

**Germany, NATO's Out-of-Area Operations, and the CSDP:**

**The German Defense Policy Dilemma**

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**Abstract**

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Germany stands as a pivotal country within the NATO alliance: it is an economic superpower and occupies a central geographic and political position in Europe. Germany's defense policy and its approach to alliance commitments will have a significant impact on the success or failure of NATO strategy. However, its participation in post-Cold War NATO combat operations has varied from full commitment to outright abstention. This paper will explore the reasons behind Germany's inconsistent support of NATO combat missions in the Balkans (Bosnia-Herzegovina and Kosovo), Afghanistan, and Libya. Given the parallel development of a security framework within the European Union, it will also examine the EU's Common Security and Defense Policy and evaluate its viability as an alternative to NATO as Germany's primary military alliance.

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## Introduction

NATO is a military alliance which was founded in 1949 and originally comprised twelve member countries from Western Europe and North America. Having been divided into occupation zones following its World War II defeat, Germany did not join the alliance until 1955 and then only partially, as the former Soviet occupation zone in eastern Germany became a separate state in 1949. However, in the present day, a reunited Germany now stands as a pivotal country within the alliance: it is an economic superpower, is the most populous of all of the European member states, and occupies a central geographic and political position in Europe. Accordingly, Germany's defense policy will have a significant impact on the success or failure of NATO strategy, and will also impact European defense policy as a whole. Germany's commitment to NATO, or lack thereof, will heavily influence the future of the alliance and transatlantic relations.

NATO's mandate has remained ostensibly defensive, but its strategy has evolved over the decades. Since the 1990's, it has mounted a series of combat operations outside the boundaries of its member states. These new external missions have caused much controversy in Germany, a country still keenly aware of its World War II legacy and now harboring a deep aversion to military interventions. Conflicted over reservations based on history and modern day international obligations, German leaders have struggled to define a coherent defense policy. They are caught between a rock and a hard place: Germany aspires to be an economic and political power, but not a military power. This conundrum is the issue on which Germany's defense policy, and therefore its role within military alliances, ultimately hinges.



Crises and conflicts beyond NATO's borders can pose a direct threat to the security of Alliance territory and populations. NATO will therefore engage, where possible and when necessary, to prevent crises, manage crises, stabilize post-conflict situations and support reconstruction.<sup>3</sup>

Furthermore, Paragraph 25 goes on to say that the alliance will "further develop doctrine and military capabilities for expeditionary operations, including counterinsurgency, stabilization and reconstruction operations."<sup>4</sup> NATO is now officially no longer a purely defensive alliance; rather, it has charged itself with active intervention to shape outcomes, or "peacemaking", by military force if necessary.

Prior to these NATO engagements, Germany's initial post-World War II military deployments in the early 1990's were largely in support of United Nations (UN) humanitarian missions. Although specifically designated as non-combat or "unarmed" in nature, these missions nonetheless generated great controversy in Germany, as the country debated the purpose of its armed forces and the potential implications of sending troops abroad. Later, the NATO out-of-area missions served to fuel this controversy, as they represented a new level of involvement: active military intervention in combat zones.

When NATO's post-Cold War missions are viewed as a whole, a key question concerning Germany's role arises: why has Germany's participation in NATO combat operations been inconsistent? Its commitment to post-Cold War NATO interventions – in the Balkans (Bosnia-Herzegovina & Kosovo), Afghanistan, and Libya – has varied from reluctant but full participation to outright abstention. This disparity points to the lack of a clearly defined

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<sup>3</sup> "NATO 2010 Strategic Concept: Active Engagement, Modern Defence" (NATO, November 19, 2010), 6, [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_publications/20120203\\_strategic-concept-2010-eng.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120203_strategic-concept-2010-eng.pdf).

<sup>4</sup> Ibid., 7.

security policy. Patrick Keller of the Konrad Adenauer Institute argues that Germany never truly embraced the idea of out-of-area NATO missions or the 2010 Strategic Concept, but lacks a coherent alternative strategy. Without a clear strategic goal, Germany seeks to maintain a status quo; something that Keller argues is impossible if the alliance is to survive in a time of rapidly evolving threats.<sup>5</sup> Similarly, Constanze Stelzenmüller of the German Marshall Fund refers to Germany as the “self-constrained republic” and claims that although after reunification Germany is now fully sovereign, its security policy remains underdeveloped and unfocused.<sup>6</sup>

As will be shown in this paper, Germany’s historically-based aversion to military intervention, coupled with legal complications stemming from its federal constitution, has contributed to this strategic incoherence and has decidedly complicated German involvement in NATO operations. When seen in the context of the often discordant German, NATO, and European defense policies, a related question arises: will the controversy over out-of-area combat missions lead to a fundamental strategic impasse, causing Germany to seek an alternative alliance option?

The parallel development of the European Union’s Common Security and Defense Policy (CSDP) has presented Germany with a potential alternative to NATO. The EU favors “soft power” civilian-based means to dealing with external crises; an approach potentially more palatable to Germany. Notably, the language in the treaties which led to the formation of the CSDP also establishes the framework for a European military alliance.

A component of the EU Common Foreign and Security Policy (CFSP), the CSDP had its beginnings in the 1948 Treaty of Brussels. This treaty created the first post-World War II

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<sup>5</sup> Keller P, “Germany in Nato: The Status Quo Ally,” *Survival* 54, no. 3 (2012): 95–110.

<sup>6</sup> “Stelzenmüller.indd - Stelzenmueller\_The\_SelfConstrained\_Republic\_IP\_032010.pdf,” 4, accessed June 1, 2013, [http://www.gmfus.org/wp-content/blogs.dir/1/files\\_mf/galleries/ct\\_news\\_article\\_attachments/Stelzenmueller\\_The\\_SelfConstrained\\_Republic\\_IP\\_032010.pdf](http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/galleries/ct_news_article_attachments/Stelzenmueller_The_SelfConstrained_Republic_IP_032010.pdf).

framework for mutual defense cooperation in Western Europe, the Western European Union (WEU). Since then, there has been a succession of treaties which over time have further defined and expanded European mutual defense, combining some earlier agreements and superseding others. The current manifestation of the CSDP was codified in the 2009 Lisbon treaty and officially supplanted the WEU. This evolution came about as the result of the significant changes in the security environment at the end of the Cold War.

If Germany looks to the CSDP as an alternative mechanism to promote its military security, much work remains ahead. The CSDP faces serious policy issues and capability shortfalls, casting doubt on its viability as a military alliance. Furthermore, Germany's own intentions regarding it are not self-evident, and cooperation with the other two major European military powers, the United Kingdom and France, has been lacking.

This paper's body is divided into four sections. The first is a historical background of NATO and Germany's role in the alliance, along with an examination of Germany's initial post-Cold War military deployments. The second section is a case comparison of specific NATO missions and Germany's participation therein, along with an analysis of these events and their significance in the context of German history, politics, and constitutional law. The third section explores the potential for the CSDP as an alternative to NATO. The final section considers the possibility of a changing defense philosophy within the new German government coalition and the effects of the Russia/Ukraine crisis on German and NATO policy. Sources include books, journal articles, official NATO and EU documents, news articles and editorial commentaries, scholarly papers, and opinion polls.

## I. Historical Background

### The NATO alliance

World War II left much of Europe devastated. Over thirty-six million people had died; fully half of them civilians.<sup>7</sup> Many cities were in ruins and food shortages abounded. With the economies of most European countries in a shambles, peace, stability and recovery were foremost on government agendas. In this setting, the political and ideological split between the Soviet Union and its Western allies quickly manifested itself and two diverging spheres of influence began to form.

In the West, a number of factors served to trigger a movement towards the creation of a new military alliance. Chief among these was the formation of communist governments in Soviet-occupied Eastern Europe, along with increasing political tensions between Moscow and her former allies. These tensions culminated during the Berlin Blockade of 1948-49, when the Soviet Union attempted to gain control of Berlin by cutting off communication between the western sectors of the city and the outside world.<sup>8</sup> Although the Western allies successfully countered the blockade with a massive airlift, the escalating East-West strains led the United States and other Western European countries to fear the possibility of continued aggressive Soviet expansion.

Besides the burgeoning military confrontation between the USSR and the West, other issues also influenced the desire for a new alliance. Given the political landscape that preceded the war, leaders sought a means of safeguarding against the resurgence of fascism and nationalist

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<sup>7</sup> Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin Press, 2005), 18.

<sup>8</sup> *Ibid.*, 146.

militarism. They saw integration as essential to ensuring future peace and pursued a means to achieve it. In response, twelve Western countries concluded collective defense talks and signed the North Atlantic Treaty on April 4<sup>th</sup>, 1949, officially inaugurating NATO.<sup>9</sup> The founding members of the alliance were Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal and the United States. From this beginning, NATO's primary mission has remained ostensibly unchanged: to provide for the collective defense of its members. However, over time the alliance has grown and its perceived threats have changed substantially, leading to a strategic transformation.

Since its inception, the alliance has experienced three distinct phases. The first, lasting from 1949 to roughly 1991, coincided with the Cold War. During this period NATO stood in opposition to the Soviet-sponsored counter-alliance known as the Warsaw Pact. The Warsaw Pact was comprised of Eastern European satellite states which had been formed in the region of post-World War II Soviet occupation. Notably, the Warsaw Pact was formed in reaction to the accession of West Germany to NATO.<sup>10</sup> The central European border between member states of these opposing alliances, now running through the heart of a divided Germany, was front line of the Cold War and a potential flashpoint for World War III. Had direct military confrontation between the United States and the Soviet Union ever occurred, a likely scenario would have been a NATO-Warsaw Pact war. During this period, overall NATO strategy was focused on deterring a Soviet invasion of Western Europe.<sup>11</sup>

When the Soviet Union collapsed and the Cold War ended, NATO entered a new era and sought to redefine itself. It found renewed purpose as it expanded membership to include

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<sup>9</sup> NATO, "NATO History," 2013, <http://www.nato.int/history/nato-history.html>.

<sup>10</sup> "Office of the Historian - Milestones - 1953-1960 - The Warsaw Treaty Organization," accessed June 1, 2013, <http://history.state.gov/milestones/1953-1960/WarsawTreaty>.

<sup>11</sup> NATO, "NATO History."

Eastern European nations, helping to maintain security and provide stability after the fall of communism and the outbreak of civil war in the Balkans. During this second phase of its existence, NATO broadened to twenty eight member states with almost all of the new entries coming from the former Warsaw Pact.<sup>12</sup> In a dramatic departure from the Cold War order, the eastern borders of NATO shifted from central Germany to as far east as the Baltic States, having been until recently annexed territory of the USSR. In addition to European member expansion, NATO undertook a number of partnership initiatives and established formal working relationships with countries as far away as Africa, East Asia, and Australia.<sup>13</sup>

NATO's third phase has its roots in the ethnic conflicts which erupted in the disintegrating state of Yugoslavia in the 1990's. It was at this time that the alliance first embraced the concept of military operations outside the territories of its member states. Stopping genocide and ethnic cleansing were the justifications for those missions, and the argument for intervention included protecting European security and stability.<sup>14</sup> Following the terrorist attacks of 9/11 and the first-ever invocation of Treaty Article 5, NATO reinterpreted its expanded mandate. In its official strategy, the alliance stated that threats were no longer limited to conventional militaries. Rather, non-state actors and terrorist organizations had emerged as deadly enemies that must be engaged wherever necessary.<sup>15</sup> Since then, NATO has conducted combat missions in overseas locations on several occasions, most recently in Libya and the ongoing mission in Afghanistan.

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<sup>12</sup> Ibid.

<sup>13</sup> "NATO - Partners," *NATO*, accessed April 18, 2014, <http://www.nato.int/cps/en/natolive/51288.htm>.

<sup>14</sup> Javier Solana, "NATO's Success in Kosovo | Foreign Affairs," accessed April 18, 2014, <http://www.foreignaffairs.com/articles/55610/javier-solana/natos-success-in-kosovo>.

<sup>15</sup> NATO, "Active Engagement, Modern Defence Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation: Adopted by Heads of State and Government in Lisbon,," 2010.

## Germany in NATO

As the recently defeated and still-occupied antagonist of World War II, Germany was not initially considered for membership in NATO. At the time the alliance was founded, the country was still divided into occupation zones and its ultimate future as a state was uncertain. It was not until six years later that the new Federal Republic of Germany (FRG or West Germany) would join the alliance.

As the Cold War intensified in the 1950's, the United States pushed its allies to utilize the West German potential to strengthen NATO defensive capabilities. The three big Western powers, the US, UK, and France, all agreed that the Soviets posed a major threat and a larger deterrent was needed. However, the rearmament of Germany was a contentious issue, particularly for the French. There were initially three separate proposals: creating a German federal police force which could form the foundation of an army, raising German military units as a part of a European army, or creating a fully-fledged national army and integrating the FRG into NATO.<sup>16</sup> After internal and external debate, the third option was agreed upon and the FRG was formally accepted into NATO on May 6, 1955. Germany's new military was to be a defensive force to deter or repel a Soviet invasion; however, command and control was to be fully integrated into NATO: whereas the US retained overall military command, German forces constituted the bulk of the conventional defenses within Germany. However, they had no organic general staff. This function was integrated into NATO headquarters.<sup>17</sup>

Germany's Cold War role was defined by the exclusive emphasis placed on territorial defense. This emphasis was exemplified by the Fulda Gap: located along the border between

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<sup>16</sup> Helga Haftendorn, "Germany's Accession to NATO," 2005, <http://www.nato.int/docu/review/2005/issue2/english/history.html>.

