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Germany and European Security**

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## Introduction

Hardly a person dared to forecast at the height of the Cold War that a unified Germany would take the lead in a combined military-diplomatic European effort to settle a dramatic crisis before the century has turned. That it could happen in the case of Kosovo, however, was not a product of unification, but rather of NATO's and the EU's new shaping powers, for both which the Federal Republic had become a key role player long before.

The "old" Federal Republic had successfully rid itself of Germany's fatal legacy – to be the most eminent trouble spot in Europe – long before unification took place. Firmly integrated into Western Institutions the traditional image gradually had transformed from that of being a troublemaker into that of a well-respected partner in European security politics. Occasional worries abroad, that a Germany, being freed from last restrictions on sovereignty, might feel inclined to risk another "special path" (*Sonderweg*) have not proven true. Both post-unification Governments have continued to play the roles of Europeans *par excellence* instead, by emphasising further integration while simultaneously downplaying any claims whatsoever of national power politics because of unification.

But for Germany integration policy has never been a playing of cards close to chest. While Western integration has certainly had also a "taming" impact<sup>1</sup> on Germany, it has much more contributed to creating a *structural* entanglement of "national" and "integrated" interests. In consequence, the foreign and security policy of the Federal Republic has become far less swaying than it is usually suspected. Germany as of today is both a stable Western democracy and a reliable Member of the Euro-Atlantic community of states.<sup>2</sup> No Federal Government will put that achievement at risk.

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1 Peter J. Katzenstein (ed.), *Tamed Power. Germany in Europe*, (Ithaca and London: Cornell University Press) 1997.

2 See: Andrei S. Markowits and Simon Reich, *The German Predicament: Memory and Power in the New Europe* (Ithaca: Cornell University Press) 1997; David Calleo, *The German Problem reconsidered: Germany and the World Order, 1870 to the Present* (Cambridge: Cambridge University Press) 1978.

Yet the clear German preference for integration should not be confused with altruism. It has never been an end in itself. Roman Herzog's often cited metaphor - "bandwagoning"<sup>3</sup> - to describe the policy pattern of the Federal Republic until 1989 was misleading, if not wrong. Already long before unification Bonn had actively exerted influence on Western structures. Residual postwar restraints on sovereignty had never prevented the Federal Republic from taking part actively in the shaping of integration and allied policies. The only difference between the past and the present is, that in the past the Federal Republic – for being dependent on a direct military protection by NATO – hardly undertook a proactive security policy. Military policy in particular was conceptually confined to homeland defence, and defence was confined to allied deterrence only. Military action beyond territorial defence was not even considered, "special paths" in the realm of security out of question.

After the end of Cold War the Germans learned that a "new Europe" now was facing challenges, which have made complacent perspectives on prosperity and security obsolete. On the other side, the Europeans had also to learn, how to deal with a more self-confident and stronger unified Germany having moved back into the geopolitical centre of the continent. The perspective on what national and allied security in Europe after the Cold War are about, however, has not become a matter of anew strains between Germany and the rest of Europe, but of altered common patterns for all in a changing World. New demands and risks are to be taken into consideration, many of them of non-military and of inner-state origin which require conceptual approaches much different from those of the bipolar past.

Answers to crucial questions have to be found. The first is about the future legitimacy, role and active implementation of (Western) democracy. A second question, related to the first, is about prevention of conflict and management of crises in the framework of existing Alliances and Institutions, primarily of the UN, NATO, the OSCE, and

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3 Roman Herzog, Die Globalisierung der deutschen Aussenpolitik ist unvermeidlich, in: Presse- und Informationsamt der Bundesregierung, Bulletin, 15 March 1995, pp. 161-165.

the European Union. Finally, not one of both questions can be seriously dealt with, without examining existing interests of Member States, of national Governments and their electorates.

Apart from remarkable progress of integration a coherent collective European response to all these questions has become hardly more than embryonic so far. A genuine (Western) European Security and Defence Identity beyond ambitious rhetoric has not become reality. The first weeks after the outbreak of the Kosovo Crisis demonstrated that it was still the United States which the Europeans are relying on, especially when fair-weather-conditions have disappeared. Yet will European integration become really sustainable under such a divided pattern? Will the United States remain always on the spot in future if the Europeans carry on failing to keep their own house in order? Which consequences are to be expected for - and perhaps endured by - the Europeans, if they furthermore will be content with a factual hegemony of the United States in security matters which in their essence are of original European concern? The six months of the German EU/WEU presidency may perhaps have opened the window for alternative patterns. Preliminary agreement was reached on the integration of the WEU into the European Union, which had been a long-standing Franco-German project. With Javier Solana a well-respected realist has now become appointed Mr. CFSP. Also the Kosovo Peace proposal was made possible only after a diplomatic initiative taken under the auspices of the European Union in close co-operation with Russia. However, a long way will have to be gone, until the ultimate goal of a common European Security and Defence Identity – in theory and in practice – is reached.

I will argue in the following paper that Germany is bound to play an important role in this process. So far, Germany – aside of France - has always strictly advocated in favour of a strong European role in security matters, but has as well been keen on circumventing any potential conflict with the United States about the future character of the Euro-Atlantic Partnership. Germany, taking only into consideration its strategic location in Central Europe, its political influence and economic potential, but also its proactive role within the process of European integration, might eventually tip the scales in favour of a load-bearing

and genuine European Security Community, though still in close partnership with the United States, but with a bigger share of responsibility on its own.

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### **The Myth of the "Eternal German Question"**

"Germans and non-Germans alike (...) face the strategic reality that Germany (...) having regained full sovereignty for the first time in half a century, (is) again a potentially assertive actor on the European and World stages. Like it or not, planned or unplanned, we must face a new iteration of the eternal "German Question"<sup>4</sup> This statement by a former senior U.S. diplomat sounds plausible at least for all those, who still think about Germany as a potential threat to Europe. For most of the Germans of the post-war generation, it sounds much less comprehensible. Why should the positive image, which the Federal Republic has gained over decades, now, suddenly become a matter of concern again only because of the German nation has become (re-)unified?

Beginning with the facts, it is true that the former Federal Republic has expanded size, both in terms of territory and of population, and, after all, has also substantially increased its GNP, by almost one third within only ten years. In the era of nation-states such attributes were always unmistakable indicators for the growth of national power and influence. Moreover, one might further argue that within the context of transition in Central and Eastern Europe the existing combination of growing

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4 Victor Gray, Germany: The "Reluctant Power" turns East, *Parameters* Vol. 24, (Autumn 1994), no. 6/7, pp. 84-97, here: p. 84.

economic power and a central strategic location may provide better opportunities especially for Germany, compared to others in the



West, to exert economic and political influence on the region in general and on Eastern neighbours in particular.

Again it is worthwhile to remember facts. First of all, the German unification was not brought about through a "blood and iron" power policy, but through a peaceful settlement of the postwar national division. Just as the Cold War had come to end, a window of opportunity was reopened to the Germans to decide in free will about their national faith. That was exactly what happened in 1990, when the East Germans decided not to *unify* with, but to *join* the Federal Republic. Moreover, the 2+4 formula signaled a common understanding by the Victorious Powers – but also by all European nations - that the Cold War now was over.

Secondly, the unified Germany has concluded Basic Treaties with Poland, the Czech Republic and Russia, by which it has recognized their present national borders. For the first time in the ill-fated history of the German nation, the relations to all neighbours and Russia had become normal at the same time. The unified Germany as of today is surrounded by friends and partners only.

Thirdly, the enlargement of territory and population has not equally resulted in an increase of Germany's military strength. Vice versa, compared to the previous overall size of 650.000 men<sup>5</sup>, the unified state has even downsized the numbers of active personnel by half. Moreover, the new *Bundeswehr* has incorporated its army troops in Eastern Germany into the integrated command structure of the newly created Danish-German-Polish Corps. The close security co-operation with Poland aims at eliminating the "eternal enmity" with Eastern neighbours similarly it happen to be already in the case of France in the West.

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5 See: Bundesministerium der Verteidigung, Weißbuch 1994. Weißbuch zur Sicherheit der Bundesrepublik Deutschland und zur Lage und Zukunft der Bundeswehr, Bonn 1994, pp. 15-18; Lutz Köllner, Konversion in den alten Bundesländern - ein Problemaufriß, in: Hans J. Giessmann (ed.), Konversion in Deutschland. Ein Land - zwei Perspektiven? (Baden-Baden: Nomos), 1992, pp. 53-52.

Fourth and finally, the regained central European location has even strengthened German interests in further deepening and expanding European integration. Simon Bulmer has noted that Western integration was never a "strait jacket" for Germany, but the strongest possible and for its partners the least suspicious fundament "to project material interests, policy norms, and social goals" in Europe.<sup>6</sup> In other words: the better European integration started functioning, the better it was for Germany, and – *vice versa* – the better the Federal Republic was able to exert its influence on European politics. While there can be no doubt that, in European terms, Germany has enhanced capability and power, the character of its proactive use is not prescribed. The "integration cocoon" for the "giant" in the heart of Europe is both protection and self-protection, bridle and chance, weakness and strength – and all of which at the same time.

### Germany's "National Interests" Reconsidered?

Germany has always had more difficulties in dealing with the issue of *national interests* than other nations in Europe. Two violent attempts to uphold what was meant to be *national interests* resulted in national catastrophes. Therefore for most Europeans – as for many Germans – the interpretation of national interests as military power projection, (at least if Germany was considered), has always carried negative connotations.

*National interests* usually express the dominating political will and intentions of people, the existing societal structures and the external framework of a nation, which make political will and intentions both plausible and realistic. At least physical survival, societal welfare and economic prosperity have been vital German interests as before as well as after unification. The achievement of these interests was dependent on a binary *raison d'être* of the postwar Federal Republic: Western Alliance and European Integration. While these interests have not become ob-

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<sup>6</sup> Simon J. Bulmer, *Shaping the Rules? The constitutive Politics of the European Union and German Power*, in: Peter J. Katzenstein, op.cit., pp. 49-79, here: p.7.

solete after unification, structural conditions to transform "German" interests into integrated policy options have dramatically improved.

The first change is related to capability. Capability can be "quantified" of course simply by the increase of population, of territorial size and of economic output.<sup>7</sup> But as Helga Haftendorn has correctly noted, the "coin of weight" always has two sides: Germany is due to its size, economic potential and geographic location both structure-creating and structure-dependent.<sup>8</sup> That's why the pressure - as well as the *interest* - to expand integrated structures into all directions has improved, once the iron curtain was torn down.<sup>9</sup> A second important change, which has even further enhanced the interest in expanding integration, affected Germany's external environment. Germany's situation has not only become "objectively better"<sup>10</sup> as it has lost its previous location at the "periphery of Western Integration"<sup>11</sup>, but it also has become surrounded by benevolent states.<sup>12</sup> On the one hand, the present environment provides in fact better opportunities for Germany, as Christian Hacke has underscored, to exert influence in the East.<sup>13</sup> On the other hand, this influence will only pay back in terms of increased security for Germany if Central and Eastern Europe envisages the prospect of becoming in-

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7 Karsten D. Voigt, *Zivilisierung der internationalen Politik*, in: *Agenda für den Frieden. Analysen und Empfehlungen des UN-Generalsekretärs. Forderungen an die deutsche Politik*, Bonn, 1993, p. 83.

8 Helga Haftendorn, *Gulliver in der Mitte Europas. Internationale Verflechtung und nationale Handlungsmöglichkeiten*, op. cit., p. 130.

9 Volker Rühle, *Speech delivered in Würzburg, 10 Nov. 1996*, in: *Presse- und Informationsamt der Bundesregierung (ed.), Der deutsche Verteidigungsbeitrag in der NATO (as of January 1998)*, p. 2; Jeffrey Anderson and John Goodman Mars or Minerva? *A United Germany in a post-Cold War Europe*, in: Robert O. Keohane, Joseph Nye, and Stanley Hoffman (eds.), *After the Cold War: International Institutions and State Strategies in Europe, 1989-1991* (Cambridge: Harvard University Press), 1993, pp. 23-62, here: pp. 45-49.

10 Christian Hacke, *Nationales Interesse als Handlungsmaxime für die Außenpolitik Deutschlands*, in: Karl Kaiser/Joachim Krause, op. cit., pp. 3-13, here: p. 11.

11 Joseph Janning, *Deutschland und die Europäische Union. Integration und Erweiterung*, in: Karl Kaiser and Joachim Krause, *Deutschlands neue Außenpolitik*, Band 3, *Interessen und Strategien* (Munich: Oldenbourg, 1996) p. 32.

12 Bundesministerium der Verteidigung (ed.), *Verteidigungspolitische Richtlinien für den Geschäftsbereich des Bundesministers der Verteidigung (VPR)*, Bonn, 26 November 1992.

13 See: Christian Hacke, *Die neue Bedeutung des nationalen Interesses für die Außenpolitik der Bundesrepublik Deutschland*, in: *Aus Politik und Zeitgeschichte*, B 1-2/97, pp. 3-14, here: p. 6.

egrated into Western structures, the sooner the better. A third change for Germany is related to the specific burden of its past. The overwhelming international support for unification has brought about an end to the postwar trauma of eternal bad conscience. It demonstrated a new confidence by its Neighbours, Allies and Partners that a unified Germany would behave accordingly in the future as (it) had done in the past.

It can be concluded, that - against initial odds<sup>14</sup> - the unified Germany has not become so different from what the Federal Republic had been before unification: a stable Western democracy and pluralistic society, firmly integrated into the transatlantic security system and into the Western European Community of States, now only freed of former residual restraints on sovereignty. On the other hand, for neither the coin of "power" can be ignored, nor its dependence on external factors, the important question is how to translate "power" into influence on integrated structures and procedures. The existing dilemma of a national currency of power within a strong integration has become mirrored in domestic debates between "realists" and "institutionalists" about a "new responsibility" (*Verantwortung*) for Germany within Europe. The "realist's" point of view is represented by Gregor Schöllgen's statement, that "overnight the Federal Republic has... been catapulted into the role of a continental great power with global significance. This situation requires the Germans to cope with their new power, and thus calls for a special responsibility".<sup>15</sup> The "realist's" perspective on national responsibility carries a "positive connotation" of the notion of power, and intends to its rehabilitation from association with brutality and repression by others.<sup>16</sup> The "institutionalists" emphasize the Community of European Democracies to be the only legitimate context of

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14 John J. Mearsheimer, Back to the Future. Instability in Europe After the Cold War, in: *International Security* Vol 15 (1990) 1, pp. 5-56. Mearsheimer argues - with other neorealists - that the accumulation of nation-state power reduces incentives for multilateral decision-making (pp. 35-37); see also: Kenneth Waltz, The emerging Structure of International Politics, in: *International Security*, Vol 18 (1993) 4, pp. 44-79. A critical analysis is provided by Heinz Gärtner, *Wird Europa sicherer? Zwischen kollektiver und nationaler Sicherheit*, Wien 1995.

15 Gregor Schöllgen, National Interest and International Responsibility: Germany's Role in World Affairs, in: Arnulf Baring (ed.), *Germany's New Position in Europe*, Oxford, 1994, p. 40.

