Accommodating Normative Divergence in World Politics
The Case of European Foreign Policy Coordination during the Iraq Crisis

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Abstract

The case of the European Union’s failure to coordinate a common policy response in connection with United Security Council resolution 1441 on Iraq strikingly demonstrated again that conflict between members of international communities about appropriate common policy responses is pushed to the fore by unexpected external events, i.e. economic, political and environmental crises. Most importantly, these situations reveal that the common commitment to liberal norms and the rule of international law is not sufficient to substantiate a consensus over policy. Therefore the article proposes a research agenda based on bridging research on norms and policy-oriented perspectives on coordination mechanisms. Insights into the emergence of diverging interpretations of core community principles need to better inform the discussion about appropriate coordination mechanisms at the intergovernmental level. Focussing on the example of the diverging positions of two core European allies – the United Kingdom and Germany – the article looks on the issue of how and why these divergences emerged and discusses how the European Union could better respond to such situations in the future by further institutionalizing collective processes of norm contestation within its common decision-making framework.

Keywords: constructivism; conflict; Germany; EU foreign policy; international law; international negotiations; norms; United Kingdom; United Nations

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Introduction

This paper starts from the observation that normative divergences with regard to the choice of appropriate policy options in situations of international crisis are a recurrent phenomenon within the community of Western states. This applies both to the transatlantic relationship and common foreign policy making at the European Union (EU) level. These divergences slow down or prevent closer policy coordination in response to international crisis situations. In particular the case of the Iraq war suggested that the inability to coordinate easily translate into an outright paralysis of common international and regional institutions. This observation stands in contrast with the generally held belief that Western states create a community of shared values and norms which facilitate rather than hinder cooperation in the international arena – in particular in situations in which these values and norms are threatened. This article pursues an innovative two-fold approach. It combines insights into the role of fundamental norms of international law which are embedded in the ‘normative structure’ of world politics (Barnett, 1999; Reus-Smit, 1997) such as non-intervention and abstention from the use of force, on the one hand, with research on close coordination mechanisms at the intergovernmental level in the context of the EU, on the other. By showing new venues for research in each of the two areas the core argument is that the existing literature in the field of international relations and European integration theory stands yet to link research on norms and the question of appropriate mechanisms for intergovernmental policy coordination at the international and European level. For a long time the debate over the role of norms in international relations has been treated separately from policy oriented research. The question is what lessons can be drawn from the persistent occurrence of normative divergence on foreign policy matters with a view to decision-making institutions and procedures in close communities of states such as the EU? How can we connect insights into the role of norms and the choice of appropriate procedures and working methods used for coordinating common policy responses?

This paper seeks to make a first step in this direction by suggesting a theoretical and methodological framework for generating inroads to empirical research. To that end we consider the development of fundamental norms, principles and procedures as the three dimensions which indicate the democratic quality of an emergent political community beyond the state and investigate how they guide policy making in particular situations and
within specific national contexts. In the light of this analysis we review procedures for intergovernmental policy coordination in new fields of EU decision-making (e.g. the ‘minister plus-one’ procedure and comitology), as well as core underlying principles of these working methods (e.g. equal access to contestation and mutual recognition). This will enable us to formulate alternative institutional options supplementing existing procedures in EU foreign policy coordination. Moreover, the purpose of this article is to set out a framework for future research which can be applied to different instances of failed foreign policy coordination and to different forums for international cooperation.

To demonstrate the viability of this normative perspective on comparative policy analysis we highlight the case of divergent strategic decision making within the EU’s Common Foreign and Security Policy (CFSP) in relation to the Iraq crisis and the United Nations (UN) Security Council resolution 1441. In order to illustrate our argument we refer to the case of the United Kingdom (UK) and Germany. More in detail, the UK together with a group of seven other European countries decided in favour of the use of force against Iraq while the majority of European states including France and Germany decided against military intervention. This decision, we argue, presents a puzzle in the light of theoretically founded assumptions about state behaviour in relation with international norms especially by members of a community with a given identity (Katzenstein, 1996: 5). In the case at hand, the UK and Germany share membership not only in the EU but also in the community of “civilized nations” constituted by the United Nations.¹ This, we argue, constitutes a puzzle in particular for constructivist approaches which see the principle of appropriateness as the main rationale to explain the influence of international norms on behaviour in the absence of powerful enforcement mechanisms. Moreover, in addition to the dual membership in the two supranational communities of the EU and the UN reference to British and German partisan orientations suggests similarities in the underlying programmatic policy perspectives in the foreign and security policy realm. The point of the following argument is that while the constructivist assumption about shared appropriateness as an aside of community membership may well be conducive to establishing similar institutional settings such as e.g. the Weberian bureaucratic culture (Finnemore, 1996) and/or appreciating shared norms, principles and world views expressed as norms types of say, human rights, democracy or the rule of law, this habitual perspective (Katzenstein, 1996; Risse, Ropp and Sikkink, 1999) does not offer a sufficiently hard framework for predicting policy reactions to unforeseen events of international crisis. Thus the outcome of collective decision-making even in
contexts as highly institutionalized and constitutionalized as the EU remains largely uncertain.

We, therefore, propose that individual institutional mechanisms for policy coordination need to scrutinize assumptions about the nature of fundamental norms and their potential to structure actor behaviour in situations of unforeseen international crisis. One possible innovation consists in substantiating and routinizing dialogue over appropriate policy options with reference to a common assessment of foreign policy situations among community members. Such substantiated dialogue is to be based on enhanced procedures and principles. This approach gives room to collective processes of norm contestation and interpretation, thus helping to shift the attention towards informed conflict which is an essential precondition for a viable consensus over policy. Particular attention is paid to the so-called ‘minister-plus-one approach’ as a mechanism for reinforced coordination among foreign ministers.