<sup>17</sup> "The Bundeswehr on Operations," 9–10,13.

the divided Germanys, the Fulda Gap was an area thought to be the preferred attack route for Soviet armored divisions due to its terrain, considered advantageous to tanks.<sup>18</sup> The Gap, the focal point of NATO-Warsaw Pact confrontation, epitomized the genesis of West Germany's role within the alliance: its military was created for, and defense policy focused solely on, the territorial defense of NATO in central Europe. This foundation would have a pervasive influence on future German security policy and participation in the alliance.

With the collapse of communism, the *raison d'être* of NATO was called into question. Having been oriented exclusively towards a deterrent to Soviet invasion, the role of Germany within a post-Cold War military alliance was uncertain. However, some German leaders saw an opportunity to continue to pursue the objectives of promoting European peace and stability through expansion. Looking ahead to the new political order in Europe, German Chancellors Helmut Kohl and later Gerhard Schroeder envisioned economic, political, and security potential from an expanded NATO and joined with the US to champion the idea.<sup>19</sup>

Having laid the foundation for constructive dialogue with the East during the 1960's and 70's through its "Ostpolitik," Germany found itself in an advantageous position.<sup>20</sup> After a 1990 summit meeting between German Chancellor Helmut Kohl and the Soviet Premier Mikhail Gorbachev, the first concrete result of this dialogue was the agreement to full integration of the reunited Germany into NATO.<sup>21</sup> This included the absorption of the East German army into the Bundeswehr (West German federal defense force). With the final withdrawal of Soviet troops

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<sup>18</sup> Associated Press, "Fulda Gap Is Key Point in NATO Defense Against Soviet Forces," *Los Angeles Times*, March 1, 1987, [http://articles.latimes.com/1987-03-01/news/mn-6926\\_1\\_fulda-gap](http://articles.latimes.com/1987-03-01/news/mn-6926_1_fulda-gap).

<sup>19</sup> Adrian G. V Hyde-Price, *Germany and European Order: Enlarging NATO and the EU* (Manchester, UK; New York: Manchester University Press; Distributed exclusively in the USA by St. Martin's Press, 2000), 151–153.

<sup>20</sup> Gordon A Craig, "Did Ostpolitik Work?," *Foreign Affairs* 73, no. 1 (1994).

<sup>21</sup> NATO, "NATO History."

from the former East Germany in 1994, this integration was complete and it marked the first expansion of NATO into the former Warsaw Pact.

Shortly after reunification in 1992, NATO established the North Atlantic Cooperation Council, facilitating consultations with former Warsaw Pact members and other outside countries. These and other regional initiatives beginning in the early 1990's transformed the main focus of the alliance during this period from territorial defense to regional cooperation, integration, and expansion. Germany was a leader in these efforts.<sup>22</sup>

Germany's role in NATO began with the controversial rearmament of a country still regarded by some of its new allies as a potential threat. Over the course of the Cold War, the Bundeswehr grew to be the largest army in Western Europe and the core of NATO conventional defense, but the least autonomous army by design. With the Soviet threat gone and a new political and military era suddenly appearing, in spite of the success of expansion, NATO leaders were left with the complicated task of redefining roles. For Germany this task would prove uniquely challenging as it reemerged on the world stage as a fully sovereign nation in the 1990's.

#### Initial deployments: "unarmed" missions, legal challenges

Following reunification and the return to full sovereignty in 1991, Germany came under pressure from allies to shoulder more of the burden of international military missions. The first-ever deployment of Bundeswehr troops outside the confines of NATO territory occurred in August 1991, providing logistical support to the United Nations Special Commission (UNSCOM) in Iraq. UNSCOM was established after the First Gulf War to verify Iraqi compliance with a mandated ban on nuclear, chemical, and biological weapons. The army and

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<sup>22</sup> Haftendorn, "Germany's Accession to NATO."

air force provided airlift in the form of C-160 transport aircraft and CH-53 helicopters along with a few dozen support personnel based in Baghdad and Bahrain.<sup>23</sup>

Of note, this operation closely followed a deployment of Alpha Jet fighter aircraft to Turkey during the First Gulf War. Their mission was to provide protection for their NATO ally in case the fighting in Iraq spilled over the Turkish border. Although confined to NATO territory, this deployment nonetheless sparked controversy due to its proximity to the fighting in Iraq. Foreshadowing debates to come, it also raised questions about the legality of foreign military missions which would in turn lead to a continuous series of constitutional challenges which have persisted for decades.<sup>24</sup>

Several other deployments followed in the next two years, all in support of UN-sanctioned missions and all designated as humanitarian or peacekeeping. In October 1991, Germany sent 150 medical personnel to Cambodia as part of the UNAMIC and UNTAC operations. They established and manned a field hospital for 18 months.<sup>25</sup> Later in the year the Bundeswehr began its first large-scale overseas operation as Chancellor Kohl, without prior Bundestag consent, deployed nearly 2000 personnel to the Horn of Africa in support of the UN Operation in Somalia (UNOSOM II). Civil war had caused chaos and a humanitarian crisis, and the German troops were assigned to provide logistic support to the UN peacekeepers and relief workers.<sup>26</sup> Finally, in the prelude to the first NATO out-of-area combat missions, ethnic

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<sup>23</sup> "The Bundeswehr on Operations," 52.

<sup>24</sup> Tyler Marshall, "Atlantic Alliance: Luftwaffe Draws Flak in Its Turkey Excursion: But Germany's Deployment of Fighters Is More of a Political Gesture than a Military Threat.," *Los Angeles Times*, January 12, 1991, [http://articles.latimes.com/1991-01-12/news/mn-7164\\_1\\_german-military](http://articles.latimes.com/1991-01-12/news/mn-7164_1_german-military).

<sup>25</sup> "The Bundeswehr on Operations," 5.

<sup>26</sup> *Ibid.*

conflicts in the Balkans led NATO and the WEU to initiate enforcement of a UN-sanctioned no-fly zone and maritime blockade of Yugoslavia.<sup>27</sup>

These initial Bundeswehr deployments saw the German government venturing into previously unexplored policy territory. Legal questions arose about the constitutionality of foreign military deployments and the procedures to authorize them. Coupled with the widespread pacifist sentiment in Germany, military missions outside of German territory were unpopular and controversial. At the time of the first nationwide elections in October 1990, fully 75% of Germans favored staying out of international conflicts.<sup>28</sup> This sentiment remained largely unchanged through the time of the earliest Bundeswehr deployments: a 1993 poll showed that German public support for out-of-area military missions was no more than 27%.<sup>29</sup>

In 1992, the opposition Social Democrats (SPD) in parliament led by foreign policy spokesman Karsten Voigt objected to the government's actions when it had deployed troops without Bundestag approval. They insisted that a 2/3 majority vote should be required to approve the deployment of troops to dangerous areas. Voigt asserted that the ruling coalition under Chancellor Kohl was ignoring necessary provisions of the Grundgesetz (federal constitution, or Basic Law) regarding the employment of the armed forces.<sup>30</sup>

Article 87a of the Basic Law states that armed forces may be employed for the purpose of defense and any other use may only be in compliance with the provisions of the Basic Law.

Furthermore, per Article 115, a "state of defense" can only be declared by a 2/3 majority vote of

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<sup>27</sup> NATO, "NATO History."

<sup>28</sup> Richard Sobel, Eric Shapiro, and Robert Shapiro, *International Public Opinion and the Bosnia Crisis* (Lexington Books, 2003), 258.

<sup>29</sup> Alice Holmes Cooper, *Paradoxes of Peace: German Peace Movements since 1945* (Ann Arbor: University of Michigan Press, 1996), 251.

<sup>30</sup> "Germany's Struggle with Military Power in a Changing World | World | DW.DE | 28.12.2010," *DW.DE*, accessed March 14, 2014, <http://www.dw.de/germanys-struggle-with-military-power-in-a-changing-world/a-6308457>.

the Bundestag. Then and only then shall command of the armed forces be passed to the chancellor.<sup>31</sup> The government countered with its own constitutional reference. Article 24 states:

With a view to maintaining peace, the Federation may enter into a system of mutual collective security; in doing so it shall consent to such limitations upon its sovereign powers as will bring about and secure a lasting peace in Europe and among the nations of the world.<sup>32</sup>

Many conservatives argued that this article allowed for German participation in multilateral military operations that were not directly related to territorial defense, therefore not requiring the assent of a 2/3 majority in the Bundestag.<sup>33</sup>

Unable to resolve their differences within parliament, in early 1993 the SPD and the junior coalition partner Free Democrats (FDP) filed injunctions with the Bundesverfassungsgericht, or Federal Constitutional Court (FCC). The first motion was intended to block the deployment of E-3 AWACS (Airborne Warning and Control System) aircrew to the Balkans. This was for the enforcement of the UN-mandated no-fly zone, imposed as ethnic violence in the former Yugoslavia escalated. The second motion was to prevent the extension of the Bundeswehr's UNOSOM II mission in Somalia.

In a ruling on April 8, 1993, the FCC permitted the deployment of the AWACS crews. It cited the potentially grave implications of withdrawing from an ongoing integrated mission, but did not decisively answer the question of its legality. Subsequently on June 23, 1993 the FCC concluded that the Somalia deployment did not violate the Basic Law; however, it required that

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<sup>31</sup> Deutscher Bundestag, "Basic Law of the Federal Republic of Germany," 73, 107, accessed March 14, 2014, <https://www.btg-bestellservice.de/pdf/80201000.pdf>.

<sup>32</sup> Ibid., 30.

<sup>33</sup> "Germany's Struggle with Military Power in a Changing World | World | DW.DE | 28.12.2010."

the Bundestag give its assent by majority vote before the deployment could be extended.<sup>34</sup> These rulings temporarily resolved the individual cases but failed to fully define the rules for Bundeswehr out-of-area missions. Conflicts arising from the executive's ability to participate in military alliances, allowed under Basic Law Article 24, and the parliamentary control of the military, stipulated in Article 115, would continue to generate legal challenges for decades to come.

Later that year, the controversy reached new heights. On October 14, 1993, Sergeant Alexander Arndt was shot to death on the street in Cambodia; the first German soldier to die a violent death while deployed on duty since World War II. The incident caused an immediate uproar across Germany, with major newspapers running banner headlines and television media concentrating heavily on the incident. The opposition SPD once again raised the issue of legality and renewed its call for withdrawal from Somalia.<sup>35</sup> In this context, the ethnically-charged violence brewing in the Balkans spiraled towards all-out civil war and began to take center stage.

When Germany regained full sovereignty after reunification, it took on new responsibilities, such as reinterpreted treaty obligations with NATO. Furthermore, as a wealthy and capable nation, it was expected to help shoulder the burden of international humanitarian assistance and peacekeeping. The German government's struggles with these first Bundeswehr deployments would serve as a blueprint for the future. The difficult and complex vetting and approval processes that first appeared in the early 1990's would come into play in every debate

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<sup>34</sup> "Germany's International Integration: The Rulings of the German Federal Constitutional Court on the Maastricht Treaty and the Out-of-Area Deployment of German Troops - Viewcontent.cgi," 905, accessed March 7, 2014, <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1438&context=auilr>.

<sup>35</sup> Tyler Marshall, "Peacekeeping □: A Death in Cambodia, an Uproar in Germany," *Los Angeles Times*, October 16, 1993, [http://articles.latimes.com/1993-10-16/news/mn-46402\\_1\\_german-peacekeepers](http://articles.latimes.com/1993-10-16/news/mn-46402_1_german-peacekeepers).

about military deployments up to and including the present day. Two primary factors contributed to these difficulties.

A pervasive and major influence on German defense policy is the country's World War II legacy. The history of military aggression and genocide perpetrated by the Nazi regime has left a significant imprint on modern German society and has led to a deep-seated aversion to military interventions. This aversion was evident in the public reactions to the Bundeswehr's first deployments and was reflected by the aforementioned 1993 poll showing German public support for out-of-area military missions in general at no more than 27%. However, another contemporary poll showed that around 60% supported German participation in the UN mission to Somalia. Even more (80%) approved of the Bundeswehr engaging in purely humanitarian or rebuilding tasks there, such as food distribution or construction projects.<sup>36</sup>

These numbers indicate that although Germans by-and-large viewed military deployments negatively, they tended to be in favor of certain non-combat missions, such as humanitarian assistance. It is also evidence of the beginning of a slow transformation in the German approach to out-of-area military operations. In public and policy circles, the foreign deployment of Bundeswehr troops, previously unimagined, was now considered acceptable under certain circumstances.

Additionally, although much attention is rightly paid to its World War II history when discussing post-reunification Germany's initial reluctance to engage militarily, another key factor is often overlooked: a legal minefield appeared which hindered the ability to deploy to armed forces to foreign areas. As described above, the Basic Law was written early in the Cold

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<sup>36</sup> Cooper, *Paradoxes of Peace*, 250–251.

War when Germany was a divided nation on the front lines of NATO and the Warsaw Pact. It contains no explicit provision for out-of-area military deployments, as the Bundeswehr was conceived as an army for territorial defense. Seemingly contradictory Basic Law articles had to be interpreted by the FCC; a process that would come to the forefront once again as NATO entered into its first combat operations outside of its territory in the Balkans.

## II. NATO Out-of-Area Operations

### Bosnia-Herzegovina

The disintegration of the former Yugoslavia in the early 1990's led to a watershed event for both NATO and Germany. Political and ethnic conflict in the region became increasingly violent until in 1992 the UN deployed peacekeeping troops to the region. Citing increased concern about ethnic cleansing and violence against civilians, NATO became involved, agreeing in July 1992 to assist the UN peacekeepers. This assistance began with a maritime arms control interdiction mission (blockade) and the monitoring of a no-fly zone by AWACS aircraft, intended to protect UN troops from possible air attacks.<sup>37</sup> Germany was under pressure to contribute forces.<sup>38</sup>

Aside from the earlier ruling permitting the AWACS aircrew deployment, two further FCC decisions would prove pivotal to clearing the legal hurdles for German participation in these Balkan missions. The first, issued on October 12, 1993, affirmed the legality of Germany entering into mutual defense treaties with foreign nations. This ruling had originated from questions associated with the ratification of the Maastricht Treaty which formally brought the European Union into existence. The ruling stated that the transfer of sovereignty required to operate under a multinational defensive alliance did not violate democratic principles stipulated in Article 20 of the Basic Law. Subsequent participation in joint military operations was allowable.<sup>39</sup>

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<sup>37</sup> NATO, "NATO History."