16 Jonathan P.G. Bach, *Between Sovereignty and Integration. German Foreign Policy and National Identity after 1989*, p. 70.

societalized nations. Germany has become an equal among equals, and with an international order being both the framework and the target for harbouring national power. As a representative of the "institutionalist's" point of view, Wolfgang Vogt has noted: "The traditional foreign policy of nation-states, which primarily served to further their power and interests, no longer does justice to the transformed conditions and challenges of world politics... The point is to replace the previous foreign policy of the nation-states with a global political paradigm, to supersede it with a new, supranational level of agency".<sup>17</sup>

These different conceptual approaches reflect perfectly the continuing difficulties in Germany to interpret capability (power) as influence - without conjuring up the ghosts of the nation's past. However, both approaches make clear the awareness of a greater "national" power to exert influence in Europe. The difference, therefore, is rather in methodology than in substance.

### **The Re-emerging Security Debate**

After a short period of time, in which any political debate in Germany was clearly absorbed by domestic issues – the process of "inner unification" – the first official attempt to outline the spectre of national security interests was undertaken in the *Defence White Book* of 1994. This document basically adjusted essential national security and defence guidelines to NATO's Strategic Concept of Rome, 1991. It started from the point, that the danger of large-scale aggression threatening our existence has been banished. Germany's territorial integrity and that of its Allies is and will not be confronted with an existential military threat.<sup>18</sup>

The *White Book* emphasized the "core function" of collective defence, but also mentioned – for the first time – the possibility of directly supporting multinational crisis management in the framework of NATO and WEU, or in operations conducted under the auspices of the UN or

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17 Wolfgang R. Vogt, *Weltgesellschaft und Weltinnenpolitik*, in: Jörg Calliess, *Weltinnenpolitik*, Rehburg-Loccum, 1994, p. 29.

18 Bundesministerium der Verteidigung, *Weißbuch* 1994, op. cit., pp. 23.

OSCE.<sup>19</sup> This step was not so much a product of a strategic debate *within* Germany, but rather a reaction by the Kohl-Government to pressing challenges from NATO partners to a more active role in the Alliance in international crisis management. In the first Gulf War the Federal Government had still rejected the Allied's call to participate in the monitoring mission with own troops, by claiming insufficient legal justification for out-of-area activities in the Gulf. During the second Gulf War, while the official reaction to similar calls upon Germany was almost identical to the former, the Federal Government considered for the first time to revise the Constitution. While Bonn for the time being exercised a ridge walk of assisting the Gulf Coalition without joining it actively, the Allies made clear, that they would not accept Germany's further staying aside, at least for long. The major political reason for the German ridge walk was simply a lack of clarity about future mission preferences. Though the need to radically redefine strategic obligations, the character and scope of military missions, and therefore new structural requirements for the *Bundeswehr* in a new environment was out of question, it were primarily domestic reasons which made it impossible to start with such considerations seriously from scratch. First decisions on restructuring and procurement were taken and later partially reversed for social and economic reasons. The *Bundeswehr* got unvoluntarily caught in a situation of permanent unrest, particularly as a clear political vision behind structural changes was missed. Over time the Government came to the conclusion, that – independent of required adjustments – the *Bundeswehr* should further remain the "backbone of Alliance defence", with a combined conscription and mobilization system at its core.<sup>20</sup> It was evident, that the Federal Republic was ready to establish a contingency for other purposes, especially such as crisis reaction, only of a very limited scope. Schroeder's Government later on has endorsed former Defence Minister Volker Ruehe's view that Germany does not want to have a "professional army with world-wide missions"<sup>21</sup> but a conscript army with some crisis reaction force

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19 Bundesministerium der Verteidigung, Weißbuch 1994, op. cit., No. 510 and No. 519.

20 See: State Minister Guenther Verheugen's speech in Ebensfeld on 30 March 1999, in: Foreign Office Press Release, No. 1022/99, Bonn, 30 March 1999, p. 5.

21 Frankfurter Allgemeine Sonntagszeitung, 9 March 1997.

elements. Second, this political orientation has of course influenced considerably all subsequent structural and procurement decisions. The size of the army can hardly be reduced far under the intended level of 340,000 men if conscription justice within the society is to be maintained.

Most surprisingly for the Germans themselves it was in the end not too little restraint but too much of it, that caused exactly the criticism at the Federal Republic of waging "special paths", which the Federal Government at all costs had wished to avoid after unification. Ironically, not only the Allies but also other Nations, and even the Secretary-General of the United Nations, demanded a more assertive policy from Germany, a willingness to apply power "positively".<sup>22</sup> For most Germans "power policy" at this time was still understood basically as to be and to remain "soft" or "civilian".

It was the emerging crisis in the Balkans which eventually helped clarify matters. With its recognition of Slovenia's and Croatia's secession from Yugoslavia Germany became unintendedly pushed towards the European political front lines. Genscher's premature diplomatic move was met with almost undivided international criticism, and Germany became blamed for being at least partly responsible for the following violent clashes at the borders.<sup>23</sup> The sudden experience of a gap, possibly emerging between positive aspirations and negative consequences of unilateral initiative, now brought about for the first time after unification a serious political and scientific debate within Germany about the substance and the scope of *national interests*, on long-term *policy goals* and on *principles* of national and allied security policy.<sup>24</sup> Public opinion was still sharply split about the issue as was the

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22 See: Wolfram Hanrieder, *Deutschland. Europa. Amerika. Die Aussenpolitik der Bundesrepublik Deutschland*, Paderborn, 1995 (2.), p. 246.

23 Peter J. Katzenstein, *The smaller European states, Germany and Europe*, op. cit., p. 289.

24 See: for example: Hanns W. Maull, *Zivilmacht Bundesrepublik Deutschland. Vierzehn Thesen für eine deutsche Aussenpolitik*, op. cit., pp. 269-278; Gregor Schöllgen, *Angst vor der Macht: Die Deutschen und ihre Aussenpolitik*, Berlin 1993; Margarita Mathiopoulos, *Das Ende der Bonner Republik*, Stuttgart 1993; Christian Hacke, *Weltmacht wider Willen: Die Aussenpolitik der Bundesrepublik Deutschland*, Berlin 1993; Ernst-Otto Czempiel, *Weltpolitik im Umbruch. Das internationale System nach dem Ende des Ost-West-Konflikts*, (München), 1993

debate among politicians and experts. It remained common sense for the time being, however, that military means might be used *only* in cases when *all* other means had failed.

The *Defence White Book* of 1994 basically kept in line with the public consensus by defining *restrictive* principles for any participation of the *Bundeswehr* in military action beyond traditional tasks of homeland and allied defence. According to these principles *Bundeswehr* deployments were to be limited to "Europe and its periphery". Any military action beyond Article 87a Basic Law (homeland- and allied defence) was considered only in accordance to Article 24 (collective security). While German troops were optionally to be assigned to a UN-Command under Chapter VI, any Chapter VII activity was clearly restricted to NATO-Command (or possibly WEU), yet both being dependent on a strict Mandate provided either by the United Nations or the OSCE. Despite these restrictions critics of the *Defence White Book* still worried that the *Bundeswehr* would possibly be unleashed and willingly or not, become involved into a "global military power projection".<sup>25</sup> Even the Governing Coalition of CDU/CSU and FDP could not agree on a common position.

For a two-thirds majority of the Bundestag - which is required for any constitutional matters - was not in reach, the Junior Coalition Partner - FDP - appealed to the Constitutional Court in order to clarify at least the *legal* framework of using the *Bundeswehr* for tasks others than territorial defence. The Court eventually decided in June 1994, that military action beyond self-defence (according to Article 87 Basic Law) was in fact consistent with the Constitution, presumably if taken under the norms of Article 24 Basic Law, and if in each single case a supportive majority of elected representatives to the *Bundestag* has voted for action. It further stated, that no Amendment to the

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(2.); Egon Bahr, Deutsche Außenpolitik zwischen Souveränität und Anpassung, in: Gert Krell et. al. (ed.), *Friedensgutachten 1993* (Münster: Lit), 1993, pp. 20-30.  
25 See: Reinhard Mutz, *Militärmacht Deutschland? Die Bundeswehr auf der Suche nach ihrer Zukunft*, in: Friedhelm Solms et. al. (ed.), *Friedensgutachten 1994* (Münster 1994: Lit), pp. 213-228; idem, *Die Rehabilitierung des Krieges – Paradigmenwechsel der Sicherheitspolitik*, in: Reinhard Mutz et. al. (ed.), *Friedensgutachten 1995* (Münster 1995: Lit), pp. 89-102.



Constitution was necessary. Even after the *legal* clearance had been provided, the *political* debate made further on painfully slow progress. It was finally overtaken by events.<sup>26</sup>

The Constitutional Court's decision, however, marked a turning point in the domestic debate in so far as it now had become at least *legally* impossible to refuse to any *Bundeswehr*-participation in international missions, by just simply referring to the wording of the *Basic Law*. Moreover, the Federal Government was given the legal legitimacy required to define political and operational criteria for unrestricted participation of the *Bundeswehr* in multilateral crisis management. The very first mission in which the *Bundeswehr* became involved (Somalia), however, was a failure, and became a test of the sensitive consensus within Germany. Yet the following successful participation of the *Bundeswehr* in the IFOR/SFOR missions in former Yugoslavia has contributed tremendously to enhance political support for Germany's participation in multinational peacekeeping - not only among almost all parties represented in the Bundestag, but also among the public.

While the Conservative Parties CDU and CSU, and also the Party of the Free Democrats, had supported in principle a more active German role in international peacekeeping missions from the very beginning, the Social Democrats and Alliance 90/The Greens have experienced a very painful transformation considering their views on the role of the *Bundeswehr* since the Court's decision was made.

Starting from restricted support only for non-military humanitarian missions before 1994, later to peacekeeping under UN-Command, the SPD eventually stipulated that German participation in peacekeeping and enforcement according to Chapter VII of the UN Charter and Article 24 *Basic Law* could be a conceivable task for political and also for moral reasons. After the Kohl Government had decided – with the required support of the Parliament – to send *Bundeswehr* units into the IFOR contingency, Social Democratic foreign policy experts stated in a

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26 Sven Papcke, Zur Neuorientierung deutscher Aussenpolitik, in: Aus Politik und Zeitgeschichte, B 12/98, pp. 3-13.

guideline paper, which was designed to clarify the SPD's position on security policy prior to last year's federal elections, that the *Bundeswehr* could be deployed in peacekeeping operations, 'as it currently is the case in Bosnia'.<sup>27</sup> It is worth of noting, though it will be discussed in more detail later on, that in the aftermath of this statement the SPD has not only supported a prolongation of the SFOR mandate for Bosnia but has also backed the Bundestag Resolution on support of NATO in the case of Kosovo, which was submitted by the Kohl Government shortly after it had been voted out.

The Coalition Partner of the SPD in the newly elected Federal Government, Alliance 90/The Greens (*Bündnis 90/Die Grünen*), has had even more problems in adjusting to the new political situation, which was created by the Court's decision in 1994. The West German Greens in particular had seen themselves from the very outset in the tradition of civic non-violence and anti-militaristic movements. They always had rejected the use of any military means for whatever political purposes. Though already in 1993, when massive bloodshed took place in former Yugoslavia, rifts within the party's establishment about any refrain from military intervention had become more visible, the official position of the Party appeared to be still clear-cut: no *peace enforcement* missions for the *Bundeswehr* abroad neither with nor without NATO.

A Regional Council's Conference in 1994 voted for the first time for Germany's participation in international peacekeeping missions, but only in cases of brutal aggression and genocide, and in the lieu only under a clear Mandate provided by the UN. This was the basis for support – though for the time being only in this respect – of a humanitarian intervention under UN auspices in Bosnia. It were eyewitness reports in the end, in particular about massacres and mass rapes in the region, which eventually tipped the balance in favour of this unprecedented, and - for the Greens - in fact revolutionary vote. But when the first draft of the election programme for last years federal elections, was presented to the Party Congress in Magdebourg, the realist wing was

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27 Diskussionspapier der Aussen- und Sicherheitspolitischen Kommission der SPD für die Sitzung am 18 Juni 1997 in Bonn, Sozialdemokratische Aussenpolitik für den Übergang zum 21. Jahrhundert, p. 22.

again overruled by those traditionalists, who still wanted both NATO and the *Bundeswehr* finally to become abolished.<sup>28</sup> Although the Party's Board found a pragmatic leeway to avoid a split, by appealing for both aims "only in a very long run", it cannot be ignored, that this leeway was primarily found for tactical reasons and at this time was not expressing already a shift of mainstream views.

The Party of Democratic Socialism (PDS) which became successfully re-elected to the 14th *Bundestag* refused from the very beginning any *Bundeswehr* combat missions, with or without a UN Mandate. Party officials have always suspected the Federal Government to replace "peace policy" by "power politics", based on military means. Party documents frequently contain the allegation that after the end of the Cold War NATO has increasingly transformed into an "American tool" of interventionist policy and that the Federal Government was striving under the banner of NATO to push "national interest policy" onto a global scale. Rejecting any "out of area" operations, the *Bundeswehr* – according to the PDS position, was to be confined to home defence only. It should be reduced unilaterally by more than fifty percent to an upper limit of 150,000 men at the most in order to facilitate the creation of a "European Peace Order" based rather on OSCE instead of NATO.<sup>29</sup>

It is noteworthy, however, that the PDS is still consisting of a conglomeration of different views with regard to security policy, which usually even contradict each other. It is by no means clear whether the Party would really insist on its populist criticism of NATO, if once confronted with the option of sharing federal power. First of all, its constituency in East Germany, is far less interested in foreign and security policy matters than in domestic economic and social issues.<sup>30</sup>

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28 Grün ist der Wechsel. Programm zur Bundestagswahl 1998 (Erster Entwurf), 13 October 1997, p. 64.

29 Programm der PDS zur Bundestagswahl 1998. Für den politischen Richtungswechsel! Sozial und solidarisch - für eine gerechte Republik, Berlin 1998, p. 18.

30 Ironically, wherever a military base of the former National People's Army (NVA), or later of the *Bundeswehr*, was threatened to become closed in East Germany it was usually the local PDS which – in contrast to its declared goal of de-militarisation - not only protested loudly against such plans, mainly because reasons of "saving labour", but which in the aftermath also had no ideological reasons at all to form coalitions of protest together with other Parties, including the Christian Democrats. See: Hans J. Giessmann, Das unliebsame Erbe. Die

Secondly, the party has already proven in coalitions on local and state levels its surprising flexibility in trading ideology for power. Whether this flexibility will continue, remains to be seen, and will eventually depend on whether the Party will be able to further sharpen its image also in West Germany.

