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Flemes, Daniel; Ebert, Hannes

Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
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Empfohlene Zitierung / Suggested Citation:
Flemes, D., & Ebert, H. (2016). *The contested use of force in Germany's new foreign policy.* (E-international relations). Bristol. https://nbn-resolving.org/urn:nbn:de:0168-ssoar-55319-5

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The Contested Use of Force in Germany's New Foreign Policy

Daniel Flemes and Hannes Ebert, Sep 9 2016

Image by Wir.Dienen.Deutschland. (Bienert)

The British referendum vote to exit the European Union (EU) has sparked a debate about its implications for European foreign and security policy. Among the key contested issues is the role Germany as the EU's largest economy can and should play in compensating for a less prominent British role in this issue area. For long, Germany has been perceived as a net consumer of security in Europe and beyond, and other EU member states and the US increasingly called upon Berlin to increase its defense spending and foreign deployment in, for example, EU military missions. Most prominently, Poland's then-Foreign Minister, Radoslaw Sikorski, in a speech in Berlin in November 2011 called Germany "Europe's indispensable nation" that should "not dominate, but lead in reform", stating: "I fear German power less than I am beginning to fear German inactivity" (Sikorski 2011). Fast forward to 1 September 2016, Jean-Marie Guéhenno, president of the International Crisis Group and former French senior diplomat, argued that following the Brexit, "Germany should not shy away from a more proactive posture, including more frequent overseas projections of force, provided it is grounded in the rule of law" (Guéhenno 2016).

In response to such calls, German policy-makers have promised to step up to the plate. On 28 June 2016, five days after the Brexit vote, the German Parliament's Commissioner for the Armed Forces, Hans-Peter Bartels, contended that "Germany now has even more responsibility" as it would likely have to fill parts of the gap left by the exit of one of Europe's security heavy weights and main troop suppliers, which would redirect its military cooperation even stronger toward the US (Die Zeit 2016). In fact, the German government under Chancellor Angela Merkel had taken concrete steps to revise its defense and security policy already before the Brexit referendum, including increasing defense spending and committing more military resources to foreign deployments in a new defense "white book" published in mid-July 2016. Yet, there is still considerable domestic opposition to a stronger commitment to foreign deployment of German armed forces as well as to a more assertive role of NATO from civil society, the public at large, parliament, opposition parties, and even among government coalition partners (Bruemmer and Oppermann 2016).

Stakeholders and the German public should not shy away from the debate about the appropriate role of the use of force in Germany's foreign and security policy. What is often neglected in the current discussion, however, is that the current revision of German defense and security policies does not constitute a novel turning point but rather a component of Germany's ongoing search for its post-unification role in the world. In the following, we will thus outline today's dynamics of the promotion of and opposition to developing the use of force as a substantial part of the toolbox of Germany's foreign policy.

Six Milestones Towards Foreign Military Engagement

In the past twenty-five years, successive German governments have paved the way for Germany to meet external expectations for a stronger engagement in international military missions. While this development has not been linear and was initially marked by considerable reluctance, six milestones reflect a growing political willingness to revise Germany's traditional antimilitarist paradigm and commit to military missions.

The first milestone can be seen in the Federal Constitutional Court's (FCC) 1994 decision to legalize the Federal Armed Force's (Bundeswehr) participation in peace building and peace enforcement operations under the condition of approval by the German Parliament's lower house. In keeping with its nonmilitary approach, Germany's participation in the Gulf War in 1991 had still been limited to "checkbook diplomacy", providing more than 10 billion USD to the Gulf coalition and robust financial support to international aid institutions involved in the region, but given its constitutional restraints Germany had refrained from deploying military forces. After the Gulf War, however, the German leitmotiv of antimilitarism – codified in article 87a of the Basic Law, which prevented out-of-area operations – came under pressure from Germany's NATO allies, particularly the United States. In 1992, the first participation of German armed forces in a multilateral United Nations peace operation in Cambodia led to fierce protests by the country's peace movement. While the FCC decision "made the Bundestag one of the most powerful parliaments worldwide" as far as formal "war powers" are concerned (Bruemmer and Oppermann 2016), a consensus between all political parties' foreign-policy makers (except the Party of Democratic Socialism and The Left) has emerged since, acknowledging reunified Germany's duty to assume its share of military responsibility through multilateral peace operations.

Military deployments to Bosnia (1995) and Kosovo (1999) without a clear UN mandate and the post-9/11 context of the "War on Terror" (mainly in Afghanistan, but also including the first-ever German navy deployment in a counter-terrorism operation at the Horn of Africa starting in January 2002) exemplify this paradigmatic shift. These multilateral deployments followed NATO requests and have been driven either by humanitarian motives or collective defense. Therefore, they have been widely seen as contributing to, rather than undermining, to the process of "civilizing" international relations as is to be expected of a "civilian power" (Kundnani 2011, 34).

