that the source of its strength has been the corporate conglomerates. Hodge makes the point that the interests of these corporations have been in the West and that a reorientation to the East is unlikely. (Hodge, 1992: 235) Hodge argues that Germany's adjustment to its new role in Europe is likely to be awkward.

Paterson argues that there exists in Germany a "leadership avoidance reflex" by West German governments. This combined with the nature of policy making in Germany mitigates against the rise of German power. Paterson outlines the arguments which negate the expectation of German dominance. Chancellor Kohl's position on Europe remains consistent. Kohl continues to advocate deeper integration and further enlargement. The mechanics of policy making in Germany remain the same where individual ministries retain considerable autonomy over their respective policy areas. The new Germany remains a Federal state organised along the same lines as the old Federal Republic where power and competencies are shared with the Länder. This according to Paterson reduces the opportunity for Germany to exercise "purposive dominance." (Paterson, 1993: 167) The Länder remain active in European policy after unification.



Paterson argues that Germany will remain a leading economic power and that Germany will derive a certain amount of influence from this economic strength. At the same time Germany's economic strength has been limited as a result of unification and this will lead Germany to cooperate with its European neighbours. (Paterson, 1993: 170)

Bulmer concurs with Paterson arguing that Germany's economic and political strength will increase due to unification. However, Bulmer utilises the neo-institutional approach to argue that Germany will remain a "constrained and contained" power. Like Paterson, Bulmer cites the domestic structure of EC policy-making as constraints against the rise of German power. (Bulmer, 1993: 75-83) Bulmer argues that Germany has moved from a position of dependence to one of interdependence as regards relations with the EU. Bulmer maintains that these constraints have continued after unification.

Reinhard Rode has also examined Germany's role in the EU through an economic lens. Like Hodge, Rode agrees that it is Germany's economic strength which provided it with a leading role in the EU. Rode believes that the unification of Germany and the collapse of the Soviet empire will provide Europe with the chance to become the world leading economic power again. (Rode, 1991: 230) Rode argues that Germany has not accepted its greater role in economic affairs as a triumph but rather with a feeling of dizziness. (Rode, 1991: 230) He argues that a solo attempt by Germany would not only prove to be costly for Europe, but that economically it would be a completely inane for Germany. As for Germany's economic power increasing after unification, Rode argues that unification has increased Germany's economic potential. Rode does, however, point out that West Germany was already the dominant economy in the Community of twelve. He believes that Germany will also remain a regional "economic hegemon" in an enlarged EU. (Rode, 1991: 236)

Rittberger characterises Germany as,

nicht mehr, aber nicht weniger als eine inter- und transnational kooperierende, europäisch integrierte Demokratie und Marktwirtschaft, die selbst in Europa eher 'kollegial' denn 'direktorial' zu agieren gehalten ist.<sup>5</sup> (Rittberger, 1992: 215)

Others have argued that the degree of economic integration envisaged at Maastricht would preclude any real possibility of German domination. The result would be a "Europeanised Germany", and not an isolated power wanting domination. (Merkl, 1993: 394)

Huelshoff highlights the domestic dimension of Germany's role in the EU. Huelshoff argues that in Germany there exists both mass and elite support for integration, which disposes domestic debate towards co-operation in the EU. Huelshoff believes that in general the Germans are "good Europeans" partially because their values and interests are in that direction and also because the state encourages co-operative decision-making. (Huelshoff, 1993: 309)

It is an oversimplification to categorise Germany as either "assertive" or "benign". My contribution to the debate varies somewhat from the above contributions. The argument presented here can be placed at a midpoint in this continuum of extremes; of assertive and hegemonic interpretations on the one hand, and completely compliant with no change after unification on the other.

The thesis concurs with the view of Markovits and Reich to argue that Germany no longer represents a military threat in the EU. Rather Markovits and Reich highlight the importance of Germany's economic strength and the power that Germany derives from its leading economic position in the EU. It is clear that concern about German hegemony or dominance in the last years of the 20th century is not military but rather economic in nature.

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<sup>5</sup> Author's translation, "[being] neither more nor less than a democracy and a market economy, which is integrated into Europe and co-operates on inter- and transnational levels. Even within Europe Germany is required to operate in a 'co-operative' rather than a 'directorial' manner."

Ludlow has noted that the European Monetary System was the sector where the Germans most clearly pursued any kind of leadership in the EC. (Ludlow, 1982: 290) Bulmer further argues that, "the EMS affords clear sectoral evidence of German hegemony in the EC." (Bulmer, 1993: 86)<sup>6</sup> Germany was a powerful player in the EU prior to unification by virtue of being the 'economic powerhouse' in EU. Undoubtedly, Germany's economic strength is inevitably going to be a source for an enhanced role.<sup>7</sup> This thesis rejects this hegemonic notion of Germany dominating the EU. The thesis, however, does not concentrate on the economic dimension of German power. Several studies have already attempted to analyse unification and the German economy and the ensuing implications for Germany's role in the EU.<sup>8</sup>

The thesis coincides with those writers who characterise Germany's relationship with the EU as interdependent.<sup>9</sup> Hence, the thesis rejects the realist conception of Germany as a dominating power.<sup>10</sup> The Germans are committed to the future progression of European integration. The Germans have worked within multilateral frameworks to derive influence over issues and will continue to do so after unification. Multilateral frameworks have born dividends for the Germans in the past. The thesis rejects the idea that Germany's role has not changed after unification. The Germans have

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<sup>6</sup> Several writers challenge the view that Germany acts as a hegemon in the EMS. Smeets (1990) argues that German dominance in the EMS is not proven. McNamara (1994) questions the traditional conceptions of hegemony as defined by Keohane as applying to German actions in the EMS. McNamara states that hegemonic stability theory does not encapsulate German power in the EMS. Kurzer and Allen (1992) argue that the capacity or inclination of Germany to exercise hegemony over its neighbours is misplaced. They cite three primary reasons for this conclusion: (1) the government miscalculated the costs of unification and the institutions resources required to integrate eastern Germany; (2) the nature of German institutions means that it is difficult to impose on neighbours; (3) the institutions established by Germany's neighbours may be similar to the German model, nevertheless they are particular to each of these countries. However, Kurzer and Allen do argue that if a trend is visible it is restricted to the monetary-economic arena.

<sup>7</sup> See: (Bulmer & Paterson, 1996; Rode, 1991)

<sup>8</sup> See: (Kurz, 1993; Wallach & Franciso, 1992; Ghaussy & Schafer, 1993; Welfens, 1992)

<sup>9</sup> See: (Kaiser, 1992; Goldberger, 1993; Hodge, 1992; Bulmer, 1993)

<sup>10</sup> As the case studies will show the nature of policy-making in Germany means that the government cannot act as a unitary actor. The Federal structure of Germany, the role of the Länder in the policy-making process mitigate against realist conceptions. The case studies will demonstrate that other key actors in the policy process are of equal importance.

acquired a “new” role after unification; but the Germans have also inherited a whole host of challenges in the domestic arena.

Thus, in summary, the thesis argues that Germany will remain committed to the EU. The Germans will continue to co-operate and work within multilateral frameworks. The EU is an important arena for solving certain domestic objectives. In policy areas of interest, the Germans will indeed take a pro-active stance to pursue policy solutions which are beneficial to them. Thus, in certain policy areas the Germans may pursue an independent line. However, pursuing objectives in European frameworks is not seen as fundamentally contradictory to Germany's overall ‘European’ stance. The Germans have the capacity and potential to set the policy agenda in their favour. Unification has strengthened Germany's role in the EU, but Germany has acquired many problems domestically, which have forced the Germans to become inward looking, at least in the short-term.

#### **4.4 GERMANY AND THE EU: CONTINUED COMMITMENT TO INTEGRATED ACTIONS OR THE PURSUIT OF NATIONAL INTERESTS ?**

The thesis contends that Germany will remain committed to the EU.<sup>11</sup> It is also maintained in the thesis that the Germans are unlikely to move away from integrated actions in the pursuit of some ‘national interest’ in the hegemonic sense. The Germans have worked within multilateral frameworks and will continue to do so. The integration process has born dividends for the Germans in the past, why should this process not continue?

Germany's defeat in the Second World War not only led to the establishment of a whole host of multilateral frameworks in which the nation state was no longer the primary actor, but the outcome of the war also ensured that Germany was firmly anchored in these multilateral frameworks. Multilateralism became the hallmark of Germany. It is

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<sup>11</sup> This contention is examined in depth in the next section of this chapter.

important to point out that the Germans did not have a choice after the War, independence was not an option for the Germans. Hence, they have become "committed Europeans". In any given area the Germans would simply opt for the European option rather than the national. Thus, the Germans were able to profit from a necessity. As Michael Sturmer notes,

The only option left open to Germany [after 1945] was to play the western game, to be the most European nation, and to translate Germany's geostrategic position into political negotiation power. (The Spectator, 21.07.90: 14)

The Germans were able to realise their major objectives by working within integrated frameworks.<sup>12</sup> Garton-Ash argues that there was an instrumental value to Germany's Europeanness. He asserts that, "...in part this has been the pursuit of national interest in the European guise." (The Spectator, 21. 07. 90: 14)

#### **4.4.1 THE GERMANS AND THE DEBATE ABOUT 'NATIONAL INTERESTS'.**

The question of German 'national interests' is an important and interesting one. The term 'national interest' is highly contentious in the German context. The idea of Germany with any coherent national interests invokes a negative vision of Germany as a hegemon dominating the EU. This underlies the question posed in many states of the EU, all be it in the press, of a European Germany or a German Europe. However, the existence of domestic objectives or 'national interests' does not imply hegemony or dominance. The pursuit of certain domestic objectives in the European frameworks does not imply turning away from multilateral frameworks. The picture is not clear cut; member states are able to pursue domestic objectives within the EU framework.

This whole question of German 'national interests' has been debated extensively in the literature. There are those that point to the existence of

<sup>12</sup> Chapter Three contains an analysis of Germany's principal objectives in the integration process in the post war years and a historical analysis of how Germany was able to solve domestic problems in the EU.

national interests, but as being beneficial for the integration process. Others suggest that Germany has difficulty in defining its interests clearly and that it needs to define them more independently. It is argued that Germany needs to do this due to its elevated position in the international community. Others categorically refute the notion of a defined national interest within Germany.

Hrbek and Wessels present an interesting argument pointing out that national interests can have a positive effect on the integration process. They contend that national interests do not necessarily have to be a source of friction which hinders the integration process; rather they can provide a boost to the integration process. Hrbek and Wessels state,

...nationale Interessen spielen bei Integrationsprozessen eine wichtige Rolle. Sie dürfen nicht nur als Störfaktor, der Integrationserfolge behindert, sondern müssen als eine Grösse, die Integrationsimpulse gibt und das Ausmass möglichen Integrationsfortschritts absteckt, gesehen werden.<sup>13</sup> (Hrbek & Wessels, 1984: 36)

Hrbek and Wessels also maintain that national interests have always been at the centre of Germany's European policy.<sup>14</sup> (Hrbek, 1986: 27-28) Hrbek and Wessels claim that integration was possible because the process of integration promised to advance or promote specific aims and interests. (Hrbek & Wessels, 1984: 31) Hrbek and Wessels contend that Germany became the European "Musterknabe" (perfect model) because integration promised to advance and realise specific German concerns. (Hrbek & Wessels, 1984: 37) Garton-Ash adds that, "German diplomacy has excelled at the patient, discreet pursuit of national goals through multinational institutions and negotiations." (Garton-Ash, 1994: 71) Hendriks questions whether traditional aims of member states had been sacrificed for the overall aims of the Community. In her examination of the

<sup>13</sup> Author's translation, "...national interests play an important role in the integration process. They must not only be regarded as a source of friction which can hinder the success of integration, but they need to be acknowledged as a significant factor which gives an impulse to and determines the extent of the integration process."

<sup>14</sup> The pursuit and achievement of 'national interests' in the EC since its establishment is examined in Chapter Three.

Common Agricultural Policy and European integration Hendriks sought to determine whether the creation of supranational institutions had given German domestic interests a European rather than a German orientation. Hendriks comes to the conclusion that national interests continued to be pursued in the EU and that national interests had not changed a result of the creation of the EU. (Hendriks, 1991: 215-233) Garton-Ash further notes that there has been a fusion of German and European interests. It is not simply the case that the Germans are pursuing national interests in Europe's name. There has been a lot of real commitment to European integration and as a result, German policymakers have on occasions had problems in differentiating between German and European interests. (Garton-Ash, 1994: 71)

Bertram argues that the loosening of western structures such as NATO and the EU after the end of the Cold War will accentuate the position of the more powerful members of the international community. He points out that with this elevated position Germany will have to learn to define its interests more independently. (Bertram, 1994: 92-100) Hans Peter Schwarz echoes this point but further adds that, "A clearer and more precise definition of German interests does not mean giving up established confederations or paralysing them with intransigent demands." (Schwarz, 1994: 118) Marsh argues that the Germans have stood for their national interests more directly and openly. However, the Germans have great difficulty in deciding what constitutes their national interests and hence convey confusing messages to their partners. Marsh argues that the Germans will have to admit that German unification is a priority over European unification. (Marsh, 1994: 169-176)

Conversely, Bulmer and Paterson reject the notion that Germany has a defined national interest which it seeks to pursue in the European arena.

They argue that the complexities of the domestic policy process mitigate against the German state behaving as a coherent actor.

#### 4.4.2 DO THE GERMANS HAVE A CLEAR 'NATIONAL INTEREST'?

In a speech in March 1995, the President of the Federal Republic, Roman Herzog, clarified the existence of a set of German interests. He stated that it made no sense to hide this. He believed that Germany's partners would not believe them anyway. "Es hat keinen Sinn, das verschweigen zu wollen. Unsere Partner würden uns ohnehin nicht glauben..." <sup>15</sup> (Herzog, 1995: 9) However, an acknowledgement of the existence of German interests does not correlate with aggressive or assertive behaviour. Herzog also noted that the fundamental characteristics of German politics would not change. Herzog was referring to the Germans moderate manner, their ability for dialogue and their readiness to compromise. (Herzog, 1995: 10) It is important to point out that the presence of German interests does not conflict with Germany's overall 'European' approach to the EU, neither does it equate to a desire to dominate the EU. The CSU Party Chairman and Finance Minister, Theo Waigel, announced in an interview in Focus that it was impossible to talk openly about German interests during the time of Genscher. However, according to Waigel, five years after unification the situation has changed. (Focus, 1995: 53) He asserts that the German government has to define German interests and their focal points for European policy. Accordingly, Germany has a set of national interests. <sup>16</sup>

What are Germany's interests in the international arena after unification? The Germans have an overriding set of broad objectives such as to contribute to the spread of democracy to all parts of the world; to assist

<sup>15</sup> Author's translation, "It is pointless to deny this. Our partners would not believe us anyway."

<sup>16</sup> The view was confirmed in interviews conducted in Germany. A representative from the Ständige Vertretung commented, "Natürlich hat Deutschland 'nationale Interessen', die sind politisch.....ökonomisch." Author's translation, "Of course Germany has 'national interests', those are political....economic." An interview with an unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994



in the building up of the United Nations to a real political system; to help provide a new basis for the Atlantic Alliance and, of course, to complete the process of European integration. (Herzog, 1995: 9)

German interests lie within the realm of the EU. The Germans have a fundamental interest in the political integration of Europe. Connected to this point is the German demand to extend the EU eastwards. Political, economic and security protection in the countries neighbouring Germany is an important matter of concern for Germany. The Germans feel that any instability in this region could have negative consequences for themselves. Thus, it is argued by the Germans that the organ which has maintained stability in the West should be extended eastwards. Germany's set of foreign policy objectives extends to good relations with Russia which it perceives as a vital interest. The Germans posit the argument that these are objectives which cannot be achieved alone; hence they are more prepared to work within multilateral frameworks such as the EU to attain policy solutions. "Deswegen sind wir so bereit, im Aussen- und sicherheitspolitischen Bereich die Integration voranzutreiben."<sup>17</sup> In certain policy areas the Germans are more prepared to work within multilateral frameworks such as the EU.

Obviously, the Germans have certain economic interests. Firstly, the Germans wish to maintain a dynamic economy, bringing about the same economic standards in the East. Secondly, the Germans want a stable currency market in Europe. Hence, the provisions pertaining to currency union in the Maastricht Treaty are essential for them. Thirdly, the Germans have to make sure that sufficient capital transfers take place to the East.<sup>18</sup> As the largest exporting nation in Europe, Germany has a special interest in

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<sup>17</sup> Interview with an unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "That is why we are willing to hurry along integration in the areas of foreign and security policy."

<sup>18</sup> Interview with an unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994

the trouble free functioning of the internal market and its expansion eastwards. The efforts of Chancellor Kohl and the Federal government to stick to the timetable for economic and monetary union and the continuing advocacy for eastern enlargement display the priority of these issues for the Germans. Chancellor Kohl has highlighted the importance of monetary union in achieving an ever closer union and for the future progression of European integration. Kohl perceives monetary union as playing a fundamental role in the EU of the future; he sees the single currency as the linchpin for political integration. Kohl has even gone so far as to equate the lack of monetary union with the possibility of war in Europe in the future.

Europe could see the re-emergence of old rivalries, leading to hostility, even war. This is not a threat that Germany will wage war on its neighbours, but a prediction that an un-unified Europe will be a divided, squabbling Europe. (Economist, 13.01.96)

A particular area of concern is Justice and Home Affairs <sup>19</sup>, particularly in controlling migration and reducing numbers. Germany is directly confronted by the flow of migrants from the East. <sup>20</sup> Indeed, the Germans have a common immigration and asylum policy at the top of their agenda. There appears to be a consensus across the political spectrum on the need to control migration. <sup>21</sup> The Germans take the view this problem cannot be solved alone. Solution of this problem requires considerable joint effort on the part of the EU. National and independent policies do not go hand in hand with the lifting of internal borders. The Germans want their partners in the EU to take their share of the burden of asylum seekers. It could be

<sup>19</sup> This issue is examined in greater depth with regard to the main contentions of the thesis as part of the case study on migration in Chapter Five.

<sup>20</sup> The intensity of the migratory flows from East to West has increased considerably since the unification of Germany. The easing of travel restrictions in central and East European states; the collapse of communism in the East and the difficult political, economic and social transitions occurring in these post-socialist states has contributed to the rise in the numbers of people entering Germany. In 1992 prior to the 'Asylum Compromise', 438 191 had entered Germany. (Die Beauftragte der Bundesregierung für die Belange der Ausländer, 1994: 34-37)

<sup>21</sup> The urgency of solving the migration dilemma is apparent in literature from both the major parties and speeches by MEPs. (Herzog, 1995; Vorstand der SPD, 1993; Hintze, 1995; CDU, 1994a; CDU, 1994b; CDU, 1994c)

suggested that the fear of future migration is a key reason for the Germans' eagerness on Eastern enlargement.

The term 'national interests' is problematic in the German context. It is clear that the Germans have a set of domestic objectives which can be better achieved at the European level. However, it is important to point out that having a defined set of domestic priorities does not equate to hegemonic behaviour or a renunciation of multilateralism, primarily because multilateral frameworks have served German interests.

The Germans admit that collective action in European frameworks has served German interests. "Gemeinsame europäische Politik im Geiste der Partnerschaft und Freundschaft dient auch deutschen Interessen." <sup>22</sup> (CDU, 1994c: 2) This argument is reiterated by Langguth who argues that all fundamental German interests can only be solved by concerted action on the part of all European states.<sup>23</sup> (Langguth, 1993: 19)

The thesis contends that the EU provides an important arena which can be used to solve domestic problems. (Hrbek, 1986: 19-44) Intergovernmentalist interpretations of the role of member states in the EU concur with this contention. Intergovernmentalism highlights the way in which national governments and politicians can utilise European frameworks to solve domestic problems. However, intergovernmentalism does fail in that it places too much emphasis on the role of national governments. This thesis argues that in certain policy areas it is more politically viable to work in the European context. Milward argues that certain policy objectives are better advanced through international institutions and that member states will use these frameworks to pursue these objectives. (Milward, 1993: 21) Paterson adds that, "the Community...provides a more acceptable framework for a number of pressing German concerns, ..than

<sup>22</sup> Author's translation, "Joint European policy in the spirit of partnership and friendship does serve German interests."

<sup>23</sup> Langguth states, "Alle wesentlichen deutschen Interessen können nur noch in einer konzertierten Aktion der europäischen Staaten gelöst werden." (Langguth, 1993: 19)

any other conceivable arrangement.” (Paterson, 1993: 172) There are certain problems which can no longer be solved nationally. “Wir haben auf der einen Seite Probleme, die national nicht mehr lösbar sind.” <sup>24</sup> As mentioned previously in this chapter migration is one of those pressing problems which can be better solved at the European level. <sup>25</sup> The Germans have continually attempted to seek transnational solutions to migration questions. It is argued by some that Germany’s important domestic interests can only be solved transnationally. “Unser Devise ist, ....dass heutzutage wirklich wichtige National interessen nur transnational gelöst werden können. Das heisst, der alte klassische Nationalstaat kann diese auch gar nicht mehr lösen.” <sup>26</sup> Hence, it is claimed by some that Germany can only solve its major problems in the European context.

Thus, we have ascertained that Germany has a set of domestic priorities, but that does not mean that Germany will be turning away from integrated actions. International fora such as the EU have been beneficial for the Germans; they have been able to achieve these domestic priorities through joint action in the EU. Reference to this stance is continually made in German documents. In a document outlining the objectives and key issues of the German Presidency in the latter of 1994 it is clearly stated that, “the only way to secure major national and shared interests is through joint action or co-ordinated national action within the European framework.” (Ständige Vertretung der Bundesregierung bei den Europäischen Gemeinschaften, 1994: 2)

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<sup>24</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author’s translation, “On the one hand we have problems which can no longer be solved at the national level.”

<sup>25</sup> The migration case study is examined in greater depth in Chapter Five.

<sup>26</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author’s translation, “Our maxim is.....that nowadays really important national interests can only be solved transnationally. That means that the old classical nation state cannot possibly solve them any more.”

#### 4.5 GERMAN COMMITMENT TO EU

In the preceding section we have ascertained that Germany continues to emphasise multilateral frameworks. The thesis contends that Germany will remain committed to the EU. It is argued that Germany's general approach to the EU has not changed as a result of unification. A senior official in the German Foreign Office stated, "Die Deutsche Europapolitik hat sich durch die Wiedervereinigung überhaupt nicht geändert."<sup>27</sup> Citing the words of Thomas Mann this official remarked that, "We want a European Germany, not a German Europe". He argued that the principle of a 'European Germany' had underpinned German policy towards the EU from the beginning. He added that this guiding principle had not changed since unification. These comments were mirrored by a representative from the German Permanent Representation in Brussels. He pointed out that, "Die Einbindung Deutschlands in die europäische Integration ist eine Konstante der Deutschlandpolitik geblieben."<sup>28</sup> The EU has acquired a special significance for Germany. This thesis argues that EU has not lost its significance for Germany. Emil Kirchner aptly states,

in the age of German unification...the special relationship with the European Community will lose nothing of its economic and political importance. (Kirchner, 1991: 149)

The establishment of a united Europe remains enshrined in the constitution after unification.<sup>29</sup> The Treaty establishing German unity alludes to this commitment. Through German unity the Germans wish to, "contribute to the unification of Europe and to the building of a peaceful

<sup>27</sup> Interview with unnamed senior official in the Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "German European Policy has not changed at all due to unification."

<sup>28</sup> Interview with unnamed senior official in the Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "Germany's integration into European Union has remained a constant of German policy."

<sup>29</sup> The German Constitution, the Basic Law, includes a clause requiring the state to pursue European integration.

European order". (Press and Information Office of the Federal Government, 1991a: 71)

#### **4.5.1 THE ROLE OF THE POLITICAL ELITE**

The political elite in Germany has continually emphasised Germany's commitment to the EU and the further progression of integration after unification. The role of Chancellor Helmut Kohl has been fundamental in demonstrating Germany's continued commitment towards the EU. At the time of unification Chancellor Kohl made it clear that German unity would take place under the European framework, and furthermore help to advance the unification of Europe. In a policy statement in the German Bundestag on the signing of the Treaty on German Economic, Monetary and Social Union, Chancellor Kohl remarked,

The unity of Germany and the unity of Europe are mutually dependent: the advancing process of European unification creates the framework to achieve unity in freedom. The unification of our country will impart decisive momentum to the political unification of Europe. (Press and Information Office of the Federal Government, 1991b: 50)

Kohl repeated this message in a speech in Oxford in November 1992. He stated that the Germans realise how much they owe to European integration. He pointed out that even after the end of the Cold War and the unification of Germany, the Germans firmly believe in the continuation of the project of European unification. He further stated that Germany had a fundamental national interest in the creation of a European Union, to which one day all of Germany's neighbours could belong. (Presse und Informationsamt der Bundesregierung, 1992b: 1141)

Kohl continues to espouse the virtues of joint action and actively works towards the fruition of objectives. Since German unification the EU has seen the completion of the internal market in 1992 and the implementation of the Maastricht Treaty in 1993. Furthermore, the re-election of Chancellor Kohl in the October election reinforces an "integrationist" standpoint. In fact, the

continued progression of European integration figured as a decisive factor in convincing Chancellor Kohl to stand for re-election. Chancellor Kohl intends to be "a driving force for another big step towards European integration at the 1996 EU intergovernmental conference." (Financial Times, 21.11.94) Kohl's efforts to continue the process of European integration have been clearly demonstrated by his actions within the realm of Economic and Monetary Union. Kohl is insistent that the EMU and the single currency are fundamental to the future course of the whole process. John Woolley has examined the reasons behind the linkage of Economic and Monetary Union (EMU) and European Political Union (EPU). Woolley has argued that Kohl put EMU and EPU on the same agenda as part of a move to satisfy Germany's allies that Germany would remain anchored in Western institutions. However, Woolley also asserts that the two objectives were linked in order to satisfy domestic political commitments and coalitions. There has been a strong consensus in favour of European unification on the part of practically all the major players in German politics. Woolley argues that, "as the moment of reunification suddenly presented itself, there was no possibility of retreating from the associated commitment to European unification." (Woolley, 1994: 78) Kohl has caused outrage amongst Germany's European partners in a speech in Louvain in Belgium by stating that unless the other member states take a similar line on the issue of monetary integration, there was potential for war in Europe.

Nobody doubts Mr Kohl's commitment to EMU. Whatever its economic purpose, he sees it as a stepping-stone to a federal Europe, one with strong institutions and a powerful parliament - a true European Union. (Economist, 13.01.96)

Kohl has frequently put forward the argument that Europe needed to stay on course for further integration in order to contain German power. This has been a recurrent theme in speeches made by Kohl since unification.

The Germans are calling on their allies to save Germany from itself by tying it securely in an integrated Europe. Kohl's future vision of the EU is clear in his objectives for the Intergovernmental Conference (IGC) due to start in March 1996.

Bulmer and Paterson note that the response of the political elite has been to "reiterate its European identity and the Europeanization of Germany." (Bulmer & Paterson, 1996: 5) It is not only the German Chancellor who continues to commit German support to the integration process in Europe. The Federal President, Roman Herzog, made it clear that Germany would remain firmly anchored into the West in post Cold War period. He declared that Germany did not want less but more integration into the West and more partnership with the USA.<sup>30</sup> (Herzog, 1995: 5)

The General Secretary of the CDU, Peter Hintze, remarked in a speech in February 1995 that France and Germany had been the "motor" of European integration for decades. He added that the unification of Germany and the end of the Cold War had not changed that position. (Hintze, 1995: 6)

There has traditionally been a cross-party consensus on the need for an ever closer union. This consensual attitude towards European affairs continues in the unified Germany. It was commented, "Die Europapolitik ist bei uns kein strittiges Thema."<sup>31</sup> The CDU have on many an occasion indicated their support of integration and a continuation of that process with Germany firmly anchored in it. (CDU-Bundesgeschäftsstelle, 1994: 85) Similarly, the SPD argue that their aim remains a union of European people, with an economic and currency union and a common foreign and security policy. (Vorstand der SPD, 1993: 4) Furthermore, the fact that 95% of the German Bundestag ratified the entry of the four European Free Trade

<sup>30</sup> The Federal President Roman Herzog made these statements in a speech on the fortieth anniversary of the foundation of the Deutsche Gesellschaft für Auswärtige Politik, 13.03.95

<sup>31</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "European policy is not a contentious issue amongst us."



Association (EFTA) countries, signifies the overall consensus towards the EU. There was also a consensus in the second chamber, the Bundesrat.

In the party political arena there exists, at least in principle, commitment to the deepening of the EU. However, the Germans are simultaneously committed to the enlargement of the Union, particularly to the East. References to this commitment are apparent in a variety of government and party documents such as the CDU Grundsatzprogramm, the coalition agreement between the CDU, CSU and the FDP, the Resolutions of the SPD Parteitag in Wiesbaden in November 1993, and speeches by CDU MEPs. (CDU-Bundesgeschäftsstelle, 1994a & b; Abgeordnete., 1995; Vorstand der SPD, 1993; Poettering, 1995)

A controversial paper, entitled "Reflections on European Policy", published by the CDU/CSU fraction in the Bundestag, in September 1994, outlines Germany's policy interests in Europe. The paper demonstrates Germany's commitment to both the deepening and widening of the EU. The policy document states that,

Germany has a fundamental interest in both widening the Union to the East and in strengthening it through further deepening. (CDU/CSU Fraktion des Deutschen Bundestages, 1994: 13-14)

The Germans believe that the European Union has a great responsibility for the new democracies in Europe. The EU should actively support the building up of these democracies with the ultimate aim of accession to the EU. The Germans do not perceive the dual aims of further enlargement and further integration as contradictory. In fact, "deepening is a pre-condition for widening." (CDU/CSU Fraktion der Deutschen Bundestages, 1994: 14)

The Germans have a fundamental interest in the enlargement of the EU to the East. Owing to its geographical location, Germany is particularly susceptible to consequences of instability in the East. Indeed, instability in

the East could have more direct consequences for Germany; the mass exodus of people is but one of these consequences. The Germans are of the opinion that the only way to prevent instability in the East is to aid these Central and East European countries and integrate them into the post-war West European system. The Germans are clear that the EU needs to be reformed and strengthened before eastern enlargement could occur. The policy document states,

Without further internal strengthening, the EU would be unable to meet the enormous challenge of eastward expansion. It might fall apart and once again become no more than a loose grouping of states unable to guarantee stability. (CDU/CSU Fraktion des Deutschen Bundestages, 1994: 14)

The theme of dissolution of the EU is a constant in Germany's approach to integration. The policy document implies that independent German action can only be avoided and Germany's power limited in this region if these Central and East European countries are integrated into the EU. It is made clear in the document that,

..if (West) European integration were not to progress, Germany might be called upon, or tempted by its own security constraints, to try to effect stabilisation of Eastern Europe on its own and in the traditional way. (CDU/CSU Fraktion des Deutschen Bundestages, 1994: 13)

The Germans do however point out that this would exceed their capabilities and erode the cohesion of the EU. As mentioned in the previous section the Germans continuously restate the argument that Germany needs the progression of European integration in order to prevent German dominance.

A fundamental objective of this controversial paper was to demonstrate its commitment to European integration. Karl Lamers, the Foreign Policy Spokesman of the CDU/CSU Parliamentary Party in the Bundestag and co-author of this paper pointed out that the document, "sought to give substance to our....European commitment by presenting fundamental

German interests in a, to some extent, geopolitical context.” (Lamers, 1994:

1) He also believed that with this paper the Germans have been able to,

dispel recurrent suspicions in some quarters that deep down, and despite its protestations to the contrary, Germany does not really want a politically unified and firmly constituted Europe, and that its efforts to bring about a widening of the Community as merely designed to dilute it. (Lamers, 1994: 1-2)

In one sense, the Schäuble/Lamers paper demonstrated German commitment to the EU, but the paper also indicated the urgency of, and the Germans' desire to keep the EMU on track by suggesting the establishment of a 'hard core' of states which would go ahead with intensive economic and political integration. This hard core would have a "centripetal or magnetic effect" on other states. This hard core should comprise France, Germany, and the Benelux countries. Schäuble and Lamers reject the notion that the idea of a hard core of states is divisive. They assert that in principle every member state could become a member of the hard core if it co-operates in all policy areas and exhibits a commitment to pursuing further integration. (Lamers, 1994: 3) The function of the hard core is to compensate for the centrifugal tendencies created by constant enlargement. These 'hard core' states should endeavour to cooperate in the fields of monetary policy, fiscal and budgetary policy and economic and social policy. The creation of a hard core is seen as a means of reconciling the conflicting objectives of widening and deepening. (CDU/CSU Fraktion des Deutschen Bundestag, 1994: 18) The Schäuble/Lamers paper demonstrated Germany's continued commitment to European integration, but there was an underlying message that Germany would not accept zero progress at the Intergovernmental Conference in 1996.

The Germans' commitment to the EU clearly manifested itself in their calls for further reform of the EU at the IGC in 1996. The Germans, already convinced of the fact the EU is the only arena which can deal with the

present and future challenges in Europe, continue to seek reform in the EU via the IGC in 1996. The Germans believe that the EU is of vital importance for the stability of the continent as a whole. They advocate joint action through the institutions of the EU, rather than the co-operation of governments, as the basis for European unification. (Poettering, 1995: 1)

German priorities for the Intergovernmental Conference of 1996 can be characterised under these three headings:

- (1) The competence to act (Handlungsfähigkeit)
- (2) Democratic legitimacy
- (3) Transparency

The Germans advocate the tightening of lengthy and laborious procedures, so that problems are not only discussed but also overcome. They believe that institutional reform is the answer. Hence, Germany advocates that the Commission must function more efficiently. The Germans also support the development of a better co-decision procedure between the Council of Ministers and the European Parliament and an effective system of democratic control.

The Germans are particularly promoting 'transparency'. An attempt is being made to bring the EU closer to its citizens. The Germans are of the opinion that decisions should not be made behind closed doors and in secret. The decision-making procedures in all areas of the Union should be simplified and standardised.

The European Union is committed to the principle of parliamentary democracy. Thus, the EU should seek to strengthen democratic legitimacy. The Germans also advocate increased powers for the European Parliament and extended use of qualified majority voting.

The Germans also wish to extend community competence in the area of Justice and Home affairs, currently under the third pillar and governed by

intergovernmental co-operation.<sup>32</sup> Germany is keen to make more progress towards a common foreign and security policy. The Germans also wish to further apply the principle of subsidiarity.<sup>33</sup>

The actions of Chancellor Kohl, and other members of the political elite clearly demonstrate Germany's future commitment to the EU, and the need to move further down the road of both Economic and Monetary Union and political union.

#### 4.5.2 ANTI-EUROPEAN TENDENCIES?

So far, it has been argued that Germany will remain committed to the EU. It is, however, important to point out that although the general commitment exists there appear to be some anti-European tendencies emerging in the domestic arena. Since unification, a "Euro-sceptical" mood has emerged amongst public opinion. Public support among the German electorate for deepening the EU has been decreasing over the last few years. A MORI poll conducted for the Financial Times in November 1994 indicates that the amount of support for EU membership is waning. Key areas of contention seem to be a single currency and EU enlargement to the East. (MORI, 1994: 2-5) An Allensbach survey conducted in June 1994 showed that 73% of Germans feel that membership of the EU is a good thing, but the survey also revealed that 74% are against a European state. The results of the Allensbach survey concurred with those of the MORI poll citing a single currency as a problem area. 74% of Germans are against a single currency. (Radice, 1995: 175) Jeffrey argues, however, that this Euro-scepticism among the German public has not transposed itself into the German party political arena, where "no credible and committed Euro-sceptical force has emerged." (Jeffery, 1995a: 1501) Chancellor Kohl may

<sup>32</sup> This issue is considered in greater depth in Chapter Five as part of the migration case study.

<sup>33</sup> The exact definition of the term 'subsidiarity' is a contested issue. Different meanings have been attributed to the principle of subsidiarity by different member states. Generally speaking the term is interpreted as the EU only regulating matters which cannot be dealt with either at the national or regional levels.

espouse the virtues of European integration; but even Kohl cannot completely ignore public opinion which is increasingly reticent about any further transfer of powers to EU institutions. Kohl will have to be sensitive to changes in moods in the domestic arena. This could possibly explain Chancellor Kohl's change in tone about a 'United States of Europe'. Kohl had been an ardent supporter of the goal of a 'United States of Europe'; but he no longer uses the phrase in case it is misunderstood.

Added to the Euro-sceptical mood amongst public opinion were the comments of Edmund Stoiber, the Prime Minister of Bavaria, who outlined the weaknesses of the EU and highlighted the importance of the nation state as playing the dominant role within the EU. In an interview with the *Süddeutsche Zeitung* in October 1993 Stoiber called for the integration process to be slowed down. He argued that Chancellor Kohl's commitment to the European Union was out of date. Stoiber asserted that Germany's stance on an integrated Europe was more akin to Germany's position after the war and argued that Germany should define its role in the EU in accordance with Germany's 'national interests.' He rejected the idea of a European Federal state. Stoiber's actions can be explained in terms of Bavarian politics. Stoiber was attempting to muster up support from the national populist vote in time for the European elections. Stoiber was, in effect, attempting to gain ground from the Republikaner.

Members of the ruling coalition were quick to dismiss Stoiber's comments. Hintze, the General Secretary of the CDU, expeditiously pointed out that the views expressed by Stoiber were in no shape or form party policy. Rather, Stoiber's comments were personal views and could only be explained in terms of provincial Bavarian politics. In a show of solidarity all the main political parties in Germany, the CSU, FDP and the SPD reiterated Germany's commitment to the European Union, arguing that there was no alternative to European unity and that the process was irreversible.

The parties are also experiencing problems as regards the process of European integration. Although there is common ground on the process of European integration, there are divisions in Germany on how it should proceed. Even the CDU, which has traditionally been a pro-integration party, has changed its stance somewhat. The CDU adopted a new Basic Programme in early 1994 and the new programme dropped the aspiration towards a Federal state in support of the preservation of the nation state. The narrow majority of just ten seats may prove problematic for the Chancellor and his governing coalition.

There also appear to be cracks emerging as regards Eastern enlargement. The cross-party consensus on enlarging the EU to the East remains, but differences between the parties on the speed of Eastern enlargement has become discernible. In an interview in *Focus*, the leader of the CSU and Finance Minister Theo Waigel raised questions about the financing of the Eastern enlargement. Waigel has calculated that the accession of the Central and East European States would cost the EU 70 billion DM per year. (*Focus*, 1995: 53) Waigel commented that as the largest contributor to the EU budget the Germans would have to carry the burden of at least 21 billion DM. He argued that financially this was not possible for the Germans.

Other domestic factors may also influence Germany's stance on Europe. David Marsh points to institutional factors in Germany. Marsh cites the narrowness of Kohl's majority in the 1994 election.<sup>34</sup> He argues,

The narrowness of the Bonn coalition's majority may add to the Chancellor's domestic reasons for caution over further extending supranational European decision-making - particularly over the question of economic and monetary union. (*Financial Times*, 17.10.94)

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<sup>34</sup> Chancellor Kohl's CDU/CSU/FDP governing coalition only had a ten seat majority. The CDU/CSU gained 294 seats and the FDP 47 out of a total 672 seats. In contrast, the SPD obtained 252; Bündnis 90/Die Grünen 49; and the PDS 30 seats respectively.

The Federal Constitutional Court's ruling on the Maastricht Treaty has had an important effect on the future course that integration will take. In particular, both houses of parliament, the Bundestag and the Bundesrat, will in future exercise stronger democratic control over EC decision-making. The implication being that European legislation will not simply be rubber stamped as it used to be. The judgement sets a limit on the expansion of the European Union's powers. In considerable strife with the Federal government the Bundestag and the Bundesrat have drawn out constitutional powers to oversee all future European legislation. Furthermore, the Federal Constitutional Court has carved out the right to watch developments in the EU. The Federal Constitutional Court retains the right to decide whether legal acts carried out by the European institutions are within the sovereignty rights accorded to them or whether they exceed their remit. The Federal Constitutional Court's judgement stresses that the citizens of the Member states legitimate the activities of the European bodies via their national parliaments, giving the national parliaments a greater say in the EU decision-making process. The judgement further states that as the European nations grow closer together, democratic legitimation will be supplied from within the institutional structure of the EU. In other words, the judgement called for increased powers for the European Parliament.

Undoubtedly there is a certain amount of dissension about European affairs in Germany. The Germans will have to be sensitive to these changes in moods in the domestic arena. The levels of discord, however, have not reached the point where they seriously impede future developments. Indeed, the issues of EMU and a single currency will have to be skilfully managed at the domestic level so as not to pose a threat to overall objectives. Jeffery suggests that, "Germany's European policies will in the future require.... a longer and more difficult period of domestic consensus formation before presentation in Brussels." (Jeffery, 1995a: 1512) This will



mean that Germany is a more difficult partner or, as Jeffery puts it, echoing Stephen George, a more "awkward partner" in the EU. (Jeffery, 1995a: 1512)

The preceding section has sought to illustrate Germany's continuing commitment to the EU. The Chancellor has been fundamental in the pursuit of this aim. Indeed, one can witness a degree of continuity in Germany's approach to the EU in the post unification period. Germany's partners recognise that in the short term Kohl has steered Germany's approach to the EU in the same direction. It has to be acknowledged that some anti-European tendencies have manifested themselves in the domestic arena. These take the shape of constitutional or institutional changes and changes in public opinion. It also has to be conceded that the Germans may face problems in the domestic arena over certain policy issues, particularly Economic and Monetary Union and the loss of the DM.<sup>35</sup> Overall the "new" united Germany of the 1990s may be more powerful but no less European. (Kirchner, 1991: 162) There is little evidence to suggest a general German 'Sonderweg'.<sup>36</sup>

#### **4.6 GERMANY'S CHANGING ROLE**

Germany's commitment to the EU may not have changed, but has Germany's role in the EU changed? It would be a mistake to argue that unification has no impact on Germany's role in the EU. The Germans and their partners in Europe alike are focused on this question. The recovery of sovereignty, achieved by the unification of Germany, demands that Germany take its full place among the nations of the world. There have been calls from those within Germany and outside it for Germany as Europe's most "powerful" state to undertake its full international responsibilities. The Germans are being asked by their partners in Europe whether they are prepared not just to talk about new rights and responsibilities, but to actually undertake new duties and obligations.