The remainder of the paper is organised in four sections. Section 1 details the argument. Section 2 lays out the assessment of the normative structure in world politics in relation to British and German reactions to the Iraq crisis in the framework of the UN and the EU’s foreign and security policy. It illustrates the potential for fundamental norms to structure actor behaviour in a particular instance of policy-making and delineates how the shared normative structure both facilitated and hindered policy coordination. Section 3 turns to the domestic context and demonstrates that underlying programmatic policy orientations of the political parties in power by the time of the Iraq war did neither present a principle obstacle to coordination nor provided a sufficient basis for converging ad-hoc reactions to the unforeseen situation. Finally, section 4 proposes procedural and principled policy innovations with a view to enhancing connectivity based on routinized dialogue.
Assessing the Normative Structure in World Politics

In the following we develop a conceptual perspective which, on the one hand, treats the normative structure in world politics as a stable factor providing guidance for international politics. As we seek to demonstrate, however, on the other hand, this stability notwithstanding the normative structure also needs to be conceptualised as flexible, insofar as it changes in relation to discursive intervention. This dual quality has been recognized by approaches from both international law and international relations theory. For international lawyers it is a common expectation that the substance of law depends on input through legal discourse, i.e. deliberation, jurisprudence, learned opinion and other discursive interventions. The contested issue regarding the crucial input of discourse in international law lies in different legal traditions. These can generally be distinguished according to a stronger disposition to interpret the letter of the law among continental lawyers, on the one hand, and, a disposition towards a generally flexible quality of international law understood as evolving through the process of jurisprudence among Anglo-Saxon lawyers, on the other. Nonetheless it can be argued that while considering the input of discourse at different stages, lawyers would attribute a strong and constitutive role to discursive interventions in the process of international law (Keohane, 1997; Brunnée and Toope, 2000). That emphasis on discourse as constitutive towards establishing substantive meaning of norms is not necessarily shared among political scientists who make conceptual distinctions between arguing (Risse, 2000), contestation (Dahl, 1979), deliberation (Cohen, 1997; Joerges and Neyer, 1997) and discursive interventions (Weldes and Saco, 1996; Milliken, 1999). In international relations theory the most distinctive input into the role of language as an intersubjective element the construction of norms and rules was introduced in discussions over regime theory. In particular, Kratochwil and Ruggie’s (1986) intervention in this debate singled out a constructive as opposed to a behavioural approach to discourse as intervening in politics based on the generation of substantive meaning rather than merely studying behavioural reactions to the norms, rules and beliefs that emerged in the environment of supranational regimes. We build on this substantial input into normative meaning with a view to conceptualising dialogue in the process of common foreign and security policy coordination.

Studies on security communities hold that membership in a community is likely to enhance norm convergence (Adler and Haas, 1992; Adler, 1997; Adler and Barnett, 1998;
Tonra, 2001). Accordingly, liberal norms translate into specific behaviour in the area of foreign and security policy. The normative structure is interpreted to entail particular norms, principles and standards including, for example, the non-proliferation norm, standards of prisoner of war treatment according to the Geneva Convention, and the principle of non-intervention according to the UN charter. However, persistent divergences in the interpretation of the normative structure of world politics contradict the literature which expects community members of a given identity to consider the same norms, principles, and values as appropriate, as the ‘liberal community hypothesis’ holds (Schimmelfennig, 2003: 89). By contrast this paper builds on the ‘structure of meaning-in-use hypothesis’ (Wiener 2004: 202) which seeks to understand variation in the meaning of norms. It is based on three assumptions. First, norms entail a dual quality, as both constructed and structuring (Giddens, 1979: 69); second, the meaning of norms is embedded in a ‘structure of meaning-in-use’ (Weldes and Saco 1996: 373; Milliken 1999: 231); third, meaning evolves through interactions in context; it is embedded in social practice and therefore subject to change. Since all individuals carry specific ‘normative baggage’, interpretations of meanings are expected to vary according to their context of emergence. As an interactive process intergovernmental negotiations over appropriate responses to foreign policy events bring the normative baggage of all individual participants to bear, thus facilitating input from and change of the normative structure. Here, behaviourist approaches are interested in studying variation in state behaviour in relation to norms as intervening variables. Reflexive approaches focus on the meaning of norms as the dependent variable. The following builds on both approaches. In light of both supranationally and domestically established normative structures, the UK’s decision to support US interventionist politics in Iraq appears to run counter behaviourist constructivist expectations of norm following. Instead, the path-dependency is neither exclusively constituted by the community nor by any inherent or historic strategic interests in world politics. In a nutshell, British foreign policy behaviour appears surprising in the light of a considerable overlap with key European allies as regards the definition of programmatic objectives in the area of foreign and security policy. Here, reflexive constructivist analysis which takes stock of the dual quality of norms can offer important insights.

The key to explaining foreign policy decisions of individual EU member states lies in understanding the diverging interpretations of the normative structure in world politics. That is, while the type of norm is usually shared, say by signatories of conventions, treaties,
agreements and the like, the meaning of norms is not standardized and hence open to contestation. As a consequence, even those liberal norms which are considered as the core principles, values and beliefs of western democratic communities such as human rights, democracy and the rule of law, become subject to contested interpretation. Two aspects are important to explain and understand this phenomenon. First, processes of contestation reveal their political potential under pressure, i.e. in times of crisis. Second, rooted in domestic arenas these processes remain largely isolated. They subsequently enhance the notion of a lacking connectivity among states which acquire the material force of coordination problems in crisis situations. It follows that, at the very moment when policy coordination is required, the norms depicted in international conventions fall back to the status of ‘treaty language’ which by definition is open for a rather wide range of interpretation.\(^2\) International law in and by itself or the legal validity of normative discourse hence fails to inform common positions as one core condition for policy coordination despite the often stated shared appropriateness or the social facticity of norms. That is, students of international conflict need to consider that agreement on norm types does not preclude agreement about the interpretation of meaning.