A second milestone of this transition is revealed in the Defense Policy Guidelines (DPG), published in 2003 by then defense minister Peter Struck of the Social Democrats. The DPG (i) replaces defending the country as the top priority with the capacity to act abroad and (ii) looks to prepare German troops for high-intensity combat missions – this can be interpreted as the "normalization" of German defense policy. However, the DPG still adheres to multilateral embeddedness, stating that military missions will only take place together with allies under the auspices of the UN, NATO and the European Union; it is, therefore, updating the culture of military restraint. Moreover, the notion of "preventive security" is stressed in the document, which underscores the inclusion of economic, legal and humanitarian measures in a comprehensive understanding of security policy (Ministry of Defense 2003).

Most significantly, the DPG and its operationalization, the new "Conception of the Federal Armed Forces" (Ministry of Defense 2004), are the starting point of an ongoing comprehensive process of transforming the German military forces. The transformation aims at integrating the three services based on a new organizational structure divided into intervention, stabilization and support forces to increase their usability in the face of a broader spectrum of tasks from nation- and peace-building to the fight against transnational terrorism. The tenor of the military doctrine is that Germany supports the use of force as a last resort to resolving international security crises, but not to pursuing national interests.

The white paper entitled "German Security Policy and the Future of the Federal Armed Forces" (Ministry of Defense 2006) constitutes the third "milestone", explicitly referring to the responsibility to protect (R2P) doctrine. Since the release of this report, German representatives to the United Nations together with middle powers such as Japan, Australia, and with the EU have lobbied for developing this international norm, which defines a set of criteria for a legitimate military intervention (i.e., the right authority, just cause, right intention, last resort, proportional means and reasonable prospects (ICISS 2001). Revised in 2011, the DPG paved the way for Germany to take more responsibility in matters of international security (Ministry of Defense 2011) – inter alia, the guidelines stressed the goal of assuming command responsibilities in military missions and set the level of combat capabilities as the benchmark of the armed forces' usability. In this context, Germany's Defense Minister Thomas de Maizière announced in a German parliamentary debate on military support in Syria in December 2012 that "For decades, we Germans have benefited from the fact that our partners gave us the feeling of reliable security' and that "Now we are in a position and have the duty, even, to make our impact felt" (cited in Kulish 2013).

The suspension of compulsory military service in 2011 and the ongoing transformation into a professional army constituted the fourth milestone toward revising the antimilitarist approach. This obligatory practice had become increasingly dysfunctional in the post–Cold War era. Until then, there had been a large political consensus that compulsory military service was an indispensable link between the Federal Armed Forces and German society based on the concept of the "citizen in uniform" (Baudissin 1982). A high proportion of conscripts within the armed forces was deemed as unfit for meeting the increasing demands of foreign deployments.

The speeches by German President Joachim Gauck, Foreign Minister Frank-Walter Steinmeier and Defense Minister Ursula von der Leyen at the Munich Security Conference in January 2014 can be seen as the fifth milestone in the process towards taking greater responsibility in the global security arena (Bittner and Naß 2014). The speeches marked a concerted effort to push the debate into the broader public realm, and to directly address the taboo of foreign deployments. For example, President Gauck explicitly referred to the UN concept of R2P when stating that Germany and its allies cannot refuse to help others when "human rights violations multiply and result in […] crimes against humanity. […] In the very last resort, military means can be used, after careful consideration and a weighing up of the consequences, upon authorization by the UN Security Council" (Gauck 2014).

Following the debate initiated at the 2014 Munich Security Conference, the German parliament in the fall of 2014 authorized delivering armament systems to support Kurdish Peshmerga forces in their fight against the so-called Islamic State in Iraq in September. Moreover, in January 2015 the German parliament authorized a military training mission in Iraq and the region of Kurdistan. Finally, Germany played a leading role in setting up a new NATO Very High Readiness Joint Task Force, an evolving component of the NATO Response Force agreed upon at the NATO 2014 summit in Wales, consisting of troops from Germany, the Netherlands and Norway, and commanded from the German Netherlands Corps headquarter in Münster, Germany.