<sup>35</sup> Interview with unnamed 'top official' in the Foreign Office, London, 16 March 1995

<sup>36</sup> Interview with 'Referent für Europapolitik', CDU Bundesgeschäftsstelle, Bonn, 18 April 1995

The Germans have acquired a "new" role in the EU. Chancellor Kohl made this clear in a policy statement in the Bundestag on the signing of the Treaty on Monetary, Economic and Social Union on 18 May 1990, "We realise that a united Germany will assume special importance within the political and economic structure of the Europe of tomorrow." (Press and Information Office of the Federal Government, 1991b: 49)

A representative from the German Permanent Representation noted that Germany had acquired "ein anderes Gewicht".<sup>37</sup> A colleague from the Auswärtiges Amt in Bonn further remarked that, "Es ist jetzt nur so, dass wir faktisch etwas schwergewichtiger geworden sind."<sup>38</sup> Germany has the strongest economy in the EU. Germany also occupies an important geo-strategic location in the heart of Europe. Its population has increased by 16 million and it has obviously acquired more territory. But does greater territory and more population imply an enhanced role? The Germans have a central role in the EU. This was the case before unification.<sup>39</sup> Germany's economy was by far the strongest in the EU prior to unification. Germany enjoyed an important geo-strategic position by virtue of the bipolar system which existed in Europe for forty years.

Germany's economic strength has never been disputed. However, prior to unification Germany was characterised by some as an 'economic powerhouse but a political dwarf'. Does unification imply a stronger 'political' role for Germany? Has Germany acquired more 'political' power? When asked this question, the representative from the German Permanent Representation in Brussels replied, "Noch nicht. Dieses kommt mit der

<sup>37</sup> Interview with unnamed senior official in the Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "A different weight."

<sup>38</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "The point is that now we have actually acquired slightly more weight."

<sup>39</sup> Interview with senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994

Zeit.”<sup>40</sup> The perception is that Germany’s role in the EU is still evolving. Germany’s partners in Europe make a direct link with unification and Germany’s enhanced role. It is recognised by the other member states that Germany has acquired a new role as a result of unification<sup>41</sup> and that Germany’s weight has increased. Some member states have interpreted Germany’s actions in Central and Eastern Europe and its unwavering advocacy of Eastern enlargement as a manifestation of this greater role.

A clear manifestation of Germany’s enhanced role has been a more proactive stance in the field of foreign policy. Germany’s scope for action in foreign and security policy matters has expanded. At the same time the necessity for German action in foreign policy has increased drastically. The “low profile” in German foreign policy, which ensued from Germany’s security situation in Central Europe and its history as a divided state without full sovereignty, was accepted by its partners. However, this is no longer the case since the Gulf War. The demand for a “higher profile” in foreign policy has also grown because the perceived probability of conflicts erupting in Central and Eastern Europe has increased. German interests are directly affected by this. One principle area of concern is the migration of hundreds of thousands of refugees from the former Yugoslavia to Germany. This is an extra burden which the Germans are increasingly finding, difficult to bear both economically and socially mainly due to the reconstruction of the five new Länder. The costs and benefits of integrating the states of Central and Eastern Europe into the essential institutions are unequally distributed between the member states. Out of all the member states, Germany is the one which is most dependent on stability in this region, so that Germany’s eastern borders do not once again become the dividing line between two systems. (Hintze, 1995: 2)

<sup>40</sup> Interview with senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author’s translation, “Not yet. This will happen in time.”

<sup>41</sup> Interview with unnamed ‘top official’ in the Foreign Office, London, 16 March 1995.

There is no doubt that Germany's role in the EU has become stronger but certainly not hegemonic. The Germans certainly do not perceive themselves as having a dictatorial or dominating role in the EU. Moreover, the Germans see themselves as the "Triebfeder" (motivating force) of the EU. (Hintze, 1995: 6)

The Germans de facto have a stronger role. The Germans may have acquired this role but it does not necessarily follow that they are willing to carry out this role. It is argued by some that there is a reluctance towards leadership which is born out of Germany's history. It is maintained that the Germans are hesitant to take up this leading role. "Die Deutschen nehmen an der Politik teil, ohne bis jetzt jedenfalls die Bereitschaft zu zeigen, eine wirklich substantielle Führungsrolle zu spielen."<sup>42</sup> The Germans do not perceive this "new" role in terms of more political power but rather in terms of greater responsibility.

"Die staatliche Einheit und die volle Souveränität haben für Deutschland eine gewachsene Verantwortung in Europa und der Welt mit sich gebracht."<sup>43</sup> (CDU-Bundesgeschäftsstelle, 1994a: 85) Peter Hintze, the General Secretary of the CDU, recapitulated those statements in the CDU Grundsatzprogramm during a speech in February 1995 on German Foreign Policy five years after the upheaval in Europe. He acknowledged the fact that the unification of Germany and the acquisition of full sovereignty had changed Germany's role. The unification of Germany has brought increasing responsibility for Germany, not only in Europe but in the rest of the world. (Hintze, 1995: 1-2)

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<sup>42</sup> Interview with unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "The Germans are taking part in politics without - at least until now - showing the willingness to play a really substantial leading role."

<sup>43</sup> Author's translation, "The union of the state and full sovereignty have implied increased responsibility for Germany in Europe and in the world."

The Germans wish to take up their new responsibilities in the international community. The Regierungsprogramm of the CDU and CSU highlighted this point,

CDU und CSU treten dafür ein, dass Deutschland grundsätzlich die gleichen Rechte und Pflichten wie alle anderen Mitglieder der internationalen Gemeinschaft wahrnimmt.<sup>44</sup> (CDU-Bundesgeschäftsstelle, 1994b: 51)

Hans-Dietrich Genscher commented on this new role in a speech in Davos in February 1990,

Die Welt erwartet zu Recht, dass das vereinte Deutschland mehr Verantwortung übernimmt. Wir wissen dies; wir akzeptieren es, weil wir es wollen. Wir werden die auf uns zugekommene grössere Rolle nicht in einem überholten nationalstaatlichen Interesse - geleitet von nationalem Machtstreben - wahrnehmen, sondern als gute Europäer und im Verbund der Europäischen Gemeinschaft.<sup>45</sup> (Spence, 1991: 45-46)

Hans-Dietrich Genscher pointed out that Germany does not want more power, but nevertheless has acquired more responsibility. Interviews conducted in Germany concurred with Genscher's view that Germany expected greater responsibility. "Aber nicht im Sinne einer einseitigen Machtausübung, sondern im Sinne einer flexiblen Machtausübung."<sup>46</sup> This point was reiterated by a colleague from the Auswärtiges Amt.

Wir stehen unser Rolle zurückhaltend gegenüber vor allen Dingen in der Europäischen Union und der NATO. Wir sind ein richtige Partner dort...Wir wollen niemand dominieren.<sup>47</sup>

<sup>44</sup> Author's translation, "The CDU and CSU support the point of view that in principle Germany has to observe exactly the same rights and duties as all the other members of the international community."

<sup>45</sup> 'The world rightly expects that the united Germany will take on more responsibility; we know this, we accept this, because we want this. We shall avail ourselves of this wider role which falls upon us, not out of national, political interest - in pursuit of national power - but as good Europeans and in alliance with the European Community' (Spence's translation).

<sup>46</sup> Interview with unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "But not in the sense of a unidirectional exertion of power, but rather in the sense of a flexible exercise of power."

<sup>47</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "We have a cautious attitude towards our role, particularly in the European Union and NATO. We are a proper there...We do not want to dominate anyone."

Furthermore, politicians argue that after unification Germany is a “normal and European” state. “Wir sind ein ganz normales und souveränes Land.”<sup>48</sup>

#### **4.7 DOMESTIC CHALLENGES**

The argument has so far concentrated on unification and Germany's attitude towards the EU. A central contention of the thesis is that the changes in Central and Eastern Europe and unification have brought some serious challenges in the domestic sphere. Despite Germany's continued commitment to the EU and the process of European integration, domestic concerns have become more important for Germany since unification. Even Chancellor Kohl has pointed out that there are certain pressing problems in the domestic arena. In July 1992 the Chancellor declared that “We currently have a tendency of predominant domestic problems”. (Presse und Informationsamt, 1992: 811)

Inevitably, Germany faces the domestic challenges of unification itself, in both political and economic terms. The Germans, also have to cope with challenges of the adaptation process in all sectors. It is contended, therefore, that in the short-term Germany has unavoidably become more inward looking in order to deal with the mammoth task of unification and its consequences. Several problems prevail in the domestic arena. Dealing with all challenges is beyond the scope of the thesis; hence the thesis concentrates on the challenges that Germany faces in the two case studies chosen; namely migration and agriculture.

#### **4.8 CONCLUSION**

The thesis concludes that Germany will remain committed to the EU. In that respect, unification has not had an impact on Germany's approach towards the EU. Chancellor Kohl's actions towards the achievement of

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<sup>48</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, “We are a completely normal and sovereign country.”

further integration bear witness to that fact. European integration has become an important asset for the Germans. The view still prevails that the Germans cannot survive without integration.

Die politische Klasse in Deutschland - die Politiker in den Parteien, in der Regierung, auf Bundes-und Landesebene, und die Journalisten - die überwiegende Zahl dieser Menschen ist der Auffassung, dass wir ohne europäische Integration nicht leben können.<sup>49</sup>

The thesis also asserts that the Germans remain committed to multilateral forms of co-operation. Collective action has worked to the advantage of the Germans since they have been able to realise major objectives by working within integrated frameworks and this practice is likely to continue. These practices should not be viewed with trepidation by Germany's partners. Germany's partners in the EU have no reason to fear the Germans. A German Sonderweg is unlikely to result. The thesis also reaches the conclusion that the practice of realising major goals in multilateral frameworks does not conflict with Germany's overall 'European' stance.

Unification has, however, affected Germany's standing in the EU and the role which its partners expect it to play. Germany has acquired an even stronger role in the EU. However, this stronger role does not ooze traits of hegemonic behaviour. Some commentators argue that the Germans are reluctant to take on this "leading" role. However, as the case studies will demonstrate the Germans are willing to take a pro-active, leading role in certain policy areas. Unification also had the effect of increasing the challenges which Germany faced in the domestic arena with the inevitable consequence that the Germans have become inward looking. An official

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<sup>49</sup> Interview with unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "The political class in Germany - politicians of the parties, in government, both state and federal levels, as well as journalists - the majority of the people are of the opinion that we cannot live without European integration."

from the Auswärtiges Amt succinctly described Germany's attitude towards the EU after unification,

Durch die Wiedervereinigung hat sich die Deutsche Europapolitik im Prinzip überhaupt nicht verändert. Wir sind gewichtiger geworden, was derzeit einige zusätzliche Probleme gebracht hat .....Das wird sich aber in einigen Jahren wahrscheinlich umkehren.<sup>50</sup>

The thesis now proceeds to analyse German priorities in the EU in relation to the case studies. It is the contention of this thesis that Germany's attitude or role in the EU has largely depended on the policy area. Thus, if Germany has been pro-active in a given policy area, it is the characteristics of the policy area which have shaped Germany's attitude.

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<sup>50</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "In principle, German European Policy has not changed at all due to unification. We have become a heavy weight, which has also brought us problems....But it is likely that this going to change in the next few years."



# CHAPTER FIVE: MIGRATION

## INTRODUCTION

The thesis tests two principal hypothesis in relation to the case studies. Firstly, it is contended that the role that Germany plays in the EU depends greatly on the policy sector in question. Furthermore, the thesis asserts that characteristics within the policy sector itself shape Germany's course of action in that policy area.<sup>1</sup> Secondly, it is argued that the EU serves as an important arena for solving domestic concerns.<sup>2</sup> It is perhaps, in certain policy areas, more politically viable to utilise European frameworks. Thus, in an attempt to solve intractable domestic policy problems, member states may seek to 'Europeanise' policy. In the case of migration the Germans have increasingly sought European solutions, which contrasts with agriculture.

This chapter endeavours to analyse the main hypothesis in relation to migration policy. The analysis focuses on the migration question in the former FRG and the unified Germany.<sup>3</sup> Before embarking on the central body of analysis it is important to justify the choice of migration as a case study.

In the domestic context the importance of the migration issue has manifestly grown, with the issue occupying centre stage on the German political agenda in the early 1990s. Migration has, however, always been a

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<sup>1</sup> This line of argument corresponds to the ideas put forward by Lowi. For a detailed analysis refer to Chapter One and Two.

<sup>2</sup> Milward argues that certain objectives are better served through international frameworks. He demonstrates the degree to which member states have utilised the EU to solve domestic problems, which would otherwise remain deadlocked. See: (Milward, 1992) and (Milward, 1993)

<sup>3</sup> By West European standards migration to the former GDR was insignificant. Foreigners totalled a mere 191, 000 constituting 1.2% of the population in a country of 17 million. Foreigners in the GDR were recruited as guestworkers or contract workers, on the basis of specific inter-governmental agreements. These contracts were simply not renewed or allowed to expire after unification. Hence, the main contingents of foreign workers in the GDR were returned to their countries of origin following unification. (Wilpert, 1991: 49) The largest contingent emanated from Vietnam with a total of 60, 000 workers. The rest originated from Mozambique 16, 000; Cuba 9, 000 and Poland 7, 000 respectively. Migration in the former GDR will therefore be excluded from the analysis.

highly contentious issue for the Germans. Issues relating to migration have been considered "politically sensitive" resulting in a contradictory approach to the whole debate. The measures of the European Union to establish an internal market and its provisions for free movement of individuals has raised the profile of the migration issue at the European level. The realisation that national measures are incapable of adequately regulating migration has intensified pressure to harmonise policy within the EU. Thus, the significance of the migration issue has simultaneously increased within the EU. Domestic attempts to achieve solutions have been embroiled in a quagmire of problems. The Germans have therefore been at the forefront of efforts to resolve issues at the European level. The Germans have been more than willing to export the migration issue out of the scrutiny of the domestic political environment, indicating their desire to embrace European solutions. The 'European' approach to the migration question was visible during the mid 1980s, the question to be addressed was if Germany's approach would alter after unification.

The whole migration debate in Germany was, and continues to be, complex and riddled with contradictions. However, in the 1990s migration represents an even greater challenge for the Germans and their partners in the EU, both at the domestic and European level. The perceived "crisis" in migration in the post-unification period led analysts to refer to the problem as "Germany's most pressing domestic political and social challenge." (Parkes, 1992a: ix) Germany has represented the principal destination for current migratory movements in Europe. However, the sheer volume of migration to Germany increased substantially after the momentous events of 1989. The reunification of Germany and the collapse of communism in Central and Eastern Europe, coupled with the dissolution of the Soviet Union, increased the flow of asylum seekers and in general intensified the pressure for migration. The accompanied rise in support for extreme right-

wing parties<sup>4</sup> and the increase in extreme right activity and violence against foreigners<sup>5</sup> all contributed to the state of "national emergency". This had the effect of thrusting migration on to the domestic and European political agendas.

The argument propounded in the thesis incorporates an analysis of three characteristics to be found, in different forms, in each policy sector: the dynamics of the policy sector, policy circumstance, and policy-making structures. This chapter examines these characteristics in relation to migration.

In the case of migration, the dynamics of the policy sector encompasses an analysis of factors intrinsic to the issue of migration. The section examines the complex nature and the inconsistencies of the debate within Germany. The disparities include the antipathy between the refusal to admit the reality of permanent migration and a *de jure* non immigration policy, and the consequent confusion over citizenship issues and the gradual blurring of immigration and asylum issue. The dynamics of the policy sector specifically refers to political sensitivity surrounding the migration issue and the inability of the domestic structures to resolve issues. The dynamics of the policy sector incorporates an analysis of characteristics which define migration as a transnational issue, demanding transnational solutions. These include: attempts by the Germans to Europeanise policy, the implications of the internal market for the freedom of movement and the attempts to harmonise policy at the European level.

Policy circumstance comprises issues which have had an impact on

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<sup>4</sup> The Deutsche Volkunion (DVU) achieved results above the 5% threshold polling 6% in the Landtag election in Bremen in September 1991 and 6.3% in Schleswig-Holstein in April 1992. The Republikaner had similar successes in Baden-Württemberg achieving 10.9% in the Landtag election in April 1992. (Roth, 1993: 7)

<sup>5</sup> According to figures from the Federal Office for the Protection of the Constitution the number of criminal acts committed by right-wing extremists rapidly rose in 1991 from 270 in 1990 to 1483 in 1991. The figures for the first six months of 1992 were even more alarming 2084 acts of violence were reported. (Embassy of the Federal Republic of Germany, 1993b: 1)

the migration debate in Germany. Unification had an indirect effect on migration in Germany. However, the Soviet's denunciation of the Brezhnev doctrine and the consequent collapse of communism in East and Central Europe; and the dissolution of the Soviet Union itself resulted in a mass exodus to the unified Germany which was to intensify pressure for a change in approach to migration and substantive policy. The rise in the number of asylum applications as well as European pressure to align policy towards a more restrictive approach all contributed to change.

The institutional and constitutional dynamics assume fundamental importance in this policy sector. The integration of domestic and European policy-making at the domestic level are vital in Germany's attempts to 'Europeanise' policy. The input of domestic political actors is less formalised in this policy area. The policy-making process excludes the input of a formalised set of organised interest groups, unlike agriculture. Prior to 1992 a lack of consensus was highly visible at the party political level, with inter- and intra-party disputes over the whole migration issue. The Chancellor assumed a much greater role in this policy area by virtue of his *Richtlinienkompetenz*, curbing the power of the individual ministry. The constitutional dimension acquired even greater significance as the right to asylum is a constitutionally guaranteed right, which requires a two-thirds majority in both the Bundestag and the Bundesrat for a constitutional amendment. The section on policy-making structures involves an analysis of the European policy-making structures within the Community framework and the intergovernmental framework.

## **5.1 DYNAMICS OF THE POLICY SECTOR**

Dynamics of the policy sector incorporates an examination of factors intrinsic to the migration issue in Germany. The political sensitivity surrounding the migration debate in Germany and the inability to deal with the issue sufficiently at the domestic level has resulted in an essentially

reactive and contradictory approach.<sup>6</sup> Germany's approach to migration renders domestic solutions virtually impossible, thereby automatically thrusting domestic problems on to the European agenda. Migration is inherently a transnational phenomenon, which up to now has been regulated by national policies. However, as national policies prove inadequate to deal with a transnational issue, demands for European regulations have intensified.

### 5.1.1 POLITICAL SENSITIVITY OF MIGRATION: A CONTRADICTIONARY APPROACH

There can be no doubt that Germany's approach to migration is a conundrum of inconsistencies. Part of the blame can be laid at the door of Germany's historical legacy, which has determined policy in all aspects of the migration debate. Nazi persecution during the Third Reich ensured a liberal asylum law<sup>7</sup> and Germany's citizenship policy dates back to Wilhelmine Germany. The division of Germany guaranteed the inclusion of a clause in the Basic Law which enabled the migration of ethnic Germans.<sup>8</sup> However, these inconsistencies continue to frustrate the debate in the

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<sup>6</sup> The degree of political sensitivity clearly manifested itself in the attempts to reform the asylum law in the early 1990s. The inability of domestic structures to resolve the issue resulted in a temporary paralysis of the domestic policy process. These issues will be considered in greater depth in the section on policy-making structures.

<sup>7</sup> The asylum law was particularly difficult to amend due to its historical background. The provision of a liberal asylum law was directly related to Germany's National Socialist past. Many Germans had survived persecution because they had managed to get asylum in other countries. "That is why the right to asylum in the Federal Republic was worded generously and went beyond international law and the right of asylum granted by any other state." (Bundesministerium des Innern, 1993b: 51)

<sup>8</sup> Germany has experienced extensive migration of so-called (Aussiedler) or ethnic Germans. Ethnic Germans are not considered *de jure* migrants. Article 116 of the Basic Law provides for the admission of people who qualify as nationals on the basis of ancestry. Essentially, ethnic Germans are Germans or descendants of Germans, returning from areas in the former Soviet Union and Eastern Europe. Once their citizenship has been approved, ethnic Germans are entitled to all the same benefits as a native-German. Ethnic German migration constitutes a large part of overall migration to Germany. The rise in the number of asylum applications was accompanied by a concomitant increase in the numbers of ethnic Germans. In 1985 38,968 arrived in Germany. Less than three years later the figures had quadrupled to 202, 673 in 1988. Numbers peaked in 1990 with 397,055. Germany experienced a downward trend in 1991 and 1992 with 221,995 and 230,565 respectively. Restrictive measures were installed in the early 1990s to control the intensity and density of ethnic German migration. The approach towards ethnic German migration has subtly changed. The German government was actively discouraging further migration by providing direct financial assistance. Procedures have been tightened up. Ethnic Germans now have to make an application through the German consulates prior to leaving their home country. The proof required for demonstrating their connection with German culture has become more rigorous. (Embassy of the Federal Republic of Germany, 1993b)

1990s.

A principal contradiction in contemporary migration debate continues to be the confusion and the fusion of the immigration and asylum issues. The two are distinct, yet interconnected, forms of migration. Jonas Widgren elucidates the difference between the two forms of migration,

Asylum is a reflection of enlightened humanitarian action: providing protection to vulnerable human beings who are in grave and urgent need of safety. Immigration policies by contrast, are largely based on principles relating to state utilitarianism. Immigration policies are part of state sovereignty....Humanitarian actions allows immigration irrespective of such utilitarian considerations. (Widgren, 1993: 89)

However, in reality the two have become interlinked with European governments viewing "their asylum policy as part and parcel of their immigration policy." (Layton-Henry, 1992: 230) In Germany there has been a tendency to mix the immigration and asylum issues. The fusion of these two issues has resulted in an unsatisfactory approach, with the asylum problem becoming embroiled with wider immigration and integration questions, and the former dominating the political agenda. Furthermore, the contentious official assertion that Germany is not a country of immigration has obscured much of the discussion over migration. The absence of an immigration law has been complicated by the existence of the guest worker system, the constitutionally guaranteed right of asylum and the legitimate migration of ethnic Germans.

The political sensitivity surrounding the migration issue and the unwillingness to accept the reality of permanent migration allows the perpetuation of the notion that Germany is not a country of immigration.<sup>9</sup> However, the reality of migration in Germany fundamentally contests this

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<sup>9</sup> The continued assertion of this notion was made clear during interviews conducted in Germany. An official in the Interior Ministry remarked, "Die politische Haltung ist ganz klar. Deutschland ist kein Einwanderungsland." Author's translation, "The political position is quite clear. Germany is not a country of immigration." Interview with official, Referat A1, Grundsatz Referat für Asyl und Ausländerpolitik, Bundesministerium des Innern, Bonn, 15 September 1994.

notion of a *de jure* non immigration country.

The unwillingness of the Germans to accept the possibility of permanent settlement has become entangled with the concept of, and the conferral of, citizenship in Germany. The **Reichs- und Staatsbürgerschaftsgesetz** of June 1913 stipulates that nationality is based on the principle of '*ius sanguinis*'. Thus, citizenship in Germany is a right which can only be transmitted by blood. The nationality law is based on ethnicity, the idea of 'Germanness' or belonging to the German Volk. The tradition of *ius sanguinis* precludes the notion that one cannot become German; this inherently renders anyone born in Germany of non-German origin as a 'foreigner'.<sup>10</sup> The absence of an immigration policy originates directly from the belief implicit in the Nationality Law that one cannot become German. The conferral of citizenship on the basis of the Reichs- und Staatsbürgerschaftsgesetz corroborates the official policy position that Germany is not a country of immigration.

Despite the official rhetoric, in practical terms Germany has been a country of immigration since its inception in 1949 with the absorption of 12 million refugees from the eastern territories. The importation of guest workers during the economic miracle in the 1950s and 1960s has ensured that Germany has a resident immigrant population totalling 6.5 million people.<sup>11</sup> (Die Beauftragte der Bundesregierung für die Belange der

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<sup>10</sup> The bestowal of citizenship on the basis of '*ius sanguinis*' and the obstacles to naturalisation guarantee that the status Germany's guestworkers and their descendants remains that of 'non-German'. Concomitant with the lack of access to citizenship is the lack of civil and political rights, which accompany citizenship. The exclusion of the provision for dual nationality further hinders the possibility of acquiring German citizenship. The position of the guestworkers contrasts greatly with that of the ethnic Germans, who have an accelerated access to German citizenship via repatriation; and therefore access to all social and political rights. Wilpert argues that the inherently discriminatory policies lead to "a duality in rights and policies towards the one time guestworkers and their descendants on the one hand and the ethnic Germans on the other." (Wilpert, 1991: 50) The Act to Amend the Regulations Governing Legal Questions of the Asylum Procedure, Work Permits and Aliens Law took effect on 1 July 1993. The 1993 amendment has facilitated easier access to citizenship for younger generations, whereby third generation offspring, with one parent born in Germany, are allowed dual citizenship until the age of 18 at which time they must make a choice. This scheme has been adopted on a trial basis. See: (Bundesministerium des Innern, 1993b: 38-41)

<sup>11</sup> The catalyst for the establishment of the guest worker system was the shortage of labour

Ausländer, 1994: 9) Analysts tend to endorse the existence of permanent migration by arguing that, "...a large part of the foreign population living in Germany is to be considered an immigrant population despite the oft-repeated claim that Germany is not a country of immigration." (Hailbronner, 1989: 71) Officials unwilling to concede the government line do, in private, however, acknowledge the existence of a de facto resident immigrant population.<sup>12</sup>

Furthermore, with the absence of an active immigration policy and the effective ending of permanent immigration for employment purposes in the 1970s, the right of asylum, as guaranteed by Article 16 (2) 2 of the Basic Law<sup>13</sup>, became the only legitimate means of immigration to Germany. Article 16 (2) of the Basic Law put the onus on the German government to disprove the claim for asylum; and therefore seemed to encourage migrants to enter Germany via the asylum procedure. With the result that, "access to Germany for all kinds of would-be immigrants is possible only by making an application for asylum." (Marshall, 1992: 253) The system has naturally been open to abuse with a whole host of migrants utilising the asylum procedure. These range from genuine asylum seekers, to those escaping from deprivation, ethnic disturbances and civil wars, to 'economic migrants'. The pattern of asylum to Germany had been steady until the mid 1980s when the numbers exploded.<sup>14</sup> The changing pattern of asylum can be

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induced by the economic miracle of the 1950s and 1960s. Germany's traditional source of cheap foreign labour dried up with the construction of the Berlin Wall in 1960. As a result, a guest worker system was established via series of treaties with Italy (1955), Spain and Greece (1960), Turkey (1961), Portugal (1964), and Yugoslavia (1968). Unlike previous migrants, who had been easily integrated into German society, these migrants were supposed to resident in Germany on a temporary basis, essentially to fill the economic needs of the country. This myth of return ensured the social and political marginalisation of the guestworkers until the policy reversal in 1973, which implemented a recruitment stop. The conception of guestworkers as a temporary phenomena is justified by Germany's absence of an immigration policy and the existence of a Foreigners Policy which governs all matters pertaining to guestworkers.

<sup>12</sup> Interview with official, Referat A1, Grundsatz Referat für Asyl und Ausländerpolitik, Bundesministerium des Innern, Bonn, 15 September 1995.

<sup>13</sup> Article 16 (2) of the Basic Law deals with a human right which is universally applicable and stipulates that "Persons persecuted on political grounds shall enjoy the right to asylum."

<sup>14</sup> Refer to Table 5.1.



directly attributed to developments in Central and Eastern Europe. The easing of travel restrictions in Central and Eastern Europe and the former Soviet Union in the late 1980s; the collapse of communism in the East and the consequent flood of asylum seekers to Germany; and the difficult economic and political transformation process in these post socialist states all precipitated the inflow of migrants to Germany.<sup>15</sup> The volume of asylum applications to Germany is illustrated in the table overleaf:

The political sensitivity surrounding migration and Germany's distinctive approach towards the issue precluded a coherent policy until 1992. The fusion of immigration and asylum in Germany meant that the government focused on the asylum question, perceiving the system as being, "...on the verge of collapse: The right of asylum has more and more turned into an uncheckable vehicle of migration." (Bundesministerium des Innern, 1993: 51) The government was still utilising the asylum law to regulate all forms of migration. The "crisis" had escalated to such a level that migration constituted one of the major challenges confronting Germany in the domestic arena. The urgency for a political solution, with both the political elite and the public demanding action, culminated in the so-called "asylum compromise" of December 1992. The political sensitivity surrounding the migration issue produced one of the most intense and controversial political debates. The prolonged political struggle, the gravity of the problem, and the political and constitutional deadlock aided the potential to export the issue out of the domestic arena and intensified attempts to Europeanise policy.

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<sup>15</sup> These events coincided with the rise in the number of asylum applications from Central and Eastern Europe. The Bundesamt für die Anerkennung ausländischer Flüchtlinge reported that in January 1993 there were a total of 36,279 applications for asylum, of those 7,820 arrived from Romania, 6,563 from the former Yugoslavia, 4,733 from Bulgaria and 1,758 from the former Soviet Union. Hence, by the early 1990s the majority of asylum applicants were of Central and East European origin. (Presse und Informationsamt, 1993e: 111) This pattern continued for the remainder of 1993. Out of the 322,599 asylum applications reported in that year, 73,717 originated from Romania, 72,476 from the former Yugoslavia, 22,547 from Bulgaria and 21,240 from Bosnia. (Beauftragte der Bundesregierung für die Belange der Ausländer, 1994a: 37)

**TABLE 5.1: ASYLUM SEEKERS IN GERMANY. 1981-1994**

| Year | Total Applications | Recognition Rates (%) |
|------|--------------------|-----------------------|
| 1981 | 49,391             | 7.71                  |
| 1982 | 37,423             | 6.83                  |
| 1983 | 19,737             | 13.71                 |
| 1984 | 35,278             | 26.56                 |
| 1985 | 73,832             | 29.15                 |
| 1986 | 99,650             | 15.94                 |
| 1987 | 57,379             | 9.40                  |
| 1988 | 103,076            | 8.61                  |
| 1989 | 121,318            | 4.97                  |
| 1990 | 193,063            | 4.38                  |
| 1991 | 256,112            | 6.90                  |
| 1992 | 438,191            | 4.25                  |
| 1993 | 322,599            | -                     |
| 1994 | 81,864*            | -                     |

\* Figures up to August 1994.

Source: Die Beauftragte der Bundesregierung für die Belange der Ausländer, (1994), Daten und Fakten zur Ausländersituation, Bonn, p. 34-37

### 5.1.2 MIGRATION: A TRANSNATIONAL PHENOMENON

"Migration is now indisputably a global issue and enjoys a permanent place on the agenda of many international fora." (De Boer, 1992: 669)

Migration is intrinsically a transnational phenomenon. The course of European integration in the 1980s has defined the contemporary nature of migration at the European level as a transnational issue. The implementation of the Article 8a<sup>16</sup> of the SEA, which provided for the freedom of movement of individuals, extended the regulation of migration beyond the realm of national boundaries. The achievement of the Single Market also called for the lifting of internal borders. In the past member states had the power to determine who to admit for purposes of

<sup>16</sup> Article 8a of the Single European Act of 1986 provided for the achievement of "an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured" by December 31 1992.

employment or humanitarian reasons. With the establishment of the internal market nation states no longer had complete control over their borders; national policies of border controls had to be co-ordinated. The developments to lift borders between states limited the policy choices of national actors. Allowing free movement of persons throughout the European Union with the lifting of internal border controls by the year 1993 called for a common policy because a person, once admitted into one country, could move freely into another. An official from the Auswärtiges Amt remarked, "Wenn es keine Grenzen mehr gibt, wenn jeder, der einmal die Grenze der Europäischen Union überschritten hat, sozusagen sich aussuchen kann, wo er hinwill...Dann ist das in der Tat ein gemeinsames Problem."<sup>17</sup> Thus, policy decisions at the European level had rendered the national regulation of migration virtually impossible.

All West European states had been experiencing increased levels of migration,<sup>18</sup> with the result that migration was increasingly being perceived as a common European problem. "Asylum matters and the admission of people from Eastern Europe and from the Third World.....are increasingly becoming a common problem of all West European States". (Bundesministerium des Innern, 1993b: 67) The migration issue had begun to occupy a prominent place on the political agenda of the European

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<sup>17</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "When there are no more frontiers and when everyone who has entered the EU once can freely choose where to go, then we indeed have a common problem."

<sup>18</sup> Most West European states recruited large scale immigrant labour in the 1950s and 1960s in response to domestic labour shortages and economic reconstruction. The ending of migration for employment purposes in the 1970s consolidated the settlement of immigrant communities in these countries. By 1993 Germany had an immigrant population of 6.8 million, constituting 8.5 % of the population. France's immigrant population totalled 3.6 million, making up 6.3 % of the total population. Britain's 2.5 million foreigners, made up 4.3 % of the population. (Beauftragte der Bundesregierung für die Belange der Ausländer, 1994a: 60) By the time of the implementation of the SEA in 1993 most member states were concerned with issues relating to migration, settled immigrant communities and their rights. Problems relating to permanent settled communities were compounded by the increased levels of asylum applications throughout Europe. The number of asylum applications across the EU multiplied from 424,000 in 1991 to 559,000 in 1992. Germany accepted the vast majority of these applicants. By the early 1990s Germany was taking in approximately 70% of all applications to the EU. However, with lifting of internal borders Germany's problem with increasing numbers had to be considered Europe's problem. (Beauftragte der Bundesregierung für die Belange der Ausländer, 1994a: 61)

Union and its Member states. (Commission of the European Communities, 1994b) The issue of illegal immigration and police co-operation featured most highly on the political agenda.

During the course of the debate to implement the SEA it became clear that effective action would require joint analysis and even joint initiatives. As Niessen argues, it became apparent that, "national policies to regulate an international phenomena [such as migration] are doomed to fail. " (Niessen, 1992: 16-17) The transnational character of migration demanded a transnational solution, as national solutions were proving incapable of regulating migration. This characteristic added to the German assumption that certain national problems such as migration were better solved transnationally at the European level. The Germans firmly believed that, "Wichtige nationale Interessen können nur transnational gelöst werden." <sup>19</sup> Hence, "Das beste wäre ein europäisches Gesetz." <sup>20</sup> These notions were behind Germany's efforts to Europeanise policy in migration.

National and European policy makers have gradually adopted a more transnational interpretation of the characteristics of contemporary immigration and refugee flows, characteristics which defy nationally planned and implemented policies. Furthermore, domestic, European and international pressures produced by the asylum issue have proved compelling reasons for a transnational approach to policy-making in this sector. The European Parliament acknowledged the factors behind and the increased need for policy harmonisation.

The recent large influx of refugees into the Community has dramatically put the spotlight on Member States' asylum laws and policies and has underlined the urgency of the need to harmonise them.....The advent of the Single Market and the abolition of internal frontiers with the consequent importance of a common external frontier.....meant that

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<sup>19</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "Important national interests can only be solved transnationally."

<sup>20</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "A European law would be the best solution."

...laws and procedures have to be harmonised. (European Parliament, 1992: 2)

The transnational character of migration and the progress of European integration have ensured a degree of convergence of policy within this sector, all be it reluctantly. Callovi argues that there has been a "...gradual eclipse of an exclusively national policy-making process as regards immigration." (Callovi 1990b: 18) Europe has witnessed policy harmonisation both within the intergovernmental and Community frameworks.<sup>21</sup>

Attempts at harmonising policy in this sector have proved exceedingly difficult. The variety of post-war migration patterns in the various West European states has lead to wide diversity in national legislation and obligation towards the respective migrant communities and ethnic minorities. The variance in domestic policy has complicated policy harmonisation in this sector.<sup>22</sup> The link between migration issues and the concept of national sovereignty define migration as a national competence; thereby further frustrating attempts to achieve a common policy. Niessen contends that, "the manifestation of these phenomena on the national level and national reaction is so varied that European-wide policies seem virtually impossible to reach, let alone implement." (Niessen, 1992: 16-17).

A central contention of this thesis is that Germany's role in the EU varies considerably, depending on the policy sector in question. In addition, the

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<sup>21</sup> The degree of harmonisation within this policy sector is considered in depth in the section on policy-making structures.

<sup>22</sup> Martin Baldwin-Edwards identified four 'policy regimes' in migration across the EU. Policy regimes diverge, albeit with common threads and convergent tendencies. Firstly, Baldwin-Edwards noted the semi-peripheral or Mediterranean regime which included states such as Portugal, Spain, Italy and Greece, which had traditionally been countries of emigration. These countries had a poor immigration infrastructure and generally discriminated against non-nationals, in contrast to the Scandinavian model which operated liberal policies in immigration and asylum. The Schengen model initially comprised countries such as Germany, France and the Benelux countries. These countries operated strict immigration control, with both migrants and asylum seekers being controlled tightly. (Italy, Spain, Portugal and Greece have signed the Schengen Agreement) The UK constituted a separate category which had progressively shifted from a liberal policy in the 1950s and 1960s to a restrictive control of immigration in the 1980s. (Baldwin-Edwards, 1991: 203-204)

thesis asserts that characteristics within the policy sector shape Germany's approach in that policy area. Dynamics of the policy sector affirm these two hypotheses. Germany's role in the EU in this policy sector has varied greatly from agriculture. Germany's approach to migration policy and its attempts to seek European solutions has been driven by its need to solve the domestic migration crisis. Characteristics intrinsic to this policy sector have been at the heart of Germany's attempts to Europeanise migration policy.

The dynamics of the policy sector, both at the domestic and European level, have automatically thrust the issue on the European agenda. Migration is a politically sensitive and an emotionally charged issue which the domestic structures have found difficult to deal with in the domestic arena. A manifestation of this was the political deadlock which ensued over the constitutional amendment of the asylum law. Domestic idiosyncrasies towards various aspects of the migration debate have resulted in an incoherent policy. The nature of the migration issue, in the domestic context, has meant that immigration and asylum have become fused, with neither being dealt with adequately. The conflict between the reality of permanent settlement and a *de jure* non immigration policy has clouded much of the debate on migration in Germany. This contradictory stance has further paralysed the formulation of an adequate policy. Remnants of history continue to determine various aspects of policy relating to migration and settled immigrant communities; furthermore they frustrate any progress at the domestic level.

The definition of the migration as a transnational issue has further elevated the policy sector to the European level. Concomitant developments at the European level, such as the SEA and the lifting of internal borders and increased levels of immigration have raised the profile of the issue on the European agenda. Migration is increasingly perceived as a common problem with the recognition that immigration and asylum need to be

tackled on a co-operative basis. National provisions for the regulation of migration are proving inadequate, thereby increasing the urgency for policy harmonisation. Furthermore, the Germans firmly believe that migration issues are better solved at within European frameworks. All these factors have catapulted migration to the European level and have underlined German attempts to Europeanise policy.

## **5.2 POLICY CIRCUMSTANCE**

The previous section considered the impact of characteristics intrinsic to the migration issue, both at the domestic and European level, to the Europeanisation of migration policy. Policy Circumstance analyses the effect of associated developments, on the migration debate and on substantive policy within Germany. This section considers the impact of unification on the changing nature of the migration discussion.

### **5.2.1 UNIFICATION AND THE MIGRATION DEBATE**

The unification of Germany is fundamentally linked with the phenomenon of migration. Germany unity was initiated and accomplished with such rapidity due to the mass exodus of East Germans from the former GDR to the FRG, first via Hungary and Austria, and later via Czechoslovakia and Poland. Helig suggests that, "while unification was born out of sheer economic necessity, a demographic phenomenon, migration, triggered it." (Heilig et al, 1990: 30) East Germans had been travelling to Hungary with the sole intention of crossing to the West through the breached Iron Curtain, which the Hungarians had been dismantling. The build up of refugees from the GDR was so intense that the Hungarian government, applying the principle of free movement, opened its borders with Austria in order to stem the flow of East Germans. However, the opening of borders between Hungary and Austria did not manage to stop the flow. When exit visas for Hungary were no longer available, East Germans travelled to Czechoslovakia and Poland where visas were not required. East German

refugees occupied the West German Embassy in Prague and Warsaw, demanding passage to the West. The breaching of the Berlin Wall was a desperate attempt by the East German government to gain some form of control over the chaotic situation and to stem the outward flow of young and well qualified East Germans. The actions of the East German government had the opposite effect, with the opening of the Berlin Wall acting as a catalyst for further migration to the West. The continuing influx of German refugees had become an increasing burden for the FRG, particularly on the economy and the welfare system. The number of GDR citizens in the FRG in the last quarter of 1989 had totalled 240,000. Reducing the number of East Germans entering the FRG had become a priority for the West German government. The West German government opted for a 'fast track' to unification in response to the unprecedented levels of migration to Germany. Hence, unification was concluded so expeditiously in order to staunch the influx of migrants.

The unification of Germany solved the problem of inner German migration, but it could not halt other migratory movements from East to West. The potential for non-German migration went unnoticed prior to unification; however, it was not long before the prospective numbers became blatantly obvious.<sup>23</sup> The collapse of communism in Central and Eastern Europe and the disintegration of the Soviet Union, events which accompanied the unification of Germany, unleashed great potential for migration. Prior to the removal of the Iron Curtain, Eastern Bloc countries had pursued extremely restrictive emigration policies, permitting virtually nil migration. Those that managed to cross from East to West were welcomed with open arms, being perceived as ideological and political endorsements of western liberal democracy. The process changed with the advent of

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<sup>23</sup> An EC survey conducted in the summer of 1992 revealed that a total of 13 million people were ready and willing to migrate to western Europe. Furthermore, that 9 out of 10 Russian Germans wanted to migrate directly to Germany. (Mühlum, 1993: 7)



Gorbachev in the Soviet Union with his relaxation of travel procedures, facilitating migration. Gorbachev's denunciation of the Brezhnev Doctrine meant that the Soviet Union gradually loosened its grip on all the eastern satellite states, thereby allowing one communist country to founder after the other. The difficult social, political and economic transition process in these post-socialist states acted as a 'push factor' from these regions, exacerbating the inflow of migrants to Germany. Officials make a direct link between the rise in migratory movements from Central and Eastern Europe, the opening up of the East and the unification process. "Die Wanderbewegung von Osten hat an und für sich, von Ausnahme abgesehen, nach der Wiedervereinigung eingesetzt, weil die Mauer gefallen ist."<sup>24</sup> Migrants from Eastern and Central Europe were aided by Germany's previously liberal asylum law and its generous welfare provisions, which 'pulled' migrants to Germany.