The international relations and international law literature has identified and studied the norms based on its legal and social dimensions, respectively. While the understanding of how norms emerge and why they maintain stability differs according to epistemological standpoint and ontological preference, the research interest in the role of norms has remained consistent. In their majority, these studies were more interested in which norms made actors comply and for what particular reason than why commonly acknowledged norms were contested and to the extent of which consequences. This paper highlights the latter perspective. It raises the issue of contested norms despite a clearly demonstrated belief in shared international normative principles and the general legal rules as defined by international law. We address the link between contested meanings and diverging policy options with a view to identifying policy responses. Considering that discursive interventions are constitutive for the construction of meaning which ultimately contributes to the structure of meaning-in-use, empirical work needs to trace the processes of norm contestation. In addition, considering the cultural contingency of meaning, norm interpretation is traced with regard to its context specific construction. The normative structure is conceptualized as follows (see Figure 1).\(^3\)
Empirically this translates into first identifying a given normative structure at time 0, and secondly, assessing the variation among spatially specific meanings in order to understand and overcome supranational coordination problems. This is the point where we propose linking research on norms with the analysis of alternative institutional options for policy coordination. Whereas most of the research on norms has so far avoided a more policy-oriented perspective this paper sees the discussion of appropriate working methods for intergovernmental policy coordination as inherently linked with the former perspective. By doing so the paper fleshes out inroads into research on alternative working methods for intergovernmental coordination which so far has essentially focused on factors that matter within the negotiation setting, thus ignoring the embeddedness of norms in processes taking place outside coordination forums. Empirical findings on the role of internal factors such as the socialization of negotiators, the occurrence of learning or the evolution of mutual trust (Lewis, 2000; Sabatier, 1993; Tonra 2001; Checkel, 2005), therefore, need to be linked to a reflexive analysis of discourse interventions happening prior to or outside negotiations over common policy responses. To that end we discuss options for consensus-oriented policy formation among EU partners as a pre-condition for effective decision-making in the area of foreign policy. Given the sensitive nature of this policy area, package deals and side-payments are unlikely to move the decision-making process out of stalemate, as it may happen in traditional areas of EU activity. In other words, member states are unlikely to
agree to key foreign policy decisions at the EU level unless they are convinced that the chosen approach is appropriate. Moreover, we seek to demonstrate that the required consensus-building is neither a one-off event, nor can key liberal norms in world politics be seen as sufficient building blocks of such a consensus when it comes to defining specific policy responses. Therefore, the focus needs to be on the process of the contestation and interpretation of key foreign policy norms in the run-up to collective decisions at EU level.
Tracing Emerging Divergences - British and German Reactions to the Iraq Crisis at the European Level

This section traces the process of norm contestation in the aftermath of UN Security Council Resolution 1441 which led some EU member states to join the US led alliance in favour of military intervention in Iraq and others to oppose it. The process is exemplified by British and German discursive interventions in the run-up and the aftermath of the decision about military intervention in Iraq. The following first identifies the normative structure in world politics according to the three main sources of international law; secondly, it recalls the discursive interventions by key decision-makers in Britain and Germany; and thirdly, it focuses on how norms were operationalized in the debate regarding the decision about military intervention.

Contesting International Norms

The fundamental norms defined by the UN Charter and the Treaty Establishing the European Union (TEU), respectively, are considered as the central elements of the normative structure relevant in the case discussed here. The structure achieves a particular instructive role in times of crisis. It is at such occasions that the interpretation of its main elements comes to the fore. The actual structure of meaning-in-use, that is, the particular interpretation of the meaning is revealed by a situation of conflict. The contestation over norms is revealed by discursive interventions, as ‘discourses do not exist ‘out there’ in the world; rather, they are structures that are actualized in their regular use by people of discursively ordered relationships’ (Milliken, 1999: 231). While international treaties are to be respected exclusively by the signatories of a particular treaty, the binding force of customary law unfolds its impact on all states which have not explicitly opposed it as so-called persistent objectors. In turn, the general legal rules of international law are considered as norms with ius cogens character with obligatory effect on all members of the international community. Currently, such norms include the abstention from the use of force and intervention as well as the respect for fundamental human rights. It is important to note that ‘international norms with ius cogens character are defined as those norms which derive their existence from the interest of the entire community of states and which are deeply rooted in the general sense of law […]. Which legal norms are considered as ius cogens depends on the structure and goal
of the system of international law of a particular era’ (Hobe and Kimminich, 2004: 175).⁴

The importance of social recognition for compliance with international law has led students of international norms to study legal norms as embedded in a social environment (Finnemore and Toope, 2001: 743).

The crucial role of social recognition with regard to establishing the power of international law within a community of states⁵ points to three factors which shed light on compliance with or contestation of international norms. They include the community (or communities) in which principal actors hold membership the degree of social recognition with regard to the norm in question and the individually held connotations of normative meaning revealed by discursive interventions. In this case two international communities provide the reference for the social context of recognition including the UN, on the one hand, and there in particular the environment of the Security Council, and the EU, on the other. It can be argued that as a community with rules that are to a considerable degree more constitutionalized than those of the UN, the EU adds a second layer of membership ties. Thus, the core principles and values guiding the EU’s CFSP are according to Article 11 (1), TEU the ‘objectives’ to ‘safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter.’ In addition, the member states of the EU have confirmed their appreciation of the Union’s central constitutional norms of democracy, fundamental human rights and the rule of law in Article 6, TEU. These principles are common, insofar as they are all recognised within the respective domestic constitutional realm of each member state of the EU. They are stipulated as ‘common values’ by supranational European law as the guiding legal framework of EU common foreign and security policy decision making.⁶ They therefore establish a link between core constitutional principles of regional and global politics as defined by Article 2(4) of the UN Charter. If community membership enhances the social recognition of legal norms, then it should be expected that those states with membership in both communities would recognize, appreciate and indeed comply with rules in the same way. Yet, the point of contention emerged precisely with regard to these – presumably shared – community values. In fact, the fifteen EU members were not in agreement,⁷ as the following discursive interventions demonstrate.
Discursive Interventions as Intervening Variables that Provide Information about Diverging Responses to Security Threats in the Policy Process

The two conflictive situations presented below include the discursive interventions in the aftermath of the UN Security Council resolution 1441 issued on 8 November 2002, on the one hand, and the operationalization of norms at the EU summit on Iraq which took place in Brussels on 17 February 2003 and the following debates, on the other. The first situation focused on the issue of whether or not to support military intervention in Iraq based on the question of Iraq’s compliance with UN Security Council Resolution 1441 and the related step of interpreting the meaning of non-compliance as the presentation of ‘clear and present danger’ and hence a security threat which would allow to apply UN Charter Article 51 (self-defence as a reaction to military force). Resolution 1441 defined the full and effective disarmament of Iraq as the goal to be achieved by the UN weapons inspectors’ deployment to Iraq in the 60 days following that resolution. According to paragraph 2 of this resolution, the Security Council decided

‘to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council.’