Even if the high rate of uneasiness among the Party Members of Alliance 90/The Greens with a proactive crisis management, and the fundamental criticism at the *Bundeswehr* by the PDS, are taken into account, there is no doubt, that over time affirmative public opinions about the *Bundeswehr* and its integrated role within NATO have improved.<sup>31</sup> The rather unspectacular participation of the *Bundeswehr* in the IFOR Mission in Bosnia has changed public opinion to the better. Moreover, the positive public perceptions of NATO's Partnership for Peace Initiative in Central and Eastern Europe<sup>32</sup>, which was launched at the Brussels Summit in January 1994, has also increasingly made traditional critics of NATO and the *Bundeswehr* feel, that active integration and co-operation policies should not rely on civil conflict prevention only, but also include military multilateral crisis management if necessary.

It can be concluded, that the political debate in Germany about future *Bundeswehr* tasks within a coherent (national) security policy concept has gradually transformed and eventually achieved a new quality. It has

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- Auflösung der Militärstruktur der DDR, Baden-Baden: NOMOS) 1992.
- 31 Hans-Victor Hoffmann, Demoskopisches Meinungsbild in Deutschland zur Sicherheits- und Verteidigungspolitik, Sozialwissenschaftliches Institut der Bundeswehr, Strausberg 1993, pp. 148-156. See also: Bundesministerium der Verteidigung (ed.) Jahresbericht der Jugendoffiziere der Bundeswehr 1996, Bonn 1996 (Chapter IV.2). The image of the Bundeswehr now became characterized primarily by its roles in providing help to civilians, technical, medical and other assistance. The public acceptance of the Bundeswehr achieved a level of more than 50 per cent., *ibid.* A RAND Survey revealed that, although in late 1993 a majority of 55 per cent of the population still assumed defence to be the major purpose of the Bundeswehr, 74 per cent already would have supported extended peacekeeping roles, however, geographically restricted on Europe. See: Ronald Asmus, German Strategy and Public Opinion after the Wall 1990-1993, RAND MR-444FNF/OSD/A/AF, Santa Monica 1994.
- 32 See: Hans J. Giessmann, (ed.), Handbuch Sicherheit 1997. Militär und Sicherheit in Mitteleuropa im Spiegel der NATO-Erweiterung, (Baden-Baden: Nomos) 1997/1998.

now become less a debate about 'if' or 'why' but rather about 'in which cases' and of 'which scope'. It has also become a more conceptual discourse about efficiently balancing non-military and military means of security policy and international crisis management. The new consensus really became tested with the outbreak of the Kosovo crisis, and ironically it was the former political opposition, among it many NATO critics, which now was forced to take a responsible stance towards Germany's integrated security policy.

### **The Security Policy of the New Government. Visions and Reality**

The Social Democrats had been waiting for a long time before regaining power in 1998. Their hopes to succeed already in 1990 had fallen victim to Helmut Kohl's successful pre-unification policy, and in the aftermath the Social Democrats were occupied with accommodating themselves to a new political and economic environment both at home and abroad.

Whereas in the Eighties the SPD was very critical about the Federal Government's foreign and security policy - a few officials even had started something what became denounced by the Government to be a "side-track" foreign policy on bilateral level with East Berlin and Moscow - the SPD now became forced to make the painful experience that it was eventually not "common European security" which would make national unification possible only later, but *vice versa*, that German unification practically fell into Kohl's lap. Kohl's policy became tolerated after all not only by Paris and London but also by Moscow and Warsaw. Though the fact of German unification might also be seen as a final result of Brandt's and Bahr's *Ostpolitik* of the early Seventies, it was at the end not this policy, which rewarded success but a combination of systemic implosion in the communist countries and Helmut Kohl's political instinct.

The Social Democrats had always been proud of their sophisticated conceptual approach to foreign and security policy, which in the long run was aimed at a system of common security in Europe. Now, suddenly, the opposition had become almost speechless, because of breathtaking events and the Federal Government's obvious political

success. While the so called SPD-left-wingers and NATO critics had secured victory over the "traditionalists" after Chancellor Schmidt's resignation in 1982, the whole debate within the SPD (now), after the end of the Cold War, became dominated by domestic instead of foreign and security policy issues. Rare attempts by leading Party officials to seek profile in the realm of foreign and security policy, which often even contradicted each other, caused rather new irritations about what the SPD foreign and security policy was to be about than they contributed to further clarification. However, these attempts caused also nervousness among Germany's partners in East and West whether or not a SPD-led Government would smoothly pick up the legacy of Kohl's offensive integration policy in Europe, based on the clear belief in the steadiness of the transatlantic Alliance. This nervousness became aggravated, for the only plausible political alternative to the Conservative-Liberal Coalition was a Coalition of the SPD with the Greens, which were even more outspokenly critical about NATO, about the Alliance' strategy, about US hegemony and, particularly, about German involvement in multilateral peacekeeping and peace enforcement missions.

As the chances of a Kohl's defeat in the Federal Elections increased in early 1998, the most striking question among Germany's Allies was whether the Federal Republic would become a less reliable partner just in a crucial moment, when solidarity, common sense and collective determination were required more than ever. Would Germany as the chairman-to-be both of the European Union and the Western European Union perhaps set new priorities, different from those, which had been pursued by the Christian-Liberal Coalition?

Yet when the Red-Green Coalition came to power last year it was not in a position to devote much time for the conceptualization of a "new" foreign and security policy. It can be argued that the interest, if any, to do so, gradually had already faded away before the Elections were won. The vision of a collective security system had almost shipwrecked in Europe long before. Eastern neighbours of Germany wanted to join NATO and were already invited at the Madrid Summit to become full Members of the Alliance by April 1999. Moscow had already signaled

tolerance for this step in May 1998. Almost a dozen further states had made clear that they also wanted to join the Alliance, the sooner the better. More important, the crisis in the Balkans had reached a new critical level during Summer 1998 after the outbreak of new violence in Kosovo. It was now determined collective action that obviously was needed in order to harbour the crisis, and the guidelines of which had been sketched out already within the Alliance considerably before the German Elections took place in September.

Ironically, the first crucial security policy decision by the new Government was due already before it was formally in power, when the *Bundestag* decided on supporting NATO's military pressure on the Milosevic-Regime. That the support of NATO found overwhelming approval among factions of both SPD and Alliance 90/The Greens was pointing a way, because by this decision a precedent was created after which it was clear that the traditional criticism in both Governing Parties of any German involvement in multilateral crisis management had become pushed aside.

One may well speculate why it was unexpectedly easy for Schroeder's Government to make this significant step so early, for it had seemed to be a long time completely inconceivable, perhaps even more for the Greens than for the SPD. Several reasons can be found, however: the high political pressure of time, the common will to avoid rifts within the Alliance, the brutal character of human rights violations in Kosovo, and also the wish of both Parties to prevent a bad start for the new Government at all cost. As a matter of fact the *Bundestag* Resolution in October 1998 did hardly express a genuine consent, neither among the Coalition partners nor within both themselves, about the substance of the matter. Interestingly, the vote even contradicted what the negotiation teams of both Parties had basically agreed upon with their Coalition Agreement<sup>33</sup>, especially, that the new Government would feel obliged to preserve the monopoly of force of the UN Security Council at all cost. Although representatives of both Parties emphasized shortly

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33 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, Bonn, 20 October 1998.

thereafter that the Kosovo decision was not to be understood as a precedent, and that this decision was adopted only due to a special situation of emergency, it cannot be ignored that for the first time a *Rubikon* for either Party had been crossed.

But even if the Kosovo Resolution of the *Bundestag* would have been really "exceptional", a closer look at the Coalition Agreement and on what the Government later has declared and done, is revealing that the principles of Helmut Kohl's foreign and security policy have not been subject to change under the rule of Schroeder.

It was clear to Schroeder and Fischer long before the Elections were held that it was not criticism of Kohl's foreign and security policy, but of his economic and social policy, which would make the victory of a Red-Green Coalition eventually possible. Different from the domestic social policy it was the foreign and security policy of the old Government which enjoyed overwhelming support among the German population. For that reason it was hardly surprising that, the better the prospect for political change had appeared, the more leading officials both of the SPD and of Alliance 90/The Greens demonstrated restraint with respect to former criticism of core security issues, particularly regarding the role of NATO and the involvement of the *Bundeswehr* in multilateral peacekeeping missions.

That the new Foreign Minister Fischer finally selected of all people the experienced former Political Director of the Foreign Office, Wolfgang Ischinger, to become his State Secretary was more than personal - as it was Schroeder's decision to appoint Kohl's special envoy to Bosnia, Michael Steiner, his head of the foreign policy department in the Federal Chancellery. And also the appointment of the rather conservative Social Democrat Rudolf Scharping to become the new Minister of Defence toed the line. The signal was as clear to the inside as to the outside: no experiments in foreign and security policy.

With Schroeder and Fischer at the top of the Government, the *pragmatic realists* have secured victory in the inner-party struggles with *idealists* and *fundamentalists*. Whether or not this will change again,



will depend on the ability of the ruling realists to keep the fringes of both Parties under control. As for the new Coalition's foreign and security policy is concerned, it remains to be seen in particular, whether or not the political pragmatism, exercised by Schroeder's and Fischer's crews, will remain tolerated by ideological and fundamental Party supporters which they of course still have to consider. The dramatic losses of votes both Parties have suffered from during the Elections to the European Parliament – compared to the results of last Federal Elections – have shown, that traditional voters in particular have tremendous problems to accept the "new pragmatism". Apart from that, the harsh political dispute among the Greens about the abandonment of nuclear energy has also made clear that finding solutions in crucial matters might turn out to be a permanent tightrope walk for the next years. If the *realists* fail in the long run to deal sufficiently with the ongoing internal pressure from below, more and more disruptive actions can be expected from the Party bases, which might eventually either endanger the present cohesion of the Coalition or lead to a perpetuation of inner-party political conflict, which of course would inevitably weaken the Government's ability to press hard on coherent foreign and security goals.

While Alliance 90/The Greens avoided the acute danger of splitting over Kosovo in May 1999 only in the last minute the uneasiness about the Government's unrestricted support of bombing Yugoslavia became almost an existential threat to the Junior Partner of the Coalition. It can be assumed, however, that three years from now, when the next Federal Elections are due, the Kosovo crisis will be finally over. But there can be no doubt, that the handling of this crisis so far has already had a tremendous impact on the future of European security, on the prospect of allied crisis management, and, therefore, also on Germany's role within the Institutions its security has been integrated into. And this change is reflected, for good or bad, also in the German public. That is the reason why it is important to look beyond the Kosovo case to understand the future role of the Institutions within which Germany is seeking to protect its security and interests and on which its integrated security in Europe is dependent: particularly NATO, the European and the Western European Union, and the OSCE.

## Germany and NATO

In their Coalition Agreement the SPD and Alliance 90/The Greens stated that the new Government would consider the Atlantic Alliance the "indispensable instrument for stability and security in Europe and for establishing a durable European Peace Order".<sup>34</sup> This statement marked hardly less than the end of a creeping and "silent revolution".<sup>35</sup> It cannot be explained with a pragmatic effort to demonstrate credibility of the SPD's ability to govern to a pro-NATO domestic public and also to the allied Western partners. The perception of NATO within both Parties has really undergone a great change since the end of the Cold War. Most responsible for this change has been the impact of NATO's role as a security anchor in Europe after the Cold War.

Much to the surprise of the former NATO opponents in Germany, the Alliance did not only manage to adjust to the new environment, but most of previous adversaries have expressed their wish to become full Members of it. Widespread assumptions among Social Democrats and Greens that especially NATO may remain or become a stumbling block for a long-term stability at the Federal Republic's Eastern periphery had become almost irrelevant after unification, and eventually obsolete, when Germany's Eastern neighbours Poland and the Czech Republic applied for NATO membership. As both a benevolent external environment and strategic neighbours' attitudes essentially matter to the stability of Germany in Europe, it could hardly longer be argued, that an Institution should be abolished, which almost all neighbours want to join and which they want to see viable for long.

Moreover, the historical experience has taught the Germans never to risk "special paths", which might endanger the cohesion of (Western) integration, which has proven so beneficial to the Germans after the

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34 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 45.

35 Wolfgang Ischinger, Die europäische Sicherheitsarchitektur im Aufbau, in: Europäische Sicherheit, vol. 47, No. 7/July 1998, pp. 11-13, here: p. 13.

War not only in terms of military security. No Member of NATO left the impression of being interested in dissolving the Alliance. Therefore, a German effort to transform NATO into a Collective Security Organisation would certainly have led to conflict among the Allies, possibly even leading to a diminished confidence in Germany's loyalty. In Germany it could also not be ignored that NATO was the first Organisation which as early as 1991 provided an institutional framework for permanent military co-operation and confidence-building between its Members and the Members of the former Warsaw Pact.

The Partnership for Peace Initiative (PFP) in particular, which was launched in January 1994, contributed a lot to create stable regional and state-to-state relations in Central and Eastern Europe. This aspect has been all the more so important since bilateral and regional co-operation among Central and Eastern European States almost collapsed after the Warsaw Pact had ceased to exist. Since 1997 NATO has continuously strengthened its mediating and co-ordinating functions by intensifying co-operation within the Euro-Atlantic Partnership Council, the enhanced PFP, the NATO-Russia Council and the Charter between NATO and the Ukraine.<sup>36</sup>

Changing attitudes towards NATO were also owing to the political developments within some of the transforming societies in the aftermath of the Cold War. The disperse of bloody ethnic conflicts within the waning Russian Empire and particularly in the Balkans contributed to the spread of sobering views among realists within the SPD and Alliance90/The Greens about lasting peace in post-Cold War Europe. Severe differences over how to settle these conflicts among the nations has also let to a disillusioning of their former high-flown expectations that collective security would be attainable in Europe in the short run. One of the most important lessons for the Social Democrats and the Greens to learn, which was drawn from the experience in the Balkans, was, that not only peacekeeping but also peace enforcement might be inevitable in those cases where all other civil means had failed

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36 See: for Details: Hans J. Giessmann, Sicherheit in Mitteleuropa im Spiegel der NATO-Erweiterung. Probleme und Perspektiven, in: idem. Handbuch Sicherheit 1997, op. cit., pp. 11-40.

– and that NATO had sufficiently proven to be the only multilateral Organisation to project the combined military power needed – either on its own or in close co-operation with its PfP Partner states – to make conflicting parties refrain from the use of armed force and the brutal violation of human rights.

Finally, NATO still provides the legal and institutional framework for the military presence of the United States in Europe, which, after all, is become considered essential for a durable European security and stability by most European nations whether or not Members of the Alliance. The presence of the United States is seen by most Europeans especially as vital for a stable relationship between Western Europe and Russia. Although differences between Russia, NATO Members and Member candidates about enlargement are still striking, SPD and Alliance 90/The Greens could not deny that the constructive co-operation between NATO and Russia, including the area of operational crisis management, has made remarkable progress since 1990.

NATO indeed had been supported in principle by the partners of the new Coalition long before both came to power last year. The devil of further conflict within both Parties regarding the operational role of NATO is more in detail than in principle. A first source of strains is connected with the scope of future commitments of Germany within the Alliance. While there is no visible dissent between the old and the new Government over the importance of NATO for European security, there are five issues on which, sooner or later, debate can be expected: the legal authorisation of collective military action, the scope and rules of military engagement, the relations between Europe and the United States, the further enlargement of the Alliance and, finally, the relationship between the West and Russia.