Developments in Central and Eastern Europe precipitated migration to Germany, and in so doing intensified the so-called migration "crisis". The sheer volume of migration resultant from unification was perceived by policy-makers as a threat to political stability, which had to be tackled. In February 1993 the former Interior Minister, Rudolf Seiters, commented,

Wanderbewegungen der gegenwärtigen Dimension sind eine Gefahr für die politische Stabilität in Europa. Deshalb muss mit gemeinsamen Anstrengungen der Herkunfts-, der Transit- und der Zielländer einer möglichen Gefahr der Destabilisierung der politischen Lage in Europa energisch entgegengetreten werden.<sup>25</sup> (Presse und Informationsamt der Bundesregierung, 1993f: 113)

Mass migration from the East contributed to the heightened concern about

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<sup>24</sup> Interview with official, Referat A1, Grundsatz für Asyl und Ausländerpolitik, Bundesministerium des Innern, Bonn, 15 September 1994. Author's translation, "The migratory movement from the East has actually, apart from some exceptions, started after unification because the wall came down."

<sup>25</sup> Author's translation, "Migratory movements of the present dimension are dangerous for political stability in Europe. Therefore, the countries of origin, transit and destination, have to jointly take firm steps against the potential danger of political destabilisation in Europe."

the migration issue and multiplied the necessity for policy reform.

The migration problem was compounded by open and porous borders to the East, which Germany acquired as a result of unification and the opening up of the East. An official from the Interior Ministry pointed out, "Die Grenzen sind verschoben. Die Ostgrenzen sind in der Tat nach der Wiedervereinigung offen und werden auch für illegale Beitritte genutzt."<sup>26</sup> The Germans have borders with their eastern neighbours which are virtually impossible to police, thus being the source of illegal immigration.

The impact of external events on the migration dilemma in Germany cannot be denied. However, the sheer volume of migration to Germany evoked negative reactions within Germany, which applied pressure for policy reappraisal. The magnitude of migrants arriving in Germany created an uneasiness amongst the public. The native population, already laden with the burdens and negative consequences of unification, perceived any kind of foreigner as a threat or as competition for jobs, housing and welfare benefits. People no longer differentiated between categories of migrants. Schmid argues,

Die Deutsche Bevölkerung markiert die gesamte Zuwanderung der letzten Jahre und kann zwischen Aussiedlern, Arbeitsimmigration und Asylmissbrauch nicht mehr unterscheiden. Sie sieht eine Massenwanderung zum eigenen Sozialbudget, die durch nichts am allerwenigsten durch die Regierenden, gebremst zu werden scheint.<sup>27</sup> (Schmid, 1992: 45)

Some of this negative feeling was translated into increased support for anti-immigrant parties such as the Republikaner and the DVU. The DVU made significant gains in the Landtag election in Bremen in 1991, polling

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<sup>26</sup> Interview with official, Referat A1, Grundsatz für Asyl und Ausländerpolitik, Bundesministerium des Innern, Bonn, 15 September 1994. Author's translation, "The frontiers have shifted. After unification the eastern borders are indeed open and also being used for illegal entry."

<sup>27</sup> Author's translation, "The German population has noticed all the immigration of the last few years and is not able to distinguish between ethnic Germans, work-related immigration and asylum abuse any longer. They see a mass migration to their welfare budget, which seems virtually impossible to hinder, least of all by the government".

6%. This success was repeated in Schleswig-Holstein where the DVU achieved 6.3%. The Republikaner made similar gains in Baden-Württemberg. The success of the extreme right reflected the disenchantment with mainstream political parties, which seemed incapable of resolving the migration problem.<sup>28</sup>

Concomitant with the increase in support for extreme right parties was the manifest rise in racially motivated violence and more visible racial intolerance. The riots in Rostock, the arson and the murders of Turkish families in Mölln in November 1992 and in Sölingen in May 1993 are the most noteworthy examples. Violent attacks perpetrated against all kinds of foreigners evoked condemnation from all quarters of the political spectrum; more importantly, they augmented the urgency for a political solution of the migration problem.

Policy Circumstance has endeavoured to analyse the relevance of unification for the migration debate in Germany. Unification did not have a substantive effect on policy. It did, however, have an indirect effect by facilitating the conditions for mass migration. The substantial rise in migration levels, in turn, acted as a catalyst for policy reform. Unification also induced negative outcomes by changing the perception of the whole migration issue. Germany saw a rise in extreme right success electorally as well as an increase in racially motivated attacks. Policy reform, however, proved to be a controversial and painful process.

### **5.3 POLICY-MAKING STRUCTURES**

The institutional and constitutional dynamics of policy-making in migration, in the domestic arena and at the European level, assume fundamental importance. An analysis of the actions of domestic political actors is vital in understanding Germany's attempts to reform policy. The

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<sup>28</sup> The significance of the success of the Republikaner and the DVU in the whole migration debate and resolution of constitutional stalemate is considered in greater depth in the section on policy-making structures.

“institutional pluralism” in the policy process affords domestic actors a crucial input in the formulation of policy in this sector. The constitutional dimension to policy reform in migration acquired particular significance; being the source of one of the most intense and controversial political debates in Germany.<sup>29</sup> The policy process was characterised by inter- and intra- party disputes, thereby frustrating policy reform. The inability of the governing coalition and the opposition to resolve their differences directly benefited the extreme right parties which were able to dictate the political agenda. The discontentment amongst the public reached epidemic levels, exacerbating pressure for a political solution. The political sensitivity of the issue manifested itself in the protracted debate surrounding policy reform. The inability of the political structures to deal with the issue resulted in a temporary paralysis of the policy process, aiding the government’s attempts to reach a solution at the European level. The whole migration issue was catapulted on to the European agenda with the Germans actively seeking solutions in both the Community and the intergovernmental frameworks. If a policy solution could be reached at the European level, it would be easier to implement domestically.

### 5.3.1 DOMESTIC DEADLOCK

The migration issue moved from the realm of ‘low politics’ to ‘high politics’, becoming highly politicised in the late 1980s and early 1990s. The fusion of the immigration and asylum issues meant that conflicts over the constitutional right to political asylum occupied centre stage. More specifically, the CDU/CSU’s proposed amendment of Article 16 became the focal point for heated debate.

The constitutional dimension to the asylum issue was pivotal in the

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<sup>29</sup> The General Secretary of the CDU, Peter Hintze, commented on the controversial nature of the asylum issue during the debate on asylum in the Bundestag. He pointed out that the decision to amend Article 16 of the Constitution was one of the most divisive in recent times. He declared, “Kaum eine Entscheidung hat sich die Politik so schwer gemacht wie diese”. (CDU-Bundesgeschäftsstelle, 1993: 5) Author’s translation. “A political decision has rarely been so difficult for the politicians.”

entire dispute. The right to political asylum, as embodied in Article 16 (2), was a constitutionally guaranteed right. In order to amend the asylum clause in the Basic Law, the Federal government required a two-thirds majority in the Bundesrat and the Bundestag. The Federal structure and the nature of policy-making in Germany disperses power between different levels of government, and in turn between various political parties. The actions of the Federal government were impeded since it needed to achieve a consensus in institutions which were not wholly dominated by the governing parties. The consensus required to secure an amendment was not forthcoming, with both the governing coalition and the opposition split on reform.

The dissension at the party-political level, with the major parties holding diametrically opposing policy positions, precluded the urgently needed resolution of the issue. The conflict frustrated the policy process and acted as a formidable impetus for the Federal government to reach solutions outside the domestic arena at the European level.

The CDU, and its sister party the CSU, have long sought to make the asylum provision more restrictive on the basis that Germany's liberal policy was subject to abuse. The CDU/CSU tabled an amendment of the Constitution in order to restrict the number of economic migrants claiming political asylum. The CDU/CSU argued in favour of a stricter asylum law from the policy position that, "Germany does not have a special moral and political responsibility to maintain a generous policy of entry since the national order itself is threatened by the influx of foreigners." (Lemke, 1993: 61) Statements from key CDU/CSU politicians reflected this policy stance. The former Minister of the Interior, Wolfgang Schäuble, alluded to the amendment of the Constitution as a means for saving the state from internal turmoil. Schäuble equated the controlling of numbers with ensuring harmony amongst the immigrant and native communities. He declared,

"Only if we control and limit immigration more effectively.....can we ensure peaceful and amicable co-existence." (Genilliard & Barber, 1993: 24) The two conservative parties introduced key phrases into the political debate, such as 'over-foreignisation', 'flood of asylum seekers', 'limits of endurance' and particularly the 'the boat is full'.<sup>30</sup> The CDU/CSU advocated a ceiling of its borders to the East, unwilling and unable to bear the immense financial burden connected with the maintenance of asylum seekers.<sup>31</sup> The sentiment increasingly prevalent amongst the governing elite was that Germany could not solve the problems of the world with respect to migration.

The CDU/CSU added a European dimension to their search for a more restrictive policy, arguing that an amendment of its asylum law was necessary in order to placate pressure from its partners. Germany's partners were increasingly critical of its asylum law, which they perceived as being too liberal, opening the floodgates for unwanted and unlimited asylum seekers. In addition, the conservative parties contended that agreements negotiated within intergovernmental frameworks, such as the Schengen Accord and the Dublin Convention, were ineffective without a constitutional revision. Both the Schengen Accord and the Dublin Convention could not be ratified until the law was amended. A member from the German Permanent Representation commented, "Man müsste das Grundgesetz ändern, um diese Übereinkommen ratifizieren zu können und um daraus ein nationales Gesetz machen zu können."<sup>32</sup>

The acutely sensitive issue of asylum was so politically divisive that it

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<sup>30</sup> The head of the CDU parliamentary group in the Bundestag, Alfred Dregger, had already introduced the idea of 'flooding' in parliamentary debates in the mid-1980s. Dregger made a direct correlation between flooding and the so-called Muslim threat in Europe.

<sup>31</sup> Interview with official, Referat A1, Grundsatz Referat für Asyl und Ausländerpolitik, Bundesministerium des Innern, Bonn, 15 September 1994.

<sup>32</sup> Interview with an unnamed senior official, Ständige Vertretung der Bundesrepublik bei den Europäischen Gemeinschaften, Brussels, 18 November 1994. Author's translation, "It would be necessary to change the Basic Law in order to ratify these agreements and then enact a national law."

caused open splits in the ruling coalition. Chancellor Kohl's proposal for amending the asylum law was unpalatable to the junior partner in the coalition, the FDP, whose policy stance was more akin to that of the SPD. The FDP initially refused to revise the Constitution. Kohl's attempts to build an election platform on the issue of asylum seekers in February 1992 resulted in an unprecedented split between the CDU/CSU majority and the FDP liberal minority. The rift was so deep that the FDP took the step of publishing a separate and contradictory post-cabinet statement.

The policy position of the opposition thwarted the government's attempts for reform. Initially the SPD flatly rejected any constitutional amendment which would amend, undermine or abolish the granting of asylum. The SPD were particularly reluctant against modifying Article 16, embracing historical and moral arguments for its preservation. SPD politicians defended the right of asylum as a humanitarian obligation of the Federal Republic to politically persecuted individuals. The standpoint of the SPD is, "rooted in post-war West German vision wedded to the ideals of a liberal, open society strongly committed to a constitution protecting human rights and the rule of law." (Lemke, 1993: 62) The SPD considered the right of asylum as inviolable and therefore blocked changes for months. The SPD argued where would the pressure for amendments and infringements on people's liberties stop if the government is allowed to change the country's Basic Law.

Oskar Lafontaine asserted that the asylum compromise was 'extremely fragile' since it failed to deal with fundamental problems related to migration, namely ethnic Germans. The SPD, the Greens and even liberal conservatives agreed that a more comprehensive overhaul of the immigration policy was required, which would start with the recognition that Germany is a *de facto* country of immigration. They objected to the 'German blood' policy of preference for ethnic Germans, arguing that it should cease

and an immigration law, including quotas for different countries, and automatic citizenship for those born in Germany, established. The SPD contended that asylum procedures could be speeded up without requiring a change in the Constitution.

A homogeneous view did not prevail within the SPD. The party had experienced lengthy internal conflicts between the national leadership which would not contemplate any serious restrictions on asylum, and the Länder level leaders who were coping with the practical consequences of a liberal policy. The result was visible confusion which proved to be electorally damaging.

The intra-party split within the SPD unveiled the complications in the Bund - Länder relationship with respect to this policy issue. The Länder governments had assumed growing importance in the formulation and implementation of migration policy. The Constitution guarantees that competencies are divided in this policy sector. The Federal government retains exclusive competence over the formulation of policy pertaining to immigration, citizenship and the issuing of passports. The Länder governments implement Federal policy and have concurrent powers in the residence and establishment of aliens. More specifically, the Länder governments are empowered to deal with the practical distribution and maintenance of aliens. There has been growing discontent at the Länder level, with the Länder governments experiencing increasing problems. The five new Länder encountered severe difficulties, particularly with regard to the financial burden of maintaining provisions for asylum seekers.<sup>33</sup> A report from the BMI states, "The Federation, the Länder and the local communities are faced with problems they can hardly solve on account of

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<sup>33</sup> Asylum seekers are distributed among the Länder according to a 'distribution key'. Accordingly, since unification 20% of all asylum applicants were distributed to the five new Länder. The placement of asylum seekers in the new Länder has coincided with a rise in the number of attacks perpetrated against foreigners.



the great influx of asylum seekers." (Bundesministerium des Innern, 1993b: 51)

Concomitantly, Länder governments had an important role through their representation in the Bundesrat. Constitutionally the Bundesrat had a veto power in the amendment of the asylum clause unless there was a two-thirds majority. The extent of the problem meant that there was a consensus between Bund and Länder on the need to change policy.

The growing uneasiness amongst the public impelled the Chancellor to act. The principle of Richtlinienkompetenz affords the Chancellor the power to set policy guidelines. Kohl grasped the initiative by arranging all party talks, where an agreement about the asylum question might be achieved. The outcomes reached at the so-called 'asylum summit' at the Bundeskanzleramt on 10 October 1991 were, however, only meagre. The mountain laboured and only brought forth a mouse. Only a few days after the summit disillusionment set in, with the CDU/CSU putting forward a proposal to amend the Constitution. (Wasserman, 1992: 16)

The mainstream parties were unable to come to a satisfactory conclusion of the asylum problem with both the opposition, which is split between local and national leaders, and the government's coalition partner the FDP, flatly refusing to amend the Constitution. The failure to deal with the issue failed to discourage the racist violence, and led to widespread popular cynicism and a loss of support for leaders of all mainstream parties and therefore a steady rise in support of extreme right-wing parties. The perceived competence of a political party to effectively address salient issues definitely has an impact on its standing electorally. "The asylum issue is probably one question which has caused most chaos and confusion in the political establishment, and has certainly helped boost the fortunes of the far right." (Peel, 1992: 2)

The success of the extreme right has affected the fortunes of both the

major parties. The CSU has been particularly stringent in its views on amending Article 16 because it was worried about the Republikaner eroding its political base.<sup>34</sup> After the results in the Bremen state elections in 1991, the extreme right parties made significant gains in the Schleswig-Holstein and the Baden-Württemberg elections. In the Schleswig-Holstein election in April 1992, 48% of the electorate turned out to vote as compared to 72% in 1988. Almost 20% of the vote was shared out between the DVU and the Republikaner. The SPD just held on to power in Kiel but saw their overall vote slashed from 56% to 46%. Meanwhile the CDU lost the absolute majority it had for twenty years in Baden-Württemberg. The DVU gained six seats in the Kiel Parliament and the Republikaner gained 15 seats in Stuttgart. The DVU and Republikaner became the third largest political groups represented in both assemblies. (Parkes, 1992c: 18) The right wing was also able to make gains in local and city elections in the state of Hessen in March 1993. The SPD vote slumped by 7% and the CDU by 2%. In Frankfurt, Franz Schönhuber and the Republikaner took 10 % of the vote. State-wide the Republikaner collected an estimated 7.7 % compared with less than 1% for the far-right parties in the last election.

The victories of the extreme right parties, "reflected anger and disenchantment with mainstream politicians, the paralysis of the muddlesome conservative/liberal federal coalition and the loss of contact with the realities of life." (Parkes, 1992c: 18) The gains of the extreme right were a result of the manipulation of the asylum issue itself and of the impotence of the mainstream parties. The extreme right benefited greatly from the widespread disenchantment or Politikverdrossenheit felt in society. The mainstream parties dismissed the results as protest votes, but also

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<sup>34</sup> The CSU has taken a similar stance on other aspects of the migration debate. The CSU is vehemently opposed to any relaxation of the Citizenship law, which it feels would somehow lead to a dilution of the German identity. The views of the CSU are reflected by the Bavarian premier, Edmund Stoiber, who stated, "We are not an immigration country. That would result in a multi-cultural society. A multi-cultural society would be a terrible thing". (Peel, 1993: 22)

called for reflection and a rectification of why so many had voted for the extreme right.

The inability of the mainstream parties to deal with the sensitive immigration problem unleashed extremism on the left of the political spectrum. An anti-racist demonstration in Berlin in November 1992 ended with the protesters pelting the state president with eggs. The groups on the extreme left sought to reveal what they saw as the hypocrisy of the politicians.

Policy-making in this sector had proved fruitless in the domestic arena. The differing policy positions of domestic actors, and the inability to reach a consensus on policy reform, resulted in a paralysis of the domestic policy process. The political sensitivity of the issue, coupled with Germany's contradictory approach towards migration, precluded a domestic solution. The growing importance of the migration issue, as exemplified by the government's references to a 'state of emergency' and increasing uneasiness amongst the public made a resolution fundamental. By the early 1990s the migration issue had come to completely dominate the political agenda. The perceived need for a constitutional amendment and the stalemate in the Bundestag and the Bundesrat forced the government to look to the European level. The deadlock in the domestic arena rendered an expeditious solution highly unlikely. The government was aided in its attempts to reach a solution outside of the scrutiny of the domestic policy process by the knowledge that certain policy issues could be better solved at the European level. Webb argues that, "Various governments have anxiously looked to the EC to find solutions to problems which have persistently eluded them". (Webb, 1983: 31) Furthermore, the definition of migration as a transnational issue demanded European solutions.

### 5.3.2 THE SEARCH FOR EUROPEAN SOLUTIONS

The inability to reach decisions in the domestic arena, characterised by the constitutional and political stalemate, and the political urgency of solving the migration crisis renewed the Federal government's efforts to seek solutions within European frameworks.

A central contention of this thesis is that the EU serves as an arena for solving domestic problems. Wallace argues, "the EC can be used as a resource in domestic problems by hard pressed governments". (Webb, 1983: 29) The Germans could legitimately export the migration issue out of the domestic arena, negotiating policies within the EU which would then be directly applicable at home since EU legislation has primacy over national law. The Germans were aided in their search by the genuine belief of many of the political elite that the migration problem was better solved at the European level. A senior official in the Auswärtiges Amt remarked that migration was a problem, "das Deutschland besser in der Europäischen Union durchsetzen kann".<sup>35</sup> Aside from the domestic problems, the Germans believed that the transnational character of migration demanded European solutions. With the advent of the Single Market and the lifting of internal borders, national policy solutions are no longer appropriate nor effective enough to deal with the issues of immigration and asylum and therefore require Community or joint action. The Germans have actively sought to resolve the issue at the European level in the various policy-making frameworks.

As one of the key actors in the EU, Germany has stood for an integrationist view of the new Europe, and the German government has repeatedly called for common policies on borders and asylum and the

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<sup>35</sup> Interview with unnamed senior official, Auswärtiges Amt, Bonn, 15 September 1994. Author's translation, "...which Germany would better solve in the European Union."

European-wide distribution of asylum seekers. Germany's demands for the harmonisation of policy is not a new phenomenon which has resulted from the unification of Germany and the ensuing migration problems. The German government indicated its preference for the harmonisation of migration policy as far back as 1986. The Federal government announced that, "it would speed up the harmonisation of asylum legislation and asylum law in the European context" in its Cabinet decision of 26 August 1986. (Bundesministerium des Innern, 1993b: 68)

An interest in harmonisation of immigration and asylum policy dates back to the mid 1980s, when policy converged simultaneously in two European consultative structures: firstly, the formal **Community framework**, which is based on the EC Treaty and involves the Community institutions such as the Commission, the European Parliament and the Council of Ministers; and secondly, the less informal **intergovernmental framework**, which is mainly concerned with migration, asylum and combating terrorism. Much to the disappointment of the Germans, policy harmonisation has been removed from the scrutiny of the Community framework, and taken place in the ad hoc intergovernmental framework. Intergovernmental frameworks are preferred by many European politicians because it is felt that, "...immigration policy is too important to be left to the European Commission because of its implications for each country's security, national identity and culture." (Layton - Henry 1992: 231). Furthermore, the intergovernmental frameworks have prevailed due to the identification of migration as a national competence which is closely linked with national sovereignty. However, De Boer argues, "If European policy is to work, close co-operation between Community institutions and intergovernmental channels is essential." (De Boer 1992: 672) The mixture of international and supranational co-operation has led to conflicts erupting among the member states and between the member states and the Community institutions. Callovi maintains,

Within the European Community we are witnessing the shaping of a new political decision-making landscape which involves in some cases the sharing of sovereignty among member states. The redistribution of power among institutions, and between nation-states and the Community, is part of a subtle game where interests and aims do not always converge. (Callovi 1992: 354)

Intergovernmental co-operation in the areas of immigration and asylum involved three main bodies: the Trevi Group set up in 1975 <sup>36</sup>, the Ad Hoc Group on Immigration established in 1986 <sup>37</sup>, and the Schengen Agreement signed in 1986.<sup>38</sup> The main achievement of intergovernmental co-operation in immigration and asylum has been the Schengen Agreement.

Consultation within the Community framework on immigration and

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<sup>36</sup> TREVI was an acronym for terrorisme, radicalisme, extremismisme et violence internationale. Trevi was an intergovernmental body set up at the behest of the British government. Operating under international law, Trevi was a body consisting of Justice and Interior Ministers. These intergovernmental bodies as a whole, including Trevi, were criticised for their unaccountable, undemocratic and secretive nature. The MEP John Tomlinson declared, "I regard the Trevi Group as positively dangerous and undemocratic...they are managing to equate immigration policy and the freedom of movement of people with the same level of imperative secrecy as they are saying is necessary to have for counter-terrorist activities and counter drug activities". (Bunyan, 1991: 22) An argument which the Germans favoured, but the British disagreed with. The British government took a positive view of Trevi due to, "the informal, spontaneous and practical character of its discussions". The group's competencies comprised: immigration, asylum, border controls, freedom of movement, terrorism, visas, international crime and drug trafficking.

<sup>37</sup> The Ad Hoc Group on Immigration was another intergovernmental body set up at the initiation of the British government with the aim of ending the abuse of the asylum process. The activities of the Group were excluded from the scrutiny of Community institutions, but the Commission was granted observer status. Two international conventions went through various drafts: the Convention on Determining the State Responsible for Asylum Applications and the Convention on the Crossing of External Borders.

<sup>38</sup> The Schengen Agreement was signed by France, Germany, Belgium, the Netherlands and Luxembourg in 1985 to facilitate the abolition of internal borders and full implementation of the freedom of movement principle. Italy, Spain, Greece and Portugal later joined the original five states. A Supplementary Agreement was signed in 1990 to fill the loopholes that would arise from the full abolition of border controls between the signatory states. The main provisions of the Supplementary Agreement include: the exchange of information on new asylum law, new arrivals and countries of origin of asylum seekers, a common list of countries whose national require visas, a common list of 'undesirable' who will be refused entry, exchange of information via the Schengen Information System, provisions determining the state responsible for examining an asylum application and sanctions against airline carriers transporting individuals without adequate documentation. The Supplementary Agreement entered into force on the 26 March 1995. The aims expressed in the Schengen Agreements are clearly similar to those in Article 8a of the EC Treaty. The Schengen Agreement strengthens the community spirit by envisaging the supremacy of all present and future EU Treaties over its own. Furthermore, the Commission participates in the processes of Schengen with observer status. Title VI of the Maastricht Treaty on co-operation in the fields of justice and Home Affairs implicitly allows for the conclusion of intergovernmental agreements such as Schengen. Title VI also envisages that these intergovernmental agreements may become part of the Community.

asylum lay dormant until 1985. The Commission's publication 'Guidelines for a Community Policy on Migration' advocated the inclusion of immigration and asylum into Community competence. The Commission's actions provoked a contradictory statement from the Council of Ministers, which recognised the desirability of promoting co-operation and convergence in immigration policy. However, simultaneously the Council confirmed that matters relating to the access, residence, and employment of non-Community nationals fell under the competence of the member states, regardless of Community Agreements. (Callovi, 1990: 25) From this point onwards the member states appeared to restrict the Community's competence in immigration to consent and co-operation. The Commission continued to push for community competence. The Commission introduced a procedure for 'prior communication and consultation on migration policies in relation to non-member countries', based on Article 118 of the Treaty of Rome on July 8 1985. Following appeals from many member states the European Court of Justice annulled the Commission's decision.<sup>39</sup> The implications of the implementation of the Single Market, as contained in the SEA, renewed debate about immigration and asylum at the European level.<sup>40</sup> The Germans were at the forefront of bringing the issue on to the European political agenda. European level negotiations culminated in the Dublin Convention of 1990<sup>41</sup> and the incorporation of immigration and

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<sup>39</sup> Surprisingly, the ECJ's annulment of the Commission's decision provided the impetus for more Community involvement in the situation of third country workers, since the ECJ gave the fullest recognition to the main tasks of the consultation procedure, namely; to facilitate the adoption of a common position by member states; to achieve progress toward harmonisation of national legislation on foreigners; to promote the inclusion of common provisions in bilateral agreements; and to improve the protection of Community nationals working and living in non-member countries.

<sup>40</sup> The implications of the SEA for harmonisation of immigration and asylum policies are discussed in the section on Dynamics of the Policy Sector.

<sup>41</sup> The Dublin Convention of 15 June 1990 is concerned with the harmonisation of the fundamental rules of asylum law, namely; the criteria for determining when applications for asylum are 'manifestly ill-founded'; the definition of and common application of the term 'country of first asylum'; common assessment of the situation in the country of origin or the 'country of first asylum'; and harmonised interpretation of the term 'refugee' as referred to Article 1 of the 1951 Geneva Convention. The Dublin Convention was designed to, "combat asylum-

asylum into the Third Pillar of the Treaty on European Union.

The thesis contends that the EU serves as an arena for solving domestic problems. Considering the domestic deadlock, the Germans recognised the benefits of reaching policy solutions in the European arena. The Federal government held the belief that, "National policies and regulations concerning the problem of refugee movements...need to be supplemented and harmonised at the European level." (Bundesministerium des Innern, 1993b: 68) In fact, the Germans actively encouraged policy harmonisation in both the intergovernmental and Community frameworks. Germany was an original signatory state of the Schengen Agreement.

The German government and particularly Chancellor Kohl rejected intergovernmental co-operation as inadequate for controlling immigration and clearly expressed a preference for the Community framework. Apart from the democratic deficit inherent in the intergovernmental process, whereby decisions are reached in ad hoc, secretive, separative and unaccountable bodies, the requirement of unanimity in decision-making hindered Germany's progress towards achieving common policy position. Therefore, the Federal government stated that it, "would like the European Community to be invested with responsibilities in the above areas, which would go beyond the intergovernmental co-operation practised hitherto." (Bundesministerium des Innern, 1993b: 73)

The role of Chancellor Kohl has been fundamental in Germany's attempts for policy solutions within European frameworks. Kohl made a concerted attempt to bring migration into Community competence, as part of Article 8a of the SEA, which is governed by majority voting in the Council of Ministers. Utilising his powers of policy initiation, Chancellor Kohl took the lead, in attempting to facilitate a common solution. Kohl put forward a



proposal for a Community-wide policy on immigration at the European Council meeting in Luxembourg in June 1991. Kohl argued that, "Member states should commit themselves under the Treaty on Political Union to harmonising, both formally and substantively, their policies on asylum, immigration and aliens". (Commission of European Communities, 1991b: 2) Furthermore, Kohl was able to persuade his partners in the EC to agree that Ministers responsible for immigration should prepare special asylum and immigration reports for the Maastricht summit. Kohl's actions proved fruitful, as the Luxembourg Council asked the Ministers responsible for immigration to present proposals for the harmonisation of policy at the Maastricht summit. As part of the debate leading up to the Maastricht summit in December 1991, at the request of the European Council, the European Commission issued two Communications, one on immigration policy <sup>42</sup> and the other on the right of asylum. <sup>43</sup> The Commission acknowledged that these Communications instigated at the request of the Germans had, "a crucial bearing on future work". (Commission of European Communities, 1991c: 19) Kohl reiterated his demands for the harmonisation of policies and the transfer of competencies to the EC at the Maastricht summit, in the knowledge that if he was able to secure a Community-wide policy, it would automatically be valid in German law since EC law has primacy over national law.

Kohl's efforts were not rewarded. The TEU awarded clear legal competence to the Community on visa policy as laid down in Article 100c.

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<sup>42</sup> The Communication on immigration put forward proposals based on the need to introduce measures to control the flow of immigration, to make migration an integral part of the Community's external policy, and the need to strengthen integration policies for migrants already legally resident in the EU. For further details see: (Commission of European Communities, 1991c)

<sup>43</sup> The Commission's Communication on the right of asylum focuses on ways of preventing the abuse of asylum, whilst guaranteeing that genuine asylum seekers are still accepted into the EU. The Communication calls for a common approach by Member States to application for asylum based on the humanitarian principles laid down in the Geneva Convention. The Communication suggested that one of the main priorities in the area of asylum was the ratification of the Dublin Convention on Asylum. For further details see: (Commission of European Communities, 1991b)

The competence on visa enables the Community level to determine which non-EU nationals should be subject to a visa requirement and of a common format for visas. Although, immigration and asylum have been identified as areas of common interest; intergovernmental co-operation has remained in the field Justice and Home Affairs.<sup>44</sup>

Germany's attempts to reach a solution outside the domestic framework failed. Despite the political expediency on the part of the German government, the contemporary nature of the migration in Europe as transnational, Germany was unable to achieve a consensus in the sensitive policy area of migration. The necessity to achieve decisions by means of unanimity, in a policy sector which is guarded by many Member States as exclusively lying within national competence and closely linked to national sovereignty, all hindered Germany's attempts to harmonise policy. German initiatives appear to be jeopardised by the question of Community power versus national sovereignty. Furthermore, the conflict between Community and intergovernmental structures proved to be a hindrance.

### **5.3.3 BACK TO THE DOMESTIC ARENA**

The impotence of European structures, despite calls from within the German government for a European solution, thrust migration back onto the domestic agenda. The mounting crisis in migration, with over 450,000 arriving in Germany in 1992, renewed the Federal government's efforts to remove the obstructions to a constitutional amendment. A number of factors facilitated the final agreement over the asylum compromise.

Public concern over the asylum issue had rocketed to unprecedented levels by 1992. The prevailing view seemed to be that, "The acceptance of the German population has diminished." (Bundesministerium des Innern,

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<sup>44</sup> Areas of common interest include conditions of entry, movement and residence, access to employment, combating unauthorised immigration, rules governing the crossing of external borders and asylum policy. The provisions for intergovernmental co-operation do allow for Member States to bring any of the above mentioned areas into Article 100c i.e. bring them within the Community's ambit. However, this may be achieved only by means of an unanimous decision and would be subject to the ratification by each individual Member State.

1993b: 51) Opinion polls from 1992 recorded growing support for a constitutional amendment. A survey carried out by Ipos-Institute, commissioned by the BMI in May 1992, indicated that the overwhelming majority of those surveyed (74% in the old Länder and 84% in the new Länder) believed that those persecuted on political grounds should have the right to asylum in Germany. At the same time 63% in the old Länder and 65% in the new Länder thought that only a fixed number of those suffering from political persecution should be admitted each year. (Bundesministerium des Innern, 1993b: 59) Figures from a poll conducted earlier in 1992 mirrored these results with around 60% of all Germans backing changes to prevent 'abuse' of the asylum laws. (Parkes, 1992b: 2) The asylum issue had come to dominate the political agenda with 47% of West Germans considering asylum and immigration as the country's biggest problems. (Parkes, 1992b: 2) Increased public concern put pressure on the political elite to overcome their disagreements on the issue. The necessity to appease and to allay the fears of the public became a prime motivating factor in forcing change. The then Interior Minister, Rudolf Seiters, recognising the importance of public opinion on the asylum issue, commented that, "Ein Parlament kann auf Dauer keine Politik machen gegen den erkennbaren Willen der Bevölkerung." <sup>45</sup> (Presse und Informationsamt der Bundesregierung, 1992m: 5)

The public had conveyed their fears and discontentment with mainstream parties through increased support for extreme right parties. Both the Republikaner and the DVU made significant electoral gains at the height of the asylum crisis. <sup>46</sup> These parties managed to exploit the inadequacies of the mainstream parties effectively. In an attempt to win

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<sup>45</sup> Author's translation, "In the long run a parliament cannot pursue policies against the recognisable will of the population."

<sup>46</sup> Both the CDU and the SPD lost votes to the Republikaner and the DVU. Refer to section 5.3.1.

back disaffected CDU voters, the party quite intentionally shifted further to the right of the political spectrum, and hijacked and adopted the harsh policy position of the extreme right. The justification provided by the Interior Minister, Rudolf Seiters, was that, "Wir wollen nicht, dass Radikale und Extremisten von einer Situation profitieren."<sup>47</sup> (Presse und Informationsamt der Bundesregierung, 1992m: 5) By demanding an amendment of Article 16 the CDU was able to tap into popular resentment, oust the extreme right parties and stem the decline in the party's popularity, particularly in the East.

Exaggerated references to a state of emergency by leading CDU politicians and growing concern over the harmful effects of the migration crisis to stability in Germany served as further justifications for the CDU's demands. Rudolf Seiters argued, "Ohne eine solche Möglichkeit werden Ängste und Unsicherheiten verstärkt, die für den inneren Frieden schädlich sind."<sup>48</sup> (Presse und Informationsamt der Bundesregierung, 1992m: 1) The growing levels of racial violence intensified the need to overcome the constitutional deadlock. The Federal government perceived the constitutional amendment as a remedy for countering the manifest rise in violence.

The SPD could not resist the forces for change in the domestic political arena and within the party itself. The party had been split internally between the national leadership who were unwilling to concede to change and state level authorities. The CDU made tactical use of the delicate balance within the party during the Bremen state election campaign, by taking the local ruling party to task for the over-liberal attitude of the senior members in Bonn towards the migration problem. The SPD paid a price for their confusing stance on the asylum issue. The SPD incurred significant losses

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<sup>47</sup> Author's translation, "We do not want radicals and extremists to profit from such a situation."

<sup>48</sup> Author's translation, "Without such an option fear and insecurity would increase, which would be detrimental to internal harmony."

in Bremen.<sup>49</sup> The political unpopularity of the migration issue, the malaise within the party and the political system defeated the SPD's moral conscience in eventually agreeing to concede to a constitutional amendment in August 1992. The removal of the main obstacles in the party-political arena paved the way for the negotiations between the governing coalition and the opposition. The Germans overcame the political and constitutional deadlock to deal with the asylum crisis domestically, by agreeing to 'asylum compromise' in December 1992, for legislation to be enacted by July 1993.

### 5.3.4 END OF THE EUROPEAN ROAD FOR MIGRATION ?

The amendment of the asylum clause had the desired effect, the perceived asylum 'crisis' had been resolved, in time for Chancellor Kohl to score another victory in the Federal election in 1994. The migration issue no longer represented a politically worthy subject having been firmly extracted from public debate and the political agenda. Indeed, after the constitutional amendment the numbers of asylum seekers reaching Germany's borders diminished, being panned off to Germany's eastern neighbours. The Federal government's actions had succeeded in placating the general public and recuperating support from the extreme right. But is that the end of the matter?

The traditional German idiosyncratic approach towards the migration issue has prevailed yet again. The fusion of the immigration and asylum issues has meant that the asylum law has been used as a remedy for all of Germany's migration problems. The asylum question is one aspect of Germany's greater migration dilemma, which the legislation does not address. The revised asylum law represents a partial answer to a whole host of complex problems. There is a consensus emerging in certain

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<sup>49</sup> The SPD not only lost its absolute majority which it had sustained for twenty years but also lost ground to the DVU giving them an estimated six seats. The SPD's share of the vote fell from 50 per cent to around 40 per cent, giving it 41 seats in the 100 seat chamber. (Parkes, 1991: 4)

sections of the political elite that the asylum law can only be regarded as a temporary measure because the government and the opposition remain reluctant to address the fundamental issue: the absence of any immigration legislation. Cornelia Schmalz-Jacobsen, a FDP parliamentary deputy and head of the government-backed Department for Problems of Foreigners, has criticised the government's record on other aspects of the migration dilemma; namely the integration of guest workers, their access to citizenship, civil and political rights and violent attacks. Schmalz-Jacobsen suggested that the arguments over the Constitution were a distraction from these other very real problems. She pointed out that amending the Constitution is fruitless and ineffective unless it is followed by the introduction of an immigration policy.<sup>50</sup> However, government officials have so far ruled out the possibility of such a law being enacted. Traditional explanations of Germany not being an immigration country have been cited against the enactment of legislation. Schmalz-Jacobsen explained that an immigration law was not likely in the near future, since in general the migration issue remains a politically sensitive and emotive subject. Dissent exists within the ruling coalition between the FDP, which argues in favour of legislation dealing with working migrants, and the CDU, which propounds the 'Das Boot ist voll' explanation.<sup>51</sup>

What is clear is that Germany's migration nightmare is not yet over. The changing of the Constitution is inadequate and far from providing a comprehensive solution to Germany's complex problems. The amendment of Article 16 was a cosmetic and symbolic attempt to deal with a protracted problem. The reform of the asylum law has not rid Germany of all its evils in the immigration arena and the subject will rear its ugly head on to the political agenda. Kohl is still uncomfortable with Germany's unstable

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<sup>50</sup> Interview with Bundesbeauftragte für die Belange der Ausländer, Bonn, 27 January 1995.

<sup>51</sup> Interview with Bundesbeauftragte für die Belange der Ausländer, Bonn, 27 January 1995.

eastern borders and would prefer to regulate migration under the 'political cover' of the EU. (Barber, 1995: 10) Having not tackled all aspects of the migration dilemma, "the government may fudge the issue by amending the Constitution and then later rely on Brussels to draw up plans to restrict the European-wide flow of refugees." (Dempsey, 1992a: 2)

Despite the enactment of domestic legislation, the Germans remain committed to the belief that migration is an issue which is better regulated and solved at the European level. The Germans firmly believe that greater integration in judicial and interior affairs is a necessity given the contemporary nature of migration in the EU, which dictates European-wide solutions. What happened domestically cannot be the last word on the issue,<sup>52</sup> the Germans will continue to seek to Europeanise migration policy. At a summit in Baden-Baden in December 1995, the French President Chirac and Chancellor Kohl agreed that the EU should aim to combine the freedom of movement of travel with common asylum, immigration and anti-terrorist policies, despite the differences over implementing the Schengen borderless travel. (Norman, Buchan & Barber, 1995: 2)

The TEU offers a signal that the EU is set to become more involved in immigration policy. The EU is acquiring authority and competence in various aspects of immigration policy, even though institutional responsibility is shared and intergovernmental co-operation is the dominant form of governance. The governments of the EU are not ceding competence in the policy area willingly, rather, "national governments ..find themselves agreeing to cede ground over immigration policy to the Community inch by inch out of strong practical necessity". (Philip, 1994: 188) The dynamics of the policy sector as a transnational issue will ultimately result in a European policy.

The Germans will clearly be in the forefront in the pursuit of such a

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<sup>52</sup> Interview with official, Referent für Einwanderungspolitik, CDU, 18 April 1995.

policy. Justice and Home Affairs remains a priority of Chancellor Kohl; he is certain to push for more powers for the Third Pillar at the IGC. The German representative in the Reflection Group for the IGC, Werner Hoyer, clearly indicated these intentions. He remarked in a speech at Chatham House in September 1995,

We need to resolve to deal with central problems of interior and justice policies together.....I am aware that these have been classical key areas of national sovereignty, where reluctance to apply Community is particularly great. At least for asylum and immigration Communitarization seems indispensable. (Hoyer, 1995: 6)

Hoyer has advanced an idea which would grant the Commission a right to initiate policies in Justice and Home Affairs. Chancellor Kohl has made his disdain for the intergovernmental framework for co-operation in migration quite clear. As a key actor in the European policy process, Chancellor Kohl is likely to push for the Third Pillar to be governed by community competence at the IGC. Germany would like to overcome difficulties of the intergovernmental co-operation which requires unanimity in decision making. The Germans want to streamline the process, increase the role of the Commission and introduce majority voting.

#### **5.4 CONCLUSION**

The thesis contends that the role Germany plays in the EU varies depending on the policy sector at issue. Moreover, the thesis asserts that the policy sector itself shapes Germany's actions at the European level. Germany's approach towards migration policy has been conditioned by the very nature of the issue and by the need to solve the domestic migration crisis. The migration issue has been characterised as a politically sensitive subject, which has resulted in a contradictory approach and a temporary paralysis of the domestic policy process. This thesis maintains that the EU serves as an important arena for solving domestic problems. Migration



policy represents a policy sector in which the German government has increasingly looked to the European level. The constitutional and political deadlock within the domestic policy process and the urgency of a political solution forced the German government to propel the issue onto the European agenda. The thesis analysed three characteristics in relation to migration policy: dynamics of the policy sector, policy circumstance and policy making structures.

The dynamics of the policy sector incorporated an analysis of factors intrinsic to the migration issue at the domestic and European level. The migration 'crisis' represented Germany's key domestic challenge in the immediate post-unification period. The dynamics of the migration issue defined the subject as politically sensitive and domestically unmanageable. Domestic idiosyncrasies resulted in fundamental contradictions and inconsistencies which frustrated policy reform; elevating the migration issue to the European agenda.

The definition of migration as a transnational issue further rendered European solutions likely. Further integration within the EU, with the opening up of the Single Market and the lifting of internal borders, also intensified pressure for European-wide policies in this policy sector. The Germans perceived the migration issue as a common European problem; one which was better solved within the institutions of the EU. Hence, the dynamics of the policy sector pushed the potential for the Europeanisation of migration policy.