Thus, German Chancellor Gerhard Schröder noted,

‘[M]y question was and is: does the degree of threat stemming from the Iraqi dictator justify a war that will bring certain death to thousands of innocent men, women and children? My answer was and is: no. [...] As desirable as it is that the dictator leaves his post, the goal of resolution 1441 is the disarmament of Iraq of weapons of mass destruction. [...] Whatever happens in the next days or weeks, you can be certain that my government will continue to strive for the smallest chance of peace.’

Schröder stressed that Resolution 1441 ‘contains nothing automatic as far as military force is concerned.’ The German media reflected this view with major German daily papers offering continuous articles by and interviews with (international) lawyers who offered their view on how to interpret international law. The consensus of these contributions was that a war against Iraq would present ‘a breach with international law’ and an ‘unconstitutional military intervention’ indeed. In turn, Tony Blair’s interventions mobilised moral reasoning and once that was not entirely convincing, he resorted to the presence of a clear
danger in light of Iraq’s potential of weapons of mass destruction (WMD) in order sustain an interpretation of resolution 1441 as legitimising military intervention.13

Norm Operationalization Based on Formal Documents, Declarations, Treaties, Agreements and Conventions

The second situation regards discursive interventions as part of the process which sought to identify a long-term strategy including goals, principles and procedures in the area of foreign and security policy of a new enlarged European Union. At the Brussels summit on 16 February 2003 which brought together the leaders of the then fifteen EU member states for a special summit on Iraq, a joint declaration was signed which stated that ‘Iraq has a final opportunity to resolve the crisis peacefully’, in addition, it stressed that the weapons inspectors should be given ‘the time and resources the UN Security Council believes that they need.’ Nonetheless, it did conceal that ‘inspections cannot continue indefinitely’.14 In light of the divided interpretation of the meaning of Resolution 1441 by EU member states, the sense of unity presented by that statement was considerable. As EU’s foreign policy chief Javier Solana observed, for example ‘this proves the young and not-so-young Europe are together.’15 It was, however, rather quickly undermined by French and British interventions, which either blamed the new member states for behaving irresponsibly by siding with the US, or praised them for their excellent sense of leadership. While French President Jacques Chirac threatened the ten new member states that were to join the EU in May 2004 with not ratifying their respective membership, Tony Blair noted in a letter to the thirteen EU applicant countries ‘I much admire the leadership you have shown on these issues and I hope that we can remain in close touch in the weeks ahead.’16 Thus stressing his own aspirations towards a leading role in world politics, based on assuming a leadership position towards incoming European member states. With regard to resolution 1441 he stressed ‘[t]his really is the final opportunity to disarm peacefully’ and wondered whether or not Iraq should be accused of creating a situation of material breach of UN resolution 1441 if they were not cooperating.17

This perspective was rather quickly put on paper and presented to the House of Commons as a government ‘emergency motion on Iraq’ tabled by Tony Blair, deputy prime minister John Prescott, chancellor Gordon Brown, foreign secretary Jack Straw and defence secretary Geoff Hoon on 18 March 2003. The motion focuses, in particular, on the issue of
‘material breach on UN resolution’ as well as the point of ‘clear and present danger’ based on weapons of mass destruction in possession of Saddam Hussein. As the motion reads

‘[T]his house, […] recognises that Iraq’s weapons of mass destruction and long range missiles, and its continuing non-compliance with security council resolution pose a threat to international peace and security; notes that in the 130 days since resolution 1441 was adopted Iraq has not cooperated actively, unconditionally and immediately with the weapons inspectors, and has rejected the final opportunity to comply and is in further material breach of its obligations under successive mandatory UN security council resolutions, […] notes the opinion of the attorney general that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 678 has revived and so continues today; believes that the UK must uphold the authority of the UN as set out in resolution 1441 […] and therefore supports the decision of her majesty’s government that the UK should use all means necessary to ensure the disarmament of Iraq’s weapons of mass destruction.’

The observation regarding the direct danger presented by Iraq’s weapons of mass destruction (WMD) to the UK was sustained by the now infamous September 2002 dossier issued by Downing Street on alleged WMDs that prepared the way for war. According to that dossier, Iraq allegedly possessed WMDs that could reach the UK within three quarters of an hour – a claim which was quickly proved as lacking substance and suggesting ‘facts’ that were later proved as unsustainable. The outcome of some three months of debates ensuing from the time Resolution 1441 was issued on 8 November 2002 until February 2003 produced, in effect, two rival draft resolutions. Both demonstrate rather different interpretations of the normative structure of the liberal community of states. Thus, a US-UK draft resolution stated that

‘[T]he security council, […] noting that Iraq […] has failed to comply with, and cooperate fully in the implementation of that resolution [1441; the authors], […] acting under chapter 8 of the charter of the UN, decides that Iraq has failed to take the final opportunity afforded it in resolution 1441; decides to remain seized of the matter.’

In turn, the French, German, Russian memorandum states that

‘priority should be to achieve this [full disarmament; the authors] peacefully through the inspection regime. The military option should only be a last resort. So far, the conditions for using force against Iraq are not fulfilled.’
It is interesting to note that these discursive interventions tapped into various normative structures of meaning-in-use. Thus, while the interventions regarding situation 1 mobilise meanings which are opposed along an atlanticist vs. integrationist axis with reference to the larger world community of states which are assembled in the UN the interventions in situation 2 centre on meanings which are opposed along a west-east axis among the community of current and future EU member states.