<sup>38</sup> "Germany's Struggle with Military Power in a Changing World | World | DW.DE | 28.12.2010."

<sup>39</sup> "Germany's International Integration: The Rulings of the German Federal Constitutional Court on the Maastricht Treaty and the Out-of-Area Deployment of German Troops - Viewcontent.cgi," 889-890.

As the situation in the Balkans worsened, NATO involvement deepened, and with it the prospect of further German deployments. With legal uncertainties still lingering, on July 12, 1994, the FCC issued a landmark ruling which is viewed as having finally settled the question of the constitutionality of Bundeswehr deployments. The court referred to its earlier decision that it was permissible to both participate in “a system of mutual collective security” and that “the deployment of the Bundeswehr for operations within the framework and according to the rules of that system” was acceptable. However, the ruling stipulated specifically that parliamentary approval would be required “for any deployment of armed forces.” From this came the concept of the “parliamentary army” under which the Bundeswehr has since operated.<sup>40</sup>

As requested by NATO, Chancellor Kohl’s government had initially provided aircrew to the multinational AWACS and naval units participating in the blockade of Yugoslavia. Having received official FCC clearance, the Bundestag voted to retroactively approve the Balkans deployments which had been initiated the previous year.<sup>41</sup> However, this vote came only after a protracted, nationally televised debate.

On July 22, 1994, the Bundestag took up the question of the ongoing deployments. In spite of the fact that the vote involved foreign military operations which had been ongoing for some time, this debate was to be the ultimate conclusion of several years of wrangling over out-of-area military operations. Opening the debate, the senior coalition partner Christian Democrats (CDU) explained that they did not intend to militarize German foreign policy. Foreign Minister Klaus Kinkel said that the government was not seeking out combat missions, and that UN

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<sup>40</sup> “Entscheidungen Des Bundesverfassungsgerichts [Rulings of the Federal Constitutional Court], July 12, 1994, Vol. 90, P. 286 Ff.,” accessed March 16, 2014, [http://germanhistorydocs.ghi-dc.org/sub\\_document.cfm?document\\_id=3720](http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3720).

<sup>41</sup> Marjorie Miller, “German Legislature OKs Troop Role: Military: Parliament Backs High Court Ruling on Peacekeeping Missions and Balkan Patrols from the Skittish Nation.,” *Los Angeles Times*, July 23, 1994, [http://articles.latimes.com/1994-07-23/news/mn-18822\\_1\\_military-mission](http://articles.latimes.com/1994-07-23/news/mn-18822_1_military-mission).

peacekeeping did not equal combat. Further, they pledged to “stick with our established culture of restraint” but said that, referring to past aggression, Germany was obligated to participate in peacekeeping “precisely because Germany has broken the peace in the past.”<sup>42</sup>

Speaking for the opposition SPD, Rudolph Sharping asserted that his party approved of the missions in spite of its legal challenge. What they objected to was the government’s unilateral decision to deploy, and they had wanted consultation with the Bundestag from the beginning. Sharping remarked that “the [FCC] expressly says that the Bundeswehr is a parliamentary army” reiterating that the assent of the Bundestag is required for all foreign military deployments.<sup>43</sup> He continued to say that his party had the position that aggressive states must be contained: “Therefore, we vote for the deployment of troops in the Adriatic Sea” adding “the same is true for the supervision of the protective zones and for the enforcement of the no-fly zone in Bosnia-Herzegovina.”<sup>44</sup>

As the German government inched slowly into deeper involvement in Bosnia-Herzegovina, public sentiment was originally firmly against it. However, as reports of ethnic cleansing by Serbs against minority groups and Muslims increased, opinion changed. A steady increase in the approval of German participation occurred, from 41% in July 1992, to 53% in the spring of 1993, as the violence escalated.<sup>45</sup>

The next phase of the NATO operations in the Balkans began after the signing of the Dayton Peace Accords on December 14, 1995. The alliance was charged with carrying out the peacekeeping mission spelled out in the accords and launched the operation known as IFOR

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<sup>42</sup> “Bundestag Debate 22 Jul 1994,” 21167, accessed March 11, 2014, <http://dip21.bundestag.de/dip21/btp/12/12240.pdf>.

<sup>43</sup> *Ibid.*, 21169.

<sup>44</sup> *Ibid.*, 21172.

<sup>45</sup> Cooper, *Paradoxes of Peace*, 250–251.

(Implementation Force). This mission was to relieve the original UN peacekeepers in Bosnia-Herzegovina. However, as Serb forces threatened to target UN troops and NATO aircraft, the alliance drew up plans for close air support strikes to cover the withdrawal of the peacekeepers if it became necessary. If executed, these plans would mark the first time that NATO had conducted offensive combat operations, and it would do so outside the territorial limits of its member states.

Even after the Bundestag vote of July 22, 1994, authorizing Bundeswehr deployments in the Balkans, Chancellor Kohl was reluctant to commit any further military units. In addition, IFOR represented another problematic milestone for Germany, as it would mark the first time Bundeswehr ground troops would deploy to a combat zone with NATO. This was a particularly sensitive region, as the brutal World War II German occupation of the Balkans was still within living memory.<sup>46</sup>

On December 6, 1995, after a lengthy debate, the Bundestag voted in favor of the troop deployment. Chancellor Kohl opened the session with a long policy statement regarding Germany's participation in the peacekeeping mission. He stressed the importance of solidarity with allies France, the UK, and the US and ensuring peace and stability on the European continent, saying "the international peacekeeping force is to guarantee peace and stability not only in Bosnia, but also in the entire region." Foreign Minister Kinkel said that German participation was meant to signal to Europe and the world that "Germany practices responsibility and does its share."<sup>47</sup>

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<sup>46</sup> "The Balkan Dilemma: Germany Returns to Military Action | World | DW.DE | 28.12.2010," *DW.DE*, accessed May 31, 2013, <http://www.dw.de/the-balkan-dilemma-germany-returns-to-military-action/a-6309598-1>.

<sup>47</sup> "Bundestag Resolves to Send Bundeswehr Units - December 6, 1995," accessed March 18, 2014, [http://germanhistorydocs.ghi-dc.org/sub\\_document.cfm?document\\_id=3721](http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=3721).

Rudolph Sharping of the SPD voiced his party's support of the deployment, though he was adamant in not characterizing it as a combat mission. Joschka Fischer of the opposition Greens noted that his party was split over the vote, but said "we'll have to approve this Dayton peace, including its military aspects, because it can't be implemented any other way." In the end the resolution passed overwhelmingly 543 to 107, with some SPD members and half of the Greens voting against.<sup>48</sup>

Germany was tasked with providing ground troops and it responded with the initial deployment of 4000 soldiers. A year later, IFOR was replaced by SFOR (Stabilization Force), and eventually transitioned to European Union control under operation EUFOR Althea. The Bundestag voted yearly in favor of extending the mission, and Germany had a continuous contingent of troops in Bosnia-Herzegovina with these successive operations until its final withdrawal in September 2012.<sup>49</sup> Overall, over 50,000 Bundeswehr troops cycled through over a seventeen-year period.<sup>50</sup>

The German participation in NATO's mission in Bosnia-Herzegovina was the result of several groundbreaking legal and political events. Questions that had arisen in conjunction with the Bundeswehr's first deployments with UN humanitarian missions carried over to the growing Balkan crisis. The FCC ruling from July 1994 finally put to rest the question of the overall legality of out-of-area deployments. However, it placed a distinct restriction on them when it mandated Bundestag approval of all deployments outside of NATO territory and formalized the concept of the "parliamentary army." None of the other three largest NATO military powers (the

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<sup>48</sup> Ibid.

<sup>49</sup> "Bundeswehr Wraps up Mission in Bosnia-Herzegovina | News | DW.DE | 27.09.2012," *DW.DE*, accessed June 3, 2013, <http://www.dw.de/bundeswehr-wraps-up-mission-in-bosnia-herzegovina/a-16269798>.

<sup>50</sup> "Bundeswehr Einsätze," accessed March 11, 2014, [http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/04\\_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKUvL3UzLzixNSSqlT9gmXHRQDaMqaD/](http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKUvL3UzLzixNSSqlT9gmXHRQDaMqaD/).

US, UK, and France) are so restricted, as their executives all have a substantial degree of latitude to commit military forces on their own authority. In contrast, the German chancellor must seek prior approval from the Bundestag, and this has made deployments a slow and contentious process.<sup>51</sup>

Despite the July 1994 ruling, the government and the Bundestag were reluctant to commit additional troops. Ultimately, it was the specter of genocide that proved compelling. Neither government leaders nor the majority of the German public were in favor of standing on the sidelines while ethnically-motivated mass murder was committed in their back yard. Seen in context with the positive polling data concerning the earlier UN mission in Somalia, this is further evidence that German public opinion, while seemingly against military deployments in general, did tend to be in favor of missions involving a humanitarian crisis. It is the question of peacekeeping versus peacemaking roles that caused the most controversy. Soon however, even avowed German pacifists would argue that participation in peacemaking by force had become necessary.

### Kosovo

In the late 1990's, ethnic violence in the former Yugoslavia erupted again, this time in Kosovo. In 1998 Serb forces began firing on NATO aircraft and the alliance pressured Germany to deploy its ECR (Electronic Combat/Reconnaissance) Tornado fighter jets. These aircraft have the specific mission of locating, identifying, and targeting enemy anti-aircraft batteries, and at the time Germany was the only European ally who possessed the ECR variant.<sup>52</sup> Reluctantly and

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<sup>51</sup> Ekkehard Brose, *When Germany Sends Troops Abroad - SWP* (SWP Berlin), 10, accessed March 7, 2014, [http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/reform\\_of\\_the\\_parliamentary\\_participation\\_act.html](http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/reform_of_the_parliamentary_participation_act.html).

<sup>52</sup> "The Balkan Dilemma: Germany Returns to Military Action | World | DW.DE | 28.12.2010."

in consultation with his successor, Gerhard Schroeder of the SPD, Chancellor Kohl authorized deployment of the jets shortly before he left office.<sup>53</sup> Soon though, Germany would be called upon for additional air power, this time in a more controversial role.

As the situation worsened and negotiations with Serbia failed, NATO responded with plans for an aerial bombing campaign. Having been careful to avoid any military actions that could be characterized as aggressive, Germany under the new center-left coalition led by Chancellor Schroeder found itself in an increasingly uncomfortable position: it was now under pressure to participate in airstrikes on Belgrade; a mission that could not credibly be described as peacekeeping or defensive.<sup>54</sup> In the earlier instance of Bosnia-Herzegovina, German forces participated in actions which were characterized as primarily defensive: enforcing an arms embargo and a no-fly zone and deploying peacekeeping troops. This time, NATO was planning a bombing campaign which was considered offensive, and due to Russian and Chinese dissent, it lacked the backing of a UN Security Council resolution.<sup>55</sup> For the first time the Federal Republic would see its forces involved in a strike role. This prospect again brought up the question of the legal purpose of the military and reignited the controversy over Bundeswehr deployments. The Basic Law stipulates that the purpose of the military is defensive. FCC rulings had deemed peacekeeping missions such as IFOR to be appropriate and legal. However, new questions now centered on what other type of military operations could be considered lawful and under what circumstances.

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<sup>53</sup> Andreas Heinemann-Gruder, "Germany's Anti-Hitler Coalition in Kosovo," *Mediterranean Quarterly* 12, no. 3 (2001): 31–46.

<sup>54</sup> "The Balkan Dilemma: Germany Returns to Military Action | World | DW.DE | 28.12.2010."

<sup>55</sup> Denis Corboy, William Courtney and Kenneth Yalowitz, "Russia's Veto Diplomacy," *The New York Times*, August 14, 2012, sec. Opinion, <http://www.nytimes.com/2012/08/15/opinion/russias-veto-diplomacy.html>.

Helmut Kohl had made previous commitments to NATO guaranteeing Germany's support if further action against Serbia became necessary.<sup>56</sup> The renewed crisis in the Balkans presented unappealing options to the new coalition whose platform had been openly pacifist: either abandon their anti-war policy or sit by and potentially allow genocide to occur in a nearby European state. In an interview with *Der Spiegel*, Chancellor Schroeder explained that in spite of his coalition's pacifist platform, ultimately the specter of doing nothing to stop ethnically-motivated mass murder proved compelling. He added that both he and his Green Party foreign minister, Joschka Fischer, agreed that military action was necessary.<sup>57</sup>

The decision to participate in the bombing campaign was most difficult for the junior coalition partner, the Greens. In a speech to a tumultuous special Green Party congress convened to discuss the issue of Kosovo, Foreign Minister Joschka Fischer explained his position. He said that he had met with the Serbian leader, Slobadan Milosevic, and pleaded with him to refrain from the use of force, to no avail. He cited the length of the Balkans wars, at the time seven years, and the tremendous loss of life to date. Ultimately, he said, they had done everything they could think of to avoid war, but preventing genocide made it necessary: his lifelong convictions of "never again war" and "never again Auschwitz" (meaning genocide) were in conflict. War had become necessary to prevent genocide.<sup>58</sup>

A similar story was told by Ludger Vollmer, then Deputy Foreign Minister and also a member of the Greens. In a letter explaining the decision to support the bombing campaign, Vollmer pointed out Serbian intransigence, saying "it became clear that the Serbian side

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<sup>56</sup> "The Balkan Dilemma: Germany Returns to Military Action | World | DW.DE | 28.12.2010."