The fundamental issue of the impact of unification on the migration debate and substantive policy was examined within policy circumstance. The unification of Germany and the subject of migration are in essence linked. Indeed, unity was triggered by migration and concluded so expeditiously in order to stem the flow of migration to Germany. Although, unification did not have a direct effect on policy; it did facilitate the conditions

for mass migration. The collapse of communism and the dissolution of the Soviet Union opened the tap for further migration westwards, which acted as a catalyst for policy reform. Unification also instigated negative reactions from the general public, which manifested themselves in increased votes for the extreme right and support for a change in the Constitution.

The constitutional and institutional dimension to policy-making in this policy sector has been of greatest significance. The requirement to amend the Constitution aroused the greatest difficulty. The party political arena was deadlocked, with the governing coalition and the opposition split on the need for a revision of Article 16. The prolonged political struggle, the gravity of the problem, and the constitutional and political stalemate pushed the issue out of the domestic arena on to the European agenda. The German government saw an opportunity to resolve the problem within European frameworks, in the knowledge that a European solution could be applied domestically.

The Germans had long believed in and demanded the harmonisation of policy. They actively sought to utilise this opportunity and push for harmonisation. Despite the problems of formulating a common policy on this issue, Kohl put forward proposals in the Luxembourg Council in 1991 for a European-wide policy. Kohl achieved limited success in being able to persuade his partners to prepare special reports in time for the Maastricht summit. The TEU made some progress towards giving the EU competence over immigration and asylum. Although, these policy issues were defined as areas of common interest, intergovernmental co-operation remained. Kohl was unable to extract policy out of intergovernmental frameworks such as Schengen, thereby renewing his efforts in the domestic arena.

The governing coalition were able to overcome the obstructions in the domestic policy process to agree to the 'asylum compromise' in December 1992. The government may have revised the asylum law, but Germany's

migration problems have not disappeared. Indeed, the number of asylum applications have diminished. The classic German problem with regard to migration has been the negligence of other aspects of the migration dilemma which the legislation does not address. Despite the asylum compromise there remains the belief that the migration issue requires European regulation, given the contemporary nature of European integration. The indications are that the Germans will push for European-wide regulation at the IGC.

## **CHAPTER SIX: AGRICULTURE: A HISTORICAL OVERVIEW**

### **INTRODUCTION**

When looking at how Germany's role will change in the European Union the question arises why look at agriculture as a case study? Germany has strong national traditions in agriculture, which have been cultivated from the 1850s. Firstly, from the European perspective agriculture represents an important policy area of the EU; it is the most highly developed form of common action in the European Union and the Common Agricultural Policy is often referred to as "the cornerstone of the Community." The Germans continue to espouse their commitment to European integration and an examination of Germany's role in the most integrated area of policy would test its adherence to these claims. Do the Germans act primarily on domestic grounds in this particular policy area or are they driven by European issues? Secondly, a contention of the thesis is that Germany's role in the EU differs in different policy sectors and that the policy sector itself shapes whether Germany takes a pro-European stance or vice versa. Agriculture in the European context has developed a dynamic of its own. From a domestic perspective, Germany has traditionally taken a protectionist stance in agriculture. Germany has very strong national traditions in agriculture and defined policies which it has actively pursued. Sections of this chapter endeavour to examine how Germany has attempted to reconcile its own interests with European interests in this area in the past. However, as will be examined in Chapter Seven, the differences in the agricultural sectors of the former German Democratic Republic and the FRG are so immense that the Germans would to a degree have to change their approach to European agriculture. Questions of agriculture have become more complex in Germany, leading to different contours of interest for Germany. It would be important to see how this has impacted on Germany's approach towards the CAP in the post unification period.

Before one can embark on a discussion of agricultural policy in post unification Germany, one has to delve into the past, examining the roots of agricultural policy and the structure and organisation of agriculture in both the Federal Republic of Germany and the former German Democratic Republic.<sup>1</sup> The complexity of agricultural policy in Germany necessitates a historical analysis. Hence, this chapter aims to provide the historical background to present day agricultural policy in the unified Germany.

### **6.1 A HISTORICAL OVERVIEW - THE BEGINNINGS**

Germany's achievements as an industrial power are well known; but less is known as regards Germany's agricultural accomplishments. Germany was still regarded as an agricultural nation as recently as the 1850s. Agriculture has always enjoyed a prominent place on the political agenda in Germany; this has largely been due to the powerful position of the feudal landowners, the Junkers, in the late 19th century, and later due to the organisation of farmers in associations, such as the Deutsche Bauern Verband. Great diversity has existed in farm structure. Essentially, there were two types of farms and these farms were distinguishable by size. There were the large estates, owned by the Junkers, in the East; and the small peasant-owned holdings and family farms in the rest of Germany. Statistics from 1895 show that estates of more than 100 hectares accounted for 43% of the agricultural area in Prussia. (Tracy, 1989: 86) However, even though these estates covered a significant part of the area, they were fewer in number. The smaller farms tended to be between 2 and 20 hectares. These farms were not farmed full-time and farmed cows, pigs and poultry. The large estates, on the other hand, primarily produced grain.<sup>2</sup>

The shape that agricultural policy has taken in post-war Germany has its roots in decisions taken in earlier times. According to Hendriks, "...the

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<sup>1</sup> The structure and organisation of agriculture in the former GDR is dealt with in Chapter Seven, when considering the vital differences between agriculture in the GDR and the FRG.

<sup>2</sup> The diversity of farm structures has once again become an issue in the re-unified Germany and the problems emanating from the difference will be examined in Chapter Seven.

economic structure of the old Reich, the characteristics of its society, the social significance of peasant virtues and the strategic importance of self-sufficiency in food formulated agricultural policies." (Hendriks, 1991:26)

There has always been a tradition of protection in the agricultural sector in Germany, which has continued through to the present day. Wagner argued in the late 19th century,

Adequate protection for agriculture, even if higher than the present level, is in the national interest: even if this means that the creation of an industrial nation is retarded, though not prevented, it should thereby benefit the workers and the German economy as a whole.....The maintenance of a viable German agriculture signifies the preservation of the German people, both now and in the future. (Tracy, 1989: 93)

The arguments presented by Wagner bear some resemblance to those which are put forward by advocates in favour of support for agriculture today. It is important to point out that between 1850 and 1870 protective tariffs were seen as detrimental to agriculture. The Junkers had an interest in free trade; protective tariffs were perceived as increasing production costs in agriculture and as possibly hampering agricultural exports. It was not until the late 1870s that protective tariffs were seen as a measure to counter the cheap grain imports from North America and Russia, the general economic depression and the bad harvests.

Gisela Hendriks reiterates this point. She comments that price support is seen as a crucial means of guaranteeing the income of producers. Hendriks argues that this signalled the beginning of an active agricultural policy. Hendriks points out that this trend has continued to the present day. She comments,

The protection of farmers against a sharp fall in prices has been a central element of Germany's national agricultural policy for a hundred years. Thus contemporary agricultural concepts of the FRG are deeply rooted and express a fundamental political conviction. (Hendriks, 1991: 30)

Protectionism in agriculture is not the only tradition which has survived into the 1990s. From the 1870s the close working relationship between the government and organised agricultural interests have been crucial in the drafting of agricultural policy. Agricultural interest groups, from the Bund der Landwirte organised by the Junkers in 1893 <sup>3</sup>, to the Nazi Reichsnährstand (State Food Corporation), to the post-war Deutsche Bauern Verband, have had a strong influence on the shape of agricultural policy.

Two features characterise this period: firstly, the high degree of protectionism prevalent in agriculture and secondly, the influential position of organised interests in policies regarding agriculture.

## 6.2 THE WEIMAR REPUBLIC

By 1914 Germany had become reliant on agricultural imports, both for foodstuffs and feedingstuffs. Therefore, Germany experienced great problems when imports were cut off during the war. Furthermore, insufficient back up stock intensified the food shortage. By mid 1916 rationing was in place. The situation was compounded by a sharp decrease in yields of crops and livestock, mainly due to the lack of labour, feedingstuffs and fertilisers. Since tariffs on foodstuffs ceased at the beginning of the war and had not been implemented again, farmers faced serious difficulties in the face of international competition.

However, in 1925 Germany regained the right to set its own tariff. The pre-war Bulow duties were instituted with a higher rate for livestock products. The export of agricultural produce, which had been prohibited since the war, was allowed once again. These measures helped to ease the situation, but the farmers remained dissatisfied. The government of the day was primarily concerned with war reparations. Promoting exports of manufactured goods was seen as a way to alleviate the burden. This sowed the seeds for discontent among the agricultural community when the

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<sup>3</sup> For further details see: (Tracy, 1989)

situation came to crisis point in 1929 with a sharp decrease in prices; protection in agriculture at this moment in time was only moderate. Hendriks points out that the discontent and distress prevalent in the rural areas predisposed the farmers towards the Nazi movement. The Nazis had realised the farmers could be a significant source for voting. (Hendriks, 1991: 32)

### 6.3 THE THIRD REICH

Agriculture was a central component of National Socialist philosophy and formed an essential part of their general economic and political goals. Agricultural policy during the Third Reich was formulated mainly by Walter Darre, who went on to become Minister of Agriculture in 1933. Darre's ideas were expressed in his work "The Yeomanry as the Life Source of the Nordic Race", published in 1928. The Nazi slogan 'Blut und Boden' <sup>4</sup> mirrored Darre's thoughts. According to Darre,

The Germanic tribes....belonged to the settler as opposed to the nomadic types and were thus rooted to the soil. Moreover, the inheritance of farms and farming traditions from one generation to another ensured that the nobility of the blood and moral integrity were preserved. (Tracy, 1982: 202)

Therefore, it ensued that farmers should get special treatment from the State; they should not be seen in just economic terms and not be subjected to market forces. Darre's ideas are clear in a speech he delivered on 19 September 1933,

We must be quite clear about this: the farmer is not an entrepreneur in the usual sense. The production of food cannot be subjected to the free play of market forces and exposed to the risks which that entails, for agriculture's duty to the nation is immensely important. We need the farmer as the blood source of the people; we need him too as the source of our food supply. This is not so much a question of ensuring that the farmer gets as high a price as possible for his produce..., as of making certain that the farmer is firmly rooted to his land through a German law of land tenure and that he gets for his work a fair wage - in

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<sup>4</sup> 'Blut und Boden' refers to 'Blood and Soil'.



other words, adequate, equitable prices. The farmer must always see his activity as towards his race and his people, never as a mere economic, money-spinning operation. (Darre cited in Tracy, 1982: 202)

Accordingly, in the 1930s agricultural philosophy focused on two objectives: firstly, to enhance the social and racial position of farmers so as to act as a bulwark against Socialism and, secondly, to achieve self-sufficiency in food. As Schürmann argues,

The National Socialist leadership was in no doubt that the battle for honour and equality among nations could be won only on the firm basis of security in food supplies. So long as the food of the people was not assured against all circumstances, the policy of national liberation could not attempt any serious trial of strength. Together with the construction of a powerful navy and a highly productive industry, it was therefore essential to develop food production to the point where every individual in the nation could be sure of daily bread. (Schürmann cited in Tracy, 1982: 203)

Farquharson in his study "The Plough and the Swastika" outlines Hitler's opinions on agriculture. According to Farquharson, the peasantry was significant for Hitler on practical grounds. Agriculture held back Marxism, it produced food, and it supplied men for the military service. Having realised the importance of agriculture and the agricultural vote, from 1929 onwards the Nazis actively attempted to benefit from the discontentment in the countryside. Hence, the National Socialists obtained a significant vote in the countryside in the 1930 September election. Furthermore, in 1931 the Nazis managed to form an alliance with the Prussian Junkers to form the Harzburg Front. The Junkers and the Nazis surprisingly had common views as regards agriculture. Both groups believed in increasing domestic food production and an autocratic society. Both the Junkers and the Nazis were opposed to Jewish traders and both recognised the value of agriculture for military strength.

By June 1933 Darre had become Minister of Agriculture, and he quickly

set about the reorganisation of agriculture. Darre had four main objectives:

(1) Corporate organisation of agriculture and agricultural markets. First of all, a law passed on 15 July 1933 took agriculture out of the competence of the Länder and put it into the hands of the Reich. A subsequent law passed on 13 September authorised the Minister to establish the Reichsnährstand. The Reichsnährstand was an extensive organisation which included all aspects of food production and distribution. Anyone associated with farming was legally compelled to belong to this State Food Corporation.

(2) Import Control and Trade Policy. State Import Boards or Reichsstellen were set up to control imports. Boards were established for all products, for example dairy products and grain. The Boards exercised maximum control over the volume and price of imports. Thus, an importer had to submit the product to the relevant Board and then the Board would decide whether there was enough demand to justify selling the product on the domestic market. The Board would further determine the price for that product. Moreover, the Board decided the sources from which imports would be admissible.

(3) Protection of the Family Farm. The 'Blut und Boden' ideology of the Nazis guaranteed the protection of the family farm. This ideological concept espoused that workable farms had to be handed down through the generations of families of approved German stock. This was outlined in the Erbhofgesetz of September 1933.<sup>5</sup> It was laid down that the Bauer (yeoman) had to be of Germanic stock and the sole owner of the Erbhof (ancestral estate). The scheme outlined by the Nazis was attractive to the farmers and beneficial for them because the State took over the farms' debts in exchange for small annual repayments.

(4) Price and Production Policy. By the time the war broke out, the Nazis

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<sup>5</sup> The Erbhofgesetz translates as the Law on inherited farms.

had all the machinery in place to control food supplies and prices. The State Food Corporation was reorganised to provide better control so that all vital foodstuffs were seized and only sold by the authorities. Rationing was also put into place. The main problem which confronted the Germans was that of the labour shortage, which was remedied by using foreign workers and prisoners-of-war. (Tracy, 1982: 205-209)

Tracy argues that the National Socialists were the only ones who created a coherent agricultural philosophy, which was part of their overall aims and put this philosophy into practice. Tracy, "Their [National Socialists] agricultural policy was not merely based on a desire to pander to the agricultural interest and gain its support. Their policy for agriculture was part of their overall aim, that of ensuing, by force, if necessary, the political and economic strength of the German nation." (Tracy, 1982: 212 - 213) Tracy has maintained that even though the Nazi regime ended, their ideas about agriculture have survived their legacy in Germany and elsewhere.

#### **6.4 POST-WAR AGRICULTURAL POLICY.**

According to Hendriks, 1945 signalled a change with the past, both in terms of German history as well as the structure of agriculture. The farming area of the FRG had been reduced considerably by the division of Germany. Without the rich agricultural regions in the East the FRG's farming units were much smaller (less than 10 hectares); a more industrialised, mainly Catholic society emerged. (Hendriks, 1991: 34)

The new Federal Republic's farming area had been reduced from 472,000 sq. km of the Reich to 248,000 sq. km. (Hendriks, 1991: 35) Labour was attracted to the urban areas due to the employment opportunities there. Having assimilated 12 million refugees, the pressure on food supplies had intensified. Consequently, Germany was on the brink of starvation around 1946/47. Having lost the traditional food supplying areas in Germany, the food shortage was a major concern. Food production in the Western zones

was half that of the pre-war level. Food rations in 1945-47 amounted to approximately 1200 to 1300 calories per head per day. Therefore, agricultural interests in the immediate post-war period centred around increasing food production.

Opposing views existed as to the route which agricultural policy in Germany should take. The Freiburg School of neo-liberal economists were against import quotas and any type of physical intervention by the State. The Freiburg School of thought, which was supported by most academics, proposed the re-integration of Germany in the world economy. This School of thought was opposed to regional groupings, but was willing to agree to reasonable import tariffs in order to counterbalance the distortions of competition on the world market for foodstuffs. The second view preferred import controls and looked to a regional economic grouping in order to re-integrate Germany into the world economy.

This second view influenced agricultural policy more. The system introduced in 1950/51 was based on control of imports, backed up by support buying. In fact, the system set up was similar to the one operated by the Nazis. In 1950/51 Import and Storage Boards (Einfuhr-und Vorratsstellen) were established for various agricultural products, for instance, cereals, meat. These Import and Storage Boards guaranteed prices, controlled imports and held stocks.

The position of agriculture in Germany stabilised during the early 1950s. World market prices had decreased, Germany's industrial exports had risen, and home production had improved. Domestic prices were kept above the world market prices by utilising the Import and Warehouse Agencies. The Import and Storage Boards aided domestic prices by limiting imports. As a result, farmers in Germany were protected from competition from the outside; the Import and Storage Boards managed to manipulate prices well above those on the world market.

Agriculture in Germany was given a further boost with the enactment of the *Landwirtschaftsgesetz* or Agriculture Act in 1955, with the full backing of the *Deutscher Bauern Verband* and all the major political parties. The Act reinforced the traditional view of agriculture as a subsidised sector. The objectives of the Agriculture Act were:

To ensure for agriculture a share in the progressive development of Germany's national economy and for the population the best possible supply of food, agriculture is to be placed in a position to offset, through general economic and agrarian measures - particularly commercial, taxation, credit and price policies - its natural and economic disadvantages vis-à-vis other sections of the economy and to increase its productivity. At the same time the social status of persons engaged in agriculture is thereby to be adjusted so that it equals that of comparable professional groups. (Hallett, 1968: 93)

The close cooperation between the *Deutscher Bauern Verband* and the Ministry of Agriculture and the agreement on agricultural policy between the major parties reasserted the special treatment that agriculture received. It ensured the influence of agrarian interests on government policy. Hendriks concludes that post-war Germany surfaced with its traditional policies unchanged. Nevertheless, "The birth of the Common Agricultural Policy necessitated an adaptation of Germany's traditional agricultural objectives to European requirements." (Hendriks, 1991: 40)

## **6.5 GERMANY AND THE COMMON AGRICULTURAL POLICY.**

The overall aim of the thesis is to investigate how Germany's role will change in the European Union. This thesis seeks to examine Germany's actions in specific policy areas. Hence, the remainder of this chapter entails an analysis of Germany's role in European agricultural policy prior to unification; investigating Germany's motives behind actions in specific policy areas. This thesis suggests that domestic political factors can explain a member state's actions at the EU level. In his work on Germany's role in the CAP, Stefan Tangermann pointed out that one could analyse the role of a member state in EU policies by looking at,

the way in which the country defines its interests in the Community and the manner in which the country exercises an influence on developments in the Community, both directly by trying to meet its national interests and indirectly by its sovereign national actions. (Tangermann, 1979: 241)

Tangermann adds that when examining the role of a member state in the European Union, there is a basic assumption that, "...countries have kept their national identity, perceive their national interests and pursue these interests in the Community." (Tangermann, 1979: 241)

Since Germany has very strong national traditions in agriculture, the question to be addressed is whether Germany would give up its domestic objectives in agriculture to formulate more European ones. Hendriks argues that Germany has not changed its national interests with the creation of supranational institutions. Germany has continually tried to formulate agricultural policy according to its own needs. According to Hendriks, there is, "...continuity in Germany's farm policies, even when this threatens to impede EC endeavour." (Hendriks, 1989a: 75) Germany has had a protectionist, pro-German stance on agricultural policy.

Germany's attitude to and interests in agricultural policy have changed over time. In the 1950s Germany was trying to become an equal member of the European Union when certain sectoral interests had to give way to wider economic and foreign policy objectives. In the 1970s and 1980s, however, national sectoral interests began to reassert themselves. In order to get a comprehensive idea about Germany's attitude to agricultural policy, one has to go back to the inception of the Common Agricultural Policy. This is necessary before one can attempt an examination of the impact of unification on agricultural policy and hence an analysis Germany's role in the EU.

### 6.51 GERMANY AND THE INSTALLATION OF THE CAP.

As mentioned earlier, the inception of the CAP meant a re-orientation of Germany's agro-political thinking. In the beginning the Germans were dubious about the CAP, preferring national co-ordination of agricultural markets rather than a supra-national agency. The Germans tried to resist the creation of the CAP because the CAP meant that the Germans would have to steadily give up national control over trade flows and price levels. Tangermann notes that, "...the establishment of the CAP was regarded by German farmers as well as by many officials in German agricultural policy as a national catastrophe." (Tangermann, 1979: 248) There is a strong tendency in Germany for high prices in farm products. The Ministers and the DBV alike were concerned about the downward spiral in agricultural support prices. Hendriks asserts that Germany's initial disapproval of the CAP was surprising since Germany's national regulations were very similar to those of the new CAP. Rather, it seemed as if the "Community's internal intervention system and import regime of the CAP were modelled on the German experience." (Hendriks, 1989a: 76)

Finally the concerns of those associated with agriculture in Germany gave way to the overall aim of establishing the European Communities. The six original members of the Communities could not envisage a programme of economic integration which excluded agriculture; because economic integration without agriculture stood a limited chance of success.<sup>6</sup> Ultimately, the Germans signed the Treaty of Rome, thereby establishing

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<sup>6</sup> The inclusion of agriculture in the Treaty of Rome can be explained by several factors. Firstly, the mere size of the agricultural sector in 1957 goes towards explaining its inclusion. In 1957 20% of the working population or 15 million people were engaged in agriculture. This constituted an important section of the population, which was important electorally. Secondly, the Treaty of Rome was a delicate balance of national interests. The Treaty offered the West Germans free trade in industrial goods and free access to French markets. The French would not have accepted anything less than free trade in agriculture, perceiving any other proposal as discriminatory considering the treatment of industrial goods. The French had a relatively efficient agricultural sector and stood to gain considerably in a free Community agricultural market and benefit from access to German markets. (Swann, 1990: 205-206)

the European Economic Community and creating with it a common market for agriculture, thus sacrificing temporarily sectoral interests for European harmony. Hence, a common policy for agriculture was established, but the specifics of the policy were to be worked out later.

Therefore, the farmers were convinced that they had to make certain sacrifices as regards the institution of the CAP for the overall good of the European integration process. Later, the consumers and taxpayers who found out that they would have to bear the costs of the CAP were given the same explanation. It was argued that the Community could not have been founded without establishing the CAP. However, problems did not arise with the signing of the Treaty of Rome since at the beginning only minor measures had to be implemented. Problems occurred when the 12 year transitional period set for the establishment of a common market was drawing to a close.

#### **6.52 AGRICULTURE IN THE 1960s: ASSERTION OR SUBJUGATION OF GERMAN AGRICULTURAL INTERESTS?**

German apprehension about the completion of the CAP became visible in the 1960s during the concluding stages of the transitional phase. The Germans were eager to delay the adaptation of its agriculture to Community rules. In addition, the cereal price issue was a source of conflict.

In 1960 the Commission put forward proposals to figure out the detailed policy content of the CAP and to put them into effect. The Germans were, however, hesitant to accept an interpretation of the Treaty of Rome which called for comparable achievements in agricultural and industrial trade. The Germans were also not so eager to adapt their agricultural sector to Community guidelines too quickly. The CAP jeopardised traditional bilateral trading relations because of its policy of 'community preference', where the member states were required to open their markets to EU produce in favour of old trading relations. The French government, eager to attain new



markets for its agricultural surpluses and facing rural unrest, refused to move onto the second stage of the transitional phase until progress was made towards a common agricultural market. De Gaulle's ultimatum that the common market could not continue to develop until the agricultural questions were resolved, did not have any effect until the following year. The Germans attempted to hold on to the persistence of national prices until the end of the transitional phase. Negotiations remained deadlocked until 14 January 1962, when the basis of the policy and price support system was agreed on.<sup>7</sup> Thus, at this point the Germans then realised that they had to suppress agricultural sectoral interests for wider considerations.

The cereal price issue was yet another example of discord between Germany and the Community. The cereal price issue exemplified Germany's attempt to shape agriculture according to its own needs. By January 1962, the general scope of agricultural policy had been determined, but specific rules still had to be worked out. A common price level remained to be agreed, which Germany wished to delay until the end of the transitional phase.

In November 1963 Mansholt, the Commissioner for Agriculture, put forward a plan to harmonise cereal prices in one go for the marketing year 1964-65. The plans entailed compensatory payments for those countries which would incur a reduction in prices, i.e. Germany. Grain production did not contribute a significant amount to the farming sector; however, grain farmers exerted considerable political influence in the FRG. Under pressure from the DBV, the Germans refused all demands for the alignment of the cereal price to the lower Community level. The German Minister of Agriculture, Schwarz, managed a price freeze for the year 1964-65, hence

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<sup>7</sup> The marathon Council of Ministers meeting resulted in the establishment of the agricultural code. The code outlined the common prices for agricultural products and the methods for financing the arrangement. The European Agricultural Guidance and Guarantee Fund (EAGGF) was established to finance the arrangement. The code also outlined the principle of community preference which was to be guaranteed by external protection.

forcing the Commission to revise its plans, with the outcome that harmonisation was delayed until 1966/67.

Several interdependent factors finally resolved the issue. The Germans saw a clear link between the cereal price issue and the imminent Kennedy Round of the GATT. "It is our opinion that the conclusion of the Kennedy Round and the realisation of the common Agricultural Policy are connected." (Hendriks, 1991: 54). The Kennedy Round was crucial to Germany as the greatest exporter of industrial goods in the Community. The French, becoming restless with the Germans, cleverly utilised the importance of a successful conclusion of the Kennedy Round to Germany, by threatening to leave the Community if a cereal price was not agreed. The Germans finally conceded, but a trade-off had taken place where the industrial interest was met and agriculture sacrificed. The government had to rely on farm votes, and both coalition parties CDU/CSU and FDP had promised German farmers in the face of imminent elections that they would maintain cereal prices. However, in the face of a conflict of interests the Germans had accepted a lower domestic price for wheat and subjugated agricultural interests for the overall interest of European unity. The Agriculture Minister Schwarz attempted to intervene to convince Chancellor Erhard to reconsider his options. The German farmers were, however, compensated for the reduction in price.

Thus, the policy which had been opposed from all quarters within Germany at the outset was implemented in the 1960s. The Germans at this point were unsuccessful in shaping the policy according to their needs. Although, the desire to formulate the policy according to German lines was there. It appeared during this period that German farmers were the losers of the common policy, and that their interests had been subjugated for economic interests in the Kennedy Round of the GATT and the overall aim of European integration.

Tangermann argues that if a country wants to push a particular policy in its favour, it would be more successful if it has considerable political power in the Community. Therefore, according to Tangermann, Germany was unable to assert its national interests in agriculture during this period because Germany's political weight in the European Communities at the time of the inception of the CAP was relatively low. Germany faced a dilemma: on the one hand, it wanted progress in European integration, and it wanted to become a fully integrated member of the western world. On the other hand, it wanted to fulfil its national objectives in agriculture. (Tangermann, 1979: 247) Hendriks adds that it was not possible for Germany to pursue its national interest in any area without arousing mistrust and evoking criticism from its partners. Therefore, Hendriks argues that, "Bonn declined to maximise national interest in all sectors; certain sectoral interests had to be (temporarily) subjected to wider considerations." (Hendriks, 1991: 218) Freisberg adds that German agricultural interests were undermined in Brussels due to Germany's obstinacy and lack of negotiating skills. (Freisberg, 1965: 48)

At first glance it may appear as if the Germans lost in the formulation of the CAP; it does not detract from the fact that the objectives of the CAP as contained in Article 39 of the Treaty of Rome<sup>8</sup> bore a marked resemblance to the objectives of the Agriculture Act of 1955. Hence, German objectives for agriculture to a degree had been incorporated into European policy. Furthermore, although at first the CAP was considered a trade-off between German industry and French agriculture, eventually German agriculture benefited a great deal from the CAP due to the adoption of high German prices. Thus, the eventual outcome of the CAP did not appear to be unfavourable to German farmers. The German farmers gained from the

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<sup>8</sup> The objectives of the CAP as contained in Article 39 of the Treaty of Rome were to: (a) increase agricultural production; (b) ensure a fair standard of living for the agricultural community; (c) stabilise markets; (d) provide certainty of supplies; (e) ensure supplies to consumers at reasonable prices. (Swann, 1990: 206-207)

abundant financial support which was routed into agriculture via national measures of structural, social and tax policies. The German farmers are in effect net gainers of the CAP and hence keen defenders of the policy.

### **6.53 AGRICULTURE IN THE 1970S: MANIPULATION OF THE AGRIMONETARY SYSTEM AND MONETARY COMPENSATORY AMOUNTS.**

The installation of the agrimonetary system in the 1970s provided in many ways the principal means by which the Germans were able to pursue their interests in agriculture and a highly protectionist policy. Changes in the international monetary economy warranted the introduction of agricultural technical measures which were to reconcile perceived German interests and the CAP.

In the early 1970s the world was beset by monetary crisis. A world-wide recession and monetary instability compounded by the oil price shocks had a profound effect on the economies of Europe. The Bretton Woods system created in 1944 was based on fixed exchange rates. The Community had an artificial unit of currency, the Unit of Account (U/A), for intra-EC transactions. The U/A was based on the US dollar; agricultural support prices were set in the U/A. Target prices and intervention prices were then converted into national currencies. The CAP objective of common pricing<sup>9</sup> was achieved through this mechanism. However, the system inferred fixed national currency rates. But a devaluation of a member state's currency against the dollar would result in an increase in farm prices on the domestic market. Conversely, a revaluation would lead to lower prices in the domestic market. This is indeed what occurred in 1969.

In August 1969 the French devalued the Franc by 11% to be followed by a revaluation of the German Deutschmark in October. This meant that measures had to be put into place which would uphold the principle of

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<sup>9</sup> One of the key objectives of the CAP was common pricing; in other words farmers across the EU should receive the same level of support regardless of where they farmed.

market unity and common prices and would protect the Community's intervention system. Germany and France had to alter their 'green' rates of exchange to take account of the new value of their currencies. However, if this happened there would have been a fall in French farm prices and a fall in CAP prices received by German farmers. Neither scenario was acceptable to either party. The French were keen to protect French consumers from price rises. The Germans were not willing to accept a decrease in farmers' incomes <sup>10</sup> from reduced agricultural prices. As a result, there was a phased revaluation of the green Deutschmark and a phased devaluation of the green Franc. The actions of Germany and France led to the implementation of a system of Monetary Compensatory Amounts (MCAs); a temporary system of border taxes and subsidises. Thus, export levies and import subsidies were put into place for the French, whilst export subsidies and import levies were introduced for Germany. MCAs were introduced to bridge the gap between the green rate and the real rate of exchange. MCAs were supposed to be a temporary measure, implemented to uphold the policy of common prices. In reality, however, MCAs implied an end to common prices. The struggle over, and indeed the introduction of, MCAs shows Germany's determination to maintain control of its farming sector.

As mentioned above, MCAs were supposed to be temporary measures. However, MCAs became firmly secured as the world moved from the Bretton Woods system of fixed exchange rates to floating ones. Not only did the introduction of MCAs result in a difference in the rates of various national currencies, but rates also varied for different commodities. In fact, the whole 'green' money mechanism was flawed and open to abuse. The operation of a 'green' money system benefited the Germans greatly. Swinbank argues

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<sup>10</sup> The Germans had estimated that farm incomes would diminish by DM 1.7 milliard each year as a direct consequence of the revaluation of the Deutschmark.

that the 'green' currency mechanism was "used by governments to resist the effects of exchange rate appreciation and depreciation." (Swinbank, 1996: 2) Furthermore, the 'green' money system allowed governments a free reign over the level of CAP price support which they could apply in their countries. Grant adds that the green money system further "became a means of pursuing national agricultural and food policies whilst remaining within the common market." (Grant, 1996: 17) The Germans were as guilty as, or perhaps even more guilty than, other Member States, of utilising the green money system for their own ends.

In fact, German manipulation of the 'green' money system clearly demonstrates its attempts to pursue a pro-German agricultural policy, aiming to satisfy domestic actors and objectives. MCAs clearly benefited high-price countries such as Germany; MCAs gave countries which revalued their currencies an artificial advantage. Hence, it is not surprising that attempts to dismantle the MCAs have been strongly resisted by the Germans. It is argued that, "...the MCA system has made a decisive contribution to the development of farmers' incomes in Germany." (Hendriks, 1989a: 81) Furthermore, the MCAs insulated the domestic price level from the effects of national currency changes and kept the domestic price level 10% above the common price level. The MCA system also gave the Germans greater flexibility in price decisions.

In the early 1970s the Germans outright rejected the idea of cutting MCAs and opposed any fixed time limit to phase them out. Griesau, the Secretary of State in the BML, was quoted as saying, "...reduction in agricultural incomes as a result of monetary changes must be avoided by special measures." (Cited in Hendriks, 1991: 61) By the mid 1970s, however, the Germans had realised that the MCAs had to be broken down in principle - but they demanded that the MCAs be offset by annual increases in institutional prices. The deadlock continued into the 1980s.

Since 1984, MCAs had a decreased role in the EC, but the attitude towards the MCAs has not changed. The objective that the dismantling of positive MCAs should not lead to lower prices could no longer be adhered to.<sup>11</sup> Nevertheless, the MCA system was a constant source of discord between the Commission and the German Government, with Ertl, the Minister for Agriculture, threatening to resign if MCAs were dismantled in 1974.

The German government did not only clash with the Community institutions but also with other member states, particularly France. Germany's perennial manipulation of 'green' rates caused continual conflict between France and Germany. A particular case to note is France's attempts to block the introduction of the European Monetary System in 1979. France had put forward proposals which intended to fix the ECU against the agricultural U/A at parity. Thus, it was the proposed employment of the new ECU in agri-monetary transactions which became the source of discord over the introduction of the EMS. The change from the use of the agricultural U/A to the ECU, which was based on a basket of currencies, would have meant a reduction in real value of common prices. Hill estimates the decrease in agricultural prices in real terms at almost 21%. This was, of course, unacceptable to the Germans. The Germans were unwilling to surrender the right to protect their own farmers against the effects of DM revaluation and the consequent loss of farm incomes; therefore they refused to dismantle MCAs. The French were, however, insistent that the EMS could not start as scheduled without a resolution of the MCA issue. The dispute was finally solved with the signing of the 'Gentleman's Agreement' in March 1979. The Agreement provided for an elimination of any new MCAs within two market years. The Agreement also stipulated that any decrease in MCAs should not lead to a reduction in prices in national currencies. Germany's manipulation of the 'green' money system, the use

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<sup>11</sup> MCAs were abolished with the introduction of the internal market in January 1993.

of positive MCAs, higher support prices in Germany and its refusal to dismantle MCAs and the battles with the Commission and France reveals Germany's efforts to maintain a grip on agricultural policy and to defend its agricultural interests in the Community. Hendriks goes further to argue that,

The onset of monetary instability provided an excellent cloak for Germany to pursue national objectives, while it continued to present an outwardly 'committed' European profile. In order to safeguard its farmers' incomes, the FRG insisted on the use of positive MCAs to offset the impact of revaluation of the Deutschmark on farm incomes. (Hendriks, 1991: 218)

Hendriks argues that Germany's attempts to keep the MCA system in order to guarantee its domestic level was a clear sign that the Germans were not interested in common actions and legislation but were more eager to satisfy sectoral interests. (Hendriks, 1991: 218)

#### **6.54 AGRICULTURE IN THE 1980s: THE GREEN ECU AND THE SWITCHOVER MECHANISM.**

Agrimonetary conflict continued into the 1980s with the French still claiming that the agrimonetary system was benefiting the Germans and that positive MCAs were supporting German farmers. In attempt to tackle the inadequacies of the system, the 1984 Council undertook reform of the 'green' money system; a switchover mechanism was introduced to deal with positive MCAs. A new 'green' ECU was created which was worth 3% more than the ECU and was linked to the Union's strongest currency i.e. the Deutschmark, rather than to a basket of currencies. A switchover mechanism was implemented in 1984 to stop the emergence of positive MCAs. Thus, the new system 'switched' positive MCAs into negative MCAs through a corrective factor applied to the ECU. (Grant, 1996: 19)

However, the changes introduced in 1984 had inherent advantages for German farmers. The new system had the effect of increasing CAP support prices, a definite objective of the Germans. The system further submitted to



German interests, since the 'green' ECU was linked to the DM, as the EU fastest appreciating currency. Thus, CAP support prices were more on par with German standards. Hence, the introduction of the 'green' ECU, while decreasing positive MCAs, did not reduce the domestic price level in strong currency countries such as Germany. Grant points out,

Because of the creation of an effective Deutschmark zone for agriculture, common prices were over twenty per cent higher than what they would have been by 1994. The switchover mechanism was supposed to allow positive MCAs to be dismantled while keeping the CAP budget under control, but in practice agricultural incomes were protected by increased prices or, in some cases, by other forms of compensation. (Grant, 1996: 22)

The agreement in 1984 allowed for compensation for German farmers who would make a loss from the gradual eradication of MCAs. The 5% reduction in Germany's existing MCAs from January 1985 were to be offset by compensatory measures. German farmers were to receive VAT rebates and other concessions. However, even these measures proved insufficient for the Germans. The Germans rejected the notion that any compensation, however it was financed, should be degressive. Furthermore, the Germans disputed the timing and amount of compensation for German farmers for the 5% decrease in positive MCAs. The use of the agrimonetary system to their advantage cannot be underestimated. The Germans have insistently demanded the maintenance of the MCA system, yet the German contribution European Agriculture Guidance and Guarantee Fund (EAGGF) have risen as a result of its operation. Nevertheless the Germans complain about their role as the 'paymaster' of the EU and contributions to the overall EU budget.

Other events during the 1980s demonstrated Germany's efforts to steer agricultural policy according to its own needs. It is important to note that by this point even the Germans could not deny that the CAP need reforming.

Hence, the strategy was to be in a position to control the changes. This is clearly shown by the milk quotas issue. Action was necessary to tackle the expensive chronic surplus in the dairy sector. Kiechle, the Minister of Agriculture, backed by the DBV, made it his private mission to secure the installation of milk quotas. Kiechle was not in favour of a restrictive price policy. The introduction of quotas countered the lowering of the common price level.

Furthermore, Germany invoked its veto for the first time in the history of its membership of the Community thereby clearly demonstrating the importance of agriculture. In January 1985 the Commission proposed a reduction in institutional prices of 0.3%. This was not acceptable to the Germans since this involved a reduction in the intervention price for cereals. The then Minister of Agriculture, Kiechle, argued that German farmers had lost confidence as a consequence of the constant loss of income. Over the last ten years their income had largely been reduced due to agri-monetary measures. Kiechle argued that in order to restore confidence it was necessary to reject a cut in positive MCAs and the intended decrease in cereal and oilseed prices. Kiechle stated that, "the most he could accept was a price freeze, since any reduction would conflict with Germany's vital national interest. (Hendriks, 1989a: 85) Kiechle was also supported by Chancellor Kohl who stated that Germany as one of the most important members of the Community should not be put under such pressure. Kiechle reiterating the sentiments of the Chancellor, stated that Germany would not assent to a compromise package. Thus, for the first time the Germans invoked the 'Luxembourg Compromise' and vetoed the decision to lower institutional prices in the cereals sector. As a result of Germany's actions the measures were not adopted.

## 6.5 CONCLUSION.

Agricultural policy in Germany has been based on traditions which have passed down in history. The protective nature of Germany's approach towards agriculture dates back to the 19th century, as does the importance and the influence of organised agricultural interests on policy. The importance of agriculture and the notion that it should receive special treatment, finds its roots during the time of National Socialism, when agriculture was seen as tool for the preservation of the German people. Many of these traditions survived post-war period and find themselves embedded in the CAP.

There is no doubt that the Germans have a pro-German attitude towards agricultural policy in the European Union. Despite the fact that the farming Community was opposed the inauguration of the CAP, largely due to the fear that agricultural objectives might be diluted or even worse sacrificed for the European objective, German farmers have benefited immensely from the CAP. From the start German actions have demonstrated their wish to formulate policy according to their needs and interests. The 1960s saw the use of delaying tactics on the part of the Germans in order to retain national prices as long as possible. The Germans refused to move away from national prices until the end of the 12 year transitional phase. They were also reluctant to work out the detailed content of the CAP until as late as possible. The 1960s also saw the Germans' conflict with the French over the cereals price issue with France refusing to move onto the second stage of the integration process. The dispute was finally resolved due to Germany's overriding interests in the Kennedy Round of the GATT negotiations. Even at this stage the CAP bore the hallmark of German interests. The CAP reflected the objectives of the Agricultural Act of 1955, and CAP prices were pitched according to the German level.

The 1970s represented a clear manipulation of the agrimonetary system by the Germans for their own ends. Germany pursued a highly protectionist policy and German farmers were further guaranteed high prices for their produce. Germany's refusal to dismantle MCAs, because this would be detrimental to German farmers, further demonstrated Germany's efforts to pursue policy according to its concerns. Changes in the agrimonetary system in the 1980s, meant to tackle the problem of MCAs, were inherently advantageous for strong currency countries such as Germany.

Thus, Germany has traditionally conducted agricultural policy according to its own needs despite its overall 'European' outlook. The Germans have been able to guarantee their farmers huge benefits and to achieve domestic objectives at the European level. Hence, the Germans have become sensitive to any changes in the CAP. Rather, the Germans are ardent defenders of the CAP. The CAP has become, "...a valued and protected component of Bonn's EC membership.." (Hendriks, 1991: 219)

However, with the coming of unification will Germany's attitude towards agriculture change at both the domestic and European level? Will policies which have been cultivated over centuries and policies which have been pursued in the EU over decades change as a result of unification? These are the issues to be addressed in the next chapter.

# CHAPTER SEVEN: AGRICULTURE

## INTRODUCTION

A central contention of this thesis is that Germany's role in the EU differs in contrasting policy sectors. The thesis maintains that the policy sector itself shapes Germany's role in the European frameworks in that particular policy area. These arguments loosely correspond to the ideas of Lowi, who argues that different policy arenas produce different policy patterns, processes and actors. This argument is also put forward by Wallace and Bulmer.<sup>1</sup> Thus, policy areas have dynamics of their own which necessitate a particular course of action at the European level. The thesis also contends that the EU serves as an optimal environment for pursuing certain domestic concerns.<sup>2</sup>

Chapter Six has examined the historical background of agriculture in the Federal Republic. Chapter Six also reviewed the role of the FRG in the formation of the CAP and Germany's stance on agriculture up until the unification of Germany. However, before attempting to examine the impact of unification on agricultural policy and consequently Germany's role at the European level, one has to deal with the fundamental question of why one should choose agriculture as a case study.

Agriculture has acquired special significance in German politics. Agriculture has enjoyed a prominent place on the political agenda in Germany. This can be traced back to the actions of the Junkers in the late 19th Century, through to the importance given to agriculture in the preservation of the German people during the years of the Third Reich. Even in the post-war period it was acknowledged that agriculture required special treatment and protection from the imbalances in market forces. These objectives were enshrined in the Agriculture Act of 1955. These traditions

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<sup>1</sup> See Chapter Two section on Domestic Politics Approach.