#### *The legal Authorisation of Collective Action*

Since the Constitutional Court had positively decided over the principal legitimacy of German participation in military missions within systems of collective security (according to Article 24 of the Basic Law) there was consensus reached among both the SPD and Alliance 90/The

Greens, at least until last year's elections, that any mission of NATO, and the involvement of the *Bundeswehr* in such a mission, apart from defence according to Art. 51 of the UN Charter and Art. 87, Basic Law, would require a preceding mandate by the UN Security Council, or – if authorized by the Council – by the OSCE.<sup>37</sup> The logic of this position was based on the assumption that NATO is neither a legal subject of its own nor a regional Organisation of Collective Security according to Chapter VIII of the UN Charter. Additionally, it has never wanted to transform itself into such an Organisation subordinated to the UN system.<sup>38</sup> The legitimacy of NATO has always been Article 51 of the UN Charter as applied in Article V of the Washington Treaty.<sup>39</sup>

However, the Constitutional Court, in its decision of 12 July 1994, made no clear distinction between the United Nations and NATO by stating that the latter can also be understood as to be a "System of Collective Security".<sup>40</sup> Therefore, from a legal point of view, it has been disputed ever since whether in every conceivable case a mandate provided by the UN Security Council is really needed. While leading Christian Democrats, expressed their preference for having such a mandate<sup>41</sup>, there was no visible dissent about its necessity on the side of the SPD and the Greens until recently.

During the debate in the German *Bundestag* on 16 October 1998 about the Federal Republic's support for a NATO intervention in Kosovo, Klaus Kinkel, still Foreign Minister at that time, stated, that NATO, by deciding to intervene, has neither created nor intended to create a "new legal machinery" designed to provide a "general authorisation for

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37 At the Fourth CSCE Follow-up Meeting in Helsinki in July 1992 it was agreed among the participating states, that the Organisation would apply for registration at the United Nations as a regional Organisation according to Chapter VIII UN Chr.

38 See: NATO-Handbook, Brussels 1995, pp. 11-31.

39 Ibid., p. 17.

40 Klaus Dau/Gotthard Wöhrmann, Der Auslandseinsatz deutscher Streitkräfte. Eine Dokumentation des AWACS-, des Somalia- und des Adria-Verfahrens vor dem Bundesverfassungsgericht (Heidelberg: C.F. Müller), 1997, p. 945/946.

41 See: Karl Lamers and Christian Ruck, Im besonderen Interesse Deutschlands. Ein Kommentar zu den Vorschlägen von UN-Generalsekretär Boutros Ghali, in: Agenda für den Frieden. Analysen und Empfehlungen des UN-Generalsekretärs. Forderungen an die deutsche Politik, op. cit., pp. 99-77, here: p. 76.

intervention" for NATO. He furthermore said, that the Kosovo case must not be understood as to be a precedent for the weakening of the UN Security Council's monopoly of force.<sup>42</sup> His statement found explicit support by both the designated Chancellor Schroeder and his Foreign Minister Fischer. The Coalition Agreement which was signed only a few days later reiterated this position by stating that the new Federal Government would actively support a preservation of the monopoly of force of the United Nations.<sup>43</sup> But the "monopoly of force", which in fact is enshrined in the text of the Charter, has not been transformed into the reality of the UN for the Organisation neither has a supranational competence nor the means at hand to execute measures of enforcement on its own. Apart from that, the legal right to veto decisions by the Council by each of its individual Permanent Members has occasionally proven to be a stumbling block for effective crisis management of the UN.

Therefore, the majority of votes in the *Bundestag* for Nato's military pressure on Serbia made clear that exceptions from the rules of the Charter would be accepted by the new Government in certain "cases of emergency".<sup>44</sup> It was not clear at all, however, what the criteria for such "emergency cases" should be. Only a few weeks later the pragmatic scope of judgement was tested again, when Schroeder and Fischer declared their political support for the US and UK bombings of military sites in Iraq, although there had been no agreement on it before among the Members of the UN Security Council.

It could be argued that, because of Germany's strategic interest to maintain the cohesion of the Western Alliance, national "special paths" are to be avoided at all costs. If the majority of Allies, for example, is advocating in favour of a "humanitarian intervention" as it happened to be in the case of Iraq, a different position, taken by Germany, might not

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42 See: Frankfurter Allgemeine Zeitung, 17 February 1998.

43 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 46.

44 See: Antrag der Bundesregierung an möglichen NATO-Operationen zum Schutz und Herausziehen von OSZE-Beobachtern aus dem Kosovo in Notfallsituationen (Emph.-HJG), Stichworte zur Sicherheitspolitik, No. 12/December 1998, pp. 31-33.

only endanger the collectivity of action but also the coherence of the Western Alliance. Yet the discussion among the Allies about a general legal legitimacy of collective action out of area has not come to an end. Germany so far has preferred a position "in-between" the opposing views on the one hand of France, which advocates in favour of having a mandate by the UN in general, and of the United States on the other hand, which wishes more flexibility of decision-making for NATO independent of the Security Council.

There is some indication that the new Government will carry on its ambivalent course. Though the Red-Green Federal Government in its declaratory policy appears to be closer to the French position its present pragmatism in real policy has rather supported the position of the United States. It should be added here that not only France but also Denmark, Italy, Norway and Canada have expressed caution about the idea of trading a strengthened operational role of NATO for a substantial weakening of the authority of the UN Security Council. Therefore, the pretended risk of another German "special path" appears to exist only but virtually. Yet the Kosovo crisis has shown, as has the acceptance of the wording for NATO's New Strategic Concept, that after all the European Allies have been neither willing nor able to resist the US pressure on changing the Alliance' character from a instrument of defence of Allied *territory* into one of defence of allied *interests*.

The existing uneasiness among many Europeans with any kind of interventionist aspirations, and especially the concern that NATO may perhaps become a tool of a US world order policy, has probably contributed a lot to enhancing efforts during the German EU Presidency to overcome diverging views over the institutional and functional establishment of a closer and effective intra-European co-operation in crisis management under the auspices of the EU. Germany's particular effort to strengthen the EU's part in the international efforts to settle the Kosovo crisis underscored its further preference for non-military conflict resolution.

On the other hand Germany does by far not have a "hidden agenda" within the Alliance. As the Kosovo case clearly has shown, the

mainstream of strategic thoughts in Germany meanwhile is supporting a pro-active role also with military means if required. This role, however, has not become primarily dominated by the idea of "nation-state sovereignty" but rather by a value-based understanding of international security and political order. Following on that, any use of military means may not only be legitimate but in fact even morally required, if brutal violations of human rights and totalitarian repression people occur. Schroeder's Government has picked up, what already former Foreign Minister Klaus Kinkel described, when he said, that "we are moving at present from a prohibition on intervention in the name of state sovereignty to a dictate of intervention in the name of human rights and humanitarian assistance".<sup>45</sup> Most statements of the Defence Ministry and of the Foreign Ministry at daily press conferences during the Kosovo crisis recurred exactly this idea.

Germany has frequently been criticized by the Allies after unification not because of having too much self-confidence, but because of apparently shying away to take over more responsibility in international security affairs. Such allegations should be considered obsolete after recent experiences with the German handling of the Kosovo case. Well respected as being a weighty, a "normal" Member of the international community, Germany has proven ready to use its prestige and authority to contribute actively to shape a post-Cold War European order.

Yet the new Federal Government should nevertheless clearly toe the line which was sketched out in the Coalition Agreement. As legally and morally difficult as the Kosovo case really had been from the very beginning, there has to be more awareness of the crossroads that now have been reached. A compromise between strengthening (or enhancing) an exclusive monopoly of force for the UN and acquiring the authority for a group of states to act collectively without a preceding mandate by the UN is hardly plausible. Chancellor Schroeder correctly underscored that any international NATO military action out of area would further require an "indubitable legal legitimacy". But he mentioned in the same context

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<sup>45</sup> Klaus Kinkel, in: *Auswärtiges Amt (ed.), Außenpolitik der Bundesrepublik Deutschland. Dokumente von 1949 bis 1994*, Köln, 1995, p. 910.



that such legitimacy would come from the UN or from the OSCE only "as a rule", and exceptions from the rule might become "necessary because of humanitarian reasons", though in "exceptional situations" only.<sup>46</sup> The blooming words leave room for further speculation. They implicitly recommend the precedent to others as an example to follow.

Attempts of muddling through from crisis to crisis would contradict what the Coalition had promised to its constituency before the Elections took place last year. If the Government now decides to exercise pragmatism it will perhaps run the risk of losing it. The support for the Government in the Kosovo crisis already became fragile over time, and the final success of diplomacy can hardly push aside deep concerns many voters of the SPD and the Greens that the Government has traded "principles" for "loyalty".

Ironically, the clear German backing of NATO during the Kosovo crisis was only possible, because of the peculiar composition of the new Government. Many opponents of NATO's bombing Yugoslavia did not speak out only because they did not want to weaken the new Government already on its marks. But the domestic public consensus and silent support for the Government, which apparently has been the case during the whole crisis, may be deceptive. If a Conservative Coalition would have been in power and executed almost the same policy, it would have faced certainly much more open protest on the side of the political opposition in Germany.

#### *Scope and Political Rules of Military Engagement*

For most Social Democrats and also for the Greens it was an essential for long that NATO should not extend its operational range beyond the limits of the Washington Treaty. In particular, NATO was expected neither to expand nor to take share responsibility for global crisis

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46 Bundespresseamt, Pressemitteilung vom 5.2.99, Rede von Bundeskanzler Schroeder anlässlich der "Münchener Tagung für Sicherheitspolitik" zum Thema "Deutsche Sicherheitspolitik an der Schwelle des 21. Jahrhunderts" am Samstag, 6. Februar 1999, p. 4.

management which has been interpreted especially by many of the Greens as being equivalent to "global intervention".<sup>47</sup>

The Kohl Government had already retreated from such a view of the Alliance as early as 1994, when the *Defence White Book* stated, that "crisis management" in future would have to cover an "extended geographical sphere", and that the "protection of national interests" should include the resolution of crises at the "spot of their origin".<sup>48</sup> The scope and rules of German engagement were to be based, however, according to the *White Book*, on Europe and its Southern Periphery, and, on whether or not "German interest" were affected.<sup>49</sup>

SPD and Alliance 90/The Greens have always been reluctant to attribute a pro-active role to NATO, at least when German participation in interventions was considered. From their point of view efforts to transform the Alliance into a collective instrument for defending "Western Values" would most likely push Germany into "global crisis management scenarios", which are harmful to entangled global economic interests and which could cause a backlash for strategic stability in Europe. At least implicitly, it was the US, which was suspected to be willing to use the Alliance out of area primarily for its national interests.

However, Germany like other Western Europeans is facing a conceptual security dilemma. Its security has been protected for more than fifty years by the Alliance with the United States at its core. So far only the US has had the means and the capability at hand to provide sufficient protection for Western Europe. The Europeans, on the other hand, have not proven able, but often also not willing, to deal collectively with crises, if required. CFSP so far has been rather wording on paper than in reality. This was the case the Greek-Turkish dispute in the Aegean, the war in Bosnia, and also prior to the Kosovo conflict. Moreover, the Eu-

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47 Cf. for example the Statement by one of the leading pacifists of the Greens, Uli Cremer, *Mehr Sicherheit durch NATO-Osterweiterung?*, Hamburg, 1 September 1996, pp. 1-5., See also: Uli Cremer et. al., *Antrag an die Bundesversammlung in Bremen vom 1.-3.12.1995*, pp.1-10.

48 Bundesministerium der Verteidigung, *Weißbuch 1994*, op. cit. No 254, 309; 319.

49 *Ibid.*, No. 319.

Europeans – Members and Non-Members of the Alliance, are well aware that only the US can provide sufficient deterrence against risks from conceivable restitutional claims, if neo-imperialist nationalists would come to power in Russia.

Most potential crises in today's Europe originate from domestic and non-military sources. NATO derives its strength, capability and international respect primarily from the military means it has at its disposal. It is neither prepared nor suitable in structural terms to deal efficiently with such crises below the level of armed conflict. As a coalition of willing and able states NATO's coherence is always determined by convergent "interests" of each individual Member. Only if these interests coincide the Alliance has become – and will become – engaged. For a genuine US involvement in each and any European conflict cannot be taken for granted forever, allied crisis management would run the danger to become one of "à la carte" if dependent always on consent with the US. It makes sense, therefore, that the Europeans create "European" structures of conflict prevention and crisis management independent of active US participation, but not necessarily duplicating or abolishing the structures of Euro-Atlantic partnership. "OSCE first" – the initiative taken by the former German and Dutch Foreign Ministers, Kinkel and Koojimans, in May 1994<sup>50</sup> could be understood as one attempt to bridge this dilemma, the integration of the WEU into the European Union may become another option, if finally successful.

The idea of either initiative is not to substitute NATO, but to begin to deal with conflict below the threshold of military intervention, and first of, all based on European responsibility, when possible. Only if European efforts fail, and if armed violence spreads out, NATO would be in a position to assist or facilitate conflict resolution. It is clear, however, that for such an approach it is not only the political will of acting

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50 See: Hans-Dietrich Genscher, 'Strengthening the OSCE – An Indispensable Condition for a Just and Lasting Peaceful Order from Vancouver to Vladivostok', in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE-Yearbook 1995/1996, (Baden-Baden: Nomos), 1997, pp. 49-56, here: p. 53.

collectively among the Europeans, which would be required, but also the availability of means necessary to execute flexible options of conflict prevention and crisis management in the full range of civil, but if necessary, also of military measures.

Germany's understanding of involvement in effective crisis management "before Kosovo" had been that of being a "Soft Power". It will be interesting to see whether this will now change in the light of the recent Kosovo experience. The new Federal Government has apparently accepted the opinion of its predecessors that NATO should be *second* to *none* in Europe and that the OSCE should not have a preference over NATO. While it took more than three months until the Federal Government had assigned just under 50 per cent of the indicated national contingency to the OSCE verification mission to Kosovo it took far less time to mobilize a fully manned and well-equipped national military contingency of several thousand men for the military assistance mission in the region. After the peace accord was reached, within days the Federal Government was able to upgrade its contingency for KFOR by almost a half.

Beneath the surface of a consensus in the case of Kosovo the Governing Coalition has not yet found a clear-cut understanding of NATO's future commitments. While the Chancellor himself, and also the Defence Minister, have repeatedly emphasised the German's readiness to enforce human rights with military means, if necessary, as it was outlined in the New Strategic Concept of the Alliance<sup>51</sup>, Foreign Minister Fischer has explicitly warned of a "geographical overstretch" of NATO and he has also stated that the Alliance would have to remain first, what it always has been since its foundation, "namely a regional security alliance", at least as long as there is no "European Single Political Subject".<sup>52</sup> However, apart from the strength and willingness of political leadership, it will remain dependent on a constitutive majority of the *Bundestag* whether and in which scope German troops participate in multilateral operations. Provided a positive vote, there will

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51 Bundespresseamt, Pressemitteilung vom 5.2.99, op. cit., p. 4.