<sup>57</sup> "Gerhard Schröder: 'Germany Can Only Lead Europe the Way Porcupines Mate' - Spiegel Online," *Spiegel Online*, accessed June 7, 2013, <http://www.spiegel.de/international/germany/interview-former-german-chancellor-gerhard-schroeder-on-foreign-policy-a-891839.html>.

<sup>58</sup> "The Kosovo War and the Greens - May 13, 1999," accessed March 19, 2014, [http://germanhistorydocs.gi-dc.org/sub\\_document.cfm?document\\_id=3723](http://germanhistorydocs.gi-dc.org/sub_document.cfm?document_id=3723).

absolutely was not interested in a peaceful solution.” Furthermore, he said that Milosevic had calculated that Green pacifism would cripple Germany’s and therefore NATO’s ability to act, thus freeing him to unleash destruction on Kosovo at will. Milosevic had reportedly remarked that he was willing to “wade through blood, while the West had to take the sensibilities of the civilized world into consideration.”<sup>59</sup> Vollmer also noted that the Bundestag had given NATO a blank check for military action when it voted on October 16, 1998, to support the threat of airstrikes as a form of political pressure. During that session of the Bundestag, Gerhard Schroeder remarked that voting against the Kosovo mission would cause Germany a “devastating blow to its reputation and standing.”<sup>60</sup>

This renewed Balkan crisis elicited a public response similar to the earlier conflict in Bosnia-Herzegovina. In Kosovo, as the threat of genocide once again loomed in 1999, a majority of Germans agreed that military action was necessary. Polls showed during the buildup to the NATO bombing campaign against Serbia that 55% of Germans approved of their country’s participation. This approval was consistent throughout the operation, never dropping below 50%.<sup>61</sup>

When Serbia finally relented and agreed to a cease-fire, the UN Security Council mandated another Balkan peacekeeping mission which was labeled KFOR (Kosovo Force). As was IFOR, KFOR would be executed by NATO. With broad consensus, on June 11, 1999, the Bundestag voted in favor of sending troops as part of KFOR. 505 members in favor of the

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<sup>59</sup> “S/R 20: War in Yugoslavia-Background to a Green Decision,” accessed February 26, 2014, <http://www.greens.org/s-r/20/20-16.html>.

<sup>60</sup> “Germany Becoming More Cautious on Military Missions,” *Spiegel Online*, March 26, 2013, <http://www.spiegel.de/international/germany/germany-becoming-more-cautious-on-military-missions-a-890931.html>.

<sup>61</sup> Wolfgang-Uwe Friedrich, *The Legacy of Kosovo German Politics and Policies in the Balkans* (Washington, D.C.: American Institute for Contemporary German Studies, Johns Hopkins University, 200AD), 51–52, [http://www.aicgs.org/site/wp-content/uploads/2011/11/legacy\\_of\\_kosovo.pdf](http://www.aicgs.org/site/wp-content/uploads/2011/11/legacy_of_kosovo.pdf).

mission, while 24 voted against and eleven abstained. Almost all speakers paid tribute to the efforts towards ending the war in Kosovo and congratulated the federal government for its active participation in bringing about the peace settlement. Foreign Minister Joschka Fischer called it a "great day for justice in Europe."<sup>62</sup>

As part of the NATO air campaign Operation Allied Force, 14 German Tornado fighter/bombers flew just under 500 missions and bombed targets in Serbia.<sup>63</sup> After the cease-fire, the Bundeswehr initially dispatched 8,500 troops to Kosovo, by far its largest deployment to date. Germany has maintained a KFOR contingent to the present, with the Bundestag voting annually to approve extension of the mission.<sup>64</sup> After a gradual overall drawdown, the current (2014) troop strength is 701.<sup>65</sup>

Germany's participation in the Kosovo air strikes was remarkable in three ways. First, NATO launched a preemptive air war. Originally, the alliance had been formed for the territorial defense of Western Europe. In Bosnia-Herzegovina, it had deployed beyond the territory of its member states, but had defined its actions in that conflict as peacekeeping in nature. This time, there was no doubt that it had engaged in a military attack on a sovereign country.

Second, Bundeswehr aircraft executed offensive strikes. This marked the first time German soldiers had been involved in preemptive combat since World War II. This was a scenario that less than ten years earlier few Germans would have thought even remotely possible.

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<sup>62</sup> "Bundestag: Marschbefehl Für Deutsche Soldaten," *Spiegel Online*, November 6, 1999, <http://www.spiegel.de/politik/deutschland/bundestag-marschbefehl-fuer-deutsche-soldaten-a-26634.html>.

<sup>63</sup> "The Bundeswehr on Operations," 70.

<sup>64</sup> "Deutscher Bundestag: KFOR (Kosovo) - Bisherige Mandate," accessed March 19, 2014, [http://www.bundestag.de/bundestag/ausschuesse18/a12/auslandseinsaetze/auslandseinsaetze/kfor\\_bisherige\\_mandate.html](http://www.bundestag.de/bundestag/ausschuesse18/a12/auslandseinsaetze/auslandseinsaetze/kfor_bisherige_mandate.html).

<sup>65</sup> "BMVg.de: Einsatzzahlen – Die Stärke Der Deutschen Einsatzkontingente," accessed May 31, 2013, [http://www.bmvg.de/portal/a/bmvg/..](http://www.bmvg.de/portal/a/bmvg/)

Third, the fact that a center-left coalition of the SPD and the Greens was in power at the time, and that previously avowed pacifists such as Joschka Fischer and Ludger Vollmer had defended the war as necessary, marked a new era in German politics. The world view of many (but not all) members of the SPD and Greens, formerly pacifists, was fundamentally changed. War, and Germany's active participation in it, was no longer entirely taboo.

The realities of the post-Cold War world order and Germany's place in it as a sovereign nation were brought home by the Balkan civil wars. Soon a new security challenge in the form of international terrorism would push Germany and NATO once again into unexplored territory. The attacks of September 11<sup>th</sup>, 2001 would result in the longest-ever combat operation in the history of NATO and the Federal Republic, this time in a country far beyond the boundaries of Europe and the alliance.

### Afghanistan

In the fall of 2001, the United States along with several allies launched a military campaign against the Taliban and Al Qaeda in Afghanistan. It began with aerial bombing and culminated in a ground assault which quickly overthrew the regime, but the Taliban and their allies retreated to the hinterlands and remained an insurgent threat. The US-led mission dubbed "Enduring Freedom" continued as a fight against the insurgency. In addition, under UN resolutions, a large international contingent dubbed the International Security Assistance Force (ISAF) was assembled as a peacekeeping and stabilization mission. Initially, ISAF was led by individual participant countries in a rotation, but in August 2003, NATO took command.<sup>66</sup>

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<sup>66</sup> NATO, "NATO History."

Previous foreign Bundeswehr missions were approved with peacekeeping or protecting human rights as the justification. However, ISAF represented the first large-scale NATO deployment outside of Europe and was the first major counter-terrorist military operation following the 9/11 terrorist attacks. It was in this context that Germany made its initial commitment to the ISAF mission in Afghanistan; however, its participation was highly controversial in the Bundestag.

Chancellor Schroeder knew that strong opposition to the deployment existed within his own coalition, and in a bold and risky political move, he tied the approval of the Afghanistan mission to a confidence vote in the Bundestag. This maneuver was seen as a strong-arm tactic, forcing members of his coalition to vote in favor of the operation or risk losing the parliamentary majority. In the end Schroeder survived the confidence vote on November 16, 2001, by a margin of four votes, at the same time winning approval for participation in ISAF.<sup>67</sup> In a recent interview, Schroeder stated that he believed without reservation it had been the right thing to do: the mission was backed by a UN Security Council resolution, NATO had invoked Article 5, and there was clear evidence of the terrorist presence in Afghanistan. Furthermore, he asserted that a “no” vote would have left Germany politically isolated and caused serious damage to the German-American relationship.<sup>68</sup>

Within the ISAF coalition, Germany has been criticized repeatedly for the restrictions placed on its soldiers and the execution of their mission. German troops remained confined to ostensibly safer areas in Kunduz, the north of the country where fighting was less frequent. This led to criticism from the NATO Secretary General Jaap de Hoop Scheffer in 2006, who called on

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<sup>67</sup> “Vertrauensfrage: Schröder Hat’s Geschafft,” *Spiegel Online*, November 16, 2001, <http://www.spiegel.de/politik/deutschland/vertrauensfrage-schroeder-hat-s-geschafft-a-167964.html>.

<sup>68</sup> “Gerhard Schröder: ‘Germany Can Only Lead Europe the Way Porcupines Mate’ - Spiegel Online.”

Germany to be more flexible in its troop deployments. US President George Bush even raised the issue with Chancellor Merkel later the same year.<sup>69</sup> Furthermore, US Defense Secretary Robert Gates remarked in 2007 that German-led training missions were “disappointing” and were not allocated sufficient resources.<sup>70</sup> Berlin also imposed strict rules of engagement designed to minimize risk and restrict combat, such as the requirement for extensive medical back-up and the prohibition against firing at fleeing enemy troops.<sup>71</sup> Allied frustration with the limited role of German troops was summarized when a British officer referred to the Bundeswehr in Afghanistan sarcastically as an “aggressive camping organization.”<sup>72</sup>

This general cautiousness and aversion to Bundeswehr involvement in fighting has been largely the result of reluctance on the part of the Bundestag to support an extended mission if it is characterized as combat. Over the thirteen-year course of ISAF, coalition governments under Chancellors Schroeder and Merkel have both gone to great lengths to play down the Afghanistan deployment and avoid references to war or combat. Instead, they have referred to the mission as reconstruction, stabilization, or peacekeeping.<sup>73</sup> Although these terms are reflected in the 2010 Strategic Concept, the reality of the situation on the ground is that NATO troops have been unavoidably and irrefutably involved in fighting a Taliban insurgency, a fact which the German government has been reluctant to acknowledge.

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<sup>69</sup> “US Calls on Germany for Riskier Afghanistan Missions | Germany | DW.DE | 20.11.2006,” *DW.DE*, accessed April 25, 2014, <http://www.dw.de/us-calls-on-germany-for-riskier-afghanistan-missions/a-2243473-1>.

<sup>70</sup> “US Disappointed with Police Training: Gates Slams Germany over Afghanistan Role,” *Spiegel Online*, December 12, 2007, <http://www.spiegel.de/international/world/us-disappointed-with-police-training-gates-slams-germany-over-afghanistan-role-a-522904.html>.

<sup>71</sup> Hans Kundnani, “No Longer the ‘Aggressive Camping Organization’: Afghanistan Deployment Forges More Assertive Bundeswehr,” *Spiegel Online*, January 11, 2011, <http://www.spiegel.de/international/germany/no-longer-the-aggressive-camping-organization-afghanistan-deployment-forges-more-assertive-bundeswehr-a-794189.html>.

<sup>72</sup> *Ibid.*

<sup>73</sup> Eric Chauvistré, “The Bundeswehr Abroad: ‘We Germans Do Not Fight Wars,’” *Spiegel Online*, October 8, 2009, <http://www.spiegel.de/international/germany/the-bundeswehr-abroad-don-t-shoot-we-re-german-a-641444-3.html>.

This sensitivity was demonstrated when in 2007 NATO requested a deployment of six German Tornado jets. The deployment was only approved when Chancellor Merkel insisted that the jets would be used only for reconnaissance and not air strikes.<sup>74</sup> The Tornado deployment even brought a constitutional challenge. The opposition Left Party questioned the government's authority to continue participation in NATO operations, given what they claimed was the changed overall mission of the alliance toward offensive intervention. Although acknowledging the government's responsibility to submit questions involving the employment of the Bundeswehr to the Bundestag, the FCC refused to impose control over the government on a case-by-case basis within the ongoing ISAF operation. Thus the Tornado deployment was deemed legal.<sup>75</sup>

In 2009, when an errant air strike called in by a German colonel resulted in the deaths of dozens of civilians, the issue of the Bundeswehr's role in Afghanistan boiled over. No longer able to avoid the obvious, Defense Minister Karl-Theodor zu Guttenberg grudgingly acknowledged that "warlike conditions" existed for the Bundeswehr.<sup>76</sup> It was not until 2010, a full nine years into the operation, that Foreign Minister Guido Westerwelle finally referred to the situation in Afghanistan as an "armed conflict."<sup>77</sup> These incidents highlight the ongoing German sensitivity to the definition of the Bundeswehr's mission in Afghanistan and the extreme aversion to its perception as war or combat. It is also further evidence of the ongoing struggle

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<sup>74</sup> "Limited Mandate to Aid NATO Troops: Berlin Agrees to Send Tornado Jets to Afghanistan," *Spiegel Online*, July 2, 2007, <http://www.spiegel.de/international/limited-mandate-to-aid-nato-troops-berlin-agrees-to-send-tornado-jets-to-afghanistan-a-464892.html>.

<sup>75</sup> Philipp Helmut Aust and Mindia Vashakmadze, "Parliamentary Consent to the Use of German Armed Forces Abroad: The 2008 Decision of the Federal Constitutional Court in the AWACS/Turkey Case," *German LJ* 9 (2008): 2229–2230.

<sup>76</sup> "Germany Acknowledges 'Warlike Situation' in Afghanistan | World | DW.DE | 28.12.2010," *DW.DE*, accessed March 14, 2014, <http://www.dw.de/germany-acknowledges-warlike-situation-in-afghanistan/a-14730311>.