*Foreign Policy Practices to Assess the Variation in Interpreting the Meaning of Norms in Relation to the Dual Quality of the Normative Structure*

The analysis of the consistently upheld and strategically applied opposition of Blair and his closest collaborators to the general legal rules in international law, which were backed by the majority of the UN member states, and despite overwhelming public disapproval in his own domestic constitutional context, suggests two alternative explanations. First, Blair’s position represented an interest based strategic choice founded in issue-area specific domestic preferences. As Pollack (2003: 2) points out, for example ‘we should expect that states – even democratic states – will not necessarily agree on the form of international institutions if their substantive preferences are dissimilar. (…) [W]e should expect to see states supporting (…) rules and institutions selectively across issue-areas, favouring binding rules and strong institutions in some issue areas but opposing them in others, reflecting on their issue-specific preferences’. Second, a new era in international law is in-the-making. Blair’s support of the US position would then suggest a strong exclusively individual interest playing an active role in such a large structural change in world politics. As the following section demonstrates with reference to German and UK government party programmes, neither of these alternative explanations were to be expected from the normative structure-in-use in the relevant domestic arenas. The main issue at stake is then not a revision of international law. Instead, we argue, what is required in world politics in order to enhance collective police coordination in response to crises is identifying and establishing institutional framework conditions which allow for addressing the principal contestedness of norm interpretations (see section 4 below). Since the application and implementation of international law is ultimately a ‘profoundly political’ issue it appears only consequent to propose a political response to disputes over the validity of international law.
The Domestic Context – Programmatic Overlap Between Britain’s New Labour Government and the Social-democratic/Green Coalition in Berlin

The above analysis suggests that divergent interpretations of core norms and principles guiding international and European cooperation in the foreign policy realm emerge inevitably during the process of norm operationalization. In other words, norms are contested by default as they always need to be applied in specific situations. In particular in times of unforeseen crisis this leads to divergent interpretations, which can – if these interpretations translate into path-dependent behaviour – prevent policy coordination. However, following the above review of European reactions to the Iraq crisis it could be argued that the divergent interpretations were largely determined by domestic factors. One indication for this would be the existence of incompatible preferences regarding fundamental orientations on foreign policy in the two countries studied in this paper. However, as it is demonstrated below this was evidently not the case. Most of the diverging positions in the area of foreign policy, in particular within the European context, have emerged despite a considerable degree of overlap between the programmatic and normative orientations of the domestic arenas considered here. The following briefly outlines the most striking parallels in the programmatic orientations of New Labour in Britain and those of the German Social Democratic/Green coalition in Berlin. In fact this review illustrates that fundamental principles of foreign policy as enshrined in partisan programmes and orientations are in many ways similar to norms at the international stage. As those involved in the process of developing policy responses in crisis situations government executives are in charge of interpreting and operationalizing programmatic principles. A detailed analysis of the evolution of positions in the domestic partisan arena is beyond the scope of this paper. Nevertheless, the illustration of the similarities between programmatic orientations in the two countries is insightful as it demonstrates where the main potential for a further development of intergovernmental coordination mechanisms at the EU level lies. As the final section of this paper will highlight the challenge is to interlink the unconnected discourses over norm operationalization at the European and domestic level at an early stage. At an empirical level we therefore treat party programmes not as the ultimate indicator for the choice of particular policy options by executive leaders in times of crisis. We rather want to demonstrate the relevance of the process of norm operationalization by showing that no principal obstacles to a coordinated European position existed in the first place.
New Labour since 1997

In its 1997 election manifesto New Labour sets out its programmatic priorities for the years to come. The manifesto explicitly links New Labour’s foreign policy vision to a stronger British involvement in EU politics. The new emphasis on Europe is in particular highlighted by the fact that the foreign policy chapter of the manifesto is introduced under the heading ‘We will give Britain leadership in Europe’ (Labour Party, 1997). Advocating human rights and democracy in world politics, working through international organisations and a leading role within EU politics are set out to be the guiding principles. Most importantly, the Conservatives’ scepticism towards the EU is identified as the main obstacle for greater influence within Europe. On defence the manifesto stresses the role of NATO and the then still existing Western European Union. At the international level the role of the UN and the Organisation for Security and Co-operation in Europe is highlighted. New Labour commits itself to an arms control policy covering biological and chemical weapons and a ban of anti-personnel landmines. In addition, the party promises to work for a ‘substantial reform of the United Nations, including an early resolution of its funding crisis, and a more effective role in peacekeeping, conflict prevention, the protection of human rights and safeguarding the global environment’ (Labour Party, 1997). Moreover, the manifesto identifies the fight against global poverty as a ‘clear moral responsibility’. The text continues with a strong commitment to human rights:

‘Labour wants Britain to be respected in the world for the integrity with which it conducts its foreign relations. We will make the protection and promotion of human rights a central part of our foreign policy. We will work for the creation of a permanent international criminal court to investigate genocide, war crimes and crimes against humanity.’ (Labour Party, 1997)

Finally, under the heading ‘A new environmental internationalism’ the manifesto highlights the importance of international co-operation on environmental issues. These priorities are reconfirmed by the 2001 election manifesto. A more proactive role of Britain in the EU’s developing foreign and defence policy is seen to enhance Britain’s stance in the world. Again issues such as the fight against ‘the shame of global poverty’ (Labour Party, 2001: 5) and climate change are declared to be the guiding principles in the area of foreign policy. The manifesto also commits Labour to ‘support a more modern and representative
Security Council, with more effective peace-keeping’ (Labour Party, 2001: 39). In addition, Labour reaffirms that it intends to ‘make the International Criminal Court a reality’.

**The German Social-democratic/Green coalitions**

A brief outline of the programmatic orientations of two coalition parties – the Sozialdemokratische Partei Deutschlands (SPD) of Chancellor Gerhard Schröder and the Greens of foreign minister Joschka Fischer – highlights the high degree of overlap with New Labour’s foreign policy agenda. The party programme of the SPD was written under the impression of the ending Cold War in 1989 and was then updated in the run-up to the 1998 elections, which brought the social democrats to power. The manifesto addresses foreign policy under the heading ‘Peace within common security’. It starts with a clear rejection of war as a means of politics and subscribes to a ‘peace policy’ (SPD, 1998: 15) comprising international cooperation on economic, environmental, cultural and human rights issues. Similar to the Labour manifesto the SPD party programme stresses the importance of a strong commitment to international arms control. At the European level the programme demands a greater role for the EU in the area of foreign policy. Greater policy coordination among EU member states is seen to be a decisive step on the way to a ‘regionally organised world society’ (SPD, 1998: 16). Moreover, the SPD sees a particular role for the EU in the fight against global poverty and arguing, for example, that ‘[t]he EU, therefore, needs to support the countries and forces of the South in their strive for independent and self-determined development and needs to work towards a just world economic order’ (SPD, 1998: 17). The party programme demands a greater role of the UN in world politics and pledges political and financial support for the organisation. Here, in particular a strengthening of the International Court of Justice, the reform of the Security Council and the creation of international forums for arms control are highlighted.