52 Frankfurter Rundschau, 8 February 1999.

be no operational constraints for the *Bundeswehr* than those defined by political authorisation, in accordance to the wording and the spirit of international law, and the scope of the given mandate.

### *The Euro-Atlantic Partnership*

More than for any other Western Democracy the postwar security for the Federal Republic was closely connected with the US defence umbrella. The protection provided by the United States created the security environment necessary to sustain the challenges of the Cold War and to become integrated into the Western European Community. As for the other European states, it is meanwhile not at all a point of dissent in Germany that the strategic partnership with the United States should be further maintained. But despite this fact, the existence of competing interests between Europe and the United States cannot be neglected. Such interests are mainly due to economic rivalry but also a product of diverging styles in foreign and security policy on both sides of the Atlantic. The management of such different or even competing interests is of course always a matter of balance and of priorities. Even indicators for a harsh rivalry, especially in the field of trade and tariffs, have not resulted so far in a serious crisis of the transatlantic security partnership. It can be assumed that the operational co-operation in the Balkans and the challenges of NATO enlargement have produced and will further produce incentives on either side to even enhance this partnership.

Yet differently from the United States, which has accepted its role as the only post-Cold War Global Power, and which usually follows up its national interests without much consideration of others, the Europeans still have difficulties to put their divergent interests aside in order to implement a consistent common foreign and security policy. It is primarily this political weakness, which – much in contrast to economic and financial policies – leaves European security policy to a large extent dependent on decision-making in Washington.

After the requirements of collective deterrence have almost disappeared in Europe the consensus of interests among the Alliance's Members

now has to stand the test of a new strategic environment. Recent irritations between the United States and some of its European Allies, for instance about the Helms-Burton trade regulation, about the adaptation of the CFE Treaty, or about NATO's New Strategic Concept, indicate that such consensus may not be taken for granted in the future as it had been the case in the past, especially since the traditional "glue" – the common enemy – has apparently vanished or has at least ceased to pose a military threat to the security of NATO's European Members.

For most European countries, including Germany, the transatlantic community of the future will be based less on collective military precaution and on an undisputed hegemonic role of the US as a protector of Western European security but rather on the willingness and ability of either side to settle political, economic and other conflicts among its partners. If Europe and the US fail in that endeavour, a rude awakening on either side might be the consequence. Responsibility for the preservation of the Alliance is – far more than in the past – equally distributed on both sides of the Atlantic. Western Europe must no longer rely on its "fair weather" security policy and expect US selfless assistance in cases of emergency. On the other hand, the Europeans hardly can expect respect and consideration of the US, if they fail to reach agreement and have conceptual conflicts with Washington in a constructive manner, or if they carry on relying on the US hegemony in issues, which are essential European.<sup>53</sup>

While the active involvement of the United States in European matters is still as important for Germany and most Europeans as it is in the global interest of the United States, the founding idea of Germany's integration into the Alliance – namely on a firm Western basis – has been supplemented by similarly strong interests of the Federal Republic to include also the nations of Central and Eastern Europe into a widening European security system.

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53 Hans J. Giessmann, Das Ende der "Selbstverständlichkeit". Deutsch-amerikanische Beziehungen auf dem Prüfstand, in: antimilitarismus information (ami), vol. 28, No. 10/October 1998, pp. 15-23, here: p. 17.

This approach has become expressed not only by the early German push for the eastward expansion of NATO but also by the Federal Republic's efforts to take Russian concerns about the expansion of NATO serious, for example when the adaptation of the CFE Treaty was concerned. While Germany tabled a proposal in October 1996 about a "sophisticated territorial network" aimed at enhancing *stability* in the Central European region and implicitly taking into consideration Russian intentions, the United States refused this proposal and pressed hard on their own concept of maximum *flexibility* for an expansion of NATO. Though both sides later agreed on a compromise proposal, for the first time conceptual differences between the United States and Germany in this important issue became obvious.<sup>54</sup> The compromise which was found after all has not proven the danger of different interests, but still rather the strength of a partnership, within which conflict can be discussed and finally settled.

Whether Germany will be able to exert more influence on allied matters than in the past remains an open issue. The recent initiative for a revision of the Nuclear Strategy of the Alliance has been blocked by the United States and it is hardly imaginable for the time being that it will succeed. The Coalition Agreement of 20 October 1998 had stated explicitly that the new Federal Government will commit itself to the non-first-use of nuclear weapons.<sup>55</sup> The United States officially refused to even consider such an option in principle and denounced the idea as a "serious mistake", which might put the Alliance at risk.<sup>56</sup> Even though Germany would certainly not risk a "special path", because other nations, for example Canada, have also expressed criticism at the present Nuclear Strategy, the Coalition dropped its idea promptly after the harsh rebuttal from Washington. Defence Minister Scharping, and later also Foreign Minister Fischer, have meanwhile made clear that the allied

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54 Wolfgang Zellner, Anpassung des KSE-Vertrags – nur an die Erweiterung der NATO?, in: Friedhelm Solms et. al. (ed.), Friedensgutachten 1997 (Münster: Lit-Verl.), 1997, pp. 260-275.

55 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 46.

56 See: US Defense Secretary William Cohen's statement at the Security Conference in Munich, Associated Press News Service, 6 February 1999.

strategy is only subject to change if *all* Member States of the Alliance agree.<sup>57</sup>

The no-first-use debate perfectly demonstrates the sensitive balance of interests and priorities. Nuclear weapons had always been perceived in Germany during the Cold War as being both a protection and a threat to national survival. After the end of the Cold War it has become more and more difficult to convey the idea to the German public that nuclear weapons in Europe, and especially on German territory, are still indispensable for allied defence and national security. The idea of withdrawing nuclear weapons from all states, which have no right to their disposal, presented first by the former SPD Minister Egon Bahr back in 1982, is shared by most Social Democrats and Greens. But the readiness to drop the idea is clearly bound for the time being to the German priority of not risking serious conflict with Washington.

Whatever is deemed necessary to change the character of the transatlantic partnership in Germany, it will remain dependent on the ability of the Germans to find support among all Western European Allies. Recent failures of intra-European crisis management and hardly concealed attempts of the United States to transform the transatlantic Alliance into an instrument of power projection, have contributed to make the Europeans, and the Germans in particular, more sensitive to the requirement to develop greater self-responsibility and self-reliance in crucial security matters, especially on the European continent. It has to be seen, whether this sensitivity will lead rather to new strains or to new opportunities for the Euro-Atlantic partnership.

#### *The Enlargement of the Alliance and the Relationship with Russia*

For a long time the enlargement of NATO was a critical issue and for the SPD and for Alliance 90/The Greens. The Greens in particular, but – with only a few exceptions<sup>58</sup> - also most Social Democrats, rejected any enlargement of the Alliance and advocated instead in favour of a

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57 Frankfurter Rundschau, 8 February 1999; TAZ (Berlin), 8 February 1999.

58 See: Karsten Voigt, Reformüberlegungen für das transatlantische Bündnis, in: Das Parlament, No. 21-22, 19/26 May 1995, p. 11.



comprehensive security system preferably under the auspices of the OSCE.<sup>59</sup> While the Kohl Government had begun as early as 1992 to pipeline the idea of NATO enlargement to the East, it became heavily criticized by the Opposition for not seizing the chance of collective security. It even was blamed for re-creating "paradigms of confrontation", especially with Russia.<sup>60</sup> When it became clear, however, that almost all Central and Eastern European nations wanted to become Members of the Alliance, after the breakout of the political crisis in Russia and the civil war in former Yugoslavia, the domestic criticism increasingly eroded. The fundamental criticism of enlargement began first to give way rather to warnings against the speed and scope of enlargement than of its aims. Proponents and most opponents eventually found a common ground by advocating only for a "small solution". While for the formers it were mainly considerations about the stability of the Eastern periphery of Germany and about risks for the operational functioning of the Alliance, it was of primary concern for the latter that Russia might react negatively to a comprehensive enlargement.

After Moscow had sent out first cautious political signals of tolerating a NATO Membership of Poland, Hungary and the Czech Republic, criticism among the Social Democrats and the Greens became weakened and since the Madrid Summit in July 1997 the domestic debate in Germany about conceivable alternatives for the enlargement of NATO has practically vanished into thin air. The new Federal Government has taken over the positions of its predecessor, first, that NATO is indispensable for the creation of a durable European peace order and, second, that the institutional enlargement of the Alliance should not go beyond the first round, at least for a longer period of time.

What has not changed, however, is that the new Federal Government is seeking a close and improving co-operation with Russia.<sup>61</sup> From a

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59 Antrag des Abgeordneten Ludger Volmer et.al., Der Weg zu einem Sicherheitsmodell für Europa im 21. Jahrhundert: Die OSZE reformieren und weiterentwickeln. Deutscher Bundestag, 13. Wahlperiode, Drucksache 13/5888, 21 October 1996.

60 See for example: Reinhard Mutz et.al. (ed.), Friedensgutachten 1995, pp. 5-6, pp. 16-18.

61 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsver-

German perspective there can be no doubt, that the expansion of Western structures to the East at the cost of creating a new form of old "periphery" now pushed hundreds of miles eastbound would not cope with Germany's particular interest in improving economic and political co-operation in Eastern Europe, nor enhance the stability of the region.<sup>62</sup> That is the reason why – first of all and from a German point of view – the expansion of NATO, and that of the European Union, should go better hand in hand. Moreover, Germany remains especially interested in assisting Russia to overcome its present domestic crisis by creating stable political and economic relations between all Central and Eastern European States, including the Russian Federation.

### **Germany, the European Union, and the WEU**

With the introduction of the Common Currency on 1 January 1999 a new quality of European Integration has been achieved. The *Euro* has changed the face of – and the challenges for – the European Community more than most other steps, which had been taken before since the foundation of the European Union with the Treaty of Maastricht and the introduction of the Internal Market. As the European Union will be better able, but also forced, to act as a single player in global economic and financial affairs, its ability to act politically will become more dependent on its collective power to shape the international framework of integration, which inevitably will require also a common understanding of foreign and security goals. If disharmony between the first and the third pillar on the one side, and the least low communitarized second pillar on the other side, is prevailing, the idea of a genuine Union will remain only a fiction. Even worse, if the Union would not become based on a strong second pillar as well, the insufficient ability of the EU to manage conceivable crises in Europe will most likely cause problems not only for the improvement of

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einbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 48.

62 See: Hans J. Giessmann, "The 'Revival of Mitteleuropa'". Germany's Foreign and Security Policy Interests and the Transformation of Europe, in: Paul Luif (Project Co-ordinator), *Security in Central and Eastern Europe. Problems – Perceptions – Policies*, Final Report to NATO, Brussels, October 1998, 25 pp., here p. 13.

integration but also for the stability of each of its Members. This is all the more true, for the European Union is facing the challenge of expansion to the East and in the aftermath of the Kosovo crisis also to the South-East, and in that respect of incorporating new Members into all three founding pillars of the Union.

The new Coalition Parties had agreed, before entering office, on the goal to "further develop the CFSP in the sense of more communitarization of Foreign and Security Policy. Therefore, commitment will be shown to implement majority votes, more competence in foreign and security matters (for the EU - HJG), and a strengthening of the European Security and Defence Identity".<sup>63</sup> What was meant by "communitarization", can be understood essentially as a transfer of more competence to common institutions of the Union to decide and to act coherently, and also – if necessary – to initiate collective action even if some Members prefer to abstain.

Schroeder's Federal Government's starting position followed closely the wording of the revised Amsterdam Treaty (TEU). The Treaty had stated that the Union will define and "set up a common foreign and security policy covering all areas of foreign and security policy" to safeguard common values and fundamental interests in conformity with the UN Charter, to strengthen the security of the European Union "in all ways" to preserve peace and international security, to promote cooperation and the spread of democracy, to consolidate the rule of law and the respect for human rights and freedoms.<sup>64</sup> In Article 17 of the revised Treaty (ex. Art. J.7) it was stipulated in detail that the "common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy (...) which might lead to a common defence, should the European Council so decide".<sup>65</sup> While for the first time in the history of the Union defence matters were not ruled out from common decision-

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63 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 44.

64 Amsterdam Treaty on the European Union, Article 11(ex Article J.1).

65 Ibid.

making any longer, institutional and procedural rules for making defence policy as an effective tool of the EU machinery were not hammered out in detail. Impressed by the failure of the European crisis management strategy in the case of Kosovo the European Union, however, has made a great leap forward during the period of the German Presidency in spring 1999. Whether the clarification of the Western European Union's role will really facilitate and enhance collective decision-making in the area of the second pillar is still an open question.

#### *The Prospect of the Common Foreign and Security Policy (CFSP)*

Already the Kohl Government had frequently stated that - if the vision of a *Political Union* was to come true - European Integration could not be defined by economic and finance-political criteria only. It also would need a common foreign and security framework, and the latter would inevitably have to include means of defence policy and of a common armament policy.<sup>66</sup> To the surprise of many observers the new Federal Government has smoothly taken on this position.<sup>67</sup> While it was hardly predictable at the beginning of the year that within only a few months the reluctance on the side of some Member States to incorporate defence issues into the Union would disappear, it was eventually the crisis in the Balkans - and the predictable burden of costs for reconstruction after the war for the EU Members in particular - which has helped to clarify matters. Germany, together with France, and supported by Belgium, Italy, Luxembourg and Spain, was among the first who tried to overcome the straitjacket of unanimity<sup>68</sup> of CFSP. The Federal Governments - both of Kohl and Schroeder - have argued that the competences of Mr/Mrs CFSP should be both clearly defined and as large as possible and that the WEU should become an integrated

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66 See: Helmut Kohl, *Sicherheit für die Zukunft*, 34. Münchener Konferenz für Sicherheitspolitik, 7 February 1998, in: *Stichworte zur Sicherheitspolitik*, No. 2/February 1998, pp. 7-12.

67 *Aufbruch und Erneuerung - Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen*, op. cit., p. 44; see also: Bundespresseamt, *Pressemitteilung vom 5.2.99*, op. cit.

68 See: Werner Hoyer, *Die Erweiterung der EU: Eine historische Chance für Europa*, in: *Stichworte zur Sicherheitspolitik*, No. 2/February 1998, pp. 27-31.

part of CFSP.<sup>69</sup> During the IGC, however, these attempts had not been successful.

When Germany entered the Presidency the Government became faced not only a bunch of unsolved issues, internal and external ones, but also a high pressure of time. The heated debate over the reform package "Agenda 2000" was urgently to be brought to an end during the six months of the Presidency. Moreover, the domestic pressure on reducing the German contributions to the common budget was as striking as was the resistance of other EU Members to accept such reliefs for the Federal Republic. Apart from internal matters there was the task of clarifying the division of labour between NATO and the WEU, of the WEU role in the context of European security. Additionally, the latter became overshadowed – and finally driven – by the outbreak and the course of the dawning Kosovo crisis.