<sup>77</sup> "The World from Berlin: 'New Evaluation on Afghanistan Long Overdue,'" *Spiegel Online*, November 2, 2010, <http://www.spiegel.de/international/germany/the-world-from-berlin-new-evaluation-on-afghanistan-long-overdue-a-677289.html>.

amongst German policy makers to define a coherent strategy and frame Bundeswehr deployments within it.

At the outset of the NATO ISAF mission in Afghanistan, public opinion in Germany was split nearly equally for and against. A slim 51% majority favored participation.<sup>78</sup> As the operation dragged on, and particularly since the 2009 Kunduz air strike debacle, opposition to the deployment has steadily increased. In 2009, polls showed that less than half of Germans favored continuing the ISAF mission, and less than a third approved of any additional troop deployments.<sup>79</sup> As of 2012, polls showed nearly three quarters of Germans were in favor of reducing the number of troops committed to the operation, with a majority favoring complete withdrawal.<sup>80</sup> However, with the ISAF mission set to end and be replaced with a smaller, purely training-focused NATO mission, a strong 60% majority of Germans favored participating in that follow-on role.<sup>81</sup>

After initially approving participation in the ISAF mission, on December 22, 2001, the Bundestag authorized a commitment of 1200 troops.<sup>82</sup> Since then, the Bundestag has voted annually to extend the mission, and the Bundeswehr has maintained a continuous deployment to the present as a part of the NATO contingent. As the ISAF mission persisted, the number of German troops deployed has varied, reaching a high of around 5000 in 2010.<sup>83</sup> It now stands at

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<sup>78</sup> "Schroeder Defends Troop Deployment," *BBC*, November 8, 2001, sec. Europe, <http://news.bbc.co.uk/2/hi/europe/1644213.stm>.

<sup>79</sup> "Pew - Few in NATO Support Call For Additional Forces in Afghanistan," *Pew Global Attitudes Project*, accessed May 31, 2013, <http://www.pewglobal.org/2009/08/31/few-in-nato-want-more-troops-in-afghanistan/>.

<sup>80</sup> "TT Key Findings 2012," *Transatlantic Trends*, accessed May 31, 2013, <http://trends.gmfus.org/transatlantic-trends/key-findings/>.

<sup>81</sup> "Transatlantic Trends 2013," *Transatlantic Trends*, 34, accessed March 6, 2014, <http://trends.gmfus.org/transatlantic-trends/>.

<sup>82</sup> "Germany Approves Afghan Force," *BBC*, December 23, 2001, sec. Europe, <http://news.bbc.co.uk/2/hi/europe/1724276.stm>.

<sup>83</sup> "Germany to Expand Afghan Forces," *BBC*, January 26, 2010, sec. Europe, <http://news.bbc.co.uk/2/hi/europe/8480399.stm>.

near 3000, with the mission slated to end in 2014.<sup>84</sup> In 2013, Chancellor Merkel announced that the Bundeswehr would keep troops in Afghanistan for the planned follow-on NATO training mission after the 2014 conclusion of ISAF.<sup>85</sup>

The ISAF mission began under unique circumstances for Germany. The terrorist attacks of 9/11 had occurred just two months before the Bundestag vote. NATO had invoked Article 5 of the North Atlantic Treaty for the first time. Leaders of countries around the world had expressed solidarity with the United States. Gerhard Schroeder's unusual political move, tying the ISAF vote to a confidence vote, would mark a controversial beginning to what has been a long and controversial military mission for Germany.

Afghanistan is perhaps the best example to date of the difficult position German leaders find themselves in when called upon to deploy troops. As Gerhard Schroeder said, he felt a particular responsibility to show German solidarity with the US and NATO at a crucial juncture in history. He resolved to forge ahead with the deployment in spite of divided public opinion and dissent within his own coalition.

Over the years, both Schroeder's government and the successor coalitions under Angela Merkel have maintained a commitment to ISAF. However, the government's attempt to downplay the mission and spin it as non-combat ultimately alienated both NATO allies and the voting public. Steadily increasing public opposition to the deployment could not be ignored by politicians, but the German government's attempt at compromise between appeasing domestic public opinion and dealing with the demands of a long war has created internal and external

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<sup>84</sup> "Bundeswehr - Die Stärke Der Deutschen Einsatzkontingente," accessed March 19, 2014, <http://www.bundeswehr.de/portal/a/bwde/...>

<sup>85</sup> "Bundeswehr to Leave up to 800 Troops in Afghanistan | News | DW.DE | 18.04.2013," *DW.DE*, accessed June 1, 2013, <http://www.dw.de/bundeswehr-to-leave-up-to-800-troops-in-afghanistan/a-16755953>.

political problems as well as friction within the alliance. The fallout from Germany's handling of its ISAF contribution will likely be felt at home and abroad for years to come. It certainly influenced the debate over strategy and policy decisions when it came to the recent NATO operation in Libya.

## Libya

In early 2011, civil war erupted in as protests in the city of Benghazi quickly escalated into armed conflict between forces loyal to Libyan dictator Muammar Gaddafi and rebel factions seeking to depose him. As Gaddafi's forces were reported to be indiscriminately bombing and shelling civilians, France, the United Kingdom, and the United States led a move to adopt a UN Security Council resolution authorizing force to intervene. On March 17, 2011, the Council approved resolution 1973 authorizing force to impose an arms embargo and a no-fly zone to protect civilians from attack.<sup>86</sup>

Spearheaded by France, airstrikes were initiated against Gaddafi's forces on March 19. Disagreement emerged over the extent of the air campaign and the best option for overall command and control. The North Atlantic Council met continuously over a three-day period, and finally agreed to assume responsibility for implementing the UNSC resolution.<sup>87</sup> On March 31st, NATO took command of the no-fly zone and maritime arms blockade portions of the operation and maintained control until the operation officially ended at the end of October 2011.<sup>88</sup>

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<sup>86</sup> "Resolutions Adopted by the United Nations Security Council in 2011," accessed June 1, 2013, <http://www.un.org/en/sc/documents/resolutions/2011.shtml>.

<sup>87</sup> Ian Traynor, "Libya No-Fly Zone Leadership Squabbles Continue within Nato," *The Guardian*, March 23, 2011, sec. World news, <http://www.guardian.co.uk/world/2011/mar/23/libya-no-fly-zone-leadership-squabbles>.

<sup>88</sup> "UN Votes to End Libya Operations," *BBC*, October 27, 2011, sec. Africa, <http://www.bbc.co.uk/news/world-africa-15481143>.

German Foreign Minister Guido Westerwelle disagreed with the decision to intervene militarily in Libya. At the time of the UNSC vote on Resolution 1973, Germany occupied a seat on the Council. With the concurrence of Chancellor Merkel, the German representative abstained from the vote on the resolution, joining Russia, China, India and Brazil. This instance marked the first time that Germany had broken with all three of its largest NATO partners (the US, UK, and France) at the same time over a UNSC vote. In addition to the abstention, Chancellor Merkel ordered the withdrawal of German navy ships from NATO command in the Mediterranean and pulled its crewmembers from the jointly-manned AWACS aircraft operating in the area.<sup>89</sup>

In a speech on March 18, 2011, to the Bundestag, Westerwelle explained the reasons for the UNSC vote abstention. He expressed his belief that the parties represented in the Bundestag were all in agreement that Gaddafi should leave power; however, he and the government were of the opinion that although sanctions were appropriate, a military operation was not advisable. He cited recent cases of military action in Yemen and the Ivory Coast whose outcomes had not been positive. For that reason and others, he said “we decided that no German soldiers will take part in any such operation in Libya. That’s why the German government abstained in the UN Security Council.”<sup>90</sup>

Shortly thereafter Chancellor Merkel announced that German NATO AWACS crewmembers, withheld from Libya, would be sent to Afghanistan in order to free up other NATO countries’ crews for the operation. This announcement was interpreted by some

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<sup>89</sup> Severin Weil, Rol, and Nelles, “Germany Has Marginalised Itself over Libya,” *The Guardian*, March 18, 2011, sec. Comment is free, <http://www.guardian.co.uk/commentisfree/2011/mar/18/libya-germany-un-security-council>.

<sup>90</sup> “Policy Statement by Foreign Minister Guido Westerwelle in the German Bundestag on Current Developments in Libya (UN Resolution),” *Auswärtiges Amt*, accessed March 20, 2014, [http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/110318\\_BM\\_Regierungserklärung\\_Libyen.html](http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/110318_BM_Regierungserklärung_Libyen.html).

prominent German leaders as political maneuvering and damage control.<sup>91</sup> Former Foreign Minister Joschka Fischer blasted the administration, saying that Germany had damaged its credibility and squandered an opportunity for securing a permanent seat on the UNSC. His assessment was seconded by former Bundeswehr Inspector General Klaus Naumann.<sup>92</sup> Former defense minister Volker Rühle referred to Germany's break with NATO as "a serious mistake of historic dimensions, with inevitable repercussions."<sup>93</sup> Shortly after the abstention, Westerwelle had a tense exchange with the foreign minister of France, and NATO Secretary General Anders Fogh Rasmussen publicly accused Germany of failing to provide support.<sup>94</sup>

Public opinion before the start of the NATO operation in Libya showed strong German disapproval of involvement. A poll on March 16, 2011, showed that fully 88% of Germans objected to Bundeswehr participation in the military intervention.<sup>95</sup> Another poll conducted on March 18, just a day before the NATO air strikes began, showed that although 62% favored the military intervention in general, 65% were against German participation.<sup>96</sup> In spite of this, Germany's UNSC abstention and refusal to provide military support of any kind to NATO's intervention in Libya generated a firestorm of domestic political criticism.

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<sup>91</sup> "A 'Catastrophic Signal' to the Arab World: Berlin Divided over Security Council Abstention - Spiegel Online," *Spiegel Online*, accessed June 8, 2013, <http://www.spiegel.de/international/germany/a-catastrophic-signal-to-the-arab-world-berlin-divided-over-security-council-abstention-a-752259.html>.

<sup>92</sup> "'Shame for the Failure of Our Government': Fischer Joins Criticism of German Security Council Abstention," *Spiegel Online*, March 22, 2011, <http://www.spiegel.de/international/germany/shame-for-the-failure-of-our-government-fischer-joins-criticism-of-german-security-council-abstention-a-752542.html>.

<sup>93</sup> SPIEGEL Staff, "'A Serious Mistake of Historic Dimensions': Libya Crisis Leaves Berlin Isolated," *Spiegel Online*, March 28, 2011, <http://www.spiegel.de/international/germany/a-serious-mistake-of-historic-dimensions-libya-crisis-leaves-berlin-isolated-a-753498.html>.

<sup>94</sup> *Ibid.*

<sup>95</sup> "Umfrage Zu Unruhen in Libyen: Deutsche Wollen Sich Nicht Einmischen - Politik," *Stern.de*, March 16, 2011, <http://www.stern.de/politik/ausland/umfrage-zu-unruhen-in-libyen-deutsche-wollen-sich-nicht-einmischen-1664001.html>.

<sup>96</sup> "62 Prozent Der Deutschen Für Militärschlag," *Welt Online*, March 20, 2011, sec. Politik, <http://www.welt.de/politik/deutschland/article12893939/62-Prozent-der-Deutschen-fuer-Militaerschlag.html>.

Guido Westerwelle and Angela Merkel's decision may have been politically motivated, as Westerwelle's FDP was trailing badly in polls just prior to important elections at home. It may have also been directly related to Westerwelle's own philosophy, as he was known for being particularly skeptical of military interventions. For her part, Merkel has also been criticized as generally uninterested and disengaged from defense issues.<sup>97</sup>

Although Westerwelle and Merkel may have been justified in their reasons for refusal to participate in NATO's Libya mission, their methods were diplomatically ham-fisted and cast doubt on Germany's reliability as a NATO ally. Domestic and international criticism was sharp, and Germany's rejection of the operation caused strife within the alliance. The UNSC abstention, and in particular the withdrawal of German AWACS crews and ships from the Mediterranean, were offensive to key NATO allies France, the UK, and the US.

Libya marked the latest controversy over out-of-area combat missions and highlighted the progressive strains that have emerged between Germany and NATO because of them. These strains have brought forth the question of whether German and NATO defense doctrines have become fundamentally incompatible. This strategic drift away from NATO could signal a desire for an alternative military security option. In its official policy documents, Germany states its firm commitment to European integration and multilateralism in foreign policy and defense issues. Its official defense policy, spelled out in the both the 2006 "White Paper"<sup>98</sup> and the 2011

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<sup>97</sup> A. Commentary by Christiane Hoffmann, "Commentary on German Promise of Stronger Foreign Policy Role," *Spiegel Online*, March 2, 2014, <http://www.spiegel.de/international/germany/commentary-on-german-promise-of-stronger-foreign-policy-role-a-950814.html>.

<sup>98</sup> "White Paper on German Security Policy and the Future of the Bundeswehr 2006" (Federal Ministry of Defense, Germany, 2006), 6, [http://www.bmvg.de/portal/a/bmvg/!ut/p/c4/Fcw5DsAgDADBH-E-XV6Ro8PEAguwUbi-H6Jtplq4YSV2sLeNVWYCEy7HG06DeXhT2QV6A3GrRRM3jsaKJ9RG5tHYM8nSJK4Vuwtw\\_L\\_k4SKBkvP-AfvAtHQ!/.](http://www.bmvg.de/portal/a/bmvg/!ut/p/c4/Fcw5DsAgDADBH-E-XV6Ro8PEAguwUbi-H6Jtplq4YSV2sLeNVWYCEy7HG06DeXhT2QV6A3GrRRM3jsaKJ9RG5tHYM8nSJK4Vuwtw_L_k4SKBkvP-AfvAtHQ!/)

Defense Policy Guidelines, describes how German security must be rooted within a multinational alliance framework.<sup>99</sup>

With that in mind, if there were to be an alternative to NATO, it lies with the EU's Common Security and Defense Policy. As the EU favors a "soft power" civilian-based approach to external interventions, such a strategy is more palatable for German policy makers. The language in the treaties which led to the formation of the CSDP also establishes the framework for a European military alliance, one which could conceivably rival NATO as the European security provider of choice. However, is the CSDP, lacking the military capabilities of the US, viable as a military alliance? Furthermore, what are Germany's intentions with regard to the CSDP?