The link between regional European integration and the wider foreign policy agenda is also the cornerstone of the party programme of the smaller coalition partner in Berlin – Bündnis 90/ Die Grünen. Again human rights, the protection of the environment, social and democratic development are defined as the guiding principles of decision-making in the area of foreign policy. International organisations and regional alliances such as the EU are seen as the cornerstones of world politics in an increasingly globalized world. The fight against global poverty is seen to be a touchstone for a ‘successful policy aimed at creating international justice’ (Bündnis 90/ Die Grünen, 2002: 148). Referring to Germany’s
particular historical background France, Britain and Poland are explicitly mentioned as the core partners in the context of European integration and striving for a greater role of the EU in foreign and security policy. In addition, the historic role of the transatlantic alliance with the US and a close relationship with Russia are seen to be integral elements of German foreign policy. The use of military force in the context of international peacekeeping operations is made conditional of the approval through the UN Security Council. Overall, the further ‘legalisation’ (Bündnis 90/ Die Grünen, 2002: 163) of international relations is demanded. In this context, the Greens pledge support for the reform of the UN.

The above review of the programmatic preferences of the parties backing the governments in Britain and Germany shows a high degree of overlap. This applies in particular to the shared social democratic European tradition and core values such as internationalisation, human rights, the battle against global poverty and the commitment to advance EU foreign policy coordination. Moreover, all three parties favour a stronger role for the UN, the International Criminal Court, and progress in the area of arms control. These policy objectives and beliefs have been repeatedly reiterated and reconfirmed in key foreign policy speeches made by the British prime minister Tony Blair and the German chancellor Gerhard Schröder. In particular, Blair’s crucial ‘Committed to Europe’ speech and Schröder’s government address after the attacks of September 11 in the German Bundestag, in which he demanded ‘unlimited solidarity’ with the US, are noteworthy. In addition, statements and common initiatives by the two leaders on social and economic policy and the challenges of globalization have illustrated the common ground between the two governments.

These findings underline one of the main assumptions of this paper that the current dilemma characterising EU foreign policy coordination is not so much the result of fundamental differences as regards the set of core norms and principles to which the ‘family’ of European nations subscribes. On the contrary, coordination failure emerges because the common set of principles and norms becomes subject to contestation and (re-) interpretation when operationalized during individual instances of policy-making. Although departing from a similar set of fundamental policy objectives and core normative beliefs the practice of foreign policy making in each country has led to different results. These findings run counter to the assumption that coordination at the European level failed essentially because of fundamentally diverging policy agendas.
Accommodating Diversity – Defining Common Policy Responses at the EU Level

Since the beginning of the debate over the war on Iraq British foreign policy appeared to have settled between a rock and a hard place. The unconditional support for the US-led military intervention ran counter to the ambition to ‘lead in Europe’; in particular with regard to the expanding agenda of the EU’s foreign and security policy. In fact, the British case can be seen as symptomatic for the state of European integration in this policy area. What applies to Britain reversely also applies to all other member states. It is rather difficult to imagine that those countries, which opposed siding with the transatlantic tradition in the case of Iraq, are able to advance the fragile CFSP framework without substantial British support in the future. Building on the above empirical analysis this paper would, however, caution against a view which suggests that the dispute over Iraq marked the end of European foreign policy coordination. This assessment is based on the finding that no fundamentally different foreign policy preferences existed within the ruling political parties in Britain and Germany. The emergence of diverging positions with regard to appropriate international action in the case of Iraq, therefore, has its roots in the actual process of defining specific policy responses in a situation of crisis. Rather than departing from fundamentally different normative assumptions with regard to the key objectives of national foreign policy the diverging positions emerged at the very moment when policy makers made use of the underlying and largely shared normative structure in world politics, as we illustrated above. Indeed, the conceptualization of the underlying normative structure, which guides foreign policy makers, as a structure of meaning-in-use-is the starting point for our final discussion of alternative institutional options in the area of CFSP.

Reconnecting domestic discourses on norm application

Two main conclusions can be drawn from the above analysis with regard to the actual process of European foreign policy coordination. First, diverging interpretations of core norms and principles of an apparently shared normative structure in world politics are likely to emerge whenever specific policy responses to unforeseen events are required. Norms have a dual quality. They are structuring but at the same time become subject to change when ‘applied’ in foreign policy making. Secondly, given the high degree of programmatic overlap as regards the main challenges in current world politics among the European partners –
represented by Britain and Germany in this paper – the main problem lies with evolution of these diverging interpretations in situations of crises – not prior to them. Here, we have observed that these processes have occurred largely unconnectedly in the different domestic arenas resulting in an unexpected and relative stark split between core European allies. The process of norm operationalization inevitably involves contestation and interpretation no matter whether it takes place within the domestic or international arena. However, as the experience from this failed attempt of EU foreign policy coordination has shown once these processes are under way within the domestic context they lead to a certain path-dependency which makes coordination at the EU or UN level more difficult. This should come as no surprise as the process of contestation involves also a struggle for leadership in the respective domestic context. Both Blair and Schröder had to defend their policy choice against diverging positions by other domestic actors. Because of the nature of the issue at stake this partially involved linking their own political future to the policy stance initially defined.