<sup>2</sup> These ideas have been put forward by Milward. See Chapter Two.

survived national policy and were translated into the CAP.<sup>3</sup> The agricultural tradition of protectionism and the importance of organised agricultural interests on decisions regarding agriculture have survived to the present day. As a result, relative to its economic weighting<sup>4</sup> agriculture has an important political role. Agricultural interests have been able to exert strong political influence at the national level. German agricultural interests have not been limited to the domestic arena. German farmers have transcended their national borders to significantly influence the agricultural agenda at the European level. Thus, as an issue agriculture and German farmers are significant both domestically and at an EU level.

Agriculture is the most highly developed form of common action in the EU. Having played a central role from the inception of the EEC, the CAP is often referred to as the "cornerstone of the Community". The CAP is the most integrated of EU policies and also consumes a substantial amount (around half) of the EU budget. Thus, the importance of agriculture at the EU level cannot be denied.

The Germans have essentially played an active role in the formation of agricultural policy and its changing contours. Despite their commitment to the process of European integration and their actions to further it, in the area of agriculture the Germans have pursued policies largely driven by their own needs and to their benefit.<sup>5</sup> As mentioned above the Germans have traditionally maintained a protectionist stance in agriculture and this has been able to continue in European policy. The issue to be addressed here is whether this would continue after unification considering the problems Germany was confronted with.

Agriculture in the 1990s presents a dilemma for Germany, not only at

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<sup>3</sup> Chapter Six contains a detailed and historical analysis of the place of agriculture in the German political system.

<sup>4</sup> Prior to unification agriculture contributed less than 2% of GDP.

<sup>5</sup> See Chapter Six for an analysis of Germany's stance on agricultural policy.

the European level but also at the domestic level. Indeed, the challenges that confront Germany are intertwined. Firstly, Germany faces the problem that the former GDR incorporated a large agricultural area. 6 171 000 hectares of land was utilised for agricultural purposes. (Commission of the European Communities, 1991: 127) Secondly, the number of people employed in agriculture amounted to more than 10% of the working population. (Commission of the European Communities, 1991: 127) Thirdly, and more importantly, the structural differences in agriculture are immense. Agriculture in the former GDR was characterised by large collectives and state farms whose average size was about 4500 hectares for arable farms. (Commission of the European Communities, 1990a: 76) In contrast, farms in the old FRG were mostly family farms in the region of about 18 hectares. Attempting to combine these two different structures has been an enormous task. Fourthly, agriculture in the former GDR and FRG were shaped by their respective economic and political systems with differing objectives. The FRG was influenced by the CAP and the GDR by a policy of collectivisation. Reconciling these conflicting systems will not be an easy task. Hence, integrating eastern German agriculture into the CAP<sup>6</sup> may prove immensely problematic.

Considering the enormous challenges German agriculture faces after unification and bearing in mind Germany's traditional stance on agriculture at the European level, it was suggested that the Germans might finally change their approach to European agricultural policy. The unification of Germany<sup>7</sup> altered Germany's interests in agriculture and its approach to CAP transfers and support.

The argument put forward rests on three characteristics to be found, in

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<sup>6</sup> The integration of eastern German agriculture into the CAP commenced with German Economic and Monetary Union on 1 July 1990.

<sup>7</sup> The unification of Germany is however, not the sole factor changing Germany's approach to the CAP. External factors such as the GATT negotiations, and calls for reform of the CAP have been instrumental in altering Germany's stance. These will be considered in detail further on in this chapter.

different forms, in each policy sector. The thesis attempts to develop a typology of these three characteristics: the dynamics of the policy sector; policy circumstance and policy-making structures. These three characteristics influence Germany's role in the EU with regard to agricultural policy. The main arguments will be summarised here.

In the case of agriculture the dynamics of the policy sector refers to the structural differences in agriculture in the eastern and western parts of Germany. This section examines the differences in farm structure, the problems of transition, and how the structure of agriculture has changed the German position on agriculture. The dynamics of the policy sector also concerns the traditional role of agriculture in German politics and how unification has brought about a re-orientation. The dynamics of the policy sector also refers to Germany's traditional protectionist attitude towards agriculture and examines whether this attitude continues, given the more complex nature of domestic agriculture after unification. This section essentially deals with domestic issues.

Policy circumstance looks at the state of agriculture with reference to the European level. Whereas in migration the collapse of communism has produced a new situation, the problems in agriculture have existed for a while. The CAP is the oldest policy in the EU, with an established set of policy networks and a whole series of bargains and trade-offs. Agriculture in the EU faces a number of serious problems which are not confined to Germany. But the Germans have immense difficulty in dealing with problems in the CAP. The Germans, along with the other member states, face the problem of CAP reform, particularly with regard to budgetary contributions and agricultural support. The application of the CAP in the former GDR meant a rise in contributions to the CAP. With the costs of unification this may prove difficult, especially considering that Germany is the highest net contributor to the EU budget. The CAP reform necessitates a



change in the German approach towards agriculture. The MacSharry reforms advocate significant cuts in agricultural prices. The MacSharry reforms also involve the concept of decoupling payments. In other words, moving towards separating market policies for agriculture from income maintenance policies for farmers. The reforms move away from the system of guaranteed prices.

Linked to the internal reform of the CAP was the external pressure for a successful conclusion of the Uruguay Round of the General Agreement on Tariffs and Trade. The deadlock in the GATT negotiations threatened vital German industrial interests. Furthermore, the problems with France over the proposed changes intimated by the USA also caused problems. Previously, questions regarding agriculture have been solved by means of a trade-off with the French. The French cannot effect any significant changes without German agreement. The Germans encountered significant problems in trying to maintain this delicate balance of attempting to satisfy two competing interests domestically, namely agriculture and industry, and also bearing in mind the Franco-German relationship.

Policy-making structures involves an analysis of the institutional and constitutional factors which affect decisions regarding agriculture. The structures for European policy-making in Germany ensures that there is a great deal of scope for domestic input. Domestic political actors and processes are an important component in agricultural policy-making. Parties and interest groups in Germany have been able to leverage Germany's need for the EU into benefits for themselves. Thus, this section considers the role of the various actors in the policy-making process. The role of the German Farmers Union is of immense importance. The section considers the role of the Ministry for, and the role of the Minister for Agriculture. This section includes an examination of the close working relationship between the DBV and the BML. It also incorporates an analysis

of the role of the Christian Social Union in the governing coalition and its policy on agriculture. The section considers the input of the Länder, particularly since the eastern and western Länder have contradictory objectives in agriculture. Furthermore, the section includes an overall analysis of the policy-making process in Germany, incorporating the Federal structure, the system of proportional representation, the sectorized nature of policy-making in Germany, and the role of the Chancellor.

The unification of Germany has brought immense challenges for the agricultural sector in Germany. Unification has necessitated internal change in the agricultural sector, as well as the integration of eastern German agriculture into the Common Agricultural Policy. Incorporating the former GDR into the CAP was a tricky task for the EU; it will no doubt pose problems for the policy which has so painstakingly been developed over the life of the European Union. These will now be examined in detail.

## **7.1 DYNAMICS OF THE POLICY SECTOR**

### **7.1.1 THE AGRICULTURAL SECTORS: MILES APART**

This section aims to consider the vital differences in the agricultural sectors in the eastern and western parts of Germany. This section will also examine central problems in the transition process on the domestic level, as well as the aims and objectives of agricultural policy for the five new Länder. The section incorporates an examination of the impact of unification on agricultural policy in Germany.

The introduction of German Economic and Monetary Union on 1 July 1990 signalled the beginning of the adaptation process <sup>8</sup> of eastern

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<sup>8</sup> Specifically, German Economic and Monetary Union provided for the adjustment of prices to agricultural producers and the means of production to the level of the FRG. Article 15 (1) of the Treaty between the FRG and the GDR, establishing a Monetary, Economic and Social Union, stated, "Because of the crucial importance of the European Community rules for agriculture and food industry, the German Democratic Republic shall introduce a price support and external protection scheme in line with the EC market regime so that agricultural producer prices in the German Democratic Republic become adjusted to those in the Federal Republic of Germany". (Press and Information Office of the Federal Government, 1991c: 18)

agriculture to western methods. The adjustment required was immense: the two agricultural sectors were poles apart. The forced collectivisation of agriculture in the East for the last years had produced an agricultural structure which differed considerably to that of the old FRG. The transition from a system based on a closed planned economy to a liberal market economy was not going to prove an easy task and was certainly not possible without long-term transitional measures. Indeed, it is argued that the economic and social problems resulting from the integration of two agricultural sectors have been more severe than in the industrial sectors. (Schmitt, 1993: 190)

The differences between the two parts of Germany are manifold and explicit. First, and foremost, the agricultural sectors were shaped by their respective political and economic structures. This implied a fundamental distinction in their aims and objectives. The system in the former GDR was governed by a planned economy and central planning. The agricultural means of production were collectivised. The agricultural system in the former GDR was characterised by the desire for complete self-sufficiency. It implied maximisation of production, a comprehensive system of producer and consumer subsidies and minimal trade in the agricultural sector. East German agriculture was wholly production oriented; its state farms produced substantial quantities of poor quality at prices which bore no relationship whatever to market mechanisms. The system in the former FRG, on the other hand, was influenced by its involvement in the EU and subject to the mechanisms of the CAP.

The two systems differ vastly in terms of their organisational structure. In the former GDR, an agricultural area of 6 171 000 hectares was farmed by 4751 farms. (Commission of the European Communities, 1990a: 76) Agricultural holdings differed significantly in their size and structure. Agricultural holdings in the East predominantly came in the form of

'agricultural production co-operatives' or (Landwirtschaftliche Produktionsgenossenschaften, LPG) and state-owned estates or (Volkseigene Güter, VEG). Agricultural production co-operatives covered approximately 85% of the agricultural holdings, totalling 3855 holdings. State-owned enterprises totalled approximately 15% with 465 farms. (Commission, 1990a: 76) Agricultural production co-operatives were formed by the merger of the members' property and land. Legally the land remained under private ownership, however the right of use was transferred to the agricultural production co-operatives. (Jarothé, 1992: 96-97)

The central element of SED's agricultural policy was the establishment of large agricultural units. Hence, the average size of agricultural production co-operatives was 4500 hectares (arable farms) and dairy farms averaged 740 cows. (Commission, 1990a: 76) In contrast, the western part of Germany is dominated by family farms averaging 18 hectares. Although farms in the northern regions of Schleswig-Holstein tend to be larger, they are by no means the same size as the eastern regions. Approximately half of the holdings in the West tend to be farmed part-time. (Schmitt, 1993: 191) Most farms in the East tend to be highly specialised in either animal or crop production. It is important to point out that this separation of crop and animal production is not regarded as being efficient, neither environmentally nor logistically. Schmitt sums up the difference between the structures of the two agricultural sectors,

whereas western Germany is dominated by small family farms that are deemed inefficient, and therefore lacking in competitiveness, eastern Germany is characterised by huge farms deemed more efficient, and hence more competitive, at least in the future. (Schmitt, 1993: 191)

The proportion of the population active in agriculture in the East is worth noting. Approximately 10% of the population, as compared to 5% in the former FRG, are engaged in agriculture. The large numbers of people

working in the agricultural sector could perhaps be explained by the fact that agriculture is considered more important in the former GDR than in other industrialised countries of the world. Furthermore, it should be emphasised that the agricultural sector incorporates areas of work not directly related to agricultural production, such as construction, social and cultural services, and repair services. Nevertheless, almost 60% of the agricultural workforce was directly involved in agricultural production (an average of 8.2 persons per 100 hectares). (Commission, 1990a: 77) The high levels of employment in agriculture can be explained by the working conditions; namely, fixed working hours, regular holidays and the pay structure. The overmanning of enterprises was a central problem for agriculture in the former GDR and in part explains the low levels of productivity. However, low levels of productivity were also caused by a shortage of appropriate technology and low levels of automation, which necessitated more manual labour. Enterprises were subject to the problems associated with a higher proportion of manual workers; namely absenteeism, lack of motivation and compulsory employment. The bad quality of the products can also be blamed on the lack of a sophisticated pattern of demand for quality products from the food processing industry, which was organised into Kombinate on a product by product basis. The food processing industry employed 240 000 workers.

Agriculture in the two parts of Germany is 'dualistic' in nature in terms of the structure of prices. Producer prices in the former GDR are higher than in the former FRG. Producer prices in the former GDR have risen since the agricultural price reform in 1984.<sup>9</sup> The higher producer prices have to be considered in light of the fact that the level and structure of prices was determined by administrative decisions and not markets. Furthermore,

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<sup>9</sup> It is hard to conjecture about prices levels in the former GDR due to the inconvertibility of the East German mark. Nevertheless, in 1988 the price for 100kg of wheat was 67.54 East German marks in the GDR and 38.60 DM in the former FRG for the same period. Producer prices ratios in the EU and the former GDR varied notably. For instance, in the GDR animal production was subject to higher protection than in the EU. (Commission, 1990a: 77)

prices were guided by two political objectives; firstly, to achieve self-sufficiency and secondly, to cover the costs of farming. (Schmitt, 1993: 191)

Consumer prices, on the other hand, for basic foodstuffs remained markedly low<sup>10</sup> and stable. Low consumer prices were guaranteed by state subsidies. State subsidies amounted to 32 billion East German marks in 1988. The result being that the agricultural holdings in the former GDR were on the brink of collapse once they became subject to EC prices. It is argued that, "The combination of falling prices and a change in the pattern of consumer preferences after unification led to the almost total collapse of the GDR's internal agricultural produce market." (Lippert et al, 1993: 94)

The differences between the former GDR<sup>11</sup> and FRG are summarised in the following table:

**TABLE 7.1 COMPARISON OF AGRICULTURAL STATISTICS: GDR AND FRG 1988**

| Feature   | GDR             | FRG         |
|---|-----------------|-------------|
| <b>Total Agricultural Area (m. hectares)</b>                              | <b>6.2</b>      | <b>11.9</b> |
| <b>Arable Land (m. hectares)</b>  | <b>4.7</b>      | <b>7.3</b>  |
| <b>Number of Agricultural Holdings</b>                                    | <b>4751</b>     | <b>7.5</b>  |
| <b>Average Size of Holdings (hectares)</b>                                | <b>4,500</b>    | <b>16.8</b> |
| <b>Population (millions)</b>  | <b>16.7</b>     | <b>61.5</b> |
| <b>Agricultural Area per head of Population (hectares)</b>                | <b>0.37</b>     | <b>0.19</b> |
| <b>Persons Employed in Agriculture per 100 ha Agricultural Area (no.)</b> | <b>9.7-11.7</b> | <b>6.9</b>  |

Source: Adapted from: European Parliament, (Committee on Agriculture, Fisheries and Rural Development), Opinion for the Temporary Committee to consider the impact of the process of German reunification on the European Community, 30 May 1990, EN\AD\89541

<sup>10</sup> For instance, the price of 1 kg of potatoes was 0.17 East German mark, whilst the producer received 0.56 East German marks. (Commission, 1990a: 77)

<sup>11</sup> For an in-depth statistical analysis of the agricultural sector in the former GDR see: (Commission, 1991: 129-134)

The differences between the agricultural sectors were huge. The differences are summed up,

dass wir in Ost und West zwei Landwirtschaften hatten, die so unterschiedlich waren wie kaum zwei andere auf der Welt...Wir hatten drüben in den ehemaligen DDR eine Landwirtschaft, die wesentlich auf den Landwirtschaftlichen Produktionsgenossenschaften basierte. Und auf der anderen Seite in Westdeutschland haben Sie den sogenannten Familienbetrieb.<sup>12</sup>

It has been ascertained that there were major differences between the structure of agriculture in the two parts of Germany. Different political and economic systems had brought about varying structures and objectives in the agricultural sector. Thus, the dynamics of the agricultural sector had an impact on the form that agriculture would take after unification, and hence on the transition measures and processes as well as the decisions that Germany would advocate in Agricultural Council of the EU.

### 7.1.2 AIMS OF AGRICULTURAL POLICY FOR THE NEW LÄNDER

The integration of the agricultural sector of the former GDR into the Federal Republic meant that the main aims of western German agricultural policy<sup>13</sup> were also applicable in the new Länder. However, due to the historical development of and the diversity of the agricultural sector in the East, it was considered necessary to develop a separate set of agricultural objectives and measures for the new Länder.

The overriding objective of the Federal Government is, "to set up, in the new Federal states, an agricultural sector of a diversified structure, which is

<sup>12</sup> Interview with official, Bundeskanzleramt, Bonn, 14 September 1993. Author's translation, "...that we had two completely different agricultural systems in the East and West which were so different than two any other sectors on this earth. Over there in the former GDR we had an agricultural sector which was fundamentally based on LPGs. On the other side in West Germany we had the so-called family farm."

<sup>13</sup> The main focus of the objectives of agricultural policy in the former FRG arise out of the Landwirtschaftsgesetz (Agricultural Act) of 1955, the Treaty of Rome, particularly Article 39 and a whole series of statutory regulations. For a summary of the objectives see: (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1993f: 4-6 & 98-99), (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995d: 4-6 & 89-91)

efficient, compatible with environmental goals, and competitive in the European Single Market.” (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1993a: 1) In this context, farming may be organised in different legal and management patterns, either full-time or part time, as single work units or partnerships. (Auswertungs- und Informationsdienst für Ernährung, Landwirtschaft und Forsten, 1993: 6-7) The Federal government also emphasises that farming in the new Länder should proceed on, “cost-effective production on the basis of ecological principles and sustainability, livestock production related to the land resource available and the consideration of animal welfare principles.” (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1993a: 8) The Minister for Agriculture, Borchert, upon taking office in 1993, under the motto “Der künftige Weg” <sup>14</sup> outlined his main objective for agriculture as, “eine leistungs- und wettbewerbsfähige Landwirtschaft” or an efficient and competitive agricultural sector.

To this end the specific objectives for the new Länder were as follows: to support the undeniable process of breaking up the large co-operatives through legal measures; in the short term to bring agricultural production up to the requirements of the market, particularly through measures designed to cut the quantity produced and to better the quality of the products; to orientate concerns to environmentally- friendly farming methods; to contribute to the process of overcoming price differences and problems; to facilitate the liquidation of enterprises through aid; and finally to accompany the structural adaptation process with social measures. In this process of reorganisation, the Federal government aimed at developing a market orientated and competitive agriculture and at eliminating the impediments in the re-establishment of enterprises. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1993e: 6-7)

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<sup>14</sup> Translated as “The Future Way”.



In summary, the aims of the Federal government as regards agriculture in the new Länder revolved around three principal areas. Firstly, the Federal government aimed at reducing the agricultural factors of production, land and labour, with the goal of restricting and even decreasing the volume of production. Secondly, the government had the objective of reorganising the production structure with a view to orienting towards the market. Furthermore, the government aimed at making the agricultural sector more efficient and environmentally friendly. Finally, the Federal government aimed at completely overhauling the structure of farms, particularly with regard to size.

### 7.1.3 THE TRANSITION PROCESS: CHANGES AND PROBLEMS

The Minister for Agriculture, Jochen Borchert, described the task of transforming the agricultural sector in the East as the task of the century. Borchert commented, "wir stehen mit der Umstrukturierung vor eine Jahrhundertaufgabe."<sup>15</sup> (Presse und Informationsamt der Bundesregierung, 1993d: 271) Nevertheless, the transition process in the agricultural sector has been steady but substantial. "In only four years, radical political, economic and social changes have taken place." (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995a: 1) A report commissioned by the DBV in Berlin one year after Economic and Monetary Union revealed that, "far-reaching changes have taken place in the structure of property ownership and privatisation, in farm structure, and in the employment situation of East German agriculture." (Agra Europe, 1991d: N/4) However, the process has encountered problems, and despite the progress made, it will take a long time before this process is complete. Agriculture in the new Länder has undergone significant structural change. There is a dichotomy between the structure of farms in the East and the

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<sup>15</sup> Author's translation, "We are facing the task of the century with the restructuring process."

West. It is a question of family farms versus co-operatives.<sup>16</sup> Linked to this issue of structural change has been the property question. The process of privatisation has been slowed down by unsettled property issues and problems connected to the distribution of property to withdrawing members. The agricultural sector has undergone reduction and changes in production. Other problems have been linked to general economic problems, for instance the repayment of debt. Undoubtedly the changes that have taken place have caused a degree of antagonism between eastern and western farmers.

Unification brought about the task of marrying two completely diverse agricultural sectors, particularly with respect to farm structure. The differences in the structure have been discussed in depth earlier in this chapter. Suffice to say that the structures varied not only in size, but also in volume and production methods. The question to be addressed is how the former agricultural co-operatives would be structured and what impact that they would have on the future direction of agriculture as a whole.

There is no doubt that unification has intensified the discussion on the structure of agriculture in Germany, and the tendency is to utilise this opportunity. The BML tends to share this opinion. It was remarked, "Die Richtung ist die Chance zu nutzen, und es zeigt sich heute bereits, dass die ganze Agrarstrukturdiskussion in ganz Deutschland durch die deutsche Vereinigung wieder zugenommen hat."<sup>17</sup>

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<sup>16</sup> Jarothé considers the arguments relating to the relative advantages of the family farm structure over the agricultural co-operatives. Jarothé argues that, not only are the family farms the ones supported by the EU, but they are indeed more efficient, oriented towards a market economy, organised in interest and producer organisations as well as more able to compete. Furthermore, the family farms require less manual labour and are more environmentally friendly. Alternatively, Jarothé argues that the size of the structures found in the East is the main disadvantage. The farms are not competitive. The size of the farm and the way in which they were run make decision making difficult. The farms employ too much manpower, thereby reducing productivity. Jarothé has perhaps been too critical of the structures in the East and does not acknowledge the inadequacies of the family farms. (Jarothé, 1992: 100-103)

<sup>17</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "The trend is to utilise this opportunity and it is already beginning to emerge that the whole discussion about the structure of agriculture all over Germany is increasing again as a result of German unification."

There has been a definite change in policy. In a policy document entitled "Der künftige Weg", the Minister for Agriculture, Jochen Borchert outlined his main aim for agricultural policy as establishing, efficient and competitive enterprises or "leistungsfähige und wettbewerbsfähige Betriebe".<sup>18</sup> Borchert's actions bypassed the problems to a certain degree by advocating an efficient system rather than any particular structure. Although, the Borchert document tends to place emphasis on the structures in the East, Borchert points out that Germany has perhaps depended on the relatively small structured family farms for too long, and hence has lost touch with the EU. The Agrarbericht<sup>19</sup> alludes to the fact that the structure of farms in other EU member states are more favourable in terms of production and efficiency than in Germany. Borchert has therefore made the task of catching up with the rest of the EU, particularly in terms of the structure of enterprises, a priority. Hence, it is argued that it is imperative that the structure of agriculture in the new Länder be utilised positively.<sup>20</sup>

The different structured agricultural holdings has necessitated a development whereby, "sich der Änderungsprozess in beiden Teilen beschleunigt."<sup>21</sup> The BML is expecting structural change in both parts of Germany.

Die Agrarpolitik erwartet einen starken Strukturwandel in den alten Ländern. Es wird also in den alten Ländern ein Konzentrationsprozess stattfinden, weil mit einem kleinen Betrieb auf Dauer keine effektive Produktion gemacht werden kann. In den neuen Ländern wird sich künftig ein starker Strukturwandel ergeben, so dass also sicher ein Teil dieser Grossbetriebe sich noch verkleinern wird.<sup>22</sup>

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<sup>18</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

<sup>19</sup> The Annual Report of the Agricultural Situation in Germany, produced by the BML.

<sup>20</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

<sup>21</sup> Interview with senior official, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "the process of change has accelerated in both parts of Germany."

<sup>22</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik,

In practice, two sets of agricultural objectives exist; for the East and for the West respectively. The goal for the old Länder is to allow the emergence of these new structures alongside the previous ones and specifically not to hinder the structural change that was taking place. As regards the five new Länder, the aim is to continue the transformation of structures. It is important to add that there are already structures there which are competitive according to EU standards. Consolidation and market orientation of the enterprises in the new Länder have been responsible for this competitiveness. Despite the radical transformation in the structure of enterprises, the German government does not profess to advocate a preference for either structure. Rather it is asserted that the market should decide which is the most effective form. "Aber wir sagen hier bei uns im Landwirtschaftsministerium, wir wollen nicht die einen oder die anderen in ihrer Entwicklung beschneiden; der Markt soll entscheiden, welche Form die effektivste ist." <sup>23</sup> Furthermore, the BML envisages a two way process, whereby the structural differences in the East and West influence each other.

The structure of the agricultural production co-operatives in the new Länder, have undergone radical change; and this process is to continue. Excessively large farms have been reduced to an economically viable size and the separation between animal and crop production has been reversed. The agricultural production co-operatives have been transformed

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Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "Agricultural policy is expecting considerable structural change in the old Länder. A process of concentration will take place in the old Länder since in the long run it will not be possible to produce effectively with a small farm. Considerable structural change is also going to occur in the new Länder, so that a proportion of these larger farms will become smaller."

<sup>23</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "But here in the Ministry of Agriculture we are of the opinion that we do not want limit the development of one or the other; rather the market should decide which structure is the most effective."

into either "Natürliche Personen" (Natural Persons) of the vast majority are "Einzelunternehmen" (Individual Enterprises) or "Juristische Personen" (Juridical Persons).

**TABLE 7.2 STRUCTURE OF ENTERPRISES IN THE NEW LÄNDER: FEBRUARY 1992**

|   | April 1991    | Enterprises<br>Feb. 1992 | % of Agri<br>Area<br>Feb. 1992 | Average<br>Area<br>Feb. 1992 |
|---|---------------|--------------------------|--------------------------------|------------------------------|
| <b>NATURAL<br/>PERSONS<br/>THEREOF<sup>24</sup></b>   | <b>9,238</b>  | <b>14,633</b>            | <b>24.5%</b>                   | <b>86 ha</b>                 |
| <b>Individual<br/>Enterprises</b>                     | <b>8,975</b>  | <b>13,707</b>            | <b>17.3%</b>                   | <b>64 ha</b>                 |
| <b>Partnerships<sup>25</sup></b>                      | <b>263</b>    | <b>926</b>               | <b>7.2%</b>                    | <b>401 ha</b>                |
| <b>JURIDICAL<br/>PERSONS<br/>THEREOF<sup>26</sup></b> | <b>3,375</b>  | <b>3,035</b>             | <b>75.5%</b>                   | <b>1,268 ha</b>              |
| <b>Registered<br/>Co-operative</b>                    | <b>478</b>    | <b>1,475</b>             | <b>44.0%</b>                   | <b>1,522 ha</b>              |
| <b>Other<br/>Corporation<sup>27</sup></b>             | <b>463</b>    | <b>1,560</b>             | <b>31.5%</b>                   | <b>1,029 ha</b>              |
| <b>Production<br/>Co-<br/>operative<sup>28</sup></b>  | <b>2,434</b>  | <b>-</b>                 | <b>-</b>                       | <b>-</b>                     |
| <b>OTHER<br/>ENTER-<br/>PRISE</b>                     | <b>246</b>    | <b>-</b>                 | <b>-</b>                       | <b>-</b>                     |
| <b>TOTAL</b>  | <b>12,859</b> | <b>17,668</b>            | <b>100.0%</b>                  | <b>289 ha</b>                |

Source: Adapted from: Bundesministerium für Ernährung, Landwirtschaft und Forsten. Agricultural Economy in the new Federal States - Topical Survey, January 1993

<sup>24</sup> Natural Persons were subdivided into individual enterprises and partnerships.

<sup>25</sup> Partnerships under the Civil Code are General Partnerships or Limited Partnerships.

<sup>26</sup> Juridical Persons were divided into Registered Co-operatives, Other Corporations and Production Co-operatives.

<sup>27</sup> These include Joint Stock Companies and Limited Liability Companies.

<sup>28</sup> These are Agricultural Production Co-operatives and Horticultural Production Co-operatives (GPG) and other Production Co-operatives.

### 7.3 STRUCTURE OF ENTERPRISES IN THE NEW LÄNDER: MAY 1994

|  | April 1991    | Enterprises<br>May 1994 | % of Agri<br>Area<br>May 1994 | Average<br>Area<br>May 1994 |
|--|---------------|-------------------------|-------------------------------|-----------------------------|
| <b>NATURAL<br/>PERSONS<br/>THEREOF</b>   | 9,328         | 24,884                  | 40.4%                         | 88 ha                       |
| Individual<br>Enterprise                 | 8,975         | 22,505                  | 19.9%                         | 48 ha                       |
| Partnership                              | 263           | 2,379                   | 20.5%                         | 469 ha                      |
| <b>JURIDICAL<br/>PERSONS<br/>THEREOF</b> | 3,375         | 2,821                   | 59.3%                         | 1,143 ha                    |
| Registered<br>Co-operative               | 478           | 1,336                   | 35.9%                         | 1,461 ha                    |
| Joint Stock<br>Companies                 | -             | 1,335                   | 21.7%                         | 882 ha                      |
| Limited<br>Companies                     | -             | 64                      | 1.5%                          | 1,276 ha                    |
| Other Co-<br>operative                   | 2,434         | 86                      | 0.2%                          | 136 ha                      |
| <b>OTHER<br/>ENTER-<br/>PRISE</b>        | 246           | 78                      | 0.3%                          | 191 ha                      |
| <b>TOTAL</b>                             | <b>12,859</b> | <b>27,783</b>           | <b>100.0%</b>                 | <b>196 ha</b>               |

Source: Adapted from: Bundesministerium für Ernährung, Landwirtschaft und Forsten, Agricultural Economy in the Federal Länder, January 1995

The two tables indicate the degree of change which has taken place in the transformation of the former agricultural structures of the East. Initially the transformation of structures was slow. The reasons for the slow start are to be found in problems related to unsettled property issues. However, the amendment of the Agricultural Adjustment Act or Landwirtschaftsanpassungsgesetz (LAG) solved a great many of these problems and thereby accelerated the process of transformation of the

production co-operatives into different legal structures. Approximately 75% of the former co-operatives in eastern Germany have been converted into partnerships or corporations. As of the 1 January 1992 the legal structure of the agricultural production co-operative ceased to exist. The small family farm, which is the norm in the old FRG and the rest of the EU, is in the minority in the new Länder. Hence, a radical change has occurred in the new Länder.

An important point of differentiation between East and West is the size of same type of farm. The newly founded or converted holdings are clearly larger than those in the old Länder. For instance, the average area of a family farm in the new Länder is 152 hectares, whereas the average area of the same type of concern in the old Länder is 30 hectares.<sup>29</sup> Although this may be an average there are differences between states. Hence, the structure of farms not only differs in the North and South, but an additional layer had been added with differences in the East and West. The general conclusion is that unification has had a great impact on the structure of agricultural holdings. According to an official in the BML, "Die Prozesse sind sehr dynamisch in den neuen Ländern".<sup>30</sup> The BML is of the view that this opportunity in the new Länder should be utilised. It is important to acknowledge this difference because the developments in agriculture in the last few years have proceeded differently.<sup>31</sup>

The change over in structure has not been without problems. Set aside from the problems encountered during the privatisation process and those

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<sup>29</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

<sup>30</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "The process are very dynamic in the new Länder."

<sup>31</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

linked to property matters, which will be discussed later, structural changes have caused problems between eastern farmers and western farmers. There exists a fear among the farmers in the West that the structures being erected in the East, will in the long term be more efficient and competitive than the family farms in the West. Farmers are worried they will be surpassed due to amount of aid <sup>32</sup> being granted to the eastern farmers. The rents are cheaper, the farmers in the East have access to technologically advanced machinery; with the result that ultimately the farmers in the East can produce more cost effectively. Indeed, it is beginning to emerge that the structures in the East are more profitable and may actually present a threat to western concerns. It was reported in *Agra Europe* that this process is beginning to emerge with reference to the dairy sector, "There are already signs that the large scale dairy farms that are beginning to emerge in the in the new Länder of eastern Germany will eventually challenge some of the more rustic units that have survived in the West of the country." (*Agra Europe*, 1996b: N/2) The politicians have to be able to serve the interests of both sets of farmers. <sup>33</sup> It has been argued that the larger concerns are not the favoured structure for the DBV. (Jarothe, 1992: 101)

A reason cited for the slow pace of conversion of the LPGs into efficient profit making businesses has been all the questions related to unsettled property issues and problems connected to the distribution of property to withdrawing members. The revision of the "property question" is of central importance to the reform of agriculture in the East. The Agricultural

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<sup>32</sup> The Federal government made a number of aids available for the promotion of agricultural structures. The government granted investment aids in the shape of a lowering of interest of up to 5% for a capital market loan of not more than 400.000 DM per enterprise. The term of the loan is 20 years for property and 10 years for other investments. Furthermore, farmers are able to get public loans for buildings and constructional assets. In addition, farmers are eligible for loans up to a maximum of 50,000 DM for grassland-related animal husbandry. In 1992 compensatory payments could be made as a compensation for difficult natural conditions of production.

<sup>33</sup> Interview with senior official, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.



Adjustment Act is of vital importance. The Agricultural Adjustment Act, the LPG Law, along with the law on the transfer of property rights and leaseholds of state-owned property and enterprises and members of co-operatives, were regulations that had been introduced in the last days of the GDR regime, which remained in force. The Agricultural Adjustment Act outlined,

the legal basis for restoration and guarantee of private ownership of property and the development of a diverse agricultural sector. It also regulated the process of breaking up the co-operative cartels, which were to be restructured into different legal companies; transferring farms to private ownership.....The LAG was intended to clarify disputed property claims and facilitate land reform. (Lippert et al, 1993: 95)

The Agricultural Adjustment Act was passed through the Volkskammer in the last days of the GDR, 29.06.1990 to be exact. The Act was, however, amended about a year later on 03.07.1991. The Act produced the necessary legal conditions to accelerate the process of restructuring. Other laws relating to agriculture were simply allowed to expire. For instance, the LPG law lapsed. The Agricultural Adjustment Act clarified property disputes and made the legal position of the landowners clearer. Thus, the amendment of the Agricultural Adjustment Act solved a great many of the problems related to property issues. Nevertheless there were other problems.

Clarifying the owners of property which had been expropriated during the land reform between 1945 and 1949 and the period after that, were some of the most difficult problems to solve. With regard to the land that was expropriated during the land reform <sup>34</sup> between 1945 and 1949, it was decided that this property could not be returned. This measure was approved by a decision of the Federal Constitutional Court of 23.04.91. This means that a farmer who obtained land during the land reform can treat this

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<sup>34</sup> In 1946 a Land Reform was carried out in the former GDR, whereby land was expropriated from war criminals and active Nazis. Land was also expropriated from all concerns over 100 hectares and then distributed to smaller concerns.

land like old property. This land cannot be encroached upon. Hence, victims of expropriations between 1945 and 1949 were entitled to financial compensation according to the Compensation Act.

However, land and property withdrawn after 1949 could be reclaimed. This was a major problem. Many westerners put in claims for their land in the East, thereby causing difficulty and uncertainty for the present occupiers of the land. According to the Compensation Act, victims of expropriations after 1949 who cannot either receive their land or choose compensation, have a claim to financial compensation.

The privatisation of land has thrown up many unforeseen problems. Privatisation of land has proved particularly difficult because the exact recording of land parcels has been hindered by deficient local land surveys, inadequate information in the Land Register, as well as missing boundary lines. Furthermore, privatisation was complicated by the whole issue of unsettled property and land. Land which had to be returned to its rightful owners could not be privatised. Hence, privatisation is liable to take a long time. Therefore, land is predominantly being leased.<sup>35</sup>

The Federal Agency for Unification-Related Special Tasks (Bundesanstalt für vereinigungsbedingte Sonderaufgaben) (BVS) holds approximately 1.3 million ha of agricultural land and 0.77 million ha of forest land in trust. This is land which had been expropriated in the socialist land reform. The BVS succeeded the Treuhand Anstalt, which was the agency responsible for privatising former state-owned enterprises in the GDR, this included privatising 512 state-owned farms and other state enterprises, totalling 330,000 hectares.

After unification, agriculture has undergone a drastic structural change

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<sup>35</sup> The Bodenverwertungs- und Verwaltungs GmbH was set up in the middle of 1992 to lease and sell agricultural land. This company was also given the task of privatising state farms. Up to now, 881, 000 ha of land has been leased for long term (12 years) and 215, 000 for the short term. Land is generally leased for 12 years. Local residents who want to establish a new farm and farmers wanting to rent land they are presently farming are given priority.

in terms of production. "Es hat sich im Produktionsbereich ein ganz radikaler Wandel vollzogen."<sup>36</sup> Agriculture in the former GDR was completely geared towards maximum production. Production had to be cut in the five new Länder so as not to aggravate EU surpluses. As Schilling notes,

The path towards agriculture in the five new Länder which is economically profitable and whose existence is assured in the long term cannot.. consist in repeating all those intensification processes undergone by the agriculture of Western Europe in the course of the last three decades. (Schilling, 1991: 254)

In the new Länder the structure in the area of "Pflanzenproduktion" or crop production has changed dramatically; it has adapted to the structures of the whole of Germany. For example there has been a decrease of potato growing by two thirds and extensive areas have been set aside. There has also been a decrease in the production capacities, above all in the livestock sector. For instance, there has been a reduction of 49% in cattle stocks and 67% in pig stocks. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995a: 3) This reduction in production has facilitated a comprehensive adjustment to the market. The decrease in livestock numbers has also led to an enormous decrease of milk and slaughter cattle production. The producer price levels are gradually approximating those of the old Länder. Furthermore, the workforce has been cut drastically. In April 1994, 164,000 of the former 848,000 workers continued to be employed in agriculture. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995a: 3)

Other problems in the transition process are connected to general economic problems. The Treaty establishing a Monetary, Economic and

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<sup>36</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "A radical change has occurred in the field of production."

Social Union or the Staatsvertrag effected a currency union. According to Article 10 (5),

Wages, salaries, grants pensions and leases as well as other recurring payments shall be converted at a rate of one to one. All other claims and liabilities....shall be converted to Deutsche Mark at the rate of two to one. (Press and Information Office of the Federal Government, 1991c: 16)

Thus, citizens of the GDR were able to exchange East Marks at a rate of 1:1 up to a limit;<sup>37</sup> the rest was converted at a rate of 2:1. Debts of firms were also converted at a rate of 2:1. The debts of firms were partially deleted, so that concerns could stabilise themselves. However, the Minister for Agriculture acknowledged in an interview with *Agra Europe* that "farms in eastern Germany were still encountering substantial problems with debt." (*Agra Europe*, 1994b: N/3) Borchert pointed out that the agricultural production co-operatives had different types and volumes of debt at the time of unification. It is estimated that on the date of Economic and Monetary Union between the GDR and FRG total debt amounted to DM 7.6 bn. (*Agra Europe*, 1994b: N/3) Debts relating to property were not deleted but were merely passed on to the successor organisations of the agricultural production co-operatives. Other debts outstanding by the earlier LPGs were frozen until the end of 1993. Hence, the debts were once again in place as of the 1 January 1994. In order to relieve the financial burden on the farms, Bonn has struck a deal with German Banks to reschedule the loans. Therefore, the farms can take out new loans to aid development, even though this means higher interest payments in the longer run.

The overall aim of a competitive agricultural sector or a "wettbewerbsfähige Landwirtschaft" can be interpreted in several ways. One

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<sup>37</sup> Certain limits were set for savings for GDR citizens at a rate of 1:1; children aged up to fourteen were allowed up to DM 2000, adults aged between fifteen and sixty were entitled to convert up to DM 4000 and elderly people, namely those over sixty, were able to convert up to DM 6000. Remaining money in circulation and savings were converted at a rate of 2:1. Non-residents of the GDR were allowed to convert East Marks, which had been issued after 31 December 1989, at a rate of 3:1.

of the most important objectives is to build a "moderne Ernährungswirtschaft" or a modern food economy. Both EU and the new Länder themselves have made financial aid available in order to achieve this objective. With the result, according to the BML that, "in den neuen Ländern gegenwärtig die modernste Ernährungswirtschaft in der ganzen EG entsteht."<sup>38</sup> The relative advantages which the East can offer in terms of technological developments has meant that western German concerns are now relocating to the East. There is a certain trend amongst the food processing industry to take advantage of the situation in the East and build up highly modern concerns there. The Federal government is supporting this trend with the view that such modern concerns in the food processing industry will encourage the development of highly effective agricultural enterprises.<sup>39</sup>

Despite the problems encountered along the path to restructuring, the BML is of the opinion that,

the most difficult stretch of the road for restructuring agriculture in the new Federal Länder has been covered. The enterprises now meet important conditions to survive competition which is growing increasingly intense. The reform of the Common Agricultural Policy and the GATT resolutions present new challenges to the agricultural enterprises of the new Federal Länder. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995a: 9)

In summary, the transition problems in agriculture are being surmounted. Structural change has taken place in the East. Jochen Borchert, the Minister for Agriculture, has noted that agriculture in eastern Germany has adapted to the requirements of the market by reducing output and improving product quality. Furthermore, the break up of large holdings

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<sup>38</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "At present the most progressive food economy in the whole of the EU is emerging in the new Länder."

<sup>39</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

is almost complete. Borchert's views are confirmed by a recent report by the DBV which points out that, "new investments and rationalisation measures in East Germany had produced satisfactory results." (Agra Europe, 1996a: N/1) The Federal government has invested significant amounts in the reconstruction of the agricultural sector. Since 1990 approximately 16 million DM have been invested in the East from the agricultural budget. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1994f: 3) Of course, the agricultural sector in the new Länder will continue to be supported, but to a lesser extent. (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1994f: 3) Borchert points out that not all of the current problems of restructuring the agricultural sector in the East can be solved by the financial aid provided by the Länder, the Federal government and the EU. Borchert argues that it is impossible to obliterate the practices of 40 years overnight. According to Borchert, "Es gilt Kompromisse zu schliessen .....und eine flexible Anpassung der Betriebe." <sup>40</sup> (Presse und Informationsamt der Bundesregierung, 1993d: 272)

#### **7.1.4 A CONTINUANCE OF A PROTECTIONIST ATTITUDE TOWARDS AGRICULTURE?**

The previous section has analysed the fundamental differences in the agricultural sectors in the two parts of Germany. The section has endeavoured to examine the process of transformation in the agricultural sector after unification and to ascertain the principal problems in that process. The agricultural sector in the East has adapted and taken on board western regulations and methods. The result of unification has been a diversely structured agricultural sector, leading to changes in agricultural policy.