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<sup>99</sup> "Defence Policy Guidelines 2011," May 18, 2011, [http://www.bmvg.de/portal/a/bmvg!/ut/p/c4/LYsxEoAgDATf4gdIb-cv1MYBzcQbMDgQ8ftSONtssUsrddQ3iDdk9YlmWnaM4XXhauIq9pPLybB65wRDdF6FQzZ2R47PxdqtcTHGAXIU\\_q72byv9tgQFK91xGj6tRgx1/](http://www.bmvg.de/portal/a/bmvg!/ut/p/c4/LYsxEoAgDATf4gdIb-cv1MYBzcQbMDgQ8ftSONtssUsrddQ3iDdk9YlmWnaM4XXhauIq9pPLybB65wRDdF6FQzZ2R47PxdqtcTHGAXIU_q72byv9tgQFK91xGj6tRgx1/).

### III. The European Union's Common Security and Defense Policy

#### CSDP Development

During the Cold War, Western European security strategy was firmly embedded in NATO. After the collapse of the Soviet Union, and with it the disappearance of the common threat it posed, European countries began exploring a security alliance option exclusive of the United States. These efforts took shape in stages beginning with the so-called Petersburg Tasks in 1992. Policy progression continued through the 1990's, with the pivotal agreement on the formation of the CSDP occurring in 1999.<sup>100</sup>

In an important development for the CSDP, the EU gained access to NATO assets via the "Berlin Plus" agreement in 2002. This agreement was intended to not only facilitate EU crisis management capability, but also to alleviate concerns about unnecessary duplication of efforts and the weakening of NATO by sapping resources from it in favor of the CSDP. Although concerns about overlap and wasteful duplication with NATO persist,<sup>101</sup> this arrangement nevertheless enabled the EU to launch its first military mission in 2003.<sup>102</sup>

While still a less robust and well-defined organization than NATO, the EU took steps to further strengthen the CSDP in 2009. The Lisbon Treaty contains language which calls for continued cooperation between member states for common defense via "solidarity" and "mutual assistance" clauses. However, it includes the caveat that "commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and

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<sup>100</sup> "European Union - EEAS (European External Action Service) | About CSDP - Overview," accessed December 1, 2013, [http://www.eeas.europa.eu/csdp/about-csdp/index\\_en.htm](http://www.eeas.europa.eu/csdp/about-csdp/index_en.htm).

<sup>101</sup> "NATO - NATO Secretary General Attends EU Talks on European Security and Defence Policy," *NATO*, accessed December 1, 2013, [http://www.nato.int/cps/en/natolive/news\\_105053.htm](http://www.nato.int/cps/en/natolive/news_105053.htm).

<sup>102</sup> "European Union - EEAS (European External Action Service) | About CSDP - The Berlin Plus Agreement," accessed December 1, 2013, [http://www.eeas.europa.eu/csdp/about-csdp/berlin/index\\_en.htm](http://www.eeas.europa.eu/csdp/about-csdp/berlin/index_en.htm).

the forum for its implementation.”<sup>103</sup> Based on the Berlin Plus agreement, the CSDP’s current status is somewhat subordinate to NATO, as NATO retains the “right of first refusal” to deal with a crisis before the CSDP would potentially act.<sup>104</sup> Nevertheless, the EU has executed approximately thirty missions over the past ten years in Europe, the Middle East, and Africa.<sup>105</sup> Under the guidelines of the European Security Strategy adopted by the EU in 2003,<sup>106</sup> all CSDP missions are intended to be employed as part of a comprehensive approach; however, individual missions are categorized as either civilian or military.

### Policy & Strategy Issues

As a mechanism for projecting military force, or “hard power”, the CSDP has had only limited success. Three main weaknesses in CSDP execution have emerged. The first is a distinct lack of agreement among EU member states on an overall strategy. This absence of unity is often cited as the source of the EU’s frequent inaction, whether in progress towards a more refined policy or in responding to crises. The second weakness is a collection of capability shortfalls which have become obvious over the past several years, notably during the recent conflicts in Libya and Mali. Finally, there has been a lack of effective coordination with the EU’s stated strategic partner, NATO.

Perhaps underlying the policy discord is a general lack of desire within the EU’s citizenry itself for a common European military structure. In turn, the dearth of measurable political will

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<sup>103</sup> “European Union - EEAS (European External Action Service) | About CSDP - The Treaty of Lisbon,” accessed December 8, 2013, [http://www.eeas.europa.eu/csdp/about-csdp/lisbon/index\\_en.htm](http://www.eeas.europa.eu/csdp/about-csdp/lisbon/index_en.htm).

<sup>104</sup> “NATO - NATO-EU: A Strategic Partnership,” *NATO*, accessed June 9, 2013, [http://www.nato.int/cps/en/natolive/topics\\_49217.htm](http://www.nato.int/cps/en/natolive/topics_49217.htm).

<sup>105</sup> “European Union - EEAS (European External Action Service) | About CSDP - Overview.”

<sup>106</sup> “A Secure Europe In A Better World - European Security Strategy” (European Union, December 12, 2003), <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

to establish a more robust CSDP may be in a reflection of this public sentiment. In a February 2013 report titled “Will Europeans Ever Agree on the Use of Military Force?” Carnegie Europe’s director Jan Techau says:

“Europeans are not per se unwilling to use force to achieve political goals. They only seem to be unwilling to do so in the framework of the EU. The perceived absence of a shared threat, the differences in strategic culture, the institutional weaknesses, the lack of resources, the lack of ambition and trust, and the fact that, with NATO, a better alternative is at hand for the management of Europe’s hard power concerns, make it unlikely that the EU will become a relevant military operator any time soon.”<sup>107</sup>

The notion of public resistance to the EU as a hard power provider is supported by a November 2013 EU Institute for Security Studies report by Olivier de France. In it, he cites polling data which shows that although 70% of EU citizens approved of a European foreign policy autonomous from the United States, only 34% were in favor of a “European defence organization.”<sup>108</sup>

Another major factor hampering any efforts to strengthen the CSDP is a steady decline in defense spending. According to a December 2012 report by the Center for Strategic and International Studies, total defense spending in Europe declined by an average of 1.8% per year between 2001 and 2011.<sup>109</sup> In the wake of the Eurozone crisis, many countries including France and the UK made even more dramatic reductions, with further cuts projected in the near future.

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<sup>107</sup> Jan Techau, *Will Europeans Ever Agree On The Use Of Military Force?* (Carnegie Europe, February 13, 2013), 1, <http://www.notre-europe.eu/media/usemilitaryforce-techau-ne-jdi-feb13.pdf?pdf=ok>.

<sup>108</sup> Olivier de France, *What EU Citizens Think about European Defence* (EU Institute for Security Studies, November 2013), [http://www.iss.europa.eu/uploads/media/Brief\\_43\\_CSDP\\_polls\\_01.pdf](http://www.iss.europa.eu/uploads/media/Brief_43_CSDP_polls_01.pdf).

<sup>109</sup> Joachim Hofbauer et al., *European Defense Trends 2012 Budgets, Regulatory Frameworks, and the Industrial Base: A Report of the CSIS Defense-Industrial Initiatives Group* (Washington, D.C.: Center for Strategic and International Studies, 2012), VII, [http://csis.org/files/publication/121212\\_Berteau\\_EuroDefenseTrends2012\\_Web.pdf](http://csis.org/files/publication/121212_Berteau_EuroDefenseTrends2012_Web.pdf).

These cuts have led to increased concerns about the steady erosion of European military capabilities.<sup>110</sup>

Recognition of CSDP dysfunction and calls for serious policy review range far and wide, within the EU itself and from external observers. In a report issued in June 2013, the EU Committee on Foreign Affairs “notes with increasing urgency the EU’s insufficient capacity to respond to international crises in a timely and efficient manner.” In addition, it “notes with regret that recent military operations in both Libya and Mali have demonstrated the lack of progress toward a truly Common Security and Defence Policy and stresses the need for more coordination and cooperation at the European level.”<sup>111</sup> The EU’s own High Representative for Foreign Affairs & Security Policy, Catherine Ashton, said in a report issued in September 2013 that the EU has so far demonstrated a lack of will to be an effective security provider and that “there is no agreed long-term vision on the future of CSDP.”<sup>112</sup>

Outside policy observers agree that the EU lacks a shared defensive vision. An April 2013 report titled “Europe’s Strategic Cacophony” from the European Council on Foreign Relations is blunt:

“Europe’s defence ambitions are crippled by the lack of a common strategic outlook.

Most EU member states have a national security strategy, but most of these documents are incoherent, derivative, devoid of the sense of a common European geostrategic

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<sup>110</sup> Steven Erlanger, “Europe’s Shrinking Military Budgets Scrutinized,” *The New York Times*, April 22, 2013, sec. World / Europe, <http://www.nytimes.com/2013/04/23/world/europe/europes-shrinking-military-spending-under-scrutiny.html>.

<sup>111</sup> *REPORT on EU’s Military Structures: State of Play and Future Prospects - A7-0205/2013* (EU Committee on Foreign Affairs, June 6, 2013), 4, <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0205&language=EN>.

<sup>112</sup> Anna Barcikowska, *Setting the Stage for the Defence Summit* (European Union Institute for Security Studies, September 2013), <http://www.iss.europa.eu/publications/detail/article/setting-the-stage-for-the-defence-summit/>.

situation, and often long out-of-date. Yet Brussels continues to shun any elaboration or revision of the ten-year-old European Security Strategy.”<sup>113</sup>

A similar sentiment is expressed in an April 2012 report by the Friedrich Ebert Stiftung, a German policy institute: “The CSDP has thus far yielded only meager results, functioning as a supplement to national policy and based on the lowest common denominator among the member states. Real integration of national security policies has not taken place.”<sup>114</sup> Perhaps summing up a common sentiment in the policy world concerning the state of the CSDP, Daniel Keohane, head of strategic affairs at the European policy institute FRIDE, said that a strategic debate about the future of CSDP is “very badly needed.”<sup>115</sup>

### Capability gaps

If the EU is to have a credible ability to project hard power as part of its common defense policy, there are serious shortcomings in its collective military capacities which must be addressed. These capability gaps were exposed in the two recent conflicts in Libya and Mali. Although the 2011 air campaign against Muammar Ghaddafi’s forces in Libya was ultimately a NATO operation, the principal European actors were also EU members. Due to insufficient stockpiles, without American resupply the European NATO air forces would have literally run out of bombs and would have been incapable of sustaining the campaign on their own.<sup>116</sup>

Additionally, the US supplied the lion’s share of intelligence, surveillance, and reconnaissance

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<sup>113</sup> Nick Whitney, “Europe’s Strategic Cacophony,” *ECFR*, April 2013, 1, [http://ecfr.eu/page/-/ECFR77\\_SECURITY\\_BRIEF\\_AW.pdf](http://ecfr.eu/page/-/ECFR77_SECURITY_BRIEF_AW.pdf).

<sup>114</sup> *A Compass for the CSDP* (Friedrich-Ebert-Stiftung, April 2012), 1, <http://library.fes.de/pdf-files/id/ipa/08998.pdf>.

<sup>115</sup> “Great Hopes, Dampened Expectations: The EU before the CSDP Summit,” *DGAP e.V.*, October 29, 2013, <https://dgap.org/en/node/24510>.

<sup>116</sup> Steven Erlanger, “What Libya’s Lessons Mean for NATO,” *The New York Times*, September 3, 2011, sec. Sunday Review, <http://www.nytimes.com/2011/09/04/sunday-review/what-libyas-lessons-mean-for-nato.html>.

(ISR) for the entire campaign.<sup>117</sup> The same situation arose during France’s combat mission to Mali in early 2013. In spite of being one of Europe’s most capable military forces, the French also relied heavily on American ISR, air transport, and air-to-air refueling assets.<sup>118119</sup>

These capability gaps and others were addressed in the June 2013 EU Foreign Affairs Committee report:

“[The committee] calls for a more structured approach to address key capability shortfalls at the European level and in particular in the areas of key force enablers and force multipliers – such as intelligence, surveillance and reconnaissance (ISR) assets, strategic air lift, helicopters, medical support, air-to-air refueling and precision-guided munitions.”<sup>120</sup>

The committee goes on to call out the EU member states for inaction by saying it “deplores the fact that, although European armed forces have repeatedly faced the lack of such force enablers and force multipliers in CSDP and other operations, none of the identified capability gaps have yet been filled in a satisfactory way.”<sup>121</sup>

### NATO – EU Relations

There is a large overlap between NATO and the EU in terms of member states. Of the 28 members of NATO, 21 are also members of the EU. Given this large commonality, the expectation has always been that the two organizations have a great deal of common strategic interest and therefore great incentive to cooperate closely with one another. In fact, both

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<sup>117</sup> “Nato Commander: EU Could Not Do Libya without US,” accessed December 9, 2013, <http://euobserver.com/defence/115650>.

<sup>118</sup> Erlanger, “Europe’s Shrinking Military Budgets Scrutinized.”

<sup>119</sup> “U.S. Flies More than 200 Air Refuel Missions to Mali,” *The Washington Times*, May 20, 2013, <http://www.washingtontimes.com/news/2013/may/20/us-flies-more-200-air-refuel-missions-mali/>.