As a result of its dependency on domestic processes of norm operationalization which may lead to path-dependent behaviour European foreign policy coordination has to accommodate a high degree of diversity as a permanent feature of its institutional framework. Consequently, the current problems are unlikely to be solved once and for all through a debate about Europe’s core interests in world politics from which common responses could be easily deducted in situations of crises. Instead, the policy making process itself, the practice of finding responses to specific situations and events in world politics, will remain crucial for the evolution of national preferences on what are appropriate policy responses. As Guéhenno (1998: 32) has noted ‘[I]n the absence of a clearly defined European polity and of self-evident ‘European interests’ which could be deciphered by an enlightened elite, the policy-making process which would create a European foreign policy becomes an essential component of a European foreign policy, and an integral part of its substance.’

What does this mean for the practical organisation of the coordination process at the EU level? The main objective would be to place more emphasis on collective processes of the interpretation of core norms and principles when assessing policy instruments. This applies in particular to the level of the most senior decision-makers in the area – the foreign ministers and the heads of state and government who often exercise a considerable degree of
influence over fundamental foreign policy decisions. What is required is a procedure which allows for common dialogue in order to facilitate mutual understanding of potentially contested norm interpretations as an integral part of the coordination set-up. Here, the challenge lies with the particular intergovernmental nature of foreign policy coordination at the EU level. As regards the widespread scepticism towards supranational solutions to coordination dilemmas, i.e. the strengthening of the role of the Commission or the elimination of veto options, alternative institutional arrangements need to be found for the accommodation and maintenance of a relatively high degree of diversity. At the same time past coordination failures need to be avoided. Eventually, the case of British foreign policy most strikingly illustrates that the evolution of European foreign policy coordination is at a critical point. In other words, while there is a clear need for a strengthening of the current coordination procedures, the existing intergovernmental institutional framework will remain largely untouched for the foreseeable future.

Similar to a number of other common policy areas which have been revived ever since the entering into force of the Maastricht Treaty, the EU’s CFSP does not follow the classical community method. Instead, the ‘pillarization’ (Winn and Lord, 2001) of EU governance implies that different forms of the characteristic mix of supranational and intergovernmental governance structures coexist within the EU. For the area of foreign policy this most notably implies that the member states and the Commission share the right of initiative. The role of the European Parliament is heavily restricted as it is only informed and consulted with regard to common policy objectives and actions. Moreover, the European Council plays a strong role in defining the guidelines for policy formation. This intergovernmental bias is also reflected in the specific institutional patterns of the Council’s work in this area. Council meetings are prepared by a Committee of Political Directors, the Policy Unit and the Political and Security Committee (Winn and Lord, 2001: 6). These expert committees prepare the agenda as regards the substance of policy questions, thus limiting the role of the Committee of Permanent Representatives (COREPER), which is the main preparatory body within the Council in those policy areas which are governed through the classical Community method.

As Rummel and Wiedemann (1998) point out, the current foreign and security policy coordination regime lacks the capability to implement policy decisions. Due to the decentralised intergovernmental policy framework policy decisions and their implementation
require consensus formation among national governments and the different commissioners who share competences in this policy area. In addition, successful policy implementation relies on careful arrangements with other Community institutions and security organisations such as NATO (Rummel and Wiedemann, 1998: 53). However, consensus formation among this large number of independent actors is not only hampered because of technical or procedural problems. In this context, the literature has paid less attention to collective processes of the interpretation of core norms and policy principles, which inform the choice of policy instruments in a given situation. This applies in particular to the level of the most senior decision-makers in the area – the foreign ministers and the heads of state and government who often exercise a considerable degree of influence over fundamental foreign policy decisions limiting the influence of national parliaments and other members of national governments. As we have seen above these actors are those who matter most in domestic processes of norm operationalization as they have privileged position in the formulation of specific policy options.

*The minister-plus-one approach*

Experiences from the field of economic policy coordination may provide some guidance for future refinements of the current CFSP coordination framework. There are a number of parallels between foreign policy and economic policy coordination within the context of European Economic and Monetary Union (EMU) suggesting the possibility to apply institutional solutions, which have proved to be successful in one policy area, to the other. Similar to the field of foreign policy economic policy coordination takes place within a decentralized intergovernmental framework. This framework relies essentially on consensus formation among independent actors. Historically, however, the coordination regime in the area of economic policy is by far more advanced than the one in the area of CFSP. Here, the effective creation of the single currency in 1999 made progress on this matter inevitable. Thus, it is possible to draw lessons from the experiences made so far.

In 1998 those EU member states, which were the first to adopt the single currency, decided to create an informal group for a close policy dialogue among the most senior decision-makers in this policy area. Until today the finance ministers of the euro area countries, the commissioner for economic and financial affairs and the president of the European Central Bank meet on a monthly basis to discuss common policy options and
review national policies. The meetings of the so-called Eurogroup complement the work within the Council of Ministers. The most decisive difference between the regular Council meetings, which focus on formal decision-making and the Eurogroup gatherings is the applied working method. Whereas the Council framework is designed for formal decision-making the minister-plus-one approach highlights the relevance of close informal policy dialogue. Only one senior policy adviser accompanies each minister. This strict participation regime guarantees an intimate atmosphere and allows for real conversations among the participants of the meetings. Such an environment is most different from Council meetings where far more than 100 people fill the room.

As the analysis of the Eurogroup experience has shown (Puetter, 2006) the limited number of the participants, the confidentiality of the discussions and the flexible agenda of the meetings are decisive factors in creating a negotiation environment where ministers engage in frank discussions about policy options and think aloud about potential alternative solutions. The case of the Eurogroup has further illustrated that the routinization of the informal policy dialogue leads to the evolution of a more fundamental working consensus among all involved actors. This consensus comprises shared interpretations of core norms and principles, which inform the assessment of policy options in times of crisis. Most importantly, this consensus has proved to be most viable where it emerges from processes of mutual norm contestation. In this way the minister-plus-one approach can be seen as a tool to provide a framework for collective processes of norm contestation and interpretation, thus generating self-commitment among the involved actors. The latter is of particular relevance in a decentralised policy framework, which nearly exclusively relies on national governments as regards the implementation of common policy initiatives and lacks any significant mechanisms for sanctioning non-compliance of European objectives.