Thus there has been a definite shift in the balance of agriculture

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<sup>40</sup> Author's translation "It is necessary to make compromises and take a flexible approach to the adjustment of farms."

following unification. However, despite these changes Germany's overall attitude towards agricultural policy remains protectionist. Agricultural interests remain important in Germany; with the notion that German farmers need to be 'protected'. Old structures remain firmly at helm of agricultural policy-making, continuing to exert influence on policy decisions. Chancellor Kohl had the option of appointing an Agricultural Minister from the East, bearing in mind the shift in the balance of agricultural interests. However, Ignaz Kiechle, the CSU politician, continued as Minister for Agriculture after the first all German election, hence virtually guaranteeing the maintenance of Bavarian influence over agricultural decisions. The old structures governing agricultural policy-making have continued to exert influence over policy decisions and the traditional protectionist stance propounded by these structures has continued after unification. The advent of a new CDU Agricultural Minister, Jochen Borchert, has not altered that path either. The tradition that farmers have a special position in society and need to be aided and protected is one which has transcended many turbulent changes in agriculture; unification has not upset that tradition.

Rather the prediction is this protectionist stance is likely to extend eastwards. The larger structures in the East, certainly in the long term, have the potential for increased and probably more efficient production. Nevertheless, Germany is likely to remain as protective of agriculture as it was before December 1989. "Indeed, it is likely that the massive enlargement of its farmed areas and the potential for increased production will strengthen German tendency to protect agriculture and to operate dirigiste policies." (Agra Europe, 1992a: E/8)

The Germans have always granted their farmers extensive financial assistance. Financial aid has been one manifestation of Germany's protectionist stance towards agriculture. The Germans continue to maintain a protectionist stance towards their farmers. The section on the transition

process revealed the kind of aid being granted to the eastern farmers in order to improve their structures, productivity and efficiency. In addition, in April 1995 the Federal government and the Länder announced a new agricultural aid programme, which would also benefit the western farmers from 1995. Of course, the eastern Länder are also beneficiaries of this aid package until the end of 1996. The amount allocated for investment by the Federal government has been raised from DM 470 million to DM 570 million. Added to the Länder contributions, aid to agriculture totals DM 950 million. Aid will be available to any farming family whose income falls below DM 150 000. The money will be invested in buildings; livestock farmers will be the principal beneficiaries. The main objectives of the programme are to boost aid to the dairy farmers, improve environmental protection and raise aid available for non agricultural investments. (Agra Europe 1995a: N/3) The amount of investment in agriculture post-unification reinforces Germany's protectionist attitude towards the sector.

An official from the BML confirmed Germany's protectionist tradition by stating, "Wir sind sicherlich im Landwirtschaftsbereich noch protektionistischer als Grossbritannien....Das sind wir nach wie vor." <sup>41</sup> He pointed out that the Germans avoided a "revolution" in eastern German agriculture by maintaining a protectionist stance. <sup>42</sup>

The agrimonetary system has been the mechanism through which the Germans have been able to maintain protectionist policies. <sup>43</sup> The Germans have in the past, and continue to, protect their farmers by manipulating the 'green' money system. As Swinbank notes, "The green money system is manipulated to provide an additional element of protection for farmers

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<sup>41</sup> Author's translation, "In the agricultural sector we are definitely more protectionist than the British. We still are now."

<sup>42</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995.

<sup>43</sup> Chapter six contains a detailed account of how Germany has been able to utilise the agrimonetary system to its benefit up until unification.



against exchange rate appreciation.” (Swinbank, 1996: 1)

Swinbank argues that the onset of the Single Market on 1 January 1993, should have guaranteed that, “the lunacies of the green money system could, and should, have been swept away. But the Commission and the Member States, largely on German insistence, botched the job.” (Swinbank, 1996: 1) The Single Market created in 1992 ensured the freedom of movement for goods, persons, services and capital. Clearly MCAs<sup>44</sup> were a deviation from that objective and measures had be installed to dismantle them. MCAs were abolished with the establishment of Single Market. Not only the Single Market Programme but also the establishment of the Exchange Rate Mechanism (ERM) and the moves towards Economic and Monetary Union called for dismantling green money system. Green currencies would become redundant with a single currency in the EU. However, some of the asymmetries of the green money system were preserved. For instance, the Switchover mechanism remained in force until August 1993. Furthermore, the new agrimonetary system provided for generous compensation terms for farmers facing revaluations.<sup>45</sup>

The virtual collapse of the ERM in August 1993 demonstrated Germany’s protectionist attitude towards agriculture. German farmers were confronted by a cut in prices. The emergence of French and Danish products on the German market, due to the decrease in value of the Krona and French Franc, had the effect of reducing prices. German farmers called for emergency action by the Commission. Max Zurex, chief economist of the DBV, commented in August 1993,

Any further price changes are going to hit us very hard because we’ve

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<sup>44</sup> Monetary Compensatory Amounts lie at the heart of the EU’s agrimonetary system. They date back to 1969, when in the wake of revaluation of the DM and a devaluation of the French Franc, the EC allowed France and Germany to continue to calculate national farm prices on the previous exchange rates. ‘Positive’ MCAs were in operation for revaluing currencies and ‘negative’ ones for devaluing currencies.

<sup>45</sup> Article 8 of Council Regulation 3813/92 stated that financial compensation could be paid to farmers who endure a loss of revenue due to a green rate revaluation.

already seen lower prices from reform of the CAP while we're paying more for our raw materials since our inflation rate is the highest in the EC. (Hargreaves, 1993: 24)

German farmers, along with their European counterparts, have been protected from any real drop in farm prices ensuing from currency changes through the 'switchover' mechanism which was set up at German insistence in 1984. German prices have been kept stable through this mechanism. The Commission attempted to do away with the system at the beginning of 1993 with the introduction of the Single Market, but the German farm lobby ensured that it remained in place. Since the switchover was triggered by a revaluation within the narrow band of the ERM - a political decision in the semi-fixed exchange rate system - it is now defunct as currencies are permitted to fluctuate widely. The Germans, nevertheless, wanted it applied again to floating currencies. But, meeting German demands would have had the consequence of raising the costs of the CAP. The Commission, having to placate the Germans, froze green currency rates until December 1993. The Germans claimed that core currency countries had to carry on trading in narrow bands, thereby disadvantaging farmers in those countries. The Germans highlighted the case of the Bavarian dairy farmers, who were perceived as being disadvantaged as compared to exports to Italy. (Grant, 1996: 25)

The discarding of the narrow band within the ERM meant that the switchover mechanism could no longer protect farmers in strong currency countries against future revaluation. Thus, the German government launched an attempt at restoring the system in order to protect its farmers from losing income when the Deutschmark is revalued. An official from the BML, speaking at an Agra Europe conference in November 1993, argued that the events of August 1993 could not modify the decision taken in

December 1992 to keep the switchover until December the following year. He declared, "Such a compromise, balanced only after long and most controversial negotiations, is integral and cannot be changed by accidental effects of decisions taken on other contexts. If those effects have an impact on legal rules, these rules have to be adapted. " (Schwinne, 1993: 2) In spite of the decision taken in December 1993 not to expand the switchover to floating currencies, Borchert clearly saw a possibility of resurrecting the system. In an interview with *Agra Europe* in January 1994, Borchert not only asserted that the Council would reconsider the switchover, but that the debate on agrimonetary rules applicable from 1995, "will probably see a continuation of the current system." (*Agra Europe*, 1994a: P/7) He signalled that Germans would consider matters connected to the agrimonetary system in the German Presidency.

The switchover mechanism was eliminated in December 1994. However, the Germans were still concerned about protecting the income of their farmers. Nevertheless, the Germans were less concerned with the means to guarantee farmers incomes. The answer came in the form of a "mini-switchover" which the Germans were successfully able to maintain. The "mini-switchover" guarantees against agrimonetary-related cuts in arable and livestock aids.

However, Germany was set for a battle with the Commission over the proposed scrapping of the "mini-switchover" and the Commission's proposal to set national financial ceilings on the compensatory payments made by revaluing countries. Germany's furious reaction to these proposals reflects the belief that German farmers must be protected against price cuts virtually at all costs. Borchert argued that guaranteed protection of German farmers was "an essential German concern". (Grant, 1996: 30) German attacks on the Commission have focused on proposals which deal with compensation to producers who incur losses on their CAP payments.

Borchert accused Fischler, the Agriculture Commissioner, of violating an undertaking between the Council and the Commission that compensation payments would not be decreased under levels concluded as part of the 1992 CAP reforms. Minister Borchert warned, "Germany does not need to apologise for its strong currency, and its farmers do not have to suffer because other countries are unable to meet the convergence criteria." (Southey, 1995b: 2) The Germans argue that countries with weaker currencies are at a competitive advantage; they are overcompensated. A German official succinctly summarised German concerns, "What matters is that what Germans get paid in D-Marks must be guaranteed." (Southey, 1995b: 2) The Germans argued that the Commission would have to change its proposals.

Fischler has argued that the system can no longer be sustained, since it is undermining efforts to decrease agricultural production. Furthermore, the EU can no longer afford to finance the system. In order to deal with German attacks, the Commission came up with the proposal that,

the Commission will ensure that there is sufficient funding available to cover an amount which corresponds to the loss of income in each revaluing country resulting from cuts in CAP reform arable and livestock payments. This contribution would be guaranteed and 100% EU-funded. (Agra Europe, 1995b: P/3)

German resistance was eventually overcome by a French inspired scheme, which would allow for a dual currency system - one for direct aid payments and another for price support payments. The idea is to be able to protect farmers' incomes whilst eroding the excessive costs of the old system. The new system nullifies the old one introduced in January 1995, under which a revaluation in one member state could trigger compensation in all member states. The new system means freezing rates for reform aid payments to producers until January 1999 in countries where appreciable revaluations take place between the end of June 1995 and June 1996. The

direct effect will be to decouple direct aid payments from revaluations by fixing them in national currency terms. The system also includes a compensation system for farmers who suffer income losses from the impact of revaluations on intervention prices. The compensation payments will be restricted to three year period and the payments will degressive in the second and third years. The payments will be co-financed by the EU and the member state. The new system means that rules governing direct income support payments to farmers will depend on national economies of the countries concerned. A two tier system will be in operation for direct support payments to farmers with fixed conversion rates for strong currency countries, such as Germany, and variable rates linked to the ECU for weaker currency countries. The Germans welcomed the deal for securing farmers incomes in Germany until the end of the century. Thus, German obstinacy paid off in achieving a deal favourable to them.

Officials at the BML insist that a currency unit for agriculture is imperative, "Farming, more than any other industry, is integrated into Europe and while we have common prices and no common currency, we will have to take care of currency divergences." (Harding, 1995a: 4) Thereby the maintenance of the agrimonetary system is justified until the EU achieves a single currency.

In summary, the Germans have used the agrimonetary system to protect their farmers' incomes; the system has worked to the advantage of German farmers by supporting high cost German agriculture. The Germans have vigorously resisted any changes in the agrimonetary system, thereby indicating their continuous protectionist stance towards agriculture after unification. In 1993, Erhard Schwinne from the Currency Affairs Division of the BML commented, "Neither Germany, nor any other country, whose currency is or may come under pressure of revaluation, will accept any system which results in abrupt reductions of institutional prices and

amounts." (Schwinne, 1993: 4) Thus, Germany's position on the utilisation of the agrimonetary system has not altered as a result of unification and the incorporation of the five new Länder into the CAP. Grant notes,

The underlying dynamic has been to satisfy the interests of German farmers. Their interests are allowed to be placed at the centre of the CAP as a whole because of the determination and skill of Germany in relation to agricultural questions and its role as a major net budget contributor. (Grant, 1996: 33)

### 7.1.5 THE IMPACT OF UNIFICATION ON GERMAN AGRICULTURAL POLICY

Unification has had an impact on agriculture, both at the domestic and European level.<sup>46</sup> It is important, however, to point out that unification alone is not the sole factor affecting the debate on agriculture in Germany, and indeed in the EU, in the 1990s. The reform of the CAP, and its implications for agriculture in Germany, and a successful conclusion of the GATT negotiations, have been fundamental in bringing about a change.

Although it has not fundamentally changed domestic agricultural policy itself, unification has brought about a shift in emphasis.<sup>47</sup> Unification has changed the orientation of the discussion on agriculture in the FRG. The debate about the structure of agriculture in Germany has intensified and changed. In terms of structure, the family farm is, as a result of unification, not the only viable form. The larger structures in eastern Germany are perceived as perfectly feasible, competitive, and perhaps even more efficient. It was remarked,

After four years one can say that these larger farms which exist in eastern Germany in different legal forms, have contributed to the notion that in western Germany it is now feasible to think about whether a diverse agricultural structure is more meaningful than just a family farm.<sup>48</sup>

<sup>46</sup> The impact of unification on European agriculture and the CAP will be discussed under the section entitled policy circumstance.

<sup>47</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 14 September 1994.

<sup>48</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination

Thus, the pressure for structural change has intensified in the West. In addition, farmers from the West have migrated to the East where the profit margin, certainly in the long term, is higher. This has no doubt led to problems between eastern and western farmers. "Im Moment halt ein bisschen eine schwierige Situation, weil man beobachtet, dass die Stimmung zwischen Ost und West eigentlich nicht besser, sondern schlechter geworden ist."<sup>49</sup>

The impact of unification on agricultural policy and the shift in attitude is illustrated simply by the change in policy discussions. For instance in the 1980s the discussion about the upper limit for the number of cattle per holding concentrated on approximately 80. The motto in the 1980s in Germany was that enterprises with more than 80 cattle were not feasible. However, the developments in the new Länder have completely surpassed these discussions and the policy has been overhauled. "Es gibt keine Ansatzpunkte mehr, von solchen Diskussionen zu reden. Weil, das ist durch die Realität praktisch ad absurdum geführt worden."<sup>50</sup> There are enterprises in the East with 1000 or 2000 cows. Unification, without a doubt, has influenced this debate.

According to an official in the Chancellery, the Minister for Agriculture has been careful but noticeable in changing gear by simply referring to an efficient and competitive agricultural sector. In this way the Minister of Agriculture has been skilful in detracting from a particular farm structure. The representative from the Chancellery attributed the opening of the East

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der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 14 September 1994.

<sup>49</sup> Interview with official, Leiter des Referates Ernährung, Landwirtschaft und Forsten, Bundeskanzleramt, Bonn, 14 September 1993. Author's translation, "At the moment we have a slightly difficult situation, as we have noticed that the atmosphere between East and West has worsened rather than improved."

<sup>50</sup> Interview with official, Leiter des Referates Ernährung, Landwirtschaft und Forsten, Bundeskanzleramt, Bonn, 14 September 1993. Author's translation, "There are no more starting points for those kind of discussions. Reality has practically proven this ad absurdum."

as definitely contributing to this discussion. Furthermore he added that this is not a stance which has come about voluntarily but that the issue has been forced.<sup>51</sup>

There has been a change in the balance of German agriculture following unification. Whereas five years ago a farm over 18 hectares was unimaginable in the most of Germany<sup>52</sup> and the whole thrust of agricultural policy was geared towards sustaining this structure, unification has meant a complete overhaul of this policy. Unification has on the whole had a positive effect on agriculture and agricultural policy. It can, however, not be denied that unification has led to problems, particularly in the interests and insecurities of the farmers across the whole of Germany. Initially, unification resulted in a combination of numerous small inefficient farms and some of the largest inefficient farms in the western world. However, now the efficiency of farms is beginning to balance out, with a shift in certain aspects of the policy at the domestic level and the respective changes at the European level in order to accommodate the interests of farmers in both parts of Germany.

## 7.2 POLICY CIRCUMSTANCE

Policy circumstance centres around an analysis of three factors which are vital for agricultural policy in the 1990s: German unification and the incorporation of eastern agriculture into the mechanisms of the CAP; the reform of the CAP, and the GATT negotiations and the possible consequences it has for German agriculture. These three processes are of decisive importance for German agriculture over the next ten years. Although the reform of the CAP and the GATT negotiations may appear peripheral to unification and eastern German agriculture at first glance, the two events

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<sup>51</sup> Interview with official, Leiter des Referates Ernährung, Landwirtschaft und Forsten, Bundeskanzleramt, Bonn, 14 September 1993.

<sup>52</sup> Of course the size of farms in the northern state of Schleswig-Holstein have always been greater. Farms there averaged at about 40 ha.



are of immense importance regarding the overall framework of German agricultural policy and the objectives it pursues at the European level. The reform of the CAP and the GATT negotiations have contributed to the changing environment within which agriculture in the new Länder has had to operate. The discussions surrounding the reform of the CAP and the GATT agreement have certainly complicated any adaptation measures and introduced new challenges for eastern German agriculture. "The reform of the Common Agricultural Policy and the GATT resolutions present new challenges to the agricultural enterprises of the new Federal Länder." (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1995a: 9)

### **7.2.1 THE EU AND AGRICULTURE IN THE NEW LÄNDER**

#### **THE INTEGRATION OF EASTERN AGRICULTURE INTO THE CAP**

It is important at this point to consider the incorporation of eastern agriculture into the mechanisms of the CAP. Economic and Monetary Union on 1 July 1990 signalled the formal integration of the agricultural sector of the East into the mechanisms of the CAP. This included the CAP price support mechanism, quotas and structural funds, and EU export subsidies as well as the refund and levy systems relating to external trade. The former GDR was also required to adapt its production and environmental measures to the CAP including the set-aside of land and afforestation. Germany was granted a number of derogations<sup>53</sup> for the agricultural territory of the East, which were valid in the first instance for three years and later extended until the end of 1996. Germany was also permitted to provide substantial national subsidies for agriculture in that region. Article 4 of the Regulation of Transitional measures states,

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<sup>53</sup> Article 1 of the Regulation on the Transitional Measures stated that, "To ensure the harmonious integration of farming in the territory of the former German Democratic Republic into the common agricultural policy, this Regulation lays down transitional measures and adjustments required to the common agricultural rules." (Council of the European Communities, 1990: 10)

the Commission may authorise Germany to introduce in the territory of the former German Democratic, a system of aid to compensate for agricultural income losses in that territory as a result of the changeover to the common agricultural policy. (Council of European Communities, 1990: 11)

The transitional measures applied to all agricultural products. Production of cereals and oilseed were not included in the Maximum Guaranteed Quantities (MGQs). Nor was the region's production to be counted towards the MGQs for sheep and tobacco. Separate milk and sugar quotas were established for the former GDR. The milk quota was set at 6.59 million tonnes. The sugar quota was set at 847 000 tonnes. (Agra Europe, 1990: E/2) The set-aside programme was to remove marginal areas from agricultural production. The Commission allowed for a series of national aids in order to bring the infrastructure of East German agricultural production up to EU standards. The Commission also exempted the former GDR from EU veterinary and plant health legislation until the end of 1992.

The unification of Germany meant that the former FRG had to not only integrate eastern agriculture into the social market economy but also into the CAP. The Committee on Agriculture, Fisheries and Rural Development perceived it to be a "positive move, but it will call for considerable vigilance and continuing strict standards on the part of the Community authorities." (European Parliament, 1990: 7) The EC was concerned that if production levels did not drop in the eastern part of Germany, the EC could face more agricultural surpluses. Furthermore, the EC was concerned about the costs of integrating eastern agriculture into the CAP. Some estimates put the increase of costs from 1000 to 3000 million ECU per annum. Lippert summarises the difficulties for the EC,

The entry of the GDR into the CAP meant a worsening of agricultural market difficulties in the EC, especially in terms of potential increases in surplus production and also increased exports as subsidies were

removed. This demanded extra structural payments, export subsidies, and the added budgetary burden of intervention purchases. (Lippert et al, 1993: 100)

Lippert points out that it is the impact of eastern agriculture's integration into the CAP which has made the German government more forceful in its resistance to the DBV and less prepared to contribute to the EC farm price and income support system.

The adaptation of eastern agriculture to the CAP and the internal market is all but complete. There are, however, still some special provisions in place for eastern agriculture. Firstly, help for investment (Investitionsförderung) is valid in the new Länder until the end of 1996. Secondly, regulation of the milk market will continue until 1.4.98. The Agriculture Council recognised that, in comparison to other regions in the EU, agriculture in the eastern Länder was in a particular situation. Hence, the Commission and the Agriculture Council finally endorsed Kiechle's demands by deeming special provisions necessary for the five new Länder as part of the CAP reform package.

The special provisions concern the following areas: Firstly, the special provisions pertained to the ceiling on the number of male fattening cattle, (männliche Mastrinder), breeding cows (Mutterkühe), and ewes (Mutterschafe) entitled to a premium payment. The Commission and the Agriculture Council resolved that rather than setting the restrictions on the number of animals for separate reference years, the following numbers of animals would be entitled to premium payments in order to facilitate the necessary structural change. Hence, the numbers were 1 000 000 ewes, 180 000 breeding cows and 780 000 fattening cattle. Furthermore, the provisions allowed for the possibility of exchanging 15% of the ceiling for beef and cows. Secondly, it was decided that a general base area of circa 3,56 million hectares would be established for the new Länder. Thirdly, the

level of yield to calculate the compensation payments for price cuts and the premiums for set-aside would be aligned. Hence, irrespective of the average yields for cereals and rape laid down between 1986-1990, the new Länder would be granted the same level of compensation and premium for set-aside as the old Länder (55,6 dt/ha for cereals and 31,1 dt/ha for rape). Fourthly, the special provisions determined that the upper limit of 90 animals per enterprise per calendar year would not apply for the premium on male fattening cattle for the new Länder.

Other general decisions in the CAP reform are also of relevance for the new Länder. The premium for set-aside will be paid irrespective of the size of the concern. The BML concluded that the special provisions negotiated for the new Länder within the context of the CAP reform constituted a fair contribution by the EU towards restructuring in agriculture in the East. (Bundesminister für Ernährung, Landwirtschaft und Forsten, 1992b: 1-3)

European agricultural policy is very closely linked to national policy. Thus does a shift in agricultural policy at the domestic level as a result of unification imply an indirect effect on policy at the European level? An official from the BML commented, "in der Europäischen Gemeinschaft hat die Wiedervereinigung nicht zu einer nachhaltigen Änderung der EG Agrarpolitik geführt."<sup>54</sup> It would be a mistake to come to the conclusion that unification had led to a significant change in the CAP. The agricultural sector of the new Länder contributes approximately between 5% and 8% to EU agriculture. Eastern German agriculture does not hold enough weight to effect a change in the whole policy. Hence, the direction of CAP has not changed as a result of unification. Neither has unification changed Germany's general role in EU agricultural policy. However, Germany has attempted to pursue policies at the European level which are agreeable to eastern farmers. "Die deutsche

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<sup>54</sup> Interview with senior official, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "Unification has not led lasting change in EU agricultural policy."

Politik in der EG hat darauf hingewirkt oder hat versucht, Regelungen zu finden, mit denen die Landwirtschaft im Osten leben kann." <sup>55</sup>

German unification may not have had a direct effect on European policy. But it has had an effect on Germany's position and specific German interests in EU agricultural policy. It has been suggested that the importance of German agriculture has increased in the EU as a result of unification. An official at the BML remarked, "Deutschland hat ein grösseres Gewicht in der EG gewonnen." <sup>56</sup> Germany's importance has grown with respect to its increased agricultural area and the increase in the volume of production. Germany is now the main producer in certain agricultural products such as potatoes. Unification has brought about a new direction and new thoughts on agricultural policy at the domestic level which in part have resulted in a change at the European level. An official at the BML commented, "vielleicht hat sich in den letzten fünfzehn Jahren nicht so viel verändert wie in den letzten drei Jahren. Weil die deutschen Position einfach zum Überdenken anders geht." <sup>57</sup>

The change in specific German interests has perhaps been most notable at the European level with issues related to structural change in the size of enterprises. In terms of the representation of interests, a change has occurred in Brussels. The national interests of German agricultural policy revolved largely around guaranteeing the incomes of small farmers. It was commented, "Der Akzent hat sich verschoben." <sup>58</sup> Before unification

<sup>55</sup> Interview with official, Bundeskanzleramt, Bonn, 14 September 1993. Author's translation, "In the EC German politicians have attempted to work towards regulations which are acceptable for Eastern farmers."

<sup>56</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "Germany's weight has increased in the EC."

<sup>57</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993. Author's translation, "Perhaps there has been more change in the last three years than in the previous fifteen. This is because the German's way of thinking has changed."

<sup>58</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995. Author's translation, "The emphasis has shifted."

Germany always promoted the interests of the family farm. Now the family farm is not the only viable model: upon unification Germany acquired much larger farms in the East. The interests of farmers differ between North and South and East and West. The government has to find a balance and compromise between the various Länder. Change at the domestic level has been accompanied by change at the European level. It was commented, "In Brüssel hat das die Auswirkung, dass wir uns stärker für Regelungen interessieren, die auch den grossen Betrieben nützlich sind."<sup>59</sup>

The changed policy is already leading to problems. The BML emphasises both structures at the European level. The smaller family farmers in the South are complaining about the degree of benefits and premiums being provided for eastern farmers. From their perspective benefits should once again be concentrated on them.<sup>60</sup> A manifestation of Germany's changed interests and the way in which the German government is pursuing the interests of the eastern farmers was the controversy which ensued between the Federal government and the Commission over the amount of land which could be sown with cereals in the new Länder. The Federal government argued that the area had been underestimated by 10% due to the unreliability of the data from the East. Hence, the Federal government asked for an increase of 347,000 hectares in the base area. The question was how would the EU deal with this problem? Would the EU put sanctions into effect? According to the rules, the new Länder should have been punished. However, the BML argued that this situation could not have been foreseen and therefore a compromise should be found. A compromise was found to take account of the statistical inaccuracy. The German base area could be increased by 181,000 hectares.

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<sup>59</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995. Author's translation, "The effect in Brussels being that we are more interested in regulations which will be useful to the larger farms as well."

<sup>60</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995.

The DBV would argue that the unification of Germany has not had a substantive effect on EU agricultural policy. What occurred was a de facto enlargement. Hence the integrating country had to adapt its structures. The EU did institute a set of special measures for a transitional period. The DBV is of the view that the EU is watching the developments in the eastern German agricultural sector with interest, bearing in mind the potential eastern enlargement. The transition that took place from a communist structured sector to a capitalist sector may in the future serve as a model for adaptations in other Central and East European states.<sup>61</sup> The Germans are now experienced in this adaptation process.

The transition period in agricultural policy was shorter than for other enlargements. It was assumed that Germany had the resources to solve the problems quicker in this area. It has been very difficult for people in eastern Germany to comprehend this rapid transformation process. The public at large in the East has had problems adapting to the principles of the market economy and the production methods. Eastern Germans engaged in agriculture have additionally found it difficult to come to terms with the consequences of rapid transformation in the agricultural sector such as the massive unemployment. Eastern farmers have criticised European decisions relating to agriculture in the East, namely the question over the base area. Furthermore, they complain that the CAP is too bureaucratic.

Nevertheless, the farmers realise that transformation could not have taken place without the EU and the transitional measures. The transitional measures have facilitated the construction of a competitive and efficient agricultural structure in the East. Germany's partners in the EU are concerned that the structures which are being developed in the East could eventually be more efficient than the ones which exist in their countries.

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<sup>61</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

Hence there is also dissent about certain measures being made available for the new Länder.<sup>62</sup>

### 7.2.2 GERMAN UNIFICATION AND THE CAP REFORM

Before embarking on an analysis of Germany's attitude towards the CAP and the CAP reform after unification it is important to understand the contents of the reform proposal. By the 1970s it was clear that the CAP was in urgent need of reform. Technological advances and the maintenance of high producer prices had led to a situation where production had escalated to a level where surpluses were mounting within the Community. The cost of support had increased dramatically and in response to the budgetary problems the Community commenced attempts at reform of the CAP. Hence, "the build-up and destruction of surplus food, the direct and indirect costs of the high price policy, the budgetary implications of the MCA system" (Hendriks, 1994a: 155) all necessitated reform of the CAP. Since the mid 1970s the EC had been engaged in a process of reform which moved away from open-ended guarantees towards more market oriented solutions.<sup>63</sup>

By the early 1990s reform of the CAP was unavoidable. The internal pressure of rising costs, coupled with the external impetus to conclude the GATT negotiations, culminated in a process of reform which was finally achieved in May 1992 to be fully operational by 1996. The deadlock over a reduction in agricultural support in the GATT negotiations are inextricably linked to the reform of the CAP.<sup>64</sup> The MacSharry proposals<sup>65</sup> for the reform of the CAP comprised two main elements: a price cut and a direct subsidy aimed at small and poorer producers. MacSharry's reform proposals

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<sup>62</sup> Interview with official, Referat 211, "Grundsätzliche Angelegenheiten der Agrarpolitik, Koordination der agrar- und ernährungspolitischen Planung", Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 13 September 1993.

<sup>63</sup> For an overview of the operation of the CAP and the principal problems and attempts at reform see: (Ministry of Agriculture, Fisheries and Food, 1993: 1-11)

<sup>64</sup> The significance of the GATT negotiations in the German position on agriculture is examined in the next section.

<sup>65</sup> The MacSharry proposals are named after the EC Commissioner for Agriculture. An agreement on the proposals was arrived at on 22 May 1992, six months after the initial proposals were submitted.



centred around change in the arable sector. The fundamental components of the reform consisted of: firstly, a significant cut in the level of price support for cereals, the aim being to bring prices to the level of the world market price. The Commission had proposed a cut in cereal prices of 35% over 3 years. A cut of 29% was eventually agreed. Secondly, the proposal advocated a system of acreage payments to compensate farmers for the anticipated loss of revenue.

However, it was suggested that compensation payments be 'modulated', in other words linked to the size of the farm. This concept of modulation was contested by several member states, including the British and the Germans. The scheme advocated that 'smaller' farmers be remunerated in full, whilst 'larger' farms or farms beyond a designated size only be compensated partially. The British had argued that this proposal unjustly discriminated against them. The German Minister of Agriculture, Ignaz Kiechle, was happy to align himself with the British since the emerging structures in the East were much larger. Hence, marking a change in the German approach towards agricultural policy. Finally, the compensation payments should be connected to a set-aside scheme. (Swinbank, 1993a: 359-364) The Commission intended to reduce the area under cultivation by 2m ha. (Rollo, 1992: 6) The Commission was also seeking a reduction in the milk quota of 3%, which the Council rejected. Furthermore, the Commission was looking for a reduction of 15% in Beef prices.<sup>66</sup>

Generally speaking, unification has not altered Germany's stance towards the CAP and the process of reforming it. Although, certain elements within the reform proposals which would have previously yielded German support, are now the source of discord. The MacSharry reform proposed

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<sup>66</sup> For a detailed analysis of the MacSharry proposals see: (Swinbank, 1993a: 359-372) and (Commission of European Communities, 1992: 5-22)

that compensation be modulated according to the size of an agricultural holding. The Commission had suggested that there be an upper limit on compensatory payments based on the size of the farm. Prior to unification, the Germans would have agreed that there be an upper ceiling for size, since German farms were not so large. However, after unification and the acquisition of these larger farms in the East, the Germans insist that there must under no circumstance be an upper limit according to the size of a holding.<sup>67</sup> Despite the progress achieved, the large eastern farmers still need support, clearly much more than the part-time farmers in the western part of Germany. Yet, according to the MacSharry proposals, these eastern farms would be categorised as large rich farmers and their support would be cut. Kiechle objected to this arbitrary assumption that, "small farms were good and large farms bad." (Agra Europe, 1991b: P/5) Kiechle was further quoted as saying, "The proposals to leave the large farms without help.....cannot be accepted in view of the farms in excess of 100 hectares in the new eastern states." (Campbell, 1991: 34) The DBV and the German farmers themselves were vehement in their opposition towards this aspect of the MacSharry reform. The DBV favoured the option of a redirection towards supply management, which preserved the same price structures but reduced quantities sharply. Thus, the MacSharry reform proposals complicated the situation for eastern farmers.

A significant change in the German position was that Kiechle had agreed to drastic price cuts, which he had originally opposed. Kiechle was quoted as saying, "Für falsch halte ich, dass sie vor allem auf Preissenkungen bis auf Weltmarktniveau gesetzt hat."<sup>68</sup> (Presse und Informationsamt der Bundesregierung, 1992h: 765) Furthermore, on this occasion Kiechle resisted the DBV in not utilising his veto, as he had done

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<sup>67</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995.

<sup>68</sup> Author's translation, "I consider it wrong that price cuts have been set up to world market levels."

in 1985. Nevertheless, Kiechle was able to negotiate a satisfactory compensation package. He negotiated set-aside compensation for all farmers and the extension of the milk quota system until 2000. Kiechle also insisted that compensation payments for cuts in cereal prices should continue indefinitely. Thus the Minister of Agriculture continued to achieve as good a deal as possible for German farmers.

The Chancellor was of fundamental importance in shaping the German package for CAP reform. Kohl directed Kiechle to come up with a compromise package for the CAP, as the reform as it stood was not entirely satisfactory to the German government. Bonn advocated that any price cuts had to be matched by a 'package of measures' such as income compensation and set-aside quotas. The government reached a compromise in October 1991 which included the following measures: Firstly, reductions in support prices were only acceptable if accompanied by income compensation. Furthermore, producers should expect positive developments in market prices. Secondly, income compensation had to be continuous and guaranteed and not limited to any particular size of holding. Finally, compensatory payments could not form part of the negotiating package in the GATT. (Hendriks, 1994a: 158)

Nevertheless, Tangermann argues that unification is unlikely to change Germany's overall attitude towards the development of the CAP. He pointed out that Germany is likely to maintain its protective stance in agriculture. Tangermann argues that essentially unification upset the balance of German agricultural policy, in the respect that the larger farms in the East would eventually become more efficient and productive. Thus, policy would no longer revolve solely around the small family farm. (Agra Europe, 1992a: E/8-9) This is indeed the case and is a worry shared by farmers in the West.

Tangermann estimates that with this change in German policy, the Germans are likely to push for even higher levels of support in the EU

despite the potential for increased productivity in eastern German agriculture following unification. Tangermann argues that the economic distress in the agricultural sector, the bankruptcies and increased unemployment made the eastern Germans as concerned about protection as their western colleagues.

The incomes of the inefficient part-time farmers in the toy farms of the west and of the under-employed workers in the socialised farms of the east cannot be brought to the levels they desire through any feasible subsidies to output. The only hope is direct income support. (Financial Times, 22 October 1990: 14)

Therefore, Tangermann contends that at least in the short to medium term Germany is unlikely to change its attitude towards agricultural policy. The Germans "continue to insist on levels of agricultural protection which will perpetuate its peasant-style agricultural economy and place further burdens on the rest of the country." (Agra Europe, 1993: P/6)

Indeed, there has been no radical change in Germany's approach to CAP reform as a result of unification. The Germans agree on the principle that the CAP needed to be reformed. The CAP reform is regarded as a reasonable compromise. The Germans believe that the EU had no other alternative. (CDU-Bundesgeschäftsstelle, 1994d: 4) The DBV was originally against the reform package. Nevertheless, the DBV would concede that reform of the CAP is necessary and that the CAP has the capacity to be adapted. An official from the DBV cited the integration of eastern German agriculture into the CAP as an example of the CAP's adaptive capacity. He pointed out that there were problems regarding Germany's entry and that the CAP was flexible enough to accommodate the changes. A set of transitional measures were agreed to facilitate eastern Germany's accession to the CAP.<sup>69</sup>

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<sup>69</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

Thus, the Germans concede that the reform was unavoidable for a variety of reasons: the system does not function effectively anymore and the system could no longer be financed. However, the general direction of Germany's approach to CAP reform remained the same. The Germans have never been in favour of sharp decreases in price, always preferring higher prices and the control of production through other measures, either by set-aside or quotas.<sup>70</sup> The general approach towards CAP reform remains protective and high income oriented. However, unification has marked a shift in approach to certain elements of the reform debate; namely the discord over compensation to larger farms.

Germany's stance towards the CAP remained the same to the extent that Borchert continued to pursue policies which would add to the overall EU budget. Indeed, the BML clashed with the Bundesbank over this issue. The German CAP demands conflicted with the Bundesbank's concerns over Germany's contributions to the EU budget. The Bundesbank suggested in a report in 1993 that Germany's contributions to the EU budget be reduced. In 1993 Germany paid 29% of the total EU budget but only benefited from 12% of EU expenditure. (Agra Europe, 1993: P/5) The Bundesbank suggested that the rise in German contributions was no longer appropriate bearing in mind the drop in Germany's purchasing power since unification. The Bundesbank's suggestions contradicted Borchert's demands from the Commission for a policy which would add the burden on the EAGGF budget.

The German approach to the CAP reform debate followed the traditional line of satisfying the German farmers in exchange for reform. The German farmers were recompensed for the reform of the policy by both national and EU measures.

Unification may have only effected a small change in the German

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<sup>70</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995.

approach, but the external impetus to CAP reform, namely from the deadlock in the GATT negotiations, did mark a shift in the German priorities between protecting agriculture and concluding the GATT negotiations so as not to disadvantage industry.

### **7.2.3 GERMAN AGRICULTURE AND THE GATT NEGOTIATIONS**

The GATT negotiations contributed to a change in the German position on agriculture. Hendriks argues that the conflict which the CAP caused in international relations made the Germans reassess their position on agriculture. Germany as a significant exporting country had an overwhelming interest in the successful conclusion of the GATT negotiations. Hendriks contends that the deadlock over the Uruguay Round meant that, "German policy-makers were made to realise not only the economic but also the political costs of pursuing a highly-protectionist policy." (Hendriks, 1994b: 64) Hendriks goes further to argue that the conflict between the EU and the United States over agricultural matters lead to a, "turning-point when Germany had to undertake a stock-taking of its position on the CAP and to re-assess its method of agricultural support." (Hendriks, 1994b: 64)

The Germans faced problems in determining their position on the agricultural dimension of the GATT negotiations domestically. However, the deadlock between the Community and the United States revolved around calls for the abandonment of the EU's regulated market system, especially export subsidies. The US and the "Cairns Group" of agricultural exporting countries called for cuts in EU farm subsidies of between 75% and 90%. <sup>71</sup> The Germans were obviously opposed to these proposals.

Germany faced a dilemma in the GATT negotiations due to its dual interests of upholding the principle of free trade on the one hand, being the world's second largest exporting nation, and the aim of protecting a

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<sup>71</sup> For details of the measures in the GATT Agreement see: (Swinbank, 1993a: 364-366)

vulnerable and an electorally important section of the economy on the other hand. The agricultural sector remained vital since Germany was facing a Federal election at the time.

The Germans faced problems with a conflict of interests both at the governmental and non-governmental level. Prior to the actions of Chancellor Kohl, the sectorisation on the German policy-making process allowed the agricultural and trade ministries to contradict each other on Germany's stance in the GATT negotiations. What has occurred is a souring of relations between the Finance Ministry and the BML. The Finance Ministry was quite willing to accept concessions on agriculture as long as it did not affect their vital interests. However, when discord over agricultural issues in the GATT negotiations threatened their collapse, the Finance Ministry adopted a firmer stance.

Now, as the Frankfurt power-brokers become ever more concerned about the impact of unification on the German economy, it is the finance ministry which looks set to take a position entirely incompatible with that of their agricultural colleagues. (Agra Europe, 1993: P/6)

The government faced problems at the non-governmental level with the respective interest groups. The government faced resistance to its agricultural policy from industrial and economic circles. The Federation of Germany Industry (Bundesverband der Deutschen Industrie) (BDI) broke their traditional alliance on agricultural policy to influence the Chancellor directly for a successful conclusion of the GATT negotiations. The BDI wrote to the Chancellor applying pressure on him, urging him to utilise his power and authority. The BDI had the support of the FDP led Economics Ministry, which pointed out that the failure of the GATT would be catastrophic for Germany. Kohl on this occasion supported industry. Kohl highlighted the importance of free trade,

for Germany as the world's leading exporting nation, it is of great importance...to dismantle trade barriers. We know from our past that economic well-being and progress can only be achieved in an open economy. (Hendriks, 1994b: 66)

The DBV was against the Blair House deal. The DBV were aware that trade and industrial interests had been put first in the GATT negotiations. The DBV felt that agriculture had been made a scapegoat in the negotiations. "Die Landwirtschaft wurde zu Unrecht zum Sündenbock abgestempelt." <sup>72</sup> (Deutscher Bauernverband, 1993: 12) Aware of the importance of the GATT agreement, Kohl seems to have invoked his Richtlinienkompetenz <sup>73</sup> in instructing his cabinet that the GATT Round must not end in failure. Thus, the reform of the CAP and the conclusion of the GATT agreement are closely linked.

However, once the German position in the GATT negotiations had been worked out, problems emerged with France. France had resisted US demands on quantitative cuts in the GATT negotiations. There was no longer a need to support the French in the GATT once the German problems had been resolved. France had become the world's second largest food exporter due to EU subsidies and the US demands meant that France would have to commit itself to sacrifice some of its share of the world's cereal market. The French threatened to veto the whole Blair House deal. The French argued that the concessions agreed by the Commission were too generous. President Clinton attempted to use Germany to apply pressure on the French to stick with the common commercial policy. Chancellor Kohl found himself in a precarious position, having to satisfy domestic interests, facing an election, needing a conclusion of the GATT, and having to convince the French not to break ranks. However, the

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<sup>72</sup> Author's translation, "Agriculture was unjustly made the scapegoat."

<sup>73</sup> This refers to the competence of the Chancellor to set guidelines for policy.



Germans although sympathetic to the French cause, would not have gone so far as supporting the French if it entailed a renegotiation of the farm deal of November 1991.