The most recent boosting of military spending constitutes the sixth milestone. In 2015, Germany's Minister of Defence von der Leyen announced that the Bundeswehr's overall budget

and spending on equipment and maintenance in particular would be increased, and, in November that year, the German parliament voted in favor of the first increase of Germany's defense budget and troop numbers since the Cold War (Ministry of Defense 2015; Financial Times 2016). In fact, the defence budget has been constantly cut since the early 1990s. Banking on growing public acceptance of spending more money on the military following a series of Islamist terrorist attacks in Europe and Russia's Crimea annexation, Chancellor Merkel, at a conference with business leaders convened by the Christian Democratic Union (CDU) on 21 June 2016, indicated that the gap between the military spending of Germany and that of the US, with the former spending 1.2 percent of GDP and the latter 3.4 percent, has to be further reduced in the future (Wirtschaftswoche 2016). "In the long run, it will not work that we say we will hope and wait for others to shoulder defense requirements for us", she argued. Starting with €1.2 billion in 2016, Germany will thus increase its military budget by 6 per cent over five years (Financial Times 2016).

Merkel's announcements have been welcomed by NATO partners and were further discussed at the NATO summit in Warsaw on 8-9 July 2016. In addition, the German government approved a new defense "white book" in mid-July, in which it pledges more engagement not only in United Nations peace operations, but also in ad-hoc military coalitions such as the US-led international coalition against the so called Islamic State (BMVG 2016; Stelzenműller 2016; Brzoska 2016). Combined with the decision to take up the chairmanship of the OSCE (Organization for Security and Co-operation in Europe) in January 2016, the German government thus exhibited increasing willingness to test the waters of integrating a more robust use of force into its foreign policy responsibility.

Opposition to Change

However, theses impetuses for a gradual transformation also led to considerable domestic resistance, even with regard to using force in multilateral contexts and with the aim of preventing humanitarian catastrophes. The increasing number of German and civilian casualties in Afghanistan has raised general public concerns about ISAF missions and Operation Enduring Freedom in particular, and the deployment of German troops abroad more generally. Notably, the concerted initiative to kick-start a new round of debates regarding the use of force at the 2014 Munich Security Conference was highly controversial. A 2014 opinion poll found that 61 per cent of Germans objected to the government's plans to expand German armed forces deployments abroad, with only 30 percent in favor (Infratest Dimap 2014), revealing that the German general public's attitudes on foreign military deployments was still out of sync with the foreign policy establishment's rhetoric.

Already in 2010, Gauck's predecessor as president, Horst Köhler, had to step down as a response to what he felt was a lack of support by the government following the vast criticism against his statement that military force would also be legitimate to secure interests, including economic ones (Die Zeit 2010). More recently, commenting on the presentation of the new "white book", Germany's Left Party, the parliament's largest opposition party, stated that "the 'white paper' is nothing but a written demand for more money for more soldiers, for more military operations and more military equipment" and that it is "a 'white paper' for armaments and war" (Breitenbach 2016). Prior to the Warsaw NATO summit, German Foreign Minister Steinmeier

warned NATO against "sabre-rattling and warmongering" in the context of the media preparation of NATO exercises in Eastern Europe and argued that it would be "fatal to search only for military solutions and a policy of deterrence" when developing policy responses to the Ukraine crisis (BBC 2016; Steinmeier 2016b). Opposition persists across German political institutions, reflecting a "widespread unease with moves towards a 'normalization' of Germany's international role in the domestic political arena" (Bruemmer and Oppermann 2016). Even the fact that military missions in Kosovo and Afghanistan have been accompanied by diplomatic peacekeeping initiatives such as the Balkan Stability Pact and the Bonn Agreement for the stabilization and democratization of Afghanistan has failed to mitigate public and parliamentary skepticism.

This persistent reflex to maintaining a low security profile still feeds from Germany's traditional self-conception as a "civilian power", whose foreign policy DNA was necessarily marked by skepticism of military means and power politics (Maull 1990; Elias 1997). A "culture of antimilitarism" (Berger 1998) deeply rooted in the German national psyche and foreign policy discourse made Berlin reluctant to become party to militarized conflicts in spite of growing diplomatic and economic clout. This reluctance was further nurtured by more utilitarian advantages of free riding in the transatlantic alliance system and the fact that an antimilitarist approach was widely seen as a precondition for achieving sovereignty and reunification by the German foreign policy establishment (Sperling 1999).

However, it is notable that lower-risk military missions, such as Operation Atalanta, are far less controversial to political parties and the German public. Around six hundred German soldiers participate in this mission to prevent and combat acts of piracy off the coast of Somalia. Direct German economic interests drive the mission: the country operates the world's third biggest merchant fleet. This suggests that the German emphasis on the comprehensive security approach suggested by UN Resolution 1674 (2006) on the protection of civilians in armed conflicts and the concept of interlinked security (Ministry of Defense 2006) allows for the participation in military operations focused on civilian tasks and capabilities, while precarious military operations are mainly carried out by others. In this regard, the 2011 DPG highlights a comprehensive security approach and advocates coordinated actions to put economic and development policy, police, humanitarian, social and military capabilities effectively into operation. In a broader sense, the reorientation of German defense policy reflects an attempt to harmonize its nonmilitary identity with the security challenges of a world where domestic, transnational and interstate threats are as effectively networked as financial markets and social media.