One may argue whether or not the EU Members would have agreed at the Cologne Meeting in May to incorporate the WEU into the European Union without having made the negative experiences with conflict prevention in the case of the Kosovo. Also the fact that of all persons the Secretary General of NATO, Javier Solana, was elected the first Mr. CFSP without usually long quarrels among EU Members may to be explained with that experience and a willingness to consider previous hesitations finished. The failure of the European Union to prevent the crisis from escalation has not only left deep marks but also helped to bring about the common will needed to make a great leap forward in creating an institutionalized CFSP. In practice, however, even that leap is not more than another important step into the right direction. It has not yet eliminated the intergovernmental character of CFSP independent of other positive steps which had been taken already before.<sup>70</sup> With the implementation of the Treaty of Amsterdam the European Council was attributed to more competence to define principles of CFSP and for setting general strategic guidelines for all areas which belong to it. The creation of a Planning and Early Warning Unit within the General Secre-

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69 Bundespresseamt, Pressemitteilung vom 5.2.99, op. cit.

70 Initial Analysis of the Treaty of Amsterdam, <http://www.europarl.eu.int/dg7/treaty/analysis/en/section3.htm>, p. 1.

tariat of the Council, the personnel of which is drawn from the General Secretariat, the Member States, the Commission and the WEU may contribute to wiping out the many redundancies of institutional planning within the EU, and will certainly give in the preparatory work a strengthened role to the Commission. Finally, a new regulation, that abstentions by Members who are present or represented will not prevent the adoption of decisions, whereby Member States will not be required to apply the decision, but will accept that the decision commits the Union and that, if abstentions represent more than one-third of the votes weighted in accordance with Article 148 TEU, decisions will be deemed not to have been adopted. This regulation constitutes also a remarkable progress into the direction of a greater flexibility of action on the side of the European Union. But still, the elements of progress taken together are away from what is needed to create a communitarized CFSP.

It is not clear for the time being, whether the present formula will make CFSP already more efficient and successful. The full list of CFSP objectives as being set out in Article 11 TEU may indicate difficulties, for example, in distinguishing clearly between *Principles*, *General Guidelines*, *Common Strategies*, *Joint Actions* and *Common Positions*, when in each and every case practical decision-making is required and when individual Member State interests are competitive. If some Member States would feel inclined to exploit procedural ambiguities for feeding their specific interests, the hopes for more efficiency of the European Union may be built on sand. A possible scenario was described in a study by the Research Staff of the EU Parliament as follows: "The retention of unanimity in the field of CFSP for common strategies alone will only improve the present situation if such strategies can be narrowly defined. Given that a clear definition is difficult to imagine, there is the risk of a joint action being denounced as being, in effect, a common strategy, as to ensure application of the unanimity rule... In fact, this is an extremely complex system which could easily lead to deadlocks".<sup>71</sup> It was seen even as a step backwards, that the idea concerning the legal personality of the Union, which had been included in the draft Treaty version of 12 June 1997, eventually was

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71 Ibid.

dropped again. Also important was the fact, that the Member States failed to qualify the competence of the EU with regard to the defence component of CFSP, apart from the included WEU "Petersberg Missions", into the text of the Treaty. The compromise which was found in Cologne - the institutional embedding of the WEU into the European Union - may contribute to solve the dilemma. The litmus test of it will be finally proven only in the case of a next European crisis.

Apart from institutional ambiguities there are other loopholes still to be settled. No solution has been found so far for the European Parliament's oversight and control of joint actions, which will have to be paid for by the EU common budget. Similarly, it is still unclear which concrete role and responsibility will be assigned to the Commission itself in the process of preparation and implementation of a joint action. As far as the Chairmanship is concerned, the present principle of rotation every half a year will hardly provide a sufficient guarantee for continuity of implementation of joint actions, particularly if the uncertainties of definition what joint actions are about are taken into consideration. The experiences from the integration within the first pillar have shown that (only) if a qualified majority is possible, the political will for implementing a Common Foreign and Security Policy will eventually emerge.<sup>72</sup> The Commission may hope that a strong Mr. CFSP – that is what Mr. Solana promises to be – can bridge between the Commission's continuity and the rotation of the Presidency. On the other hand, if the Member States do not prove ready to strengthen the influence of Mr. Solana, the function and the reputation of Mr. CFSP might well run the danger to become marginalized, as would the CFSP in general.

Political will, legitimacy and clear-cut visions are indispensable requirements for a successful communitarization of CFSP. All of which have to depart from a clear analysis of challenges for the Union as well as for

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72 See: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (IFSH), *Deutsche Außenpolitik ist Friedenspolitik. Lageanalyse und Empfehlungen zur Friedens- und Sicherheitspolitik der Bundesregierung auf der Grundlage der Koalitionsvereinbarung der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen vom 20. Oktober 1998*, op. cit., p. 3.

each individual Member. These challenges can be summarized in three major topics: first, a new international environment connected with new transnational risks like civil wars, migration flows, terrorism, drug crime, proliferation, etc., and the erosion of nation-states' capability to tackle these issues on their own; second, the opening of Western Institutions for the new democracies in Central and Eastern Europe and the inclusion of Russia into the European system of security and co-operation; third, institutional reforms which are needed within the Union to deal adequately and effectively with the new tasks of integration on a global scale.

Starting from this assessment, it becomes clear, that the European Union, at least for the time being, is neither deemed nor expected to substitute NATO's capacity of collective defence. But this does not rule out that apart from searching for common ground in the area of conflict prevention and crisis management, the Europeans – and the European Union at the core – should develop a coherent security posture, which will cover the whole range of non-military and, if required, also of military means. The use of military means for other than defence purposes remains subject to national legislature. According to the Constitutional Court's judgement in 1994 it is the *Bundestag* after all, which has to decide finally whether or not German troops participate in any multilateral missions.

It is conceivable, however, that in the more distant future, if the European Union will have consolidated in all three pillars, the situation may change in the framework of a new "European Constitution". The inherent logic of a qualified Union should not rule out such a vision forever. The German-French Brigade, the Dutch-German Corps and the Euro-Corps, and also the Danish-German-Polish Corps, could perhaps serve as "models", which later might provide first "test area" for a future European Army.<sup>73</sup>

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73 See: Wolfgang Ischinger, Die europäische Sicherheitsarchitektur im Aufbau, in: Europäische Sicherheit, op. cit., p. 13.



While this idea today still may sound unrealistic, the crucial question remains, whether or not a unified Europe in the long run – when moving into the direction of a political, monetary and economic entity – can really afford to renounce of military integration. The more Europe becomes integrated politically the more security related issues will not only affect individual nations but also the Union as a whole and *vice versa*. If one major incentive for pushing ahead the process of political and economic integration was that government and non-government actors have become increasingly aware that nation-state rivalry does not provide the proper response to present and future cross-border challenges to security, prosperity and welfare. It makes hardly sense to leave out just the most sensitive part of common security.

The primary task to be solved in the near future, however, is – apart from a further clarification of institutional and procedural matters – the establishment of effective instruments to implement CFSP coherently, beginning with diplomatic means, economic and financial incentives and sanctions, to the gradual and appropriate use of force, including military power if necessary, yet in strict accordance to the premises of a dynamic international law. With the Declaration of Cologne the political premises for achieving this goal have been set. It was stated that the Union must acquire the ability to take decisions on the *'full range* of conflict prevention and crisis management tasks defined in the Treaty of the European Union, the 'Petersberg Tasks'. To this end, the Union must have the capacity for *autonomous action* backed up by *credible military forces*, the *means to decide* to use them, and the *readiness to do* so in order to respond to international crises without prejudice to actions by NATO. The EU will thereby increase its ability to contribute to international peace and security in accordance with the principles of the *UN Charter*".<sup>74</sup> (Emph. – HJG) The Member States tasked the General Affairs Council to prepare the measures necessary to include the functions of the WEU into the Union until the end of the year 2000. It was agreed that the European Union should have at its disposal the capabilities and structures (including military means) required for

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74 See: [http://www.auswaertiges-amt.de/4\\_europa/2/4-2-1dax.htm](http://www.auswaertiges-amt.de/4_europa/2/4-2-1dax.htm), p. 27 (Appendice III).

effective crisis management within the scope of the 'Petersberg Tasks' and within both the framework of CFSP, in accordance to Title V (TEU) and of the progressive framing of a common defence policy, as sketched out in Article 17, TEU. Concrete proposals were tabled in order to guide the further process of implementation, among others especially calling for regular or ad hoc meeting of the General Affairs Council, with optional participation of the Defence Ministers, the establishment of a permanent Political and Security Committee in Brussels, an EU Military Committee and a Military Staff, including a Situation Centre.

The Member States have been tasked to pay attention in particular to the development of those military capabilities, which are deployable, sustainable, interoperable, flexible and mobile, and therefore suited to fulfill the tasks as being defined by the 'Petersberg Principles' of the Western European Union. All these measures are directed to assign a pre-identified capability to the European Union to make use of most effective means in any kind of a future crisis, either with or without recourse to NATO assets and capabilities. It was also said, however, that the interlocking co-operation between the different existing institutions has to be further clarified, especially as far as the division of labour between NATO and the European Union and the co-operation of NATO and WEU Member and Non-Member States are considered.

Concerning the second major challenge to the European Union – the Eastern enlargement – Germany has been interested from the very beginning in a reasonable harmony between both enlarging and deepening integration. Hardly concealed irritations among other Member States about demands at the beginning of its Presidency to revise the division of the budgetary burden have become frequently misunderstood as a German intention to either slow down the process of enlargement or to make enlargement dependent on financial concessions by other Member States. While it is true, that the present distribution of the EU financial burden is still a matter of dissatisfaction among Germans in particular, there is no "either – or" in the interest of the Federal Republic to enlarge the Union. There can be no doubt that Germany has much more to gain than to lose through a swift

enlargement and this not only in terms of economic benefit but also in terms of security both external and internal. It may be interesting to note here that also for the latter the new Government is more susceptible, when compared with its predecessor, for it has advocated to extend the EU enlargement strategy even to Turkey provided the protection of human and minority rights will be guaranteed by the Turkish Government.

For Germany one of the most important lessons from the past is that the European Union embodies at best, what can be described to be a functioning economic *and* peace order, even without providing a hard collective military defence for its Member States. The sheer existence and functioning of the EU has exerted – and is further exerting - tremendous influence both in politico-standardizing and socializing terms in a wider Europe. The unique combination of internal peace, prosperity and welfare, including external stability and influence has attracted many states to become, when possible, Members of the EU. That alone makes enlargement a primary goal of Germany's integrated security policy, even if not all individual interests are met.

#### *The Future of the Western European Union*

The Western European Union has until now, when compared with NATO, only been a minor actor in European security politics. In fact, the WEU had for a long time been overshadowed by the predominant role of NATO in Western deterrence during the cold war, now and then critics even considered its role to be obsolete. Criticism was especially targeted at insufficient military means to enforce the goals of the Brussels Treaty, mainly regarding collective mutual assistance. But, while some Western Europeans - for good or bad – worried about a possible redundancy with NATO structures and thereby a weakening of transatlantic links to the United States, others were afraid of a creeping "militarization" of the Union.

Yet the traditional low opinion of the "unknown being" WEU<sup>75</sup> has nowadays become out of touch with reality. This development has been less

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75 Rüdiger Moniac, WEU - das unbekannte Wesen, in: loyal, No. 10/97, pp. 4-6.

a result of the importance of the Institution but rather of the growing awareness, which meanwhile has spread among all EU Members, that – if a truly Union was the goal – a military supplement of integration is required. Ironically, it may well happen that, while the WEU for the first time has abandoned its previous existence in a niche, it may finally cease to exist as an independent institution in the short run because, if the decisions taken in Cologne will prove successful, "the WEU as an organisation would have completed its purpose" possibly by the end of next year.<sup>76</sup> However, the contribution by the WEU to the achieved level of decision-making within the EU cannot be underestimated.

*First* of all, already the Petersberg WEU Ministerial on 19 June 1992 took a major step forward in defining post-Cold War security challenges and, accordingly, new tasks for the WEU. Apart from contributing to common defence as stated in Article V of the Washington Treaty and also in Article V of the Modified Brussels Treaty, it was agreed that the Member States should now be prepared "to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of the WEU" and that such tasks would include, apart from contributing to common defence, "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking".<sup>77</sup>

*Secondly*, the WEU has started the process of a gradual enlargement aimed at creating links to all Members and also to future candidate Members of the European Union. In an early Declaration, which paralleled the conclusion of the Maastricht Treaty, the WEU Members stated accordingly: "States which are Members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become Observers if they so wish. Simultaneously, other European Member States of NATO are invited to become Associate Members of WEU in a

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76 See: [http://www.auswaertiges-amt.de/4\\_europa/2/4-2-1dax.htm](http://www.auswaertiges-amt.de/4_europa/2/4-2-1dax.htm), p. 28 (Appendice III).

77 See: Presse- und Informationsamt der Bundesregierung (Hg.), Bulletin, No. 68/1992, pp. 649-656.

way which will give them the possibility of participating fully in the activities of WEU".<sup>78</sup> Moreover, in accordance with decisions taken during the Kirchberg Ministerial Meeting in 1994, ten reforming countries of Central and Eastern Europe were invited to become Associated Partners of the WEU. Resulting therefrom the WEU adopted four different types of affiliation: full Members, Associated Members<sup>79</sup>, Observers<sup>80</sup>, and Associated Partners.

*Thirdly*, the WEU reinforced its own operational role by taking part in the monitoring of the UN Embargo against former Yugoslavia in the Adriatic (July 1992) and on the River Danube (April 1993). It has also contributed a police contingency to the re-establishment of the administration in Mostar under the auspices of the EU (July 1994 - October 1996), further by sending a Multinational Advisory Police Element (MAPE) to Albania (since May 1997) and by providing intelligence assistance and liaison officers at the request of the European Council, following the EU's humanitarian effort for the refugees in the African Great Lakes region. In 1999 a minesweeping mission was launched in Croatia (WEUDAM), the first mission which was following a direct appeal of the European Union, based on Article J 4 TEU, and funded by the EU. Moreover, the WEU has developed preliminary mechanisms and structures to prepare, plan and carry out operations with full self-responsibility by creating a Planning Cell, a Situation Centre and a first genuine WEU operational capability, the Satellite Centre in Torrejón, Spain, which has already provided assistance to the Kosovo missions of the OSCE, the European Union and NATO.

*Fourth*, the WEU reorganised its institutional structure and, while moving the Council and the Secretariat from London to Brussels in January 1993, had established closer administrative links with the European Union long before the debate about incorporating WEU into the European Union even started. Regular flow chart exercises, for

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78 See: Western European Union, Secretariat-General, WEU Today, Brussels, March 1998, p. 12.

79 Associate Members enjoy the right to speak but not the right to vote. Associate Members are Iceland, Norway and Turkey, while for the latter – with respect to the tensions between Turkey and Greece - the application of Art. 5 was suspended for cases of conflict between Members and Associated Members of the Brussels Treaty.