Other internal and external pressures apart from unification have resulted in a shift in German position in the reform of agriculture. Some have argued that this shift has entailed a "break-down in consensus on agricultural issues" and that Germany "forced to examine its position on agricultural protectionism and undermined the previously powerful position of the agricultural sector in Germany's social and political set up." (Hendriks, 1994b: 72) This position is exaggerated, the Germans have effected a shift in policy, but the old agricultural structures remain important in Germany and are able to influence policy. The DBV and the BML continue to work closely together, although there have been disagreements between the interest group and the Ministry in the past. The Germans have been able to extract a good deal for their farmers, despite technically giving priority to industry and trade. The Germans remain protectionist towards their farmers. The Germans were able to win important concessions for their farmers at the national and European level. Furthermore, the package of measures agreed for CAP reform bore the hallmark of measures agreed by the German government in October 1991. The Germans continue to protect their farmers. The German government confirmed this in a statement in the annual Agrarbericht of 1993, "the Federal government pushes for a speedy conclusion of the GATT Round, in which she emphatically represents the interests of the German agricultural sector." (Hendriks, 1994b: 69)

### **7.3 POLICY-MAKING STRUCTURES**

The institutional and constitutional dynamics of agricultural policy-making both at the domestic and European level are of immense importance. The sectorisation of policy-making has a direct effect on policy. Institutional pluralism ensures that a number of actors are involved in the

policy-making process. The DBV, the CDU, the CSU and the BML are all guaranteed an input in the policy process. The constitutional principles of *Richlinienkompetenz* ensures that the Chancellor plays an important role in policy-making. The *Ressortprinzip* (Departmental principle) assures a great deal of ministerial autonomy in decisions regarding agriculture. The German system of proportional representation and the consequent need for coalition-formation also elevates the position of agriculture. Hence, domestic political actors and processes are an important component in agricultural policy-making. Therefore, this section examines the importance of policy-making structures <sup>74</sup> in German decisions in agriculture both at the domestic and European level. However, before one can embark on an analysis of the relevance of these structures for agricultural policy-making and how they affect decisions, it is important to briefly review the policy-making process in Germany.

### **7.3.1 THE POLICY-MAKING PROCESS IN GERMANY: A BRIEF REVIEW**

The Federal Republic of Germany has a Federal structure of government in which power is decentralised and shared amongst various actors. Due to the decentralised system of government in Germany, individual ministries, the various political parties, interest groups, the state governments (*Landesregierungen*) and the Bundesbank play an important role in the formulation of policy. Hence, the Federal government is not the sole actor in decision-making. The institutional position of the other actors in the policy-making process is endorsed constitutionally. The German constitution, the Basic Law, provides for the legal autonomy of the Bundesbank, the need to take into account the views of the *Länder* governments, and the extent of the authority of individual ministries. Furthermore, constitutional principles back up the power of the Chancellor

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<sup>74</sup> Bulmer and Paterson have highlighted the importance of internal policy-making factors. They argue that internal policy-making factors limited Germany's ability to play a leading role in the EU.

and the autonomy of individual ministers. The system of proportional representation and coalition-formation is also important.

Individual ministers acquire a great deal of autonomy to formulate policy by virtue of the constitutionally guaranteed Ressortprinzip. The concept of ministerial autonomy is compounded by the sectorisation of policy. The sectorisation of policy places existing policy and its protagonists in the ministry in a strong position. The operation of the principle of ministerial autonomy can have negative consequences. It leads to the evolution of 'house policies', where individual ministries focus rather narrowly and subjectively on their policy area, sometimes to the detriment and coherence of overall European policy concerns. Bulmer and Paterson point to an increase in the sectorisation of European policy in the 1970s and 1980s.<sup>75</sup>

The sectorisation of policy and the operation of 'house policies' has been particularly prevalent in the BML. The contradictions from the operation of these policies have spilled over to the European level. For instance, Helmut Schmidt's attempts to reform the CAP conflicted with the BML's efforts to increase CAP expenditure. It is clear that the attitudes and interests of those formulating agricultural policy and those drafting the EU budget at the national level differ considerably. Another example is the contradiction of interests between German industry and agriculture in the GATT negotiations. When the negotiations were deadlocked, German industry began to exert pressure on the Federal government for a successful conclusion. It is argued that the Chancellor utilised his Richtlinienkompetenz and instructed his Cabinet that the negotiations must not fail.

The above example indicates how the Kanzlerprinzip can be used in problem solving. According to Article 65 of the Basic Law, the Chancellor

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<sup>75</sup> The concept of ministerial autonomy in relation to European policy has been discussed in Chapter Three.

principle identifies the Chancellor's Richtlinienkompetenz i.e. his responsibility for setting the guidelines of government policy. This competence also extends to European policy.

The Federal structure in Germany ensures that the Länder governments play a fundamental role in the policy-making process.<sup>76</sup> The Constitution guarantees that competencies be divided between the Federal government and the Länder government. Hence, the Federal government does not hold exclusive competence for all the policy areas addressed by the EU. The Länder governments have to be consulted on certain issues. This process has been complicated by unification by the simple increase in the number of Länder governments, adding to the lack of coherence deriving from the Federal structure of the state. Furthermore, the diversity of the interests of the eastern and western Länder, not just in the area of agriculture, are bound to complicate matters. Thus, complications in the Bund - Länder relationship can affect decisions not only at the domestic level but also at the European level.<sup>77</sup>

The institution of a system of proportional representation<sup>78</sup> and the necessity of coalition-formation also has an important role in the policy-

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<sup>76</sup> The Länder are constitutionally guaranteed power via Article 30 of the Basic Law which reserves powers for them. The Länder have exclusive competence in cultural affairs, education, health service and policing. The Länder also enjoy participation in framework and concurrent laws. Smith notes, "With framework laws, the federation lays down the basic conditions, leaving the Länder to legislate the particular requirements and detail for their own needs. For areas covered by concurrent legislation, the Länder may pass laws to the extent that the federation has not done so." (Smith et al, 1992: 41) Framework laws include higher education, hunting and conservation, the press and film industry, and land distribution and regional planning. Concurrent laws comprise civil and criminal law and sentencing, registration of births, deaths and marriages, residence and establishment of aliens and the production and use of nuclear energy. (Smith et al, 1992: 41) Furthermore, the Länder are guaranteed power through direct representation in the Bundesrat.

<sup>77</sup> The Länder were able to guarantee more influence in European policy decisions during the ratification of the Single European Act. According to the Länder the SEA was transferring powers to the EU which were under their competence, without securing any Länder involvement in the policy-making. The Länder were able to secure a consultation procedure on all issues concerning the EU. This procedure would undoubtedly slow down European policy-making in Germany. (Bulmer & Paterson, 1988: 249-250)

<sup>78</sup> The electoral system in Germany is a mixed system which combines the simple majority plurality system with party lists. Thus, the electoral system in Germany is one in "which half the representatives are elected on the simple majority plurality principle but the other half are selected on the basis of party lists so that the overall system is proportional." (Paterson & Southern, 1994: 181)

making process. The system of proportional representation facilitates the representation of minorities and allows the smaller parties such as the FDP and CSU to gain parliamentary representation. In order to obtain a majority in the Bundestag, governments need form coalitions. The tradition of coalition governments further enhances the power of the smaller parties. Thus, the policies of the smaller parties such as the CSU, who have particular ideas regarding agriculture, are crucial in policy-making. The coalition system of government means that minority parties in the coalition also have key ministerial positions. Hence, an agricultural minister in the present coalition may derive either from the CDU, CSU or the FDP.<sup>79</sup> The party that a minister belongs to will indeed affect his position on certain policy decisions. The system of coalition-government can therefore ease policy-making, but it can also complicate it.

Therefore "institutional pluralism" in Germany affords interest groups a great deal of influence over policy. Furthermore, individual ministries and the corresponding interest group tend to work closely together. Personnel tend to develop a high degree of specialisation and personnel are often recruited from the corresponding interest group. For instance Ignaz Kiechle, the former Minister for Agriculture, was a prominent member of the DBV prior to becoming Minister for Agriculture. Furthermore, the electoral system means that interest groups are able to nominate their representatives through the political parties onto various Committees of the Bundestag.

### **7.3.2 POLICY-MAKING STRUCTURES AND AGRICULTURE**

The German political system enhances the position of German farmers and provides them with an opportunity to control the national position in European agricultural policy. This is not a new practice. As Chapter Six

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<sup>79</sup> Josef Ertl served as Agricultural Minister from 1969 until he resigned when FDP shifted support to the CDU/CSU coalition. Ertl derived from the FDP. Ertl was to be followed by a CSU Minister for Agriculture, Ignaz Kiechle, who remained in office until 1993. In 1993 Jochen Borchert took office as a CDU Minister of Agriculture.

indicates, German farmers were actively supported since after World War Two.<sup>80</sup> So that by the time the CAP was created, as Phillips argues, "farmers were well entrenched in German politics, with privileged access and significant influence over policy." (Phillips, 1990: 107) The farmers are able to control the national agricultural agenda through a powerful lobby. The DBV has a strong role in the formation of agricultural policy. The DBV has been able to maintain this supreme position due to the fact that it is the only powerful lobby in the farming sector. The DBV has a loyal membership and provides virtually the only access to government for farmers. The DBV has 750, 000 members and represents over 90% of those who are involved in agriculture full time. (Paterson & Southern, 1994: 235) The DBV is aided in its position by favourable mass and elite opinion. This approval has been passed down after the war and based on the philosophy that farmers execute an indispensable service to the economy and contribute to the maintenance of the countryside.

The DBV maintains its position and influence on agricultural policy by working within the policy-making structures. Firstly, the DBV has a close working relationship with the BML. Secondly, the DBV secures influence through the Bundestag via the Bundestag Agricultural Committee. Paterson and Southern note that in the period between 1980-1982 16 of 26 members of the Committee were directly connected to agriculture. They point out that the opinions of this committee tended to coincide with that of the DBV. (Paterson & Southern, 1994: 236) Paterson and Southern argue, "the Bundestag is ..unlikely to act as a countervailing power to the Ministry of Agriculture since it delegates powers to the Agriculture Committee which is securely dominated by the agricultural interest." (Paterson & Southern, 1994: 236) Finally, the DBV maintains its strong hold over agricultural policy by instituting supporters in key positions in the government. Ignaz Kiechle,

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<sup>80</sup> See Chapter Six for historical background.

for instance, was a prominent member of the DBV, who also belonged to the CSU. Chancellor Kohl's preferred choice for the Minister of Agriculture would have been the present President of the DBV, Heeremann, who was a member of parliament for the CDU as well. However, Kohl had to opt for Kiechle in order to maintain the balance in the governing coalition. (Paterson & Southern, 1994: 236)

The proportional representation system in Germany strengthens the power of the farm vote. The tradition of coalition-government in Germany means that coalitions need to attract the farm vote directly or through smaller parties. Individual farmers and the DBV generally tend to support the Christian Social Union in Bavaria and the Christian Democratic Union in the rest of Germany. The Free Democratic Party (FDP) gradually came to realise the value of the farm vote in the 1980s to ensure that the party was able to get over the 5% minimum vote in order to achieve parliamentary representation. The FDP exerted influence over agricultural matters through Josef Ertl, an FDP minister, who served as agricultural minister for 14 years in the SPD/FDP coalition. Ertl resigned after the cabinet re-shuffle following the federal election in 1983. He was succeeded by Ignaz Kiechle who was a CSU member and a strong farm supporter. Jochen Borchert, who succeeded Kiechle in 1993, is however a member of the CDU.

In addition, the Federal system of government in Germany strengthens the farm lobby. Phillips points out that, "The federal Cabinet often has little opportunity to influence farm policy because the compromises and options have been finessed in negotiations among the department and minister for agriculture, the DBV, the Bundestag and the Länder." (Phillips, 1990: 109) The sectorization of policy-making in the Federal government emphasises existing policy and the Minister's position. The DBV also maximises its impact in the system by working closely with the BML. Many ministry officials

tend to originate from the DBV, hence there is a common view on issues. Phillips argues that, "the resulting set of interlocking bargains inside Germany ensures that farm interests dominate and determine the German national position in European farm debates." (Phillips, 1990: 110) Furthermore, since 1981 the farm lobby has been firmly supported by Chancellor Kohl and the Cabinet. For instance, Kiechle was given permission to utilise the veto in the Agriculture Council in 1985.

In summary, policy-making structures are crucial for decisions on agriculture. The DBV has been a fundamental actor in the policy-making process and has been exerting considerable influence on German agricultural policy-making. The DBV has been able to achieve this optimum position due to,

the continuing absence of any effective countervailing lobby and the distinctive electoral and governance systems in Germany. Because the farm minister represents both his government and the special interests of the farm sector in the EC Farm Council. (Phillips, 1990: 111)

The German political system as a whole enhances the position of German farmers. The Federal structure, the system of proportional representation, and the way in which it facilitates the representation of smaller political parties who have particular agricultural interests, further elevates the stance of German farmers.

### **7.3.3 CONTINUITY OR CHANGE: THE POLICY-MAKING STRUCTURES AND THE POSITION OF AGRICULTURE AFTER UNIFICATION.**

It has been argued by some that unification has upset the consensus that had prevailed in German agriculture. Farmers in the former GDR have different interests to those in the former FRG. In the East, farmers are concerned about the drop in commodity prices that resulted from unification. Traditional policies aimed at small family farms, structural policies that



discriminate against emerging farm organisations in the East, and finally EU policies such as set-asides that relatively disadvantage the East, are not relevant any longer. Not only have diverse interests made agricultural policy formation within Germany and the EU more difficult, but also as argued by some, reduced the power of traditional farm groups in the former FRG?

It has also been contended that the power and influence of those who have traditionally been dominant in agricultural policy-making will diminish. The CSU has a regional concentration of power in Bavaria, and it has been argued that given the changing balance of agricultural interest in the East, the CSU's role may diminish in a unified Germany. If regional influence diminishes, does that for instance, entail an increase in the power of the FDP, which has nation-wide representation, attracting support from larger farms in the North?

The role of the political parties and their policy positions are fundamental in agricultural policy-making. Previously, the CDU/CSU's position on agriculture was very much geared towards the maintenance of the small family farms. As a result of reunification, Germany has acquired much larger structures in the new Länder. To a degree this has meant a change in policy in terms of the desired form of structures for farms. Like the BML, the CDU is emphasising the need for farms which are competitive and productive, regardless of size and structure. The CDU is according to statements attempting to achieve equality and not discriminate against the larger structures which have been established in the East since unification. The main aim of CDU agricultural policy is outlined as,

Vorrangiges agrarpolitisches Ziel der CDU für die neuen Bundesländer ist der Aufbau einer leistungsfähigen, eigenverantwortlich geführten, vielseitig strukturierten, umweltfreundlichen Landwirtschaft. Dabei wollen wir keine Betriebsformen, die sich nach der Wende gebildet haben, diskriminieren. Wir wollen Chancengleichheit für alle Landwirte in den neuen Bundesländern.<sup>81</sup>

Hence, the CDU has acknowledged the changes which have taken place in the structure of agricultural holdings and no longer considers the family farm as the only ideal model. However, the structural changes have been difficult to accept for the CDU's coalition partner, the CSU. There have been differences of opinion on policy matters between the two parties. The CDU and the CSU had difficulties in formulating a common text for their 1994 election manifesto.<sup>82</sup> The CSU is very much in favour of the classical Bavarian family farm, and the Bavarian Minister of Agriculture was keen to have solely the term "family farm" in the text. Of course the CSU Minister was trying to protect his farmers' interests. He would perhaps have been able to use some leverage had the Federal Minister of Agriculture been a member of the CSU. However, the wording in the text incorporated all farm structures rather than just the family farm.

Unser Leitbild ist dabei der **unternehmerisch handelnde Landwirt**, der eigenverantwortlich im **Familienbetrieb oder in anderen Betriebs- und Rechtsformen** tätig und an bäuerlichen Wirtschaftsweisen ausgerichtet ist. (CDU-Bundesgeschäftsstelle, 1994b:29)<sup>83</sup>

The above incident was not the only occasion where the Bavarian CSU

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<sup>81</sup> Interview with official, Referent für Agrarfragen, CDU, 19 April 1995. Author's translation, "The CDU's primary aim in agricultural policy for the new Länder is to establish an agriculture which is competitive, autonomously run, versatile in its structure, and environmentally friendly. At the same time we do not want to discriminate against those structures which have been established after the changes. What we want is equality of opportunity for all farmers in the new Länder."

<sup>82</sup> Interview with official, Referent für Agrarfragen, CDU, 19 April 1995.

<sup>83</sup> This acknowledgement of the acceptability of diverse farm structures was also noted in other CDU documents. See: (CDU-Bundesgeschäftsstelle, 1994a: 59) Author's translation, "Our model is an entrepreneurial farmer, working on his own authority in either a family farm or in any other legal farm structure, orientating himself to rural economic ways."

Minister of Agriculture and the CDU Federal Minister of Agriculture differed on their views regarding the future course of agricultural policy. The Bavarian Minister of Agriculture, Bocklet, clearly demonstrated the difference in the priorities and conceptions of agricultural policy between the eastern and western Länder. Reinhold Bocklet opened a discussion with Federal Minister Borchert about the "renationalisation of farm income policy." In a statement to the Bavarian Parliament Bocklet pointed out that "It makes no sense to transfer money to Brussels for it only to be transferred back to national governments for distribution." (Agra Europe, 1996a: E/4) Bocklet argued that Brussels' authority over structural and income policy should be revoked and returned to the member states, especially to national and regional governments. He further called for the return of authority to include the responsibility for direct payments connected to compensation for cuts in support prices made as part of the 1992 CAP reform, payments made under the agrimonetary system, and structural programmes. He maintained that payments should not be connected to the production of individual commodities but rather they should mirror the economic achievement of each region. Bocklet pointed out that the restoration of control over payments to the regional level, would enable incentives for environmental objectives to be included into the payments. He contended that the system would be simplified if all the different payments were merged into one single payment.

More importantly, as regards Brussels' role in the formation of agricultural policy, Bocklet argued that, "Brussels' role in determining EU agricultural policy should be reduced to setting the framework within which national governments would operate." (Agra Europe, 1996a: E/4) Federal Minister Borchert accepted the need for a review of Germany's contributions to the EU in 1999. Bocklet had pointed out that Germany paid DM 20 billion into the agricultural budget annually but only received half of that back, with

Bavaria receiving DM 1.4 billion every year. Borchert, however, accused Bocklet of resorting to "populist" slogans to make his point. (Agra Europe, 1996a: E/4)

The Bavarian Minister of Agriculture highlighted the difference in the priorities of the eastern and western farmers. He saw the CAP reform as his primary focus. The CSU in general has found the adaptation process in the German agricultural sector and the consequent implications for EU policy difficult. Bocklet continued to emphasise the classical Bavarian farm structure in the CDU/CSU Grundsatzprogramm. Furthermore, the former CSU Minister for Agriculture Kiechle initially attempted to install small Bavarian style farms in the East, until this proved not to be feasible.

The CDU may have altered its position as regards the structure of farms as a consequence of unification. Nevertheless, the CDU still considers the agricultural sector as important as industry and trade. Other traditional objectives have also survived the turbulence in the merger of the agricultural sector. The CDU continues to emphasise both the economic and the social role which agriculture plays. (CDU-Bundesgeschäftsstelle, 1994d: 22) The CDU and CSU have always had the aim of securing farmers' incomes and utilising all means to prevent any drop in incomes. What has resulted has been a highly protectionist policy, maintained by high prices and supplemented by compensatory payments to German farmers for any changes in the CAP. Hence, the CDU and CSU still retain the aim of guaranteeing farmers sufficient income. In addition, the governing coalition continues to point out that German farmers will be protected from any abrupt drop in prices. Furthermore, the Federal government has even pledged to compensate German farmers directly for cuts in prices and cuts in quantity which are tabled as part of the CAP reform. The prices for agricultural products in the EU are rated in ECUs and this could mean a drop in prices when converted into DM. A complicated set of agrimonetary regulations

protects German farmers from sudden drops in prices.<sup>84</sup> The protection has continued despite unification. The coalition manifesto stated, "Solange es keine einheitliche Währung in der EU gibt, muss die deutsche Landwirtschaft vor abrupten währungsbedingten Preissenkungen geschützt werden."<sup>85</sup> (CDU-Bundesgeschäftsstelle, 1994c: 41)

The role of the Chancellor and the attitude of the political elite are fundamental in agricultural policy-making as with other policy issues. It was hoped that Germany's attitude towards agriculture would change after unification. Chancellor Kohl continued to back the German farm lobby at the time of the first all German election in 1990, thereby highlighting the importance of the DBV. The Chancellor's actions could be explained in terms of the pending election, since German farmers constitute an important source of electoral support. It was hoped that with the changing nature of agriculture in Germany following unification there would be,

a more commercial attitude into German agriculture as a whole. The large numbers, and thus political power, of the west German hobby farmers would be so diluted that the Federal government might become more sympathetic to CAP reform. (Agra Europe, 1990j: P/2)

However, at that point in time no change was detectable. Thus, the German farm lobby remains powerful and the hope that it would reduce its influence in the policy-making process upon unification was unfounded. Furthermore, Germany's unwillingness to compromise over the MacSharry proposals for the Uruguay Round negotiations shattered the illusion that Germany might adopt a different stance towards agriculture. Chancellor

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<sup>84</sup> The Germans to a degree have been responsible for the major flaws of the CAP, according to Tangermann. The coalition's main objectives for the 13th legislative period tend to perpetuate these flaws. The Germans have utilised the agrimonetary system to their benefit. The agrimonetary system had the effect of keeping German prices above other EU prices and particularly above world prices. The Germans have been responsible for maintaining EU nominal prices at consistently high levels. They have also been responsible for the establishment of the quota/market regulation mentality in EU policy-making.

<sup>85</sup> Author's translation, "As long as the EU lacks currency union, German agriculture has to be protected from abrupt, currency-related price cuts."

Kohl reiterated the stance that German farmers ought to be compensated for a loss in income; moreover he argued that policy should be formulated to ensure a competitive and efficient agricultural sector in Germany. "Die Politik in Europa und auf nationaler Ebene wird so gestaltet, dass die Wettbewerbs- und Leistungsfähigkeit der deutschen Landwirtschaft gesichert bleibt." <sup>86</sup> (Presse und Informationsamt der Bundesregierung, 1992f: 568) Kohl further praised the Agricultural Minister Kiechle for his actions in the formulation of policy. This was a clear indication that Germany's agricultural aims at the European level had not altered a significant amount post unification.

On the contrary, the DBV and agriculture in general has been able to sustain its position in a time when agricultural policy has undergone substantial change at the European level. The importance of the farm lobby did not flounder at the 1994 Federal elections. The Federal government was in a position where it had to appease its farm voters, as the farm lobby remains an important source of votes for the governing coalition, particularly the CSU and the CDU. <sup>87</sup> The Chancellor Helmut Kohl highlighted the importance of the agricultural sector in the domestic environment at the headquarters of the DBV in February 1995. Chancellor Kohl argued that farmers needed to be supported. He declared, "Es besteht für mich überhaupt kein Zweifel, dass unsere Bäuerinnen und Bauern in der schwierigen Anpassungssituation auf Unterstützung angewiesen sind." <sup>88</sup> (Presse und Informationsamt der Bundesregierung, 1995b: 107) Kohl pointed out that the German government had proved its commitment to German farmers in representing their interests both at the national and

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<sup>86</sup> Author's translation, "European and national policy will be designed in a way which will continue to assure the competitiveness and productivity of German agriculture."

<sup>87</sup> The population in Bavaria and Baden-Württemberg is particularly sensitive towards agricultural issues. Politicians in the CSU and also the CDU have been careful to formulate palatable agricultural aims in order to retain this support.

<sup>88</sup> Author's translation, "For me there is no doubt at all that our farmers (male and female) are dependent on support in this difficult phase of adjustment."

European level. It had aided the farmers at the European level with reorganisation of the agrimonetary system and at the national level with a variety of aids and measures. (Presse und Informationsamt der Bundesregierung, 1995b: 107-108) Kohl understood the concerns of the farmers as regards the reform of the CAP and the integration of the Central and East European countries into the EU. Although Kohl's words could be interpreted as rhetoric, it does not detract from the fact that Kohl's government continues to support farmers not only through domestic measures but also through actions at the European level.

Nevertheless, Kohl emphasised the necessity of reform and argued that the reform of the CAP and the conclusion of the GATT negotiations had brought more reliable conditions into existence for agriculture. (Presse und Informationsamt der Bundesregierung, 1995b: 108) He confirmed his pledge of supporting farmers and compensating them financially as outlined in the Koalitionsvereinbarungen or (Coalition Agreement). Moreover, he virtually guaranteed this support constitutionally. (Presse und Informationsamt der Bundesregierung, 1995b: 107)

The President of the DBV also voiced his concerns about the state of agriculture in Germany on this occasion. He stressed the difficult situation in which many enterprises found themselves in, particularly after the serious changes which had taken place in agriculture as a result of the CAP reform and GATT. He argued that German farmers want the government to show signs of encouragement. "Die Bauern und ihre Familien erwarteten jedoch, dass die Bundesregierung Zeichen der Ermutigung setze."<sup>89</sup> (Presse und Informationsamt der Bundesregierung, 1995b: 107) Heeremann underlined the necessity of "verlässlichen agrarpolitischen Rahmenbedingungen auch in Agrarwährungsfragen."<sup>90</sup> (Presse und

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<sup>89</sup> Author's translation, "However, the farmers and their families were expecting the Federal government to give some sign of encouragement."

<sup>90</sup> Author's translation, "reliable agripolitical framework conditions in agrimonetary issues too."

Informationsamt der Bundesregierung, 1995b: 107) He pointed out that a renewed debate on the principles of CAP reform should not be allowed. He also voiced his concerns about market and production conditions in the new Länder. He argued, "Wenn der Rahmen stimmt, dann können unsere Mitbürger weiterhin auf einen verlässlichen Partner Landwirtschaft setzen, der im übrigen zur Zeit die Hauptlast der Inflationsbekämpfung in unserem Land trägt." <sup>91</sup> (Presse und Informationsamt der Bundesregierung, 1995b: 107)

The transition process and subsequent changes in agricultural policy have been noted earlier in this chapter. Accordingly, the BML has had to alter its policy. A senior official in the BML commented,

Wenn das Umfeld anders ist, ändert sich zwangsläufig die Agrarpolitik...man muss die ganze Zielrichtung der Agrarpolitik verschieben. Man muss also auch diese Interessen der grösseren Betriebe anders berücksichtigen. <sup>92</sup>

The BML had to formulate a policy which attempted to deal with the interests of both eastern and western farmers. <sup>93</sup> The diversity of interests constituted one of the fundamental problems of a unified agricultural policy. The BML has accommodated its policy according to its clientele both at the domestic and European level. The relationship between the BML, the Minister and the DBV have become strained as a result of these dual interests. The DBV agrees that there has been a subtle change in the position of the BML and accordingly a subtle shift in governmental policy. A senior official at the DBV

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<sup>91</sup> Author's translation, "If the framework is right, then our fellow citizens will be able to carry on counting on this reliable partner agriculture, which by the way, is currently carrying the burden in the battle against inflation in this country."

<sup>92</sup> Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995. Author's translation, "When the associated area is different, then agricultural policy will inevitably change....the whole direction of agricultural policy has to be altered. Accordingly, the interests of larger farmers also have to be taken into account."

<sup>93</sup> The point was made that, "Wir müssen eine einheitliche Agrarpolitik machen, aber wir haben sehr unterschiedliche Klientel im Westen und Osten." Author's translation, "We have to formulate a unified agricultural policy, but we have a completely different clientele in the East and West." Interview with senior official, Ministerialdirigent, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn, 19 April 1995.



remarked, "Die Position der Bundesregierung ist natürlich nuancierter".<sup>94</sup>

The DBV retained its position as the primary representative for agricultural interests after unification. The reorganisation of agriculture in the East resulted in the establishment of five Länder level interest groups (Landesverbände), which are organised under the framework of the DBV. In this respect, the Landesverbände are organisationally bound to the DBV in Bonn.

Mit der Umstrukturierung der landwirtschaftlichen Betriebe haben sich die Kreis- und Landesbauernverbände in den neuen Bundesländern als Interessenvertretung aller Betriebs- und Rechtsformen herausgebildet und unter dem Dach des Deutschen Bauernverbandes ihre Heimat gefunden.<sup>95</sup> (DBV, 1994: 3)

The five new regional interest groups utilise the DBV to represent their interests both nationally and at the European level. "Über diesen Verband [DBV] transportieren die Verbände in den fünf Neuen Ländern ihre Forderungen an die Bundesregierung oder nach Brüssel."<sup>96</sup> Hence, the interests of eastern farmers are represented through the mechanisms of the DBV. Despite the fact that the DBV professes to represent the interests of all farmers,<sup>97</sup> there are problems brewing as a result of the difference in the interests of the two farming communities and the diversity of the farming structures. A senior official at the DBV commented,

<sup>94</sup> Interview with senior official, Deutscher Bauernverband, Bonn, 19 April 1995. Author's translation, "Naturally there is a subtle difference in the position of the Federal government."

<sup>95</sup> Author's translation, "With the restructuring of agricultural enterprises, the communal and state level agricultural interest groups in the new Länder have developed into the representatives of the interests of all kinds of legal forms of enterprises, but they have found their home under the roof of the DBV."

<sup>96</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995. Author's translation, "The groups in the five new Länder pass their demands for the Federal government or Brussels via the DBV."

<sup>97</sup> Interview with official, Referent für Agrarfragen, CDU, 19 April 1995.

Sicher gibt es den Konflikt 'gross' und 'klein'...Wir machen den Versuch hier, als Bauernverband, ein einheitliches System in Deutschland zu bekommen. ...Und da gibt es Schwierigkeiten. Ich glaube nicht, dass das langfristig Ärger machen wird.<sup>98</sup>

The DBV admits that there are problems between the larger and smaller producers. The DBV is attempting to build a unified system. However, the representative of the DBV did not believe that these differences would cause problems in the long term. From this perspective, it is then understandable that the DBV is continuing to attempt to increase the efficiency of these Landesverbände in order to increase their influence on policy. (DBV, 1994: 12) However, the DBV may be underestimating the scale of the problems which may occur between East and West and the role it could play in the solution of those problems.

Of course, the DBV perceives its role in the transformation of agriculture in the East as a positive one. The DBV believes that it has played a major role in the composition of agricultural policy for the East. Naturally, the DBV was committed to the successful integration of the new Länder into the CAP and believes that it has been essential in its transformation. Furthermore, according to the DBV, they were fundamental in the extension of the special conditions in particular areas until 1996. "Es gab dann Schwierigkeiten in der EU mit spezifischen Dingen in den fünf neuen Ländern. Wir haben uns dafür eingesetzt, dass die Schwierigkeiten geregelt wurden."<sup>99</sup>

The unification of Germany and the consequent changes in the agricultural sector have had an effect on the substantive policy of the DBV.

<sup>98</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995. Author's translation, "Of course there is this conflict 'big' and 'small' .....As the Farmers Union, we are attempting to develop a uniform system in Germany....And there are difficulties. I do not think that this will cause trouble in the long run."

<sup>99</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995. Author's translation, "There were difficulties in the EU with specific issues in the five new Länder. We have lent our support to resolve these difficulties."

The representative of the DBV pointed out that unification "has substantially changed the view of the western organisational structure."<sup>100</sup> He suggested that DBV's policy had shifted in relation to credit programmes. He argued that the DBV had actively pursued a policy where these should be available for all farm structures and should not be limited to an agricultural holding of a particular size. He added that this had had a positive effect on agriculture in the East and had indeed, been a step forward in the direction of agriculture in the new Länder. The channelling of aid to eastern farmers has, however, caused problems for other German farmers. Nevertheless, the representative from the DBV believed that, "as long as it is handled rationally, there is no danger" in the long term. He pointed out there was more danger of conflicts erupting between the northern and southern farmers in Schleswig-Holstein and Bavaria than between East and West. The representative from the DBV did, however, cite the question on what would constitute Germany's ideal farm structure of the future as the source of conflict.<sup>101</sup>

The DBV has adapted itself according to the changing circumstances in agriculture and changing realities. The DBV is not solely run by the traditional interests of the southern German farmers. The DBV has proved itself to be "adaptive" in the process of change in the agricultural sector; in spite of the fact that the redirection of certain aims has led to conflict between the different sets of farmers.

Generally speaking, the DBV's view about the process of change in the eastern agriculture tends to concur with that of the BML.<sup>102</sup> The DBV's perception is that there are still problems in the agricultural sector in the East, but nevertheless the agricultural sector on the whole has adapted

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<sup>100</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>101</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>102</sup> Of course, there have been differences of opinion between the regional agricultural interest groups and the BML regarding certain agricultural policy aims.

much faster and much better than other sectors of the economy. In all, the DBV has a positive view about the restructuring of agriculture in the East. The DBV agrees that the restructuring of farms into effective and viable holdings has been successful, but does point out the problems that unemployment in the agricultural sector has caused.<sup>103</sup>

The DBV retains an important and influential role in agricultural policy-making after unification. Thus, German agricultural interests and the DBV remain influential in the balance of power. The DBV representative remarked, "We have a lot of influence, we can change a lot."<sup>104</sup> However, the representative from the DBV did point out that the overall importance of agriculture at the national, the European and even the global level has diminished. He argued that 25 years ago the agricultural directorate in Brussels was of immense importance and exerted considerable influence over Community affairs and that this was no longer the case. He countered this point by suggesting that, "this does not mean that governments are not interested, and that active farm organisations cannot overcompensate for this decline."<sup>105</sup> Thus, active farm lobbies still have an important role to play despite this overall decline in the significance of agriculture. The DBV official tended to exaggerate the decline of agriculture at the European level. The EU continues to spend 50% of its budget on agriculture. The official was perhaps referring to the domestic dissatisfaction with the outcome of the GATT agreement for agriculture.

Certainly it has to be acknowledged that the acquisition of a diverse agricultural sector in the East has not resulted in a dilution of the DBV's aims at the national level. The DBV remains resilient in achieving the maximum benefits for German farmers and in lobbying the BML. Prior to unification the DBV had to reconcile contradictory aims between North and

<sup>103</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>104</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>105</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

South. In the post unification period an additional layer of interests has been added to the DBV's agenda. The DBV perceives its role after unification as a continuation of the process prior to unification, but having to reconcile a more complex system and complex set of interests. There is no doubt that the task the DBV faces is difficult and complicated. But as the sole effective representative of farming interests in Germany, the DBV has no other alternative. The DBV views itself as the representative organisation for eastern farmers. However, as time passes and the if interests of the eastern farmers are not being met, there may be a possibility that the eastern farmers may seek alternative sources of representation. This source of representation may in the future derive from the Party of Democratic Socialism (PDS) which has considerable influence over policy at the Länder level, where agriculture is the main source of employment; namely, in Mecklenburg-Vorpommern and in Brandenburg.<sup>106</sup>

The DBV has been able to exert influence on government policy by working closely with the BML. The tradition of exerting influence through the Minister has continued after unification. There continues to be common ground between the DBV and the CDU led ministry. The representative from the DBV commented, "We have a basic understanding with the Minister".<sup>107</sup> However, that does not detract from the fact that the membership of the DBV forces the DBV to put pressure on the Minister of Agriculture. Despite this basic understanding, "it is not our role to make his life easy. On the contrary, we have had hard conflicts with him."<sup>108</sup>

However, there was a notable exception to this rule. Minister of Agriculture Kiechle clashed with the DBV over farm reform in 1992. The DBV was against the MacSharry proposals for the reform of the CAP. The DBV demanded that Kiechle fight the proposed changes vehemently and even

<sup>106</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995.

<sup>107</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>108</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

use his veto if necessary. The President of the DBV, Heeremann, was quoted as saying, "We are in favour of reform, but not the one Kiechle is accepting. ..They get a 5 per cent plus wage rise in the public sector, and we get 35 per cent minus for cereal farmers: it is unacceptable." (Peel, 1992: 4) The DBV argued that two months prior to the final judgement it still had the support of the Minister. However, at the final hurdle, according to the DBV, the Minister "switched sides". The DBV made the point that the government did not have agriculture at the top of its list of priorities. On this occasion, unlike 1985, Ignaz Kiechle did not seem willing to use his veto. Despite his obvious Bavarian connection, Kiechle described the DBV as, "day-dreamers who have no idea of agricultural political necessities." (Peel, 1992: 4) This was a clear change in his position.

Two important ingredients account for Germany's relaxed stance towards the CAP to its normal defence of the CAP. Firstly, Germany's desire to reach a successful conclusion of the GATT negotiations and secondly, the change in German policy priorities due to the advent of the huge East German farms. The Minister of Agriculture faced a dilemma in attempting to defend traditional West German interests and newly acquired eastern German ones. Kiechle wanted a cereal price cut of 15-20% maximum. In this respect, Kiechle was seeking to defend western Germany's relatively small and high cost farmers. The Minister was forced to accept a cut of 29%. However, he came away with the concession that he would be able to give substantial compensation to German farmers. Furthermore, in attempting to serve the interests of the larger eastern farmers, Kiechle was happy to adopt the same stance as Britain in calling for compensation to be paid to larger farmers as well as to smaller ones. Compensation to German farmers was paid in two ways: Firstly, Kiechle was able to retain the right to pay income support measures in 1992 to replace the 3% VAT rebate which expired in 1992. The second form of compensation was

payable to all EU farmers in exchange for a 15 % reduction in their arable land. Kiechle was determined that these payments should be permitted for an indefinite period. (Peel, 1992: 4) It is important to point out that the first set of compensatory payments were a significant concession, as these compensatory payments were a German national measure and a clear distortion of the agricultural common market. It is clear that Kiechle adjusted his policy aims at the European level according to the changed circumstances arising from unification. Kiechle defended the interests of the larger farms in seeking compensation for them.

Subtle changes may have occurred in policy, but Germany retained its highly protectionist stance in agriculture to incorporate protection of eastern agriculture. In that sense, individual aims may have been added, but the overall stance and policy objectives remain very much the same. What has resulted has been a complication of the whole agricultural debate in Germany.

The role of the Minister of Agriculture is clearly important in the policy-process. The sectorization of policy-making and the Ressortprinzip in Germany has meant that Agricultural Ministers in the past have had the autonomy to formulate policy. According to the DBV, the Minister of Agriculture, as the main actor negotiating process, continues to represent the interests of the German farmers at the European level. "As long as it is just Brussels and agricultural policy....I think our minister, who is a member of the German government, is doing his utmost to get good bargains for German farmers."<sup>109</sup> However, the Minister of Agriculture's freedom of manoeuvre was constrained during the GATT negotiations with industry applying pressure on the government for a speedy conclusion of the Agreement. It is in this instance that Chancellor Kohl utilised his Richtlinienkompetenz to ensure that GATT negotiations did not fail. The DBV

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<sup>109</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

acknowledges that German agricultural interests were not sufficiently represented during the GATT negotiations.

It has been argued that the overall thrust of German agricultural policy has not changed at the domestic and European level as a result of unification. However, the policy has been adapted in specific areas to accommodate the agricultural sector of the East. What has resulted from unification has been a subtle shift in emphasis in agricultural policy. The role of the Minister of Agriculture has been crucial in actualising this shift. The Ministers have individual aims and priorities which they seek to achieve.

In 1993, the long serving CSU Minister for Agriculture, Ignaz Kiechle, was replaced by the CDU politician Jochen Borchert. Kiechle was assertive and forthright in defending the interests of German farmers, particularly the Bavarians. Kiechle's use of the national veto over cereal prices in 1985 bears testimony to that fact. Furthermore, Kiechle defended German interests emphatically in the CAP reform debate and was ardent in obtaining the best deal for German farmers from the CAP reform, thereby minimising the side-effects for the German farmers. Kiechle, backed by the Chancellor Helmut Kohl, was able to obtain the most favourable deal possible for German farmers. The Chancellor praised Kiechle's record and commented at the end of the negotiations of the reform of the CAP,

Ich möchte an dieser Stelle Herrn Bundesminister Kiechle für seine Verhandlungsführung ausdrücklich danken. Er hat mit grossem Nachdruck und persönlichem Engagement die Verhandlungen geführt und dabei die Interessen der deutschen Landwirtschaft vertreten. Er hatte dabei meine volle Unterstützung.<sup>110</sup> (Presse und Informationsamt der Bundesregierung, 1992f: 568)

As a CSU politician, Kiechle was influenced by 'Bavarian style'

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<sup>110</sup> Author's translation, "On this occasion, I would particularly like to thank Federal Minister Kiechle for his handling of the negotiations. He has led the negotiations with great vigour and personal commitment, and thereby representing the interests of German agriculture. He has my full support."



agriculture. The CSU in general experienced difficulty in accepting the diverse nature of the agricultural sector in the new Länder. Kiechle initially had hopes of building a Bavarian style agricultural sector in the East. Obviously, these hopes were not realised as agricultural holdings in the East were far too distinct in terms of their size and structure.

However, Borchert is a CDU politician from North Rhine-Westfalia. It cannot be denied that the political party and the Land that a politician emanates from can make a difference to the policy aims that he brings onto the agenda and the policy outcome. Although there is a basic line of policy which does not change, there is room for interpretation. The DBV official remarked, "I see....a difference between the parties."<sup>111</sup>

Indeed, Borchert utilised this room for manoeuvre. Borchert stressed growth and the development of structures far more than his predecessor. More importantly, Borchert's perception of farm structures differs from his predecessor. His conception of farm structure is influenced by his Wesfalian background. Farms in North-Rhine Westfalia and Lower Saxony tend to be larger than those predominant in the South of Germany. Thus, Borchert is in favour of larger farm structures. There has been a shift in priorities of the Minister, since his predecessor Kiechle concentrated on the small and middle class farms in the South.<sup>112</sup> The shift in policy could, of course, be attributed to the changed circumstances in the East. But Borchert readily accepts the need for diverse structures, whereas his predecessor Kiechle had a "Bavarian" vision of eastern German agriculture with the establishment of small style family farms.

The whole policy-making process has become more complex after unification. Germany has a Federal structure, which means that power is distributed between the Federal government and the Länder. The mere fact

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<sup>111</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>112</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

that unification entailed the establishment of five new Länder complicated the policy-making process. Each Land has a different coalition with its different set of interests in power. For instance, a Social Democrat government in Brandenburg has a different view about the future of larger farms than a Christian Democrat government in Mecklenburg-Vorpommern. It would be a mistake to confine these regional and Länder diversities to the East-West dimension. With regard to agricultural policy there are differences emerging between North and South and East and West. The government faces the task of reconciling these diverse interests and of trying to formulate a national strategy. "Our government has growing difficulties in getting all these states under one roof."<sup>113</sup>

Indeed, the eastern Länder have their own interests which they are attempting to pursue through the various policy-making mechanisms. For instance, the five new Länder considered the extension of the special conditions until 1997 as vital for eastern German agriculture. The Länder governments clearly positioned themselves in favour of that decision and intended to actively pursue it via the Bundesrat. "Die Landesregierungen der fünf Länder haben sich schon deutlich positioniert, dass ein Abbau der jetzt bestehenden Förderungen katastrophale Folgen hätte."<sup>114</sup>

Broadly speaking, the eastern Länder tend to agree with the government's basic approach towards agricultural policy in the East. However, there are differences of opinion on specific issues. "Aber in Einzelfragen, in Detailfragen haben wir durchaus unterschiedliche Auffassungen."<sup>115</sup> For instance, the government considered the Altschuldenregelung (Regulation on old debts) to be adequate, whereas the

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<sup>113</sup> Interview with senior official, Deutscher Bauernverband, 19 April 1995.

