Security can be defined as the absence of threats. Germany’s security policy has been decided by its location, its economic status, and its history. Prior to unification, Germany’s security was strictly codified by the NATO. Germany had looked for security against itself not for itself. And both the FRG and the GDR had looked for security against each other. The end of the cold War brought with it the unification of Germany and the chance of independence in its security policy. Certain strategic realities emerged after the end of the Cold War. They are:

- Germany is no longer a frontline state between communism and capitalism
- It is surrounded by maximum neighbors
- It is no longer torn between the East and the West, as even former states of the communist bloc are becoming integrated into the Western alliances, creating the concept of East of the West

Germany’s security policy can be understood as, first, inherited security interests. This includes territorial integrity/security of the homeland, commitment to the EU and economic stability at home. Second, new security interests, which have been dictated by instability in the East of Europe, and the newly acquired sovereign status of Germany. During unification, speculations rose that Germany would take advantage of its new position and discard its support for European Integration, switch to a unilateral foreign and security policy to further its influence in the world.

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372 Kühnhardt, Ludger, Germany’s Role In European Security, SAIS Review Fall, 1995, Vol xv, The John Hopkins Foreign Policy Institute, Paul Nitze School of Advanced International relations, Washington, pp 103, 105. [103-175]
Others felt that Germany would use its new power to further traditional policy of supporting European Integration and multilateralism as an economically and politically strong Germany would benefit its neighbours.\textsuperscript{374} Germany has followed the second course of action. This is because the present global problems have not been created by it; yet, it feels the impact of these particularly in the case of its economy. This is because Germany’s economy depends mainly on trade. Hence, it is forced to focus on a multilateral and international framework of security.\textsuperscript{375} Moreover, security problems today (particularly in the light of globalization) are multidimensional and require a multilateral approach. Thus in Germany there has been a transition from the \textit{comfort of isolation} during the Cold War to \textit{active participation} of the post-Cold War era.\textsuperscript{376}

One can identify two sets of security threats to Germany – \textit{primary}, or those that affect Germany directly which include economic crisis in the world, hike in price of crude oil, instability in Eastern Europe, etc. and \textit{secondary} i.e. those that affect Germany indirectly which include conflicts in North Africa, in the Indian subcontinent, North Korea, etc.\textsuperscript{377} The then Chancellor Helmut Kohl wrote that the security policy of Germany aims to maintain lasting peace and stability throughout Europe, overcome the division of Europe, harness Europe’s forces to meet increasing global challenges, push internal reforms in both the NATO and the EU, promote cooperation and integration globally and foster dialogue and Confidence Building Measures as a means to resolve conflicts.\textsuperscript{378} It is against this background that Germany’s Out-of-Area-Operations need to be analyzed.

\begin{flushleft}
\textsuperscript{374} Ibid.p.3.  \\
\textsuperscript{375} Klühnhardt, \textit{Op.Cit} ,p.109.  \\
\textsuperscript{377} Kemp, Karl Heinz, \textit{European Security Outside Europe}, \textit{Ibid}, p.98.  \\
\end{flushleft}
The Gulf War followed German unification and the USA led a multinational force into battle against Iraq. Germany remained quiet but the controversy about the Gulf War inside Germany led to an interesting debate regarding the deployment of German armed forces (Bundeswehr) abroad. The question raised both internally and internationally was ‘What should be the role of the Bundeswehr?