<sup>120</sup> Report on EU’s Military Structures: State of Play and Future Prospects - A7-0205/2013, 8.

<sup>121</sup> Ibid.

NATO<sup>122</sup> and the EU profess that they are committed to working with each other in a complementary way; maximizing each other's effectiveness through what they refer to as a "strategic partnership."<sup>123</sup> However, in reality NATO-EU relations have been awkward since the end of the Cold War.

In his 2010 paper titled "Unstrategic Partners: NATO's Relations with the European Union", Joachim Koops points out that NATO-EU relations have been hampered by the lack of a clearly defined common strategic vision. The two organizations have not identified detailed, specific areas of cooperation nor have they delineated security responsibilities between themselves.<sup>124</sup> An April 2013 report by the Congressional Research Service echoes this assessment, saying that "despite the fact that they have 21 member countries in common, NATO and the EU continue to have difficulty establishing a more cooperative and coordinated working relationship... Some analysts assert that NATO and the EU need to work in a more complementary fashion to permit a more efficient and effective overall use of Euro-Atlantic civil and military resources."<sup>125</sup>

An example of the lack of cooperation and efficiency between NATO and the EU is their concurrent and overlapping naval missions off the coast of Somalia. Both missions, NATO's "Allied Provider/Ocean Shield" and the EU's "Atalanta" under the CSDP, were established in 2008 in response to UN Security Council resolutions calling for counter-piracy operations.

Although arguably a success story from the point of view of cooperation in the field, the

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<sup>122</sup> "NATO - NATO-EU."

<sup>123</sup> "European Union - EEAS (European External Action Service) | CSDP Partnership," accessed December 9, 2013, [http://www.eeas.europa.eu/csdp/partners/index\\_en.htm](http://www.eeas.europa.eu/csdp/partners/index_en.htm).

<sup>124</sup> Joachim Koops, "Unstrategic Partners: NATO's Relations with the European Union," 2010, 40–41, [http://www.academia.edu/449276/Unstrategic\\_Partners\\_NATOs\\_Relations\\_with\\_the\\_European\\_Union](http://www.academia.edu/449276/Unstrategic_Partners_NATOs_Relations_with_the_European_Union).

<sup>125</sup> Derek E. Mix, *The European Union: Foreign and Security Policy* (Congressional Research Service, 2011), 23, <http://www.fas.org/sgp/crs/row/R41959.pdf>.

concurrent missions are redundant rather than complementary. The organizations' missions have worked towards a common goal, but have operated separately and in parallel rather than as a unified force. As Koops remarks,

“The fact that the EU decided to launch its own anti-piracy operation off the coast of Somalia in December 2008 (NAVFOR Atalanta) despite the fact that NATO had been carrying out an identical operation before (Operation Allied Provider) further reinforces the view that NATO-EU joint operations are subsiding. Even though the operations would have provided an ideal opportunity for a formalized, joint EU-NATO approach, both organizations rather opted for separate missions and ad hoc interaction.”<sup>126</sup>

While the cooperation between deployed military units is an encouraging sign of harmony, these separate and redundant missions underscore the lack of strategic coordination between NATO and the EU. If the two organizations were to demonstrate a common strategic vision, it would be in the form of a joint operation where responsibilities were negotiated and divided between the two in order to complement each other's capabilities and efforts. In this case, unnecessary mirror-image missions illuminate a tendency towards the opposite.

## Germany and the CSDP

### Hard vs. Soft Power

On paper, Germany is committed to the EU as a security organization. Germany's 2006 Defense White Paper<sup>127</sup> and the 2011 Defense Policy Guidelines both pledge firm solidarity with

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<sup>126</sup> Koops, “Unstrategic Partners,” 55.

<sup>127</sup> “White Paper on German Security Policy and the Future of the Bundeswehr 2006,” 7.

the EU.<sup>128</sup> The November 2013 coalition agreement negotiated between the CDU/CSU and SPD in order to form the new government echoes the defense documents. It also adds that “we are committed to continue to link the civil and military instruments of the European Union together and to improve Europe's civilian and military capacities for crisis prevention and conflict resolution.”<sup>129</sup> To that end, Germany has consistently encouraged civilian initiatives and “soft power.” A November 2013 survey published in *Monocle* magazine (then posted on a German government web site) ranks Germany as the world’s leader in soft power, which it defines as “the ability to gently attract favour from other nations through culture, sport, cuisine, design, diplomacy and beyond.”<sup>130</sup> The emphasis on non-military means to address international crises can also be seen in institutions such as the Center for International Peace Operations (ZIF), a Berlin-based government-sponsored organization founded in 2002. It is “tasked with strengthening civilian capacities for crisis prevention, conflict resolution, and peace building.”<sup>131</sup> ZIF’s mission statement echoes that of the CSDP when it describes its comprehensive approach which “provides an overall concept for security policy and action” in order to “coordinate, bundle and optimize capabilities and resources of civilian experts, the military, police, diplomacy, and development cooperation.”<sup>132</sup>

To be sure, Germany has provided support to multiple CSDP missions over the past decade. However, when it comes to the military component of the comprehensive approach,

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<sup>128</sup> “Defence Policy Guidelines - VM\_deMaiziere\_180511\_eng\_DLD.pdf,” 7–8, accessed May 26, 2013, [http://www.nato.diplo.de/contentblob/3150944/Daten/1318881/VM\\_deMaiziere\\_180511\\_eng\\_DLD.pdf](http://www.nato.diplo.de/contentblob/3150944/Daten/1318881/VM_deMaiziere_180511_eng_DLD.pdf).

<sup>129</sup> “Deutschlands Zukunft gestalten - Koalitionsvertrag zwischen CDU, CSU und SPD” (CDU/CSU/SPD, November 27, 2013), 166, <http://www.cdu.de/sites/default/files/media/dokumente/koalitionsvertrag.pdf>.

<sup>130</sup> “Embassy of the Federal Republic of Germany London - Soft Power Survey,” November 20, 2013, [http://www.london.diplo.de/Vertretung/london/en/\\_\\_pr/Latest\\_\\_News/11/SoftPower.html](http://www.london.diplo.de/Vertretung/london/en/__pr/Latest__News/11/SoftPower.html).

<sup>131</sup> “About ZIF | What We Do | ZIF - Center for International Peace Operations,” accessed December 10, 2013, <http://www.zif-berlin.org/en/about-zif/what-we-do.html>.

<sup>132</sup> “Focus Areas | Comprehensive Approach | ZIF - Center for International Peace Operations,” accessed December 11, 2013, <http://www.zif-berlin.org/en/focus-areas/comprehensive-approach.html>.

Germany's reputation for shunning hard power is well-known. In fact, in a number of instances it appears as though the government goes to great lengths to obfuscate its policy, offering vague or unrealistic proposals or attempting to distract attention from its lack of engagement. For example, as a means of addressing regional military security, Germany recently suggested that the EU should help equip certain foreign armies; however, the equipment should be limited to "non-lethal" items such as tents and walkie-talkies.<sup>133</sup> Specifying military support that prohibits any type of weapon or munitions seems an odd half-measure. In another curious proposal, the November 2013 coalition agreement says "we strive for an ever closer association of European forces, which can evolve into a parliamentary controlled European army."<sup>134</sup> Even the German press seemed confused by this proposal, with the news outlet *Deutsche Welle* commenting "the draft coalition agreement speaks boldly of a 'European army under parliamentary control,' although there aren't even the first hints of such a development."<sup>135</sup>

The Libya debacle offers two examples of German attempts to distract from its lack of hard power engagement. In a move that was widely viewed as damage control in the fallout of its 2011 UN Security Council abstention, Germany offered to send extra AWACS crews to Afghanistan to free up other NATO countries' crews.<sup>136</sup> This was intended to allow them to redeploy to the Libyan theater - to fill the gap left by the German crews' withdrawal. Germany also endorsed a proposed EU mission, EUFOR Libya, which was intended to protect refugees from the conflict in Misrata. However, the mission received only marginal planning efforts,

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<sup>133</sup> "New German Government Prepares to Promote EU Defence Co-Operation | European Voice," *EuropeanVoice*, December 5, 2013, <http://www.europeanvoice.com/article/imported/new-german-government-prepares-to-promote-eu-defence-co-operation/78977.aspx>.

<sup>134</sup> "Deutschlands Zukunft gestalten - Koalitionsvertrag zwischen CDU, CSU und SPD," 177.

<sup>135</sup> "Germany's Foreign Policy Will Stay the Course | Germany | DW.DE | 26.11.2013," *DW.DE*, accessed December 8, 2013, <http://www.dw.de/germanys-foreign-policy-will-stay-the-course/a-17254732>.

<sup>136</sup> "A 'Catastrophic Signal' to the Arab World."

never got off the ground, and was seen by some policy observers as another attempt by Germany to do something to repair its tarnished reputation as an ally.<sup>137</sup>

### The “Big Three”

According to the policy institute Carnegie Europe, as of 2011 Germany, France and the UK together accounted for over 42% of the population and 58% of the total military expenditures of the EU. Germany itself represented approximately 16% in both categories.<sup>138</sup> Given these large percentages compared to the remaining twenty-five countries of the EU, it’s clear as to why Germany, France, and the UK are referred to as the Big Three. It’s also easy to see why these countries have a huge influence on EU foreign policy. Also, considering that the UK and France together contribute over 40% of the EU defense spending, whatever intentions Germany has towards the CSDP, it will likely have to be in concert with at least one of the other two big players. However, the likelihood of a common defense strategy between Germany and either of the two other big European powers seems remote.

France and the UK were leaders in the 2011 Libya campaign that Germany so completely rejected. Of particular note is the bilateral initiative to create an Anglo-French Combined Joint Expeditionary Force, a rapid deployment unit outside of the EU.<sup>139</sup> This project could indicate that the UK and France have already largely given up on the idea of a functional CSDP when it comes to military force projection. Also, with a national referendum on exiting the EU altogether

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<sup>137</sup> “The EU and Libya: Missing in Action in Misrata | European Council on Foreign Relations,” accessed December 11, 2013, [http://ecfr.eu/content/entry/commentary\\_the\\_eu\\_and\\_libya\\_missing\\_in\\_action\\_in\\_misrata](http://ecfr.eu/content/entry/commentary_the_eu_and_libya_missing_in_action_in_misrata).

<sup>138</sup> “The Big Three: France, Germany, United Kingdom,” *Carnegie Europe*, accessed December 11, 2013, <http://carnegieeurope.eu/2012/07/05/big-three-france-germany-united-kingdom/faw7>.

<sup>139</sup> “UK and France Going Own Way on Military Co-Operation,” September 19, 2013, <http://euobserver.com/defence/121495>.

pending in the UK, it seems unlikely that the British would endorse any substantial strengthening of the CSDP.

That would leave it up to France and Germany. Unfortunately, the indications are that Franco-German defense cooperation is on the wane. France recently announced that it would be disbanding a regiment belonging to the German-French Brigade set up in 1989 as a symbol of reconciliation and cooperation between the two countries.<sup>140</sup> The brigade was viewed as a potential foundation for a joint European force. The troop reduction was interpreted by some policy observers as a result of French frustration with Germany's repeated refusal to deploy troops during crises.<sup>141</sup>

This development comes on the heels of the Mali campaign in early 2013, during which France sought the deployment of the long-idle EU Battle Group, a rapid-deployment force which became operational in 2007 but has never seen action. France, having committed unilaterally to fight Al Qaeda-affiliated rebels, was part of the three-country rotation currently manning the Battle Group. France urged the EU to authorize deployment. But the Group stayed at home, due at least in part to the reluctance of the other two countries then in the rotation, Poland and Germany.<sup>142</sup>

The member states had an opportunity to right the ship at the EU defense summit in December 2013, the first such summit in five years with defense front-and-center on the agenda. However, in spite of agreements on cyber-security, maritime strategy, and joint drone

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<sup>140</sup> "Last French Regiment to Leave Germany | News | DW.DE | 31.10.2013," *DW.DE*, accessed December 11, 2013, <http://www.dw.de/last-french-regiment-to-leave-germany/a-17197317>.

<sup>141</sup> "French Weaken Symbolic German Brigade - The Local," accessed December 11, 2013, <http://www.thelocal.de/20131101/french-weaken-symbolic-german-brigade>.

<sup>142</sup> "Mali: 'It's a Shame That the EU's Tactical Battle Groups Are Not Being Deployed,'" accessed December 11, 2013, <http://www.europarl.europa.eu/news/en/news-room/content/20130125STO05492/html/Mali-It%27s-a-shame-that-the-EU%27s-tactical-battle-groups-are-not-being-deployed>.

manufacture, the results were tepid. Nothing significant was accomplished with regard to a fundamental strengthening of the CSDP, and no agreement was forthcoming on a more well-defined common vision.<sup>143</sup> On the contrary, the discord between the Big Three was highlighted: France sought EU funding for its unilateral military operations in Africa, but was blocked by Germany. For its part, the UK came out particularly opposed to a strengthened European military organization, insisting that the EU should not control military capabilities.<sup>144</sup>

Based on the results of the EU defense summit, it may be concluded that the CSDP is simply not viable, or is not currently sought after, as a military alliance. If so, this would leave hard power capability and military security to NATO. In any case, without serious engagement on policy issues, the CSDP as a framework for a capable military force seems likely to wither on the vine.

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<sup>143</sup> “Despite the Brits, a Modest Defence Summit Success | European Council on Foreign Relations,” accessed May 1, 2014, [http://ecfr.eu/blog/entry/despite\\_the\\_brits\\_a\\_modest\\_defence\\_summit\\_success](http://ecfr.eu/blog/entry/despite_the_brits_a_modest_defence_summit_success).