<sup>114</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995. Author's translation, "The state governments of the five new Länder have clearly expressed that a reduction in the current support level would have disastrous consequences."

<sup>115</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995. Author's translation, "In single issues and questions of detail, we do indeed have different opinions."

eastern Länder perceived it not to be.

Indeed, differences of opinion extend beyond the governmental level. General policy aims of the DBV in Bonn and the Aussenstelle in Berlin tend to concur. It is, at the regional level in the Landesbauernverbände where the scope for conflict arises. Discord has arisen between the regional agricultural interest groups in the new Länder and the old Länder. A representative from the Aussenstelle (branch) of the DBV in Berlin cited the example of the Bavarian Bauernverband's demands to bring the special conditions for eastern German agriculture to an end by 1996. The Bavarians feel that they are being unfairly disadvantaged by the imposition of these regulations; the worry is that the relatively small Bavarian farms will not remain competitive.<sup>116</sup> The representative from the Aussenstelle hinted that it would be potentially disastrous for the DBV if each of the regions attempted to pursue their different demands. Like the BML, essentially, the main task facing the DBV is to formulate a coherent policy which incorporates the varying interests of farmers in Germany and to prevent the escalation of a situation where the DBV cannot meet these divergent interests. He believes that it would be ample ammunition for the Federal government to undermine the DBV.<sup>117</sup>

It can be argued that the traditional aims of the southern German farmers no longer solely run the DBV; the balance of power has shifted within the DBV itself. There is a cohesive element in the DBV where the views of eastern and western farmers tend to concur. Conversely, there are issues which only concern eastern or western farmers. Nevertheless, despite this picture of cohesion the fact remains that the specific problems regarding eastern agriculture dominate the work of the DBV at the moment.<sup>118</sup> For an interest group that was specifically geared towards the

<sup>116</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995.

<sup>117</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995.

<sup>118</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995.

small western farmers, this is indeed a change.

The tradition of close alignment between agriculture and conservative parties seems to have continued after unification. "Von der Tendenz ist natürlich eine Hinwendung des Berufsstandes zu den konservativen Parteien eindeutig."<sup>119</sup> However, not all the Presidents of the regional interest groups are members of the CDU.

The Federal structure and the system of proportional representation continues to aid interest groups and smaller parties. Germany is not a country in which power is won outright. There is a need for coalition building. These structures ensure that interests such as agriculture remain important. Thus, agriculture remained an important concern at the 1994 Federal election.

#### 7.4 CONCLUSION

Unification brought immense challenges for the agricultural sector in Germany. Not only did the Germans face the task of integrating the diversely structured agricultural sector of the former GDR into the western part, but agriculture in the East also had to be incorporated into the mechanisms of the CAP.

A principal contention of the thesis is that Germany's role in the EU varies in contrasting policy areas and that the policy sector itself determines Germany's role. Germany's approach towards agriculture has been, and continues to be, determined domestically, with a highly national and protectionist response to the CAP. Despite the overall 'European' rhetoric towards matters concerning the EU, German policy in agriculture has been driven by its own needs. The CAP has served the interests and needs of German farmers, which the German government has been keen to placate. Thus, the EU has served as an optimal environment for solving domestic

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<sup>119</sup> Interview with senior official, Deutscher Bauernverband, Aussenstelle Berlin, 21 April 1995. Author's translation, "Naturally, this professional group tends to turn towards conservative parties."

concerns. This overall stance has not altered as a consequence of unification.

What impact has unification had on agricultural policy and Germany's role in the EU? This chapter examined three characteristics in relation to agricultural policy: the dynamics of the policy sector, policy circumstance and policy making structures.

The dynamics of the policy sector analysed the very nature of agriculture in Germany. Unification has resulted in a radical transformation of agriculture, particularly in the East, although not without problems. The initial attempt to imprint a 'western German' style agriculture in the East failed. On the contrary, agriculture in the East has influenced the West. Germany's position on agriculture at the domestic level has changed as a consequence of unification. Unification has necessitated internal change which has led to a definite shift in the balance of agricultural policy in Germany. Unification has renewed the discussion about the future shape of agriculture policy. The debate on the structure of agricultural holdings has intensified and has brought about a re-orientation. The discussion surrounding agriculture in Germany has caused problems between eastern and western farmers, with western farmers increasingly concerned about the level of aid being transferred to the eastern agricultural sector.

Although emphasis may have shifted in certain areas of agricultural policy, Germany's overall attitude towards agriculture, particularly at the European level, remains protectionist. Agricultural interests remain important in German politics. The notion that unification would dilute Germany's attitude towards the CAP does not hold true. There remains the belief that German farmers have a special position in German society and that they need to be protected. Rather than Germany letting down its protectionist barriers, the protectionist attitude has been extended eastwards. The Germans continue to grant farmers substantial financial

assistance, a clear manifestation of their protectionist attitude. Furthermore, Germany continues to defend and strive for benefits for German farmers with a manipulation of the agrimonetary system. The vigour with which the Germans strove to hinder changes in the agrimonetary rules clearly indicated that Germany's protectionist attitude had not altered in the post unification period. The Germans were still engaged in battles with the Commission over agrimonetary issues after unification.

Policy circumstance considered the incorporation of the eastern Länder into the mechanisms of the CAP as well as implications of the CAP reform and GATT Agreement for agriculture in the eastern Länder. The CAP reform and the GATT Agreement may on the surface appear irrelevant to the discussion surrounding agriculture and Germany's role in the EU. However, unification is not the sole factor affecting agricultural policy and Germany's position on agriculture; the two factors have been vital in shaping overall policy aims. More importantly, the two events have contributed to the changed framework within which eastern German agriculture has to operate.

Unification has not resulted in a change in Germany's overall attitude towards agriculture at the European level. Nor has it altered the fundamental contents of the CAP. Eastern German agriculture is insignificant in terms of its contribution to EU agriculture to bring about a radical transformation. Eastern agriculture has been successfully incorporated into the mechanisms of the CAP, with the help of a number of derogations. German interests have naturally shifted and the Germans have modified their representation of interests. Both Kiechle and Borchert have been ardent in achieving significant concessions for eastern German farmers. The special provisions in the CAP reform package are but one example.

As far as the CAP reform debate is concerned, the overall disdain for

CAP reform is still prevalent in Germany. The Germans' dislike of change in the agricultural sector was clearly illustrated by the views of the DBV and the BML. CAP reform, in particular, presented certain difficulties for eastern German farmers which Kiechle strove to overcome. Kiechle won a significant victory over the Commission over compensation payments to larger farms, marking a change in policy.

Germany's approach towards agricultural matters in the GATT negotiations were again unaffected by unification, although the negotiations themselves had a fundamental impact on Germany's overall position on agriculture. The Germans faced the dilemma of having to satisfy a number of domestic interests, with the Chancellor ultimately invoking his authority to set the guidelines of policy in favour of industrial interests.

The structures for European policy-making in the German political system ensure domestic input, so that domestic political actors and processes are important components in the policy making process. Unification has undoubtedly complicated the overall policy-making process. The German political system has always enhanced the position of German farmers. It had been argued that unification might upset the balance of power within agricultural policy-making. However, despite the gravity of the change in the agricultural sector, the general consensus amongst main actors in agricultural policy-making remains. Of course, the diverse set of agricultural interests has made policy-formulation difficult. Nevertheless, many of the actors involved in agricultural policy-making have adapted their policies.

The CDU, BML and the DBV have adjusted their policies. Overall CDU policies continue to back German farmers with the notion that they need to be protected. The process of adaptation has perhaps been easier for the CDU than for its coalition partner the CSU. Having a fundamentally different conception of agriculture in Germany, the CSU has experienced difficulty in

reconciling it with new realities in the East. These differences have manifested themselves in the concerns of the Bavarian Minister of Agriculture.

It has been argued by some that traditional agricultural interests groups would lose their monopoly in interest representation. However, the DBV has maintained its influential position in agricultural policy formulation. Furthermore, the DBV has been able to install itself in the East as the main agricultural representative for eastern farmers through the establishment of regional agricultural organisations. Without a doubt, the DBV faces difficulties in reconciling the variety of interests, but the DBV perceives its role as an extension of the one prior to unification. Previously, the DBV had the responsibility of reconciling northern and southern interests. Clearly, after unification the DBV is no longer solely concerned with traditional southern German agricultural issues. Despite the complex nature of the task facing the DBV, the aims of the DBV have not been diluted at the national or even the European level.

The DBV clearly continue to work with the BML. This does not imply that the relationship with the BML and the Minister of Agriculture is always harmonious. In summary there exists considerable continuity in Germany's approach towards agriculture and Germany's role in EU agricultural policy.



## **CHAPTER EIGHT: CONCLUSIONS**

The unification of Germany produced an abundance of academic literature on its future direction in the EU. This thesis has provided a somewhat different contribution to the dominant literature on this growing debate. The argument presented in this thesis departs from the two opposing camps which characterise Germany as either a 'dominant hegemon' or a 'benign actor' in the EU. The core objective of this thesis was to attempt to analyse the nature of Germany's role in the EU in the post unification period. The impact of unification itself on Germany's role represented a subsidiary aim of that analysis. Having been emancipated from the ties of the post-war settlement and regained its sovereignty, the primary issue at stake appeared to be Germany's approach to co-operation in multilateral frameworks. Germany's role towards the furtherance of European integration and its commitment to that objective was a central theme.

An analysis of Germany's role in the EU encompasses a plethora of issues and subject areas; a task which is beyond the scope of any one piece of analysis. The thesis has followed a two tier approach, first analysing Germany's relationship with the EU in the broader context in light of the objectives cited above, and then using a sectoral approach to Germany's role in the EU, focusing on two key policy areas: migration and agriculture.

### **8.1 GERMANY'S ROLE IN THE EU: THE BROADER PERSPECTIVE**

This thesis reaches the conclusion that Germany remains committed to the EU and the process of European integration. In essence the unification process has not altered Germany's pro-integration stance. Indeed, one can witness a degree of continuity in Germany's approach to the EU. Despite the emergence of anti-European tendencies in the political and public

domain, the actions of the political elite, particularly Chancellor Kohl, in steering the EU further down the road towards deeper integration and enlargement, provide ample evidence for this assertion. Economic and Monetary Union and Eastern Enlargement feature highly on Chancellor Kohl's list of priorities. It has to be acknowledged that objections in the domestic arena to the further transfer of powers to the EU will have to be skilfully managed by Chancellor Kohl so as not to frustrate his objectives.

Multilateralism has become a German hallmark; the Germans are unlikely to turn away from multilateral forms of co-operation. The Germans have fundamentally benefited from collective action within the EU; achieving major aims and solving domestic problems within its frameworks from the outset. Since unification it has become apparent that the Germans are increasingly prepared to refer to the existence of a set of domestic priorities which could be pursued better at the European level. It is, however, important to acknowledge that the inclination to realise objectives through joint action in the EU does not contradict Germany's pro-integration position.

Germany's role in the EU featured at the core of the debate in this thesis. The thesis concludes that Germany's standing in the EU, and the role which its partners expect it to play, has undoubtedly altered as a result of unification. Germany's partners had a schizophrenic reaction to the nature of Germany's role, on the one hand expecting greater leadership, and on the other fearing dominance. The force of events has endowed Germany with a 'stronger' role in the EU. The Germans themselves perceive this 'leading' role in terms of new responsibilities and obligations rather than the acquisition and exercise of hegemonic power. The thesis rejects the hegemonic notions of a Germany dominating the EU. The EU can expect Germany to play a greater role in the shaping of the EU into the next millennium. The thesis deduces that Germany's role in the EU has

been policy specific; thus it has taken a pro-active and leading role in particular policy areas of interest. Thus far, reference has been made to the legacies of unification for Germany's role in the EU. The Germans have inherited a whole host of domestic challenges due to unification. Inevitably the Germans have had to focus on problems at the domestic level, but not to the detriment of its role at the European level. The two policy sectors considered exemplify the nature of the challenges confronting Germany in those policy arenas.

## **8.2 THE SECTORAL APPROACH: THE CASE STUDIES**

A central theme of the thesis is that an analysis of Germany's role in the EU has to be sensitive to sectoral variations. The thesis attempted to develop a taxonomic model of characteristics to illustrate the sectoral character of Germany's role in the EU. In brief, the model comprised three key characteristics: the dynamics of the policy sector, policy circumstance and policy-making structures. The model helped to test some of the main hypotheses of the thesis. The thesis concluded that Germany's role in the EU differed in different policy sectors. It, therefore, deduced that Germany's role in the EU has been policy specific, with the two case studies providing a contrast of Germany's approach to the EU. Furthermore, it is concluded that Germany's role in the EU in any given policy area is shaped by the nature of the policy sector itself. Thus, policy sectors have dynamics of their own which necessitate particular courses of action. It could be argued in part that Germany's role in the EU, at least on a day to day basis, is issue driven. This thesis concluded that in certain policy sectors, actors are able to deviate from general European objectives, using the EU to solve domestic problem problems or pursue sectoral aims.

The taxonomic model presented in the thesis is rooted in a range of theoretical approaches. Essentially, the model draws on the ideas of Lowi and the work of Bulmer and Katzenstein. The ideas of Lowi are particularly

relevant for the dynamics of the policy sector. Lowi links the nature of the policy issue, to the pattern of politics associated with it, and policy outcomes. Hence, he asserts that different policy arenas produce different policy patterns, processes and actors. Katzenstein and Bulmer stress the importance of institutions in shaping policy. They demonstrate the diversity of the policy process, by illustrating the varying influence, and role of, a core set of institutions in different policy sectors. Bulmer elaborates on the concepts of institutional pluralism and the sectorisation of policy, elucidating their impact on the making of policy in Germany. These approaches are instructive for the section on policy making structures.<sup>1</sup> The next section goes on to draw some conclusions from a comparative analysis of the two case studies based on the taxonomic model.

### **8.3 A COMPARATIVE ANALYSIS**

#### **8.3.1 DYNAMICS OF THE POLICY SECTOR**

The thesis concluded the dynamics of the policy sector or characteristics intrinsic to the policy area under analysis shaped Germany's role in the EU in any given policy scenario. The case studies illustrated that agriculture and migration produce different results at the European level. Germany's approach towards migration policy has been conditioned by the very nature of the issue itself. The definition of the issue as a "politically sensitive" subject, ensuing partially from Germany's Nazi legacy, has dictated the course of action in that policy arena both at the domestic and European level. Germany's idiosyncratic approach to migration questions resulted in an inconsistent and contradictory policy. The dynamics of the migration issue initially characterised the issue as domestically unmanageable, thwarting policy reform. The domestic policy process was marked by inaction elevating the issue up to the European agenda. The increasing interpretation of the migration issue as a transnational

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<sup>1</sup> All these theoretical arguments are considered in greater depth in theoretical review in Chapter Two.

phenomenon, particularly by the Germans and in light of developments within Europe to lift internal borders, intensified the search for solutions within European frameworks. Thus, the dynamics of the policy sector produced a scenario where the Germans actively sought to Europeanise policy with joint action being perceived as the logical course of action for Germany's increasing asylum problems.

Whereas the dynamics of the migration issue generated conflict and deadlock in the domestic arena in the post unification period, characteristics within agriculture gravitate towards consensus oriented policy-making in the domestic arena. The traditional importance of agriculture, and the elevated position of the agricultural community drive policy in the domestic arena. The approach towards agricultural policy-making is governed by the idea that German farmers hold a special position in German society and need to be 'protected'. These traditions have withstood unification and have been coupled with the inherent differences in the two agricultural sectors to generate consistent policies but bearing a 'German' hallmark. Characteristics of the German agricultural agenda dominate European agricultural policy.

### **8.3.2 POLICY CIRCUMSTANCE**

Policy circumstance analysed the impact of unification, and other factors which at first seem marginal on policy decisions within these two sectors. In one sense the unification of Germany and migration are fundamentally linked: migration constituted a impelling catalyst for the rapid unification process. The unification of Germany, coupled with the collapse of communism in the East and disintegration of the Soviet Union, were directly responsible for the new and complex set of problems in migration. Unification had indirectly facilitated the conditions for mass migration, thereby exacerbating the so-called 'crisis' and pressure for policy reappraisal. The relaxation of freedom of movement in the former

communist bloc and the Soviet Union added to the migration pressure to Germany, compounding the calls for reform. The unification of Germany fostered the emergence of anti-foreigner tendencies, which manifested themselves in rise in the support of the extreme right and an increase in attacks on foreigners. Although, unification may not have had a substantive effect on policy; it certainly contributed to a changing perception of migration issue in the domestic context.

Agriculture is inherently a complicated issue both within Germany and the EU, with an entrenched set of problems existing prior to unification. Unlike migration, the unification of Germany affected the agricultural sector more directly, by effecting a subtle shift in domestic policy and by instigating the incorporation of eastern agriculture into the mechanisms of the CAP. Unification did not execute a fundamental transformation of Germany's general approach to , or role in the CAP. It did, however, alter Germany's position and specific interests in the CAP, ones which were acceptable to eastern farmers. Two vital components shaping Germany's agricultural policy, the CAP reform and GATT Agreement, have also been important for the overall framework within which eastern agriculture has to operate. Generally speaking, Germany's dislike of CAP reform has persisted, with reform being pursued reluctantly. Nevertheless, the Germans have skilfully managed to extract a satisfactory set of concessions for eastern German farmers as part of the reform package. The German position in the GATT negotiations, largely unaffected by unification, has had an impact on Germany's overall agricultural policy position. In the main the Germans persevere with protectionist and high income oriented policies.

### **8.3.3 POLICY-MAKING STRUCTURES**

The policy-making structures in the two policy sectors have been imperative in determining the success or failure of policy initiatives at the domestic and European level. The 'institutional pluralism' in the policy

process ensures the involvement of a range of domestic actors in the formulation of policy. The integration of domestic and European policy-making at the domestic level is crucial in shaping the course of action the Germans take in EU structures.

In the case of migration the 'institutional pluralism' complicated the policy-making environment. The policy-making structures were characterised by a lack of consensus, inaction and political and constitutional deadlock. The CDU/CSU's proposed amendment of Article 16 evoked contradictory policy positions, with inter- and intra party splits dominating the policy process. The protracted political debate, compounded by the need to achieve a two thirds majority in both the Bundestag and Bundesrat, resulted in a temporary paralysis of the policy process. The federal structure and the nature of policy-making in Germany, which disperses power between different levels of government also added to complications. The eastern Länder experienced particular difficulties in the maintenance of asylum seekers. The Chancellor attempted to grasp the initiative by utilising his Richtlinienkompetenz, only to fail. The inability of policy-making structures to deal with the 'politically' sensitive issue of migration benefited only the extreme right, who were able to manipulate the issue, further heightening concern and need for reform.

The domestic political and constitutional stalemate elevated the search for a solution to the European arena. The integration of domestic and European policy-making aided the Germans in their attempt to solve the domestic 'crisis'. A policy decision reached within European frameworks would automatically be applicable domestically. The belief that the migration issue was better dealt with at the transnational level underpinned Germany's calls for harmonisation of policy. Chancellor Kohl made a concerted effort to Europeanise policy. Chancellor Kohl utilising his Richtlinienkompetenz actively tried to bring migration into community

competence as part of Article 8a of SEA, which was governed by majority voting. He also put forward proposals for a European-wide policy at the Luxembourg Council in 1991 and at the Maastricht Summit.

The fundamental difference between the agricultural and migration policy-making at the European level is that migration remains within the intergovernmental framework. The institutional constraints of the intergovernmental framework worked against the efforts of Chancellor Kohl. The requirement of unanimity, the primacy of nation-states which identify migration as a national competence linked to national sovereignty and the lack of consensus hindered progress at this level. The failure to achieve a solution within this framework aided the domestic policy structures to overcome the obstructions to the constitutional amendment. However, the revision of the asylum law has not eradicated the desire of the Germans to regulate migration within EU umbrella, hence Chancellor Kohl's continuous endeavours to Europeanise policy and bring migration under Community competence.

The integration of domestic and European policy-making at the domestic means that the DBV is not only able to control the domestic agenda but also the European. The domestic policy-making structures in the agricultural sector are generally characterised by consensus and co-operation. An established set of structures and traditions govern agricultural policy-making. The institutional pluralism prevalent in German policy-making permits the full participation of a range of domestic actors. The German political system has always enhanced the position of farmers, with the DBV holding an influential role in the formulation of policy. The sectorisation of policy at the domestic level leads to the operation of 'house policies' which are carried up to the European level. The Ressortprinzip ensures that the Minister of Agriculture generally has a great deal of autonomy, resulting German agricultural interests being translated in the



European arena. The close co-operation between the Minister of Agriculture, the BML and the DBV perpetuates the farmers' ability to dictate a German agenda in European structures. Unification has complicated the policy-making in agriculture, but not altered it a great deal. The same structures retain importance in the formulation of policy in Germany and the EU.

The case studies illustrated that policy differs in terms of Germany's actions in the EU. Different policy areas are positioned towards different ends of this 'assertive' and 'compliant' spectrum. Germany's role in the EU is policy specific, consequently certain policy sectors gravitate towards the 'compliant' end of the spectrum and in other policy areas towards the 'assertive' end. The thesis concluded that in policy areas of interest the Germans adopt a pro-active position and a progressive role to pursue policy solutions beneficial to them. The Germans have the capacity to set the policy agenda in their favour and if necessary they are willing to pursue an independent path. In both agriculture and migration, the Germans have attempted to utilise the European frameworks to pursue policy outcomes favourable to them. In the case of migration, the Germans attempted to Europeanise policy to solve the domestic asylum crisis, but the desire was a policy with 'European' overtones. The utilisation of European frameworks in agriculture has been driven by their own policy needs, primarily to derive benefit for, and satisfy an important domestic constituency. The Germans actions within agricultural policy-making has distinct 'German' characteristics, maintaining a high price and protectionist policy. Thus, the Germans have utilised arena in both policy sectors but with different outcomes.

Germany's role in the EU in agricultural policy has been 'assertive' in attempting to secure policy solutions beneficial to them. Despite the overall 'European' rhetoric, Germany's approach to agriculture, has been and continues to, determined domestically, with a highly national and

protectionist response to the CAP. Countless examples provide evidence for that assertion. The Germans continued manipulation of, and insistence on the maintenance of an agrimonetary system is but one example. Unification has not altered this practice. The continued disdain for CAP reform and the assertiveness with which the Germans procure concessions for their farmers is another example. In agricultural policy the Germans have been successful in achieving German oriented outcomes. Unification has not executed a fundamental reorientation of Germany's attitude towards agriculture, and its role in agricultural policy-making at the European level. Eastern agriculture was simply incorporated into the mechanisms of the CAP, with the aid of a number of derogations. One can witness a great degree of continuity at the European level after unification.

Germany's role in the EU in migration policy has been pro-active advocating policy harmonisation and common solutions to a common problem. Whereas the outcome has been satisfactory for the Germans in agricultural policy in terms of benefits for their farmers, in migration policy German attempts to Europeanise policy have initially failed, partially due to the nature of the policy issue and partially due to the institutional structures which works against the Germans. The Germans have certainly taken the lead and attempted to set the agenda. But the agenda has dictated European solutions in migration and German ones in agriculture. Unification has had an indirect but equally important impact on migration policy in intensifying the need for policy harmonisation at the European level. Thus, the European framework can be a useful tool in some cases and not in others.

Despite Germany's overall 'European' approach; signified by its continued commitment to the EU, and its strengthened role in the EU after unification, its role has largely been policy specific. The nature of the policy

issue and the domestic and European policy-making structures influence the course of action in given policy sectors.

#### **8.4 GERMANY'S ROLE IN THE EU AND THE CASE STUDIES: SOME CONCLUSIONS**

The thesis proposed a two tier investigation of Germany's role in the EU: a broader examination of Germany's role in the EU, followed by a sectoral analysis of two key policy areas. What do the case studies demonstrate about Germany's broader role in the EU?

What sort of an actor is Germany in the EU? The thesis concluded that Germany cannot be identified as a 'hegemonic power' in the realist conception of the term. There is, certainly no 'grand strategy', on the part of the Germans, to exercise 'purposive hegemony', nor is there an identifiable willingness to dominate the EU. Hegemony is, by nature, a difficult concept to define. Any suspicion by the other member states that such a policy was held, would meet strong resistance. However, Bulmer attempted to sum up German power in the "new" Europe, by identifying key power resources. These included Germany's economic power, its political significance, the role Germany plays in security and defence issues, perceptions of German influence and its, "political and institutional capacity to project its interests in the European arena". (Bulmer, 1995b: 3) Bulmer noted that it is simply not enough to just possess the requisite power resources. In order to be defined as a hegemonic power the Germans have to be "willing and able to use them". (Bulmer, 1995b: 3) In essence, the willingness of Germans to utilise these power resources forms the heart of the debate in the post unification period. Taking a cursory look at Bulmer's interpretation, it would be plausible to conclude that Germany cannot be conceptualised as a 'hegemon'. Briefly, Bulmer refers to Germany's economic strength, from which it derives a considerable source of power. However, Germany's economic status is by no means a new phenomenon, predating unification. Although, Germany's economic power weakened in the post unification

period, in terms of its ability to make side payments. Bulmer then considers Germany's political importance. There is no doubt that Germany's political strength has grown. Yet, the Germans seem unwilling to adopt a 'leading' role, reaffirming their commitment to the EU, deeper integration and multilateral co-operation. The German government also continues to demonstrate a preference for launching policy initiatives under the Franco-German banner. Finally, Germany cannot be considered a 'hegemon' in security terms, being previously constrained by its external environment, the Germans still prefer to embrace international institutions as opposed to unilateral action.<sup>2</sup> (Bulmer, 1995b: 3-11)

The notion that Germany does not have the ability to assert its interests in the EU on institutional and political grounds is pertinent for this study. The thesis explained Germany's role in the EU in terms of a sectoral analysis, based on a taxonomic model which combined an institutional analysis of the policy process with an examination of the nature of the policy issue. The institutional sectorisation of policy making forms a countervailing argument against the characterisation of Germany as a hegemonic actor. The political structures in Germany were constructed precisely to prevent the accumulation of German power in the traditional sense.

What are the implications of institutional pluralism and the sectorisation of policy making for Germany's role in the EU. Katzenstein's seminal analysis of the Federal Republic, related the concept of semisovereignty to the internal dynamics of German policy making, arguing that it had a constraining effect on the exercise of German power. The sectorisation of policy making bred an interdependent approach to policy making, with institutional constraints being placed on the capacity of the German state, thereby reducing the scope for the exercise of power. Katzenstein, therefore, asserted that German power has been 'tamed' by the institutional

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<sup>2</sup> For a fuller discussion see: (Bulmer, 1995b:3-11) and (Bulmer and Paterson, 1996)

structures. Similarly, Bulmer stressed the importance of the concepts of institutional pluralism and the sectorisation of policy making. He cited sectorisation and fragmentation of policy structures as reducing the capacity for exercising 'purposive hegemony' in the EU. The new post-Maastricht institutional constraints, according to Bulmer, reduce the capacity of Germany to pursue national interests even further.<sup>3</sup> The institutional pluralism inherent in the policy making process means the government cannot act as a coherent, monolithic national actor, since power is dispersed both vertically and horizontally. Some scholars even question the existence of a set of German national interests. In short, institutional pluralism and sectorisation militate against hegemony in the German case. Bulmer noted enhanced institutional constraints and pluralism in the post-unity period, deducing that it was difficult to see how Germany could behave like a hegemon.

Issue areas have largely been ignored in the examination of German European policy. Scholars tend to concentrate their analysis more broadly on German European policy objectives, focusing on integration rhetoric and declaratory policy. It could perhaps be argued that they have been drawing over optimistic conclusions about the nature of Germany's role in the EU. The study used a sectoral approach to analyse Germany's role in the EU via a set of case studies. The method chosen has proved valuable in elucidating more broader conclusions about Germany's relationship with the EU. The analysis centres on two well chosen areas; agriculture and migration. Agriculture constitutes an original issue of great significance to EU politics and migration an area of increasing concern. It is implicit that

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<sup>3</sup> Bulmer cites five developments which have strengthened the fragmentation of European policy and above all offset the scope for a more purposive role, over and above the normal horizontal constraints. He notes the increased ambivalence of public opinion about European issues. Added to this are the gains of the Länder in achieving greater participation in European policy-making. The establishment of the new European Union Affairs Committee in the Bundestag, coupled with the Federal Constitutional Court's judgement also act as constraining factors. Finally, Bulmer refers to the role of the Bundesbank in the integration process, particularly EMU. (Bulmer, 1995b: 13)

this study cannot provide a complete picture or design a typical position. Such an exercise would require further analysis of a broader range of policy areas. Nevertheless the case studies provide a fruitful insight into Germany's role in the EU.

The two case studies provide a better explanation of the sectoral dynamics of Germany's role in the EU. The policy sectors illustrated how Germany policy is driven by sectoral interests in individual policy areas, giving the appearance of an instrumental commitment to Europe. German agricultural policy in the EU, for instance, has been driven by the need to achieve domestic policy objectives, primarily to gain benefit for, and satisfy an important domestic constituency. Conversely, the German government looked to the European framework to Europeanise migration policy in order to solve a domestic crisis.

The case studies note the effect of the sectorisation of policy making and the institutional pluralism for Germany's role in the EU in the individual policy sectors. Although, not a conscious strategy, the structures which were designed to constrain Germany in the EU, can in some specific cases or policy sectors empower them on a sectoral level. Bulmer and Paterson note that, "Sectorized policy making may not be simply a matter of dissipating the efforts of German European policy. It may prove to be a policy resource". (Bulmer and Paterson, 1996: 12) The institutional pluralism in the German policy process allows a number of policy actors to participate in policy making, and consequently permits a diversity of interests to pursue sectoral objectives within the EU. Thus, the fragmentation of policy making structures and the sectorisation of policy can empower actors on a sectoral level. The policy process is so fragmented that individual ministers are able to take their own agendas up to the European level. The pluralistic and sectorized nature of policy making, coupled with the principle of ministerial autonomy and the integration of

domestic and European policy making at the national level facilitates this process. However, the institutional pluralism and the sectorisation of policy provide only a partial explanation of the process. The thesis concludes that the nature of the policy issue evokes certain responses and actions in the EU. The migration case study is a classic example, fostering European co-operation. The pursuit of these sectoral agendas can either help or hinder Germany's overall European policy objectives.

The pursuit of sectoral goals not only gives the appearance of instrumental commitment to the EU, it may be perceived as an act of German power. Of course, as Bulmer and Paterson argue, this largely dependent on the definition of power. They note,

Power and influence do not derive only from their explicit use in a purposive manner through governmental diplomacy: they may also derive from Germany's policy credentials...and from unintentional consequences of other actions. (Bulmer and Paterson, 1996: 21)

The pursuit of sectoral goals could be perceived in terms of the exercise of unintentional power. Bulmer and Paterson observe that the Germans can exercise soft power through institutions. Hence, the coining of the phrase 'gentle giant'. (Bulmer and Paterson, 1996: 23) Bulmer concludes that, "German power will be asserted in a relatively uncoordinated way, ...or in discrete policy areas....: a soft kind of hegemony". (Bulmer, 1995b: 17) Bulmer's argument could be applicable to the pursuit of sectoral goals in both migration and agriculture.

However, the pursuit of sectoral interests does not indicate a move away from integrated actions within the EU or multilateral forms of co-operation. The German government has essentially benefited from collective action within the EU, being able to achieve major aims and solve domestic problems. The case studies demonstrate that Germany is still committed to multilateral means of co-operation. The German government has utilised multilateral frameworks, working within them to derive benefits.

The case studies illustrate this point, that although differing in form, objectives and outcomes, German policy actors have worked within the EU to Europeanise policy in migration and to achieve German-oriented solutions in agricultural policy. The Germans certainly have the ability to set a policy agenda which is favourable to them in these multilateral frameworks. But all this is not part of a hegemonic strategy to dominate the EU.

The case studies also demonstrated that Germany's role in the EU is stronger. The Germans are increasingly prepared to set the policy agenda in their favour. The case studies provided examples of two domestically important issues, where policy actors attempted to resolve problems in the EU. The Germans took a proactive stance in migration policy in continually attempting to put in on the European agenda. For instance, Chancellor's repeated attempts for policy communitization. The German attempt to set the agricultural agenda pre-dates unification, and is well documented trait of that issue.

However, when interest driven policy making threatens to precipitate a crisis, sectoral dynamics are overridden, and Germany's fundamental commitment to Europe takes over. This can be a two way process. In the case of migration where sectoral dynamics of the migration issue threatened to precipitate a crisis in the domestic arena, the Germans looked to the European fora for a solution, voicing European reasons for that course of action. The Chancellor in particular utilised his *Richlinienkompetenz* to put the migration issue on the European agenda. The reverse is the case in agriculture. The Chancellor has intervened on several occasions to constrain a whole series of Agricultural Ministers. One such occasion was during the GATT negotiations. The Chancellor's role is of particular significance. Not only does the Chancellor perform the role of co-ordinator, backed by the Chancellor Office but the Chancellor is also



endowed with the constitutional right to set policy guidelines. Paterson cites Gaddum in illustrating the co-ordinating function. He observes,

Within the government the primacy of the integration policy of the actors Kohl/Genscher turned out as the most powerful interest of German European policy. It functioned as a kind of filter (*Schleuse*) between sectorally oriented interests and positions which could be realised in the Community. Whenever sectoral interests hampered the interests of policy of the axis, Chancellor/Foreign Minister, they came under their influence and amenable to compromise. (Paterson, 1996: 178)

The process of sectorisation has important consequences for Germany's role in the EU. Of course, sectorisation means that it is difficult to formulate a coherent European policy line. A recent example of sectoral politics illustrates its possible impact for Germany's role in the EU and Chancellor Kohl's European project. In a bid to rejuvenate the IGC, the Irish Presidency asked member governments to fill out a questionnaire stating which policy areas should continue to be decided by unanimity and which ones should be subject to majority voting. The German government refused to fill out the questionnaire. Furthermore, casting a blow to Chancellor Kohl's attempt to quicken the pace of political integration, several German ministers have rejected a move towards majority voting in key policy areas. One official was cited as saying that a move towards majority voting would make issues easier to challenge. This example illustrates the impact of sectoral politics on European integration and the role that Germany plays in the EU. An interesting point to note is that, both the Minister of Agriculture, Jochen Borchert and Interior Minister Kanther feature amongst Ministers who are opposed to majority voting. But this by no means precludes the prospect of a common European vision, which mitigates against hegemony and a later chancellorial intervention.

## **8.5 IMPLICATIONS FOR FUTURE RESEARCH**

The taxonomic model suggested in this thesis can be applied to other policy sectors. A synthesis of these three characteristics could be utilised to explain Germany's actions in other policy areas. An interesting question would be in which type of policy sectors Germany pursues a 'German' or 'European' approach and where the typical position is on this spectrum of 'assertive' or 'compliant'. Such an investigation would require a more extensive series of case studies.

### **8.5.1 EASTERN ENLARGEMENT**

Enlargement of the EU to the East represents a possible candidate for analysis. Apart from EMU, eastern enlargement represents one of the chief and potentially divisive challenges for the EU into the next millennium, in which Germany's role is of fundamental importance.

Central to the question of Germany's role in Europe in the post unification period has been its relations with the countries of Central and Eastern Europe (CEE) with respect to the potential enlargement of the EU to the east. Eastern enlargement is an important domestic issue for the Germans. Germany, with its geographical proximity to the East and its historical and cultural ties with this region has vital economic, political and strategic interests in this area. The Germans stand to gain economically from the expansion of the single market to the East. However, regional proximity also means that instability in this region could have negative consequences for Germany. It is therefore, not surprising that the Germans have been at the forefront in negotiations between the EU and Central and Eastern Europe regarding the expansion of the EU eastwards. Germany has been pressing its partners in the EU to promise the Czech Republic, Hungary and Poland that they will be in the first wave of the next round of countries joining the EU around the year 2000. Chancellor Kohl is also

adamant that the EU's first priority must be to stabilise Germany's eastern border, notably with Poland. Germany's desire to incorporate CEE into the EU is driven by important strategic concerns. However, the debate about eastern enlargement in the domestic and European context may prove to be more complex, where Germany's strategic aims may conflict with other vital sectoral aims connected to enlargement.

### **8.5.2 SUB ISSUES: MIGRATION AND AGRICULTURE**

The enlargement debate encompasses a broader range of issues. The two policy sectors considered in this thesis, migration and agriculture, are particularly relevant issues, which are likely to complicate the negotiation process both in the domestic and European arena. Justice and Home Affairs may prove to be a stumbling block. The question of high levels of migration from the eastern regions remains an important area of concern for the Germans. So much so that the Germans have already concluded agreements with the countries bordering it. Furthermore, the Germans have identified justice and home affairs as an important area for co-operation. The pre-accession strategy agreed at the Essen Council in December 1994 concluding the German Presidency called for, "increasing co-operation in the fields of justice and home affairs, so as to create an increasingly unified area". (Gower, 1995) The issue to be addressed is how much will the dynamics of the migration issue contribute to, and the German desire for solution in this policy area affect its role in the pursuit of Eastern enlargement?

Some of the countries of Central and Eastern Europe have large agricultural sectors. Out of the primary candidates for accession Poland and Hungary present challenges to the CAP. Eastern enlargement represents a contentious issue in the domestic arena; German farmers have already indicated their concern about a premature accession and its likely impact on the German agricultural sector. These views are shared by the Minister

of Agriculture, Borchert who does not share the elite consensus in support of enlargement. Borchert has argued that CEE, "should not be allowed to join the EU until they can compete on an equal footing which he interprets as meaning large-scale reductions in the labour of the kind that occurred in East Germany". (Grant, 1996: 12) Any eastern enlargement would necessitate reform of the Common Agricultural Policy. The German dislike of CAP reform is self evident. Any reform of the CAP would run the risk of being vetoed by EU member states with particularly powerful farming lobbies such as the DBV. The dynamics of the agriculture sector are likely to feature at the top of the agenda and influence the German position on eastern enlargement, thereby potentially executing a change in its overall pro-eastern enlargement position. The Mediterranean states have also voiced their opposition, being particularly concerned about the diversion of structural funds to the eastern regions and the budgetary implications of eastern enlargement. If the CAP and structural funds are maintained in their present form, eastern enlargement would impose a heavy burden on the EU budget. The CEEs are likely to be net beneficiaries from the budget. Member states are unlikely to agree to higher budget contributions.

The dynamics of these two policy sectors may influence or frustrate Germany's overall view on eastern enlargement and create conflict between its strategic objective of achieving eastern enlargement as soon as is feasibly possible and individual sectoral concerns. These issues will no doubt affect Germany's role in the EU as regards the accession of CEE.

A vital component in the whole debate about eastern enlargement is developments in CEE. The Central and East Europeans hold great expectations for enlargement, particularly in aiding and sustaining the political and economic transformation process. The intricacies of the German/CEE relationship, in general and individual sectors, become relevant in Germany's approach to eastern enlargement in the EU. At

present these countries look to Germany to advance their cause in the EU. Any analysis would have to consider the input of the Central and East Europeans. How much will Eastern input aid the process of eastern enlargement? Would the East Europeans attempt to mobilise pressure on the Germans? However, if the Germans were unable to keep promises already made, what impact would this have on co-operation in this region?

The domestic policy process has an impact on European policy decisions. It would appear on the surface that there is an overall consensus in the policy-making arena regarding Germany's Ostpolitik; but the internal policy debate on eastern enlargement is far more complex. Although, official rhetoric may advance the cause of eastern enlargement, the process in practice may prove to be problematic, with contradictions emerging in the official discourse. An analysis of the role of different actors in the policy process and their impact on decisions regarding Eastern enlargement is imperative. As argued previously the policy-making process and the nature of the political system in Germany means that responsibility for policy formation in a given policy area is divided, with the result that the government is not a monolithic, autonomous and coherent actor. Therefore, any analysis of eastern enlargement in general and the sub issues would require an examination of the input of the Ministries, the Länder, parties, interest groups and even public opinion in the formation of policy. Accordingly, the research would analyse the role and priorities of the new Länder, particularly their concerns regarding agricultural and structural funds. The research would examine the role of individual ministries and the pressure they are able to place on the general policy regarding Eastern enlargement. The role of public opinion and affected interest groups such as the DBV would also be considered.

The policy-making arena becomes relevant at the subnational, national and European level. The role of the Germans gains fundamental

importance at the European level in reconciling the divergent views of the other member states. Eastern enlargement impinges on the direct interests of some member states. What will be the role of other member states in the negotiation process? How far are the interests and concerns of these member states likely to affect the route that Eastern enlargement takes.

It would be possible to build upon the research carried out in this thesis using eastern enlargement as a case study. The taxonomic model could be utilised to explain Germany's actions in the EU with regard to eastern enlargement and individual sectoral issues within that debate. The model could be a useful tool to decipher which end of the spectrum eastern enlargement falls in 'assertive' or 'compliant'. The analysis of the policy sectors in this thesis could be carried further to consider whether the dynamics of the migration and agriculture sectors will complicate Germany's approach to eastern enlargement within the EU. Will it possible for the Germans to surmount these areas of concern for its overall strategic interests in eastern enlargement. What role is Germany, a key actor in the process, likely to play in the negotiations: will the Germans create or frustrate the framework for Eastern enlargement?

The novelty of the arguments presented in this thesis is in the synthesis of the three characteristics contained in the model enlightening Germany's role in the EU within those policy sectors. The thesis also contributes to the body of knowledge of the impact of unification on agriculture and migration in the English language. The contribution is the analysis of the sectoral nature of Germany's role in the EU where overriding European aims are either undermined or furthered by the issue in question. The value added is in the comparison of these two key policy areas which present challenges, although differing in nature, for Germany in the post-unification period.

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