The abstention of Germany from UNSC Resolution 1973 on the intervention in Libya was widely seen as a diplomatic mistake; it also exemplified the ambivalence between the old paradigm of antimilitarism and the rising leitmotiv of the R2P. For instance, while the government justified abstention with reference to the dangers and uncertainties of military intervention in Libya, its representatives supported the resolution's objectives. In addition, the government took the decision during a period of regional elections in Baden-Württemberg and Rhineland-Palatinate and was thus influenced by voters' moral reservations. Nevertheless, Berlin still provided airborne warning and control system (AWACS) surveillance capabilities in Afghanistan to ease the burden of NATO allies operating in Libya (Maull 2011, 108).

In general, the discourse of German foreign and security policy elites describes a world of increasing interconnectedness in which the use of force can exacerbate instability, particularly in the Middle East (Karp 2005, 68). With regards to the Syrian conflict, then-Foreign Minister Guido Westerwelle stated that military tools – in this case armament supplies for Syrian rebels – lack legitimacy as long as diplomatic efforts have not been fully brought to bear, and promoted a "culture of military restraint" as a corner stone of his foreign policy (Weiland and Gebauer 2013). The paradigmatic transition of German defense and security policies is accompanied by a "strategic culture of skepticism" (Maull 2011).

The ongoing German contradiction of antimilitarism and the R2P must also be understood against the backdrop of a Europe-wide trend of defense budget cuts, which prompted former US Defense Secretary Robert Gates' reference to the "demilitarization of Europe". In the European context, Germany's policies toward the conflicts in Libya and Syria demonstrate that it is currently punching below its weight, while the United Kingdom and France exert dual leadership in security policy (Paterson 2011, 74). Berlin's hesitation is the product of a dilemma: on the one hand, German security policy makers believe that the strength of security institutions is not defined only by their military capabilities, but also by their ability to act coherently. On the other hand, the increasing complexity of security challenges is increasingly causing divisions between European governments' interests and views, which make coherent approaches less likely and more dependent on situational domestic and external variables. However, Germany's role as a consumer rather than a provider of security clashes with its claim to be taking on more global responsibility. The political project to bridge that gap – a European defense union powerful enough to shape the global security milieu – is unlikely to rectify this any time soon given the trend of renationalization in Europe.

Reflective Yet Responsible Power

As Germany's self-conception as a "civilian power" loses value, it has not yet been replaced with an alternative. Recently, however, German leaders took some steps to mitigate the dilemma. Foreign Minister Steinmeier noted that "Germany's path to greater military assertiveness has not been linear, and it never will be" and that "Germans always seek to balance the responsibility to protect the weak with the responsibility of restraint". Germany's new global role should be that of a "reflective power" (Steinmeier 2016a). As such, while not seeking to overcompensate for Germany's belligerent past, it seeks to reconcile lessons of history with present security challenges by continuing "to frame its international posture primarily in civilian and diplomatic terms and will resort to military engagement only after weighing every risk and every possible alternative" and maintaining its primary "belief in the importance of restraint, deliberation, and peaceful negotiation".

While this strategic priority is laudable, much will depend on how the relevant institutions manage to increase the effectiveness of policy alternatives in Germany's foreign policy toolbox. This includes further expanding its "soft power" capabilities (Nicholson 2015) and "network power" (Flemes 2013; Flemes and Ebert 2016), and investing more systematically in instruments of civilian conflict prevention and management. The outcome of ongoing discussions on this issue that have followed the NATO summit and the launch of the government's "white book"

will likely set the parameters for Germany's self-proclaimed evolving role as a reflective yet responsible power.

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Daniel Flemes is a Schumpter Research Fellow of the Volkswagen Foundation at the German Institute of Global and Area Studies (GIGA) where he leads the research project ‘Contested Leadership in International Relations’. His research interests include foreign policy strategies in the mulitpolar order.

Hannes Ebert is a Research Fellow at the German Institute of Global and Area Studies (GIGA) where he works on the research project ‘Contested Leadership in International Relations’. His research focuses on international security and conflict.

Tags: civil-military relations, European Foreign Policy, German foreign policy, germany, military intervention, r2p, responsibility to protect

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