The comparison between the field of economic policy coordination and the CFSP also suggests the compatibility of the minister-plus-one approach as currently applied by the Eurogroup with a number of other institutional features of the CFSP framework. For example, Eurogroup meetings are prepared exclusively by the relevant expert committee. This preparation regime strengthens the link between expert discussions, which put the emphasis on the solution of less controversial but still decisive technical questions, and the more political debates among ministers. Informal policy discussions proved to be most successful where controversial positions were debated with a view to commonly perceived
or shared problems. Such an approach is supported by the fact that each gathering among the ministers starts out with a common analysis of the political and (in the case of the Eurogroup) economic situation. Current events are assessed and interpreted in a collective process providing the basis for a discussion of policy options. Overall, the Eurogroup experience shows the relevance of a close informal policy dialogue among the most senior decision-makers in the policy field. The minister-plus-one approach is an alternative institutional option for a policy field, which is based on a decentralised institutional framework and which has to accommodate a relatively high degree of diversity among the involved actors.

**Conclusion**

This paper has made a fresh attempt to provide explanations for EU member states failing to agree on common policy responses in relation to unforeseen situations of international crisis, thereby suggesting alternative working methods for policy coordination among senior decision-makers at the EU level. In theoretical terms we have highlighted the necessity to link research on the role of norms in international politics and policy-oriented perspectives on coordination processes and working methods. Whereas research on norms has largely ignored implications for the design of institutional mechanisms for policy coordination, approaches dealing with the latter dimension have largely focused on factors being relevant *within* the coordination setting. The paper has pointed to a first example how such an integrated approach could be applied in an empirical case study. The review of the diverging positions of the British and German governments in relation to UN Security Council resolution 1441 on Iraq has served as an example for future empirical research in this field. The case has highlighted the paradoxical nature of the dispute over appropriate responses to an international crisis. Closer coordination between the two countries on the issue of Iraq failed despite the shared commitment to key norms and principles constituting the Western liberal normative order in world politics. The stark divergences must appear even more surprising as both countries also share membership in the EU and subscribe to key values, which might be seen as constituting a distinctively European foreign policy approach, such as the strong role of the UN in the international system, arms control and the fight against global poverty and environmental disaster. By setting out a reflexive
The empirical analysis of the emergence of the diverging interpretations of the normative structure in world politics provided by the British and German governments in reaction to UN Security Council resolution 1441 demonstrates how these factors matter in the process of policy formation. Here, the main finding is that instead of offering specific guidance for the design of policy responses norms need to be operationalized and are therefore inevitably subject to contestation. Rather than suspecting a general incompatibility of the underlying foreign policy strategies of Britain and Germany behind their diverging positions on Iraq this paper relates the emergence of these positions to the process of norm operationalization itself. This conclusion is further substantiated through the finding that indeed substantial overlap between the foreign policy orientations of the two countries existed prior to the dispute over Iraq. Therefore, this paper attributes the failure to coordinate a common and coherent European response to the Iraq crisis to the domestic nature of the discourses over norm interpretation in the area of foreign and security policy. The disconnectedness of these discourses makes decision-makers to arrive in Brussels with predefined policy options, which leave little room for the development of common responses.

In other words, differences between individual governments come only to the fore when it is already too late. As a response to this dilemma the paper suggests that decision-making within the CFSP framework needs to put greater emphasis on the collective assessment of foreign policy events and the common interpretation and contestation of generally accepted principles of foreign policy formation. Most importantly, it is argued that the emergence of a consensus over policy is not a one-off event. As norms are inherently contested when applied in the process of policy formation the routinization of collective processes of norm application is an essential precondition for the EU’s ability to better react to unforeseen events. In order to be effective such a close policy dialogue cannot be reduced to level of senior policy experts in the foreign ministries but needs to involve the ministers themselves, as experts often lack the political authority to implement decisions on more substantial questions in the area of foreign policy. A routinized informal dialogue about appropriate policy responses can help to deal with diverging interpretations of core norms and principles as a early stage and would better link so far unconnected domestic processes of norm operationalization. Here, the minister-plus-one approach, as applied within the regular
meetings of the Eurogroup in the area of economic policy coordination, may well function as an institutional template.
References


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1 E.g. in Article 38(1) of the Statute of the International Court of Justice (Akehurst, 1993:23).
As Chayes and Chayes (1993: 189) note, ‘treaty language, like any other language, comes in varying degrees of specificity. The broader and more general the language, the wider the ambit of permissible interpretations to which it gives rise.’

The modeled normative structure follows Wiener (2004); the authors thank Alexander Kelle for the graphic adaptation.

See also Article 2(4) UN Charter, which stipulates that ‘[A]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.’

It has been noted, for example, that norms are used ‘to describe collective expectations for the proper behavior of actors with a given identity’ (Katzenstein, 1996: 5).

Note that according to sociologists, values are held exclusively by individuals, while norms are shared. As Morris summarizes in a seminal research note on norms ‘values are individual, or commonly shared conceptions of the desirable […], norms are generally accepted, sanctioned prescriptions for, or prohibitions against, others’ behavior, belief, or feeling, i.e. what others ought to do, believe, feel—or else. Values can be held by a single individual; norms cannot.’ (Morris, 1956: 610; emphasis in text) The important issue here is that for policy coordination in the international community it is the role and effectiveness of norms which matters.

And it could be argued, therefore, that this lack of shared interpretation of meaning ‘spilled over’ into the interpretation of international law. For this observation see Mayer, 2003. This paper does, however, not follow that neo-functionalist line of argumentation.


See, e.g. Frankfurter Rundschau, ‘Ein Krieg gegen den Irak wäre eindeutig völkerrechtswidrig’ [A war against Iraq would clearly be a breach with international law], 15 March 2003, interview with Dieter Deiseroth, Justice at the Federal Court of Public Administration [Bundesverwaltungsrichter].

Consider, the strong opposition both in the House of Commons culminating in the resignation of former foreign secretary Robin Cook based on the grounds that Blair’s reasoning in favour of military intervention left him unconvinced; as well as the ongoing public opposition.


Accounts from the literature on political parties have already pointed to the relevance of interpretation and the change of meaning in the process of the practical application of programmatic orientations as defined in party programmes. The authors are grateful to William Paterson and James Sloam to have drawn their attention to this. See Paterson and Sloam 2005; Fairclough 2001.

Own translation.