80 Austria, Denmark, Finland, Ireland and Sweden.

example, have provided both practice and experience for a joint institutional handling of crisis, thus avoiding frictional losses and allowing either side to take necessary decisions efficiently. Equally important, though with rather poor results so far, has been the decision of the WEU to create a common European Defence Market and a European Defence Agency.

*Fifth*, substantial progress has been reached also in military re-organisation. It started already in 1993 when France and Germany agreed on the future tasks of the *Eurocorps* for defence and concluded agreements with NATO respectively. The *Eurocorps* was designed to function under the operational commands either of NATO or of WEU. The Multinational Corps (which now is being composed of units from France, Germany, Belgium, Luxembourg and Spain) became the first military unit, explicitly answerable to WEU. Meanwhile other forces and headquarters have also been assigned to *Forces answerable to WEU* (FAWEU), namely:

- the Multinational Division/Central (Belgium, Germany, Netherlands, Great Britain);
- the UK/Netherlands Amphibious Force;
- the EUROFOR/Rapid Deployment Force (France, Italy, Portugal and Spain);
- the EUROMARFOR/European Maritime Force (France, Italy, Portugal and Spain);
- the Headquarters of the 1st German-Netherlands Corps and
- the Spanish-Italian Amphibious Force (SIAF).

Finally, following decisions taken by NATO in Brussels, January 1994, and in Berlin, June 1996, the concept of "Combined Joint Task Forces" (CJTF) was agreed, though that concept has not yet been turned fully into practical terms, as for the final text of agreements between NATO and WEU have still to be hammered out.

The WEU Ministerial of Brussels, July 1997, adopted a catalogue of working measures to further enhance a close co-operation between the EU and the WEU. The Maastricht Treaty had established a legal link

between the EU and the WEU. The EU decided to create a Common Foreign and Security Policy (CFSP), while the WEU Ministers stated that the "WEU will be developed as the defence component of the European Union and as the means to strengthen the European pillar of the Atlantic Alliance. To this end, it will formulate common European Defence Policy and carry forward its concrete implementation through the development of its own operational role".<sup>81</sup>

Yet instead of becoming an integral part of the European Union, as it was suggested by six Member States, including Germany, in a Draft Protocol proposal of March 1997, the affiliation of the WEU remained in a state of compromise until the EU Summit of Cologne. It was agreed that the WEU should play a role in the Development of the European Union – not in the Union itself –, which meant, that the WEU could establish *independent* operational capabilities. These capabilities were possibly to be used by EU on request - but still independent - notably in the context of the Petersberg tasks, in contributing to a European Security and Defence Identity (ESDI<sup>82</sup>) within the Atlantic Alliance in accordance with the Paris Declaration of May 1996 and with the decisions about creating a European NATO Pillar adopted by the NATO Ministers in Berlin in June 1996. For Germany, as for others, this compromise was a disappointing and even retrograde step. The WEU remained in a "state of waiting".<sup>83</sup> Even the Ministerial Meeting of Bremen in early May 1999 only had reiterated this state<sup>84</sup>, before the EU

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81 Western European Union, Secretariat-General, WEU Today, op. cit., p. 11.

82 NATO decided to establish a European Security and Defence Identity at the 1994 Brussels Summit. The Brussels Summit launched the Combined Joint Task Force (CJTF) Concept on the basis of a US proposal, which reacted to the German-French initiative of 1991 to establish a Eurokorps independent of NATO. This initiative provoked a NATO intern debate, within which the United States insisted, that the Eurocorps should be integrated into NATO, while both Germany and France resisted this demand. The compromise proposal (CJTF) conceded a limited autonomy for European structures, not separated, but separable, from NATO.

83 AP, 17.11.1997 (Detlef Rubel). See also: Tagung des Ministerrates der Westeuropäischen Union, Erklärung von Erfurt, 18 November 1997, in: Presse- und Informationsamt der Bundesregierung (ed.), Bulletin, No. 96, 3 Dec. 1997 pp. 2-11, par. I/5.

84 Tagung des Ministerrates der Westeuropäischen Union, 10th/11th May, Bremen, Bulletin, No. 30, 26 May 1999, p. 332-334.

Member States eventually achieved a breakthrough a few weeks later in Cologne.

Germany has strongly supported the creation of a European Security and Defence Identity in the framework of the European Union and to "gradually integrate the WEU into the EU".<sup>85</sup> If now the WEU will possibly be integrated into the European Union, however, it will probably not become as communitarized as other areas such as trade and agrarian policies. Still it will be up to national legislation to decide whether national troops will be sent abroad for purposes others than defence. Decision-making in all operational matters of peacekeeping and peacemaking will remain in principle nation-based. Only an "institutional quantum leap" leading to the "installation of a European Government controlled by Parliament and democratically legitimised" would possibly create conditions for a different vision.<sup>86</sup>

The more the European states take responsibility in operating collectively in peacekeeping and peace making missions the more common reasoning about procurement, arms trade policies, arms production and arms export control becomes important. Decisions adopted by the WEU Council in Erfurt 1997 to expand armaments co-operation activities to observers and to associate Partners mark a further opening of the WEAG to these nations.<sup>87</sup> However, since interests related to arms production and transfers are still closely linked to individual economic rivalry hopes for dramatic progress are low.<sup>88</sup>

The sequence of international engagement in Bosnia has demonstrated, that the European Union is still far away from posing a credible alternative to NATO for all eventualities. As long as the Member States

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85 See: Gemeinsamer Brief des Bundeskanzlers der Bundesrepublik Deutschland, Gerhard Schroeder, und des Präsidenten der Französischer Republik, Jacques Chirac, an den amtierenden Vorsitzenden des Europäischen Rates und Bundeskanzler der Republik Österreich, Viktor Klima, Bonn and Paris 8 December 1998, in: Stichworte zur Sicherheitspolitik, No. 12/December 1999, pp. 16-18, here: p. 18.

86 Wolfgang Ischinger, *op.cit.*, p. 13.

87 WEU Ministerial Council, Erfurt, Declaration of Erfurt, Par. 40.

88 Werner Heinzmann, Die EU auf dem Weg einer Sicherheits- und Verteidigungspolitik in Europäische Sicherheit, 4/1997, p. 35.



of the European Union do not overcome their present predominant national approaches to security, particularly in crisis situations, they will hardly achieve the common ground for a European Security and Defence Identity or be able to free themselves from further dependency on the United States. It is not the duplication of structures, which matters in the first instance, but more the self-consciousness and courage to act collectively. In practical terms this would require the readiness of each Member State to transfer national decision-making powers into the hands of common institutions, which – incidentally - has happened already in many other realms, for instance with respect to the crucial issue of currency.

*WEU, NATO, and the Relations between Europe and the United States*

The WEU Ministerial Council stated – already in its Erfurt Declaration of 18 November 1997 – that after initial frictions about the creation of an operational European Security and Defence Identity (ESDI) had been solved, practical co-operation between WEU and NATO must be developed, which would allow political directives to be "more effectively translated into practical links between both Organisations".<sup>89</sup> Hinting to the lasting importance of the WEU for a new Security Architecture in Europe the Ministerial Council in Rhodos on 12 May 1998 claimed a "pivotal role" of the WEU "between" the European Union and NATO.<sup>90</sup> The Declaration of Bremen stated the need to further develop a genuine European capability for security and defence with recourse to NATO assets and capabilities.<sup>91</sup>

It is not only the future character of the European Union but also the understanding of the future character of the Atlantic Alliance which will have tremendous impact on efforts to create a Common Security and Defence Identity. Though it has become common to start declaratory policy from that idea, in practical terms there are still bilateral and multi-

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89 Western European Union, WEU Ministerial Council, Erfurt Declaration, Erfurt, 18 November 1997, Introduction (I.3).

90 WEU Council of Ministers, Rhodos Declaration, Rhodos, 11-12 May 1998, Introduction (I.2).

91 Tagung des Ministerrates der Westeuropäischen Union, 10th/11th May, Bremen, Bulletin, No. 30, 26 May 1999, p. 332-334, op. cit.

lateral approaches which dominate actions taken within the frame of the EU or WEU.<sup>92</sup> Even the CJTF concept, which has been praised as a success for genuine ESDI efforts of the Europeans, might turn out to become a backlash for the well-meaning intentions to create more European "sovereignty" independent of NATO, for the present US CJTF policy exactly is still aimed to maintain control over such attempts. It is worth to note, that the United States have already intensified its efforts to conclude bilateral agreements with European States about CJTF, which implicitly counteract the idea of establishing independent European military structures.

Frankly speaking, the idea of ESDI (and CJTF) is posing a political dilemma, both for the US and for Europe. Washington wants the Europeans, on the one hand, to accept a bigger share of financial burden and responsibility for European security matters, on the other hand, it does not want the Europeans to operate fully independently in and beyond the boundaries of Europe. The Europeans want not only become more self-responsible in security matters, especially as far as security and defence implications on their political Union are concerned, and also with respect to participation within NATO. On the other hand, there are structural problems – in political terms, since there are different Memberships and affiliations with respect to NATO, the EU and the WEU (for example Turkey), and in military terms, because of certain technical insufficiencies (especially intelligence gathering and information analysis, airlift) – which limit the scope of any collective action. Though in technical terms first moves have been made to overcome such deficits<sup>93</sup> the political problems in the background are far from being solved. Technical control, however, always will imply political control as well.

Ironically, it was the British Government, usually the most cautious – if not reluctant – about independent European operational capabilities,

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92 The most recent example of this is the creation of the Multinational Peace Force Southeastern Europe in January, 1999 by the Defence Ministres of Greece, Italy, Turkey, Albania, Bulgaria, Macedonia and Romania for humanitarian roles. See: European Stars and Stripes, 13 January 1999.

93 For instance the establishment of the Torrejon WEU Satellite Centre, or the use of Russian Antonov aircraft during CRISEX 1997.

which last fall launched an initiative to restart a debate surrounding the future of ESDI.<sup>94</sup> The Agreement of St. Malo, which aimed at the "progressive framing of a common defence policy in the framework of CFSP, "the creation of a "capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so".<sup>95</sup> posed a first turning point of the debate within the European Union. The importance of which became more apparent, when later this year the Kosovo crisis began to escalate. In St. Malo it was stated that the European Union "must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within Nato's European pillar, or national *or multinational European means outside the NATO framework*".<sup>96</sup> (Emph.-HJG) The essence of that Document prescribed what was later agreed in Cologne upon.

While there is in fact no need for the Europeans to duplicate the military structures of NATO, the first key to the solution lies in the creation of common political will among the EU Member States. First steps matter first. Starting from the implementation of a genuine CFSP, the Europeans should concentrate first of all on the prevention of crises and not so much on operational capabilities to act autonomously with military means. It would be senseless, if not dangerous, to decouple the debate about the future defence policy of the Union, including operational peacekeeping and enforcement, from the whole range of non-military instruments for crisis prevention, which the Union has already at hand, but which it has not used so far as efficiently as it could have done, if provided with the required common political will. If the United States, however, would move on with its attempts to

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94 Speech by Prime Minister Tony Blair, to the North Atlantic Assembly, ICC, Edinburgh, 13 November 1998.

95 Joint declaration Issued at the British-French Summit, Saint Malo, France, 3-4 December 1998.

96 Ibid.

gradually change the character of the Atlantic Alliance into a global reaching instrument, the Europeans must no longer shy away from redefining the role of a "European Pillar" of NATO beyond the tasks of Article 5 of the Washington Treaty. Much will depend in the months ahead on the practical implementation of the Framework Agreement between NATO and WEU, and on further moves by the EU Members States to sharpen the profile of CFSP, and – last not least – on the implications of the New Strategic Concept of NATO for the Euro-Atlantic Alliance.

### **Germany and the OSCE**

The CSCE (now OSCE) made an important contribution in clearing the way for Germany's unification. Its ambitious political principles laid not only the moral ground for the "peaceful revolutions" in Central and Eastern Europe, but also the CSCE created a forum of dialogue and co-operation among these European States, the United States and Canada, which brought about, for the first time after the War, a climate of co-operative security, aimed at confidence-building and arms control.

After the ending of the Cold War, the CSCE has gradually transformed into an Organisation – way beyond its original norm-setting and mediating roles – and has also adopted operational conflict prevention and crisis management functions. At the same time it has failed, however, to provide an overarching peace architecture of collective security, which was envisaged in the "Charter of Paris for a New Europe" of 1990.<sup>97</sup> Yet the contribution of the OSCE as the only All-European Organisation to strengthen security and stability on the continent cannot be underestimated, particularly in the operational fields of democracy-building, preventive diplomacy, and the deepening of co-operative security structures. To understand the importance of the OSCE for Germany, it is necessary to acknowledge its advantages and power, but

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97 See: Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents 1972-1993* (Dordrecht/Boston/London: Kluwer Academic Publishers), 1993, pp. 537-566).

also its deficits, and the reasons for them. Some of which correspond to each other.

A weak legal basis was the founding principle of the CSCE in order to bring all Europeans together without pressing them too hard in a legal sense and also not to over-stress their readiness for political compromise. Lacking legal bindings, however, may bring about moral pressures to adjust, but not the power to enforce change, if necessary. The political consensus of the 55 Member States provides a strong basis for political decision-making by the OSCE, but such consensus is difficult to achieve, when competing nation-state interests matter. While the idea of low-profile (civil) conflict prevention in the frame of the OSCE may contribute a lot to engage in crises on a very low level of escalation, the clumsy decision-making ability and lacking means and funds of the Organisation have frequently proven to be stumbling blocks for taking early and efficient action.<sup>98</sup> Although the Member States have agreed to improve and extend the institutional means and mechanisms of the OSCE, they have not been exhausted by far yet. Moreover, the operational influence of the OSCE has become more and more overshadowed by other Institutions, namely NATO and in parts by the European Union, for lacking credibility in matters of Collective Security and for conceptual differences among the Member States, because of apparent failures in crisis management attributed to the weakness of the OSCE.

Germany has not in the least profited much from the CSCE in the past - and has always supported an enhancing role for the OSCE since unification. But according to Germany's "strategic constants", mentioned before, this approach is also logically rooted in the idea of co-operative and integrated security. The Kinkel/Koojmans Initiative "OSCE first" clearly expressed the intention of "interlocking" institutions

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98 See: Hans-Dietrich Genscher, Strengthening the OSCE – An Indispensable Condition for a Just and Lasting Peaceful Order from Vancouver to Vladivostok, in: Institute for Peace Research and Security Policy/IFSH (ed.), OSCE-Yearbook 1995/1996, pp. 49-56, here: pp. 52/53.

and also the will to attribute a prominent role to the OSCE within the European Security System.

The problem with such an approach, however, is – first – about the interests of all participating States in coping with such an approach, and secondly, about the appropriate and "interlocked" division of labour between all European Institutions. The way in which the existing Institutions for security have been defined – at least in the early nineties – by their Member States in terms of rivalry between Institutions rather than the sharing of responsibilities has contributed as much to a weakening of the OSCE as has the surprising challenge of bloody conflicts, which the Europeans have been facing within the immediate aftermath of the Cold War. While with respect to the acute crisis in the Balkans the concept of civil conflict prevention has lost a great deal of credibility. Military pressure when exercised successfully, by NATO in particular, has obviously met support especially for NATO in its adopted role as an institutional anchor of European stability. Yet the problems remain.