<sup>144</sup> “France, Germany and UK Show Discord on EU Defence,” accessed May 1, 2014, <http://euobserver.com/defence/122570>.

#### IV. A New Coalition, and the Ukraine Crisis

Germany's most recent federal election, held in September 2013, produced a complicated result. Chancellor Angela Merkel's CDU/CSU party celebrated a decisive win, having received 42% of the vote. However, their junior coalition partner FDP failed to reach the threshold of 5% required for seats in the Bundestag.<sup>145</sup> This left the CDU/CSU in need of a new partner in order to form a majority government, and after extensive negotiations, a new "grand coalition" was formed with the rival SPD. With this new government came changes to key cabinet posts: Frank-Walter Steinmeier (SPD), a veteran foreign secretary from the previous two coalitions, replaced Guido Westerwelle. Ursula von der Leyen (CDU) moved to the position of defense secretary from labor and social affairs.<sup>146</sup>

Since the formation of the new coalition, several high-ranking German politicians have made public statements that indicate a shift in foreign and defense policy thinking. Perhaps most prominently, German Federal President Joachim Gauck opened the 2014 Munich Security Conference with a speech titled "*Germany's role in the world: Reflections on responsibility, norms and alliances.*" In the speech, he spoke candidly about Germany's past, its defense policy, and the need for an updated approach. Noting that major changes have occurred in the world in recent decades, he said "I don't believe that Germany can simply carry on as before in the face of these developments... Germany must also be ready to do more to guarantee the security that others have provided it with for decades." He went on to say that, although he believed that military force should remain a last resort, "when the last resort – sending in the

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<sup>145</sup> "Angela Merkel's Bittersweet Triumph," *The Economist*, September 22, 2013, <http://www.economist.com/blogs/charlemagne/2013/09/german-election-diary-6>.

<sup>146</sup> "A Guide to Future Chancellors?," *The Economist*, December 21, 2013, <http://www.economist.com/news/europe/21591886-surprise-appointment-angela-merkel-hints-who-may-succeed-her-one-day-guide-future>.

Bundeswehr – comes to be discussed, Germany should not say ‘no’ on principle.” Gauck went so far as to say that Germany’s World War II legacy was no longer by itself a valid excuse for remaining on the sidelines when it comes to military action, saying “I have to admit that while there are genuine pacifists in Germany, there are also people who use Germany’s guilt for its past as a shield for laziness or a desire to disengage from the world.” Overall, Gauck’s speech was an affirmation of the cautious, comprehensive approach to foreign policy, but was also an acknowledgement of the need for a more engaged Germany when it comes to foreign affairs and, when necessary, military action.<sup>147</sup>

Foreign Minister Steinmeier, though less direct, also made comments suggesting that German foreign policy lacked assertiveness and needed an overhaul. In an interview with *Der Spiegel*, he remarked, “The world has changed and we need to do a few things differently... We want to ask whether German foreign policy has emphasized the right things in recent years.” Further, Steinmeier acknowledged a perception of German passiveness on the world stage when he said, “In Germany we’ve gotten very used to commenting on the behavior of others. We often know exactly what the English, French and Americans are doing wrong. But we are not willing to do more ourselves. I’d like to change that.” He also implied that the abstention on the UNSC vote which authorized NATO’s Libya operation had been a mistake.<sup>148</sup>

In another *Spiegel* interview, Defense Minister Von der Leyen also signaled policy change. When asked why Bundeswehr soldiers should be sent to Africa to support French

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<sup>147</sup> “Der Bundespräsident / Speech to Open 50th Munich Security Conference,” accessed February 27, 2014, <http://www.bundespraesident.de/SharedDocs/Reden/EN/JoachimGauck/Reden/2014/140131-Munich-Security-Conference.html>.

<sup>148</sup> Interview Conducted by Christiane Hoffmann and Ralf Neukirch, “Frank Walter Steinmeier Interview About New German Foreign Policy,” *Spiegel Online*, February 24, 2014, <http://www.spiegel.de/international/germany/frank-walter-steinmeier-interview-about-new-german-foreign-policy-a-955286.html>.

operations, she replied “we can't look away” from a humanitarian crisis, indicating her approval of the use of the military in similar situations. Furthermore, when asked if Germany needed to take more responsibility around the world, Von der Leyen answered “within the framework of our alliances, yes.” Like Steinmeier, she seemed to acknowledge that the Libya abstention had been questionable, saying that she “saw the aggravation it triggered among our allies.”<sup>149</sup> These statements paint a picture of a defense minister more willing to engage militarily than her predecessor.

If the new German government is in fact changing its approach to foreign and defense policy, that change is being put to an immediate test. Since the Russian military first covertly and then overtly invaded and took power in Crimea in February 2014, threatening a further invasion of eastern Ukraine, the post-Cold War order in Europe has been shaken to its core. Vladimir Putin’s unexpected aggression in Ukraine means that military confrontation between Russia and the West, a threat thought to have ended over twenty years ago, now seems once again uncomfortably plausible. Calls for a fundamental reassessment of NATO strategy have come from the highest levels, with US Defense Secretary Chuck Hagel saying that the Ukraine crisis has led to “bracing new realities” for European security and has “shattered the myth” that with the end of the Cold War came the end of insecurity.<sup>150</sup> The day prior, NATO Deputy Secretary General Alexander Vershbow said that Russia has now forced the alliance to view it as an adversary.<sup>151</sup> NATO has been catapulted into the headlines and Germany, owing to its

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<sup>149</sup> Interview by René Pfister and Gordon Repinski, “Interview with German Defense Minister Ursula von Der Leyen,” *Spiegel Online*, January 28, 2014, <http://www.spiegel.de/international/germany/interview-with-german-defense-minister-ursula-von-der-leyen-a-945818.html>.

<sup>150</sup> Robert Burns, “Hagel: Europe Faces ‘Bracing New Realities,’” *AP*, May 2, 2014, <http://abcnews.go.com/Politics/wireStory/nato-official-russia-now-adversary-23548011>.

<sup>151</sup> Robert Burns, “NATO Official: Russia Now an Adversary,” *AP*, accessed May 8, 2014, <http://bigstory.ap.org/article/nato-official-russia-now-adversary>.

powerful position in Europe and Chancellor Merkel's personal relationship with Putin, has been in the spotlight.<sup>152</sup>

Germany's initial reaction to the crisis seems to have been true to form, as Merkel and Foreign Minister Steinmeier each repeatedly rejected military intervention of any sort and trumpeted diplomacy as the only path to a resolution of the crisis.<sup>153</sup> At a meeting of foreign ministers, Steinmeier rejected any discussion of military support to Ukraine and contradicted the NATO Secretary General when he said that future NATO membership for Ukraine was not a possibility. With Berlin indicating a reluctance to fundamentally reassess NATO strategy at an upcoming summit, this once again gave the impression of Germany playing the role of the alliance foot-dragger when it came to decisive action in a crisis.<sup>154</sup>

However, as the initial diplomatic efforts failed to diffuse tensions and Russia continued to menace eastern Ukraine with troops massing at the border, Defense Minister Von der Leyen called for a stronger NATO presence in Poland and the Baltic states. This came as the easternmost members of the alliance, nervous given their proximity to Russia and Ukraine, all called for reassurances from NATO and an increased military footprint. Her call was defended and even praised by Chancellor Merkel in a show of solidarity with her defense chief. Although Merkel has commented little on NATO during the crisis, this may be viewed as a show of approval for a more assertive defense policy.<sup>155</sup> In any case, the Ukraine crisis is a major development that demands a response from NATO and its member states and will certainly have

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<sup>152</sup> Alison Smale, "Ukraine Crisis Limits Merkel's Rapport With Putin," *The New York Times*, March 12, 2014, <http://www.nytimes.com/2014/03/13/world/europe/on-ukraine-merkel-finds-limits-of-her-rapport-with-putin.html>.

<sup>153</sup> Interview Conducted by Nikolaus Blome, "Frank-Walter Steinmeier Talks About the Ukraine Crisis and Russia," *Spiegel Online*, April 28, 2014, <http://www.spiegel.de/international/europe/frank-walter-steinmeier-talks-about-the-ukraine-crisis-and-russia-a-966493.html>.

<sup>154</sup> SPIEGEL Staff, "Ukraine Crisis Exposes Gaps Between Berlin and NATO," *Spiegel Online*, July 4, 2014, <http://www.spiegel.de/international/germany/ukraine-crisis-exposes-gaps-between-berlin-and-nato-a-962978.html>.

<sup>155</sup> SPIEGEL Staff, "NATO Looking for Appropriate Response to Putin," *Spiegel Online*, March 31, 2014, <http://www.spiegel.de/international/europe/nato-looking-for-appropriate-response-to-putin-a-961692.html>.

long-term impact. How Germany responds over the course of the crisis will put its resolve to reform foreign and defense policy to the test.

## Conclusion

When examining Germany's inconsistent participation in NATO's out-of-area missions, three factors stand out. First, Germany's unique history cannot be ignored. The legacy of past belligerence and the Nazi era is a major influence on German perceptions of military matters. When discussing potential or ongoing Bundeswehr deployments, references to World War II are frequent in the media, in public discourse, and in Bundestag debates. Although public tolerance for military missions has evolved noticeably since reunification, the pervasive German pacifist sentiment will likely remain a strong influence on policy for the foreseeable future.

Second, there are significant legal hurdles involved with Bundeswehr participation in NATO combat missions, not the least of which is the Basic Law itself. Having been written in the context of the early Cold War, there was no thought given to provisions for military deployments: quite the opposite. The armed forces detailed in the Basic Law were intended to be strictly for self-defense and other limited domestic roles such as disaster relief. The articles were written with the express intent of preventing another threatening military force such as that which existed under the Nazi regime. Given these beginnings, interpreting and adjusting German law to allow for NATO participation is a complicated and cumbersome process, even if the political will exists to do so. Having affirmed the Bundeswehr as a parliamentary army subject to Bundestag approval for all deployments, German participation in NATO operations is prone to being contentious and slow to approve.

Third, German leaders continue to struggle in the absence of a clearly defined defense strategy; one that takes into account the realities of Germany as a powerful player on the world stage. The government coalition's stated goal of a "European army under parliamentary control" seems not only unrealistic but devoid of strategic purpose, and it fails to detail Germany's

perceived security responsibilities. As President Gauck remarked at the Munich security conference, Germany has benefited from the security guarantees of NATO for decades while perhaps contributing less than it should have. In line with long-standing external criticism, there seems to be a growing consensus within the German leadership that Germany must shoulder more of the burden of international military missions.

To be fair, governments of both conservative and social democratic coalitions generally tried - at least through the beginning of the ISAF mission - to meet their treaty obligations. Until Libya, they attempted to satisfy NATO's requirements in spite of often negative public opinion. In the Balkans operations, although approval was slow, the Bundeswehr eventually supplied nearly all of the forces requested of it. The same can be said for ISAF in the beginning. However, as the Afghanistan operation evolved, the German government started to try to have it both ways: on the one hand, meeting alliance commitments by participating in the operation, while on the other trying to downplay the mission for the domestic audience. The employment of the Bundeswehr forces within the operation became highly caveated and controversial. At some points the German troops were regarded by allies as little more than a token force.

Germany's actions in connection with the NATO operation in Libya represented a significant departure from the past. The abstention from the UNSC vote was a surprisingly dramatic and public policy break from the other leading NATO countries. The subsequent withdrawal of German air and naval forces from NATO command in the Mediterranean infuriated some allies and added fuel to the already harsh domestic criticism. Whether this marks a significant turning point in German policy away from participation in NATO out-of-area operations or was simply a result of the philosophies of Guido Westerwelle and Angela Merkel is yet to be seen. However, since Afghanistan, the trend has been for Germany to pull back from

combat engagements. Clearly, the debate within Germany about NATO's expeditionary missions is ongoing, and further incidents of discord within the alliance like the split over Libya will serve only to exacerbate Germany's dilemma.

Although rhetorically still committed to the alliance, without a significant policy shift it seems unlikely that Germany will be a willing participant in future missions under the new NATO mandate codified in the 2010 Strategic Concept. This means that outgoing US Defense Secretary Robert Gates' fear of a two-tiered alliance, where some members only execute soft power missions and leave fighting to others, is likely to be the reality for NATO in the foreseeable future.<sup>156</sup> Unfortunately, there seems to be no substitute for NATO, as the CSDP falls well short of a viable alternative when it comes to providing military security.

For its part, if Germany seeks a viable CSDP it must define its own security strategy in consultation with the other two major powers in Europe, France and the United Kingdom. Furthermore, it will have to commit in a fundamental way it has so far avoided: Germany will once and for all have to embrace a coherent and comprehensive defense strategy; one which includes more willingness to deploy forces in combat roles. That strategy will have to be coordinated with the other two members of the Big Three, given that both the French and the British historically have been far more willing to intervene militarily in crises. If the UK leaves the EU, partnership with France would be essential, as there could then be no conceivable common defense policy in Europe if France and Germany did not agree on it.

The Ukraine crisis presents Germany's new coalition government with an opportunity for a fresh start. With the potential of a renewed threat from Russia, NATO will be fundamentally

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<sup>156</sup> Robert Gates, "The Security and Defense Agenda (Future of NATO)," accessed October 6, 2013, <http://www.defense.gov/speeches/speech.aspx?speechid=1581>.

reassessing its strategy. Given its prominent position in Europe, Germany has the opportunity to exert leadership and to negotiate a revitalized NATO alliance or CSDP in a form more to its liking. To do this, Germans must find a workable policy compromise between public sentiment, treaty obligations, and foreign policy imperatives. However, if Germany is unwilling or unable to adopt a more consistent and engaged approach to hard power, it seems doomed to drift even further from its allies on defense issues, both in NATO and the EU.

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