If the predominant type of conflict is of non-military origin, how come a politico-military Organisation is best suited to tackle these conflicts and to contribute to their solution? As successful as the IFOR/SFOR missions may have been, they have not been able to create the structures necessary for a lasting peace in the region without military control. This lesson can also be applied to the Kosovo case, independent of developments, expected for the future in this region. While a *security* order can – and must be – protected with military means, a *peace* order needs to grow from scratch. The role of NATO – and of the future military means applicable by the European Union (WEU) – in active crisis management could be understood as that of an "emergency brake". It is obviously still up to those Institutions, which have better "civilian" power at hand, to support political and societal change in order to eliminate the *sources* of existing and potential violent conflicts. There can be no doubt that the OSCE – and of course the European Union as well – will have to shoulder most of the burden in this respect.

The new Federal Government has made clear that it will seek support for the OSCE and provide it with better opportunities to deal with this challenge. The Coalition Agreement stipulated that the OSCE – being "indispensable" for European Security – should be strengthened in legal terms considering both institutional efficiency and the allocation of resources. Initiatives should be taken in three areas: obligatory arbitration and peaceful settlement of conflict, more efficiency and better equipment for conflict prevention, and the expansion of non-military (i.e. civil) means for active crisis management.<sup>99</sup>

Although the OSCE has established a Court of Conciliation and Arbitration in May 1995, this new instrument has had not a single case to deal with so far. This is all the more hard to understand, as the judgement by the Court is neither obligatory nor would a conceivable sentence be legally binding. Since the present weak occupation of the Court may hint to lasting mistrust of potential judgement parties in the interests of fairness and justice, the ambitious goal of an obligatory peace settlement may sound unrealistic. Yet, for the creation of a democratic culture in Europe, progress into such a direction seems inevitable. As recent examples and differing forms of pressure have shown, this need not to be completely far from reality provided political will among democratic nations is to emerge. Obligatory judgement would make sense if not only states but also minorities and individuals were given the right to appeal. It might be helpful to come to terms with the goal of arbitration as a "normal habit", once interested states no longer wait until consensus has been achieved, but set an example for others by submitting themselves to obligatory arbitration or at least by declaring to do so, once consensus is formally achieved.<sup>100</sup>

As far as the improvement of structures and funding is concerned, Germany might also set an example by increasing its spending for the

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99 Aufbruch und Erneuerung – Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen, op. cit., p. 45.

100 See: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (IFSH), Deutsche Außenpolitik ist Friedenspolitik. Lageanalyse und Empfehlungen zur Friedens- und Sicherheitspolitik der Bundesregierung auf der Grundlage der Koalitionsvereinbarung der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen vom 20. Oktober 1998, op. cit., p. 7.

OSCE unilaterally. The present amount of 3.4 Deutschmark (1998) is almost negligible when compared with expenses for military crisis management<sup>101</sup> and especially when the manifold challenges of conflict prevention, early warning and crisis management in Europe are taken into account. If the intention to expand the flexibility of options is taken seriously, it is of utmost importance to provide more than a minimum of means and funds to the OSCE. Without appropriate means at hand the OSCE will remain inevitably doomed to play a minor role or that of an *ad hoc manager* of crisis, not really active in early-warning phases, but merely at a higher stage of conflict escalation, most probably with less efficiency, and a diminished prospect of success.

## Conclusion

Germany's security policy as of today is less swaying, than it is still widely assumed. The unified nation has been recognised abroad as a stable democracy, a reliable Member of the Western Community of states, together with being an acknowledged partner of co-operation in Europe. All these characteristics enjoy broad political consensus also within the German society. The trauma of an "eternal German Question" for Europe – to be the most striking European trouble spot forever – has proven nowadays to be a myth. Over time Germany has become a "normal" European state like all others. The giant in the heart of Europe has become "cocooned", but not against its will.

The unification of the nation has not led to a principal alteration of strategic constants in German foreign and security policy, which had determined the Federal Republic's interests and policies since its foundation. Already in the past the Federal Republic had not really exercised a so-called "bandwagoning" policy, but it had been reluctant to accept a lead nation role in European security policy – a role, which it has now increasingly become expected to adopt by its Allies and Partners, both West and East, based on its strategic location, its economic weight, and because of its political influence.

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101 Preliminary estimates of the costs for Germany's participation in a military mission in the Kosovo range from 400 to 600 mn DM annually (Süddeutsche Zeitung, 23 February 1999, TAZ, 23 February 1999).



Germany's strategic goals in foreign and security policy are based on a strong interest in deep and extending integration. After the end of the Cold War the traditional integration of Germany into the West has been increasingly matched by interest as well to expand integrated economic and security structures eastward. Not in the least because of the postwar Federal Republic has extremely benefited from Western integration, the unified Germany, now having moved back into the geo-centre of Europe, is interested in achieving an integrated and stable Europe from the Atlantic to the East of Russia, based on plural democracy, stable political co-operation and market economies. This outstanding interest in the enlargement of integration is deeply rooted in the constants of Germany's strategic pattern: a centred European location, many neighbours, economic capability, dependence on foreign trade and exchange as well as the moral burden of the nation's past, positive experiences of integration and negative experiences with "special paths".

Germany's present and future state of security and its roles in international affairs are less influenced by the problems of "inner unification" than by the challenges Europe is facing in an era of societal transformation and global change. Both of which have an immediate impact also on domestic economic performance, on the stabilisation of political culture, and international security. While Germany is relying on integration, it is at the same time vitally dependent on its strength and further progress. The better European integration is functioning, the better it is for Germany, and – vice versa – the better the Federal Republic is able to exert influence both on European and global politics.

Neither can any improvement of integration be achieved nor become stable, in pursuit of selfish national power politics. It depends rather on the ability of each participant to take care of its duties, while considering those of the others, to make the fruits of co-operation beneficial to all. Responsibility and a thoughtful – but soft – power projection will be inevitable, if further progress is to be achieved. An assertive, but not arrogant, policy will have to bring national interests of each participant in line with common identities, and will seek for reasonable

compromise and foster individual willingness for maintaining collective cohesion. This does not go without conflict. Reliability requires the clarification of existing common and of diverging interests. Even running the risk of temporary tensions, it will be better for each participant and for the prospect of the whole community, to have it out in constructive ways, instead of shying away from dealing with existing conflicts. To settle successfully the conflict between national and collective interests, it is necessary first to clarify what both are about and then to balance one to the other. Concerning Germany, it has to become more expressive surrounding this issue, as the others have done for a long time already, and it also has to address them in an open responsible way to its allies and partners. Chancellor Schroeder was correct to highlight especially this point.<sup>102</sup>

It should not be overseen, however, that national and collective interests within a functioning integration have ceased to be simply exchangeable. Because of existing inter-dependencies the task of harmonization of national interests has become a constitutive element for the prospect of integration. If allied policy or integration is endangered because individual states push certain nation-state interests without respecting the vital interests of others, especially when those are sharply contradicting each other, Germany must be self-conscious enough to seek for compromise, if possible, but also for clear-cut dissociation, if necessary. The latter might be far less troublesome for the future of integration within the Western Alliance, than the acceptance of a functional change based on unilateral intentions.

The new Federal Government started from the assumption that continuity and reliability of Germany's foreign and security policy are – and will remain - principal prerequisites for addressing diverging interests within the Western Community. The German profile of these interests, however, has not become sufficiently clear. There is a considerable gap between the original declaratory policy as outlined in the Coalition Agreement last fall and the real policy, which the Government has pursued in its aftermath. Either the Government will

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102 ARD, 27 February 1999.

gradually move away from the founding Coalition Agreement to a more assertive course. Though this may lead to less problems with Germany's partners abroad, it might at the same time produce growing strains at home for the Coalition, which may even endanger its mere existence over time. Or the Government could change its present mind and return to the positions of the Coalition Agreement - which for sure would strengthen its apparently weakened cohesion, but possibly lead to more tensions with Germany's Allies and Partners. Yet whatever the result the thought-process will finally bring about, at least a pragmatic course can be expected in the field of security policy for the destiny of this Government will remain far less dependent on foreign than on the domestic performance. However, since in the end success of both is closely intertwined, a decision has eventually to be made. It cannot be deferred for any longer to an undetermined future. As far as crucial issues for Germany's integrated foreign and security policy are concerned, which have further to be dealt with, they can be summarized as follows:

*The future Tasks, Rules and Scope of Engagement of the Transatlantic Alliance.*

The challenges to be met refer particularly to the mandate of collective action, to the division of labour between Western Europe and the United States, to the scope of military missions, and to the relationship between the Alliance and non-Member States, particularly Russia. Germany should first of all - and, if required, independent of other Western European states - insist on clear mandates for any collective action to be taken by the Alliance, based on the wording of the UN Charter, while simultaneously seeking for a gradual revision of the Charter to adjust its provisions to the challenges of violent conflicts below the level of nation-states. This may include more attention to all means of peaceful settlement of conflict, according to Chapter VI, to the means of enforcement, mentioned in Chapter VII, and to the organisation of regional security systems, as envisaged in Chapter VIII of the UN Charter.

Regarding Chapter VI of the UN Charter Germany might take an initiative to strengthen the idea of obligatory arbitration, a political option, which by the way is explicitly mentioned in Article 24 of the Basic Law. Inter-linked with Chapter VIII of the Charter, this idea could be implemented first in Europe, preferably under the auspices of the OSCE. While a permanent membership in the UN Security Council would certainly enhance the political influence of Germany on the international stage, it would not eliminate the lasting construction deficit of the Council, which is primarily posed by the individual right of the five powers to veto and thereby to paralyse efficient action. As long as the right to veto is not revised (i.e. weakened) Germany's permanent Membership in the Council will matter less than the achievement of consensus with the allied veto powers. For the United States is – like France and the U.K. – a Member of an exclusive club whereby the principle problems of diverging interests have to be solved first within the transatlantic Alliance, and respectively, within the European and the Western European Union, and – of course – also either on bilateral scale or in the frame of institutional links with Russia.

In military terms Germany, not being a global power, should refrain from seeking allied global roles aside of the United States, which does not rule out the acceptance of global responsibility, provided a clear mandate by the UN is given. As far as relations with Non-NATO-States in Central and Eastern Europe – and also Russia – are concerned, the concept of integrated security and co-operation points in favour of an inclusive – instead of an exclusive – approach, which means a permanent improvement of bilateral and intra-regional relations, and, on the other hand structural support for transformation efforts in the region. With respect to Chapter VII of the UN charter it might be useful to consider collective European efforts for the European theatre first, based on a safe ground of mandates given either by the UN or the OSCE.

*The Communitarization of CFSP and the Creation of a ESDI*

Germany's integrated political, economic and security policy is essentially based on the shape and the prospect of the European Union. The idea of a genuine Union, however, remains only a fiction, it only confined to economic integration, financial relations, and home and justice policies. The major challenge for Germany, as for the other Member States, is – apart from gradually adjusting the structures of the Union in accordance to the impact and opportunities of global change – to create a sufficient ability at EU level to manage conceivable crises, way beyond "fair weather" conditions, including the availability of efficient and adequate political and also military means. Therefore, it is necessary and overdue to eliminate both the structural and the procedural defects of the Union's second pillar. The Summit of Cologne has opened the door to strengthen the idea of CFSP and to implement more efficient instruments and procedures to translate CFSP into operational crisis prevention and conflict management. A CFSP, which fully deserves the name, however, has not been achieved so far. It will be required for maintaining the cohesion of an expanding Union, and for coping with future challenges facing Europe as a whole.

As far as defence in its more narrow sense is concerned, the lasting dependence on transatlantic protection has lost much of its significance, and this will most likely vanish further in the future. All the more, it would be important that the Europeans will find a common understanding about what a genuine European crisis policy on the continent – and beyond – will have to be. The idea to expand the principal feature of the Western European peace order – a combination of internal peace, prosperity, welfare and justice, with external stability and soft power projection - to other parts of Europe corresponds most with Germany's interest in functioning integration and integrated security. Moreover, this combination would provide the best basis for a stable European Security and Defence Identity. Obviously there is no need for duplicating the military structures of NATO in (Western) Europe. For the near future it is neither the task of collective defence nor of military crisis management on a global scale, which is expected from the Europeans. What is expected, however, is that the Europeans accumulate the political will necessary to implement a Common Security and Defence Policy in Europe successfully. While this may

include under certain circumstances also the use of military means, it is prior to all the capability of the Union to contribute to the prevention and peaceful management of crises, where the focus must be laid on. This capability has been far from exhaustion.

Whatever military functions are considered to be eventually assigned to the European Union it remains of utmost importance first to strengthen the ability of the Union to speak with one voice, especially if crises occur, and then to launch determined collective action, if needed. Otherwise the Europeans will be forever unable to achieve self-determination or free themselves from their structural dependence on US assistance and – hegemony.

#### *The Creation of a European Co-operative Security System*

European integration will not improve, if it is based for much longer on a fragmented security system. For many reasons – geographical proximity, number of states, structural inter-dependencies, the coherence of markets, cultural affinity, military vulnerability etc. – the security of each European nation is and will remain highly dependent on common stability and security on a much wider stage.

The OSCE as the only pan-European Security Organisation has a unique function to bridge the geographical and institutional differences of affiliation among all European nations, including the United States, Canada and the post-Soviet states in Asia, as well as to strengthen the idea of a corporate European identity for all its Members. Apart from the unique character of the Organisation, the OSCE has developed a variety of means and procedures, which have proven fairly successful in many cases to prevent conflicts from escalation, and to strengthen democracy and civil peace-building in transforming societies. On the other hand, the OSCE has been over-burdened in cases of operational crisis management, particularly in the Balkans.

Different from the European Union, which has sufficient funds at its disposal, but limited access to many spots of crises the OSCE, although it has this access in theory, has not been in a position so far to project

enough power or to provide sufficient funds to contribute effectively to early far-reaching crisis management.

The Federal Government has frequently acknowledged the chances, opportunities and responsibilities of the OSCE, but – like other Member States too – it has not provided the funds necessary to transform the OSCE into a more effective Organisation. Not only in terms of savings but also in terms of an "inclusive" security system from the Atlantic to Eastern Russia, it makes sense to pay more special attention to the structural improvement of the OSCE. Immediate initiatives should make the early warning capacity of the Organisation more efficient, strengthen the mechanisms of arbitration and other forms of peaceful settlement of conflict, and help provide funds necessary to the OSCE in meeting these structural opportunities. Germany, which, in spite of evident budgetary strains, is still better off than most other European nations, could set a positive example to others by increasing its national spending for operational tasks of the OSCE even unilaterally.

Germany has finally "arrived in Europe". As a "normal" state among others, it is confronted with new challenges and tasks in a changing Europe and World. The challenges can be met successfully only together, therefore, Germany should not only use its authority and influence but also its power to make this common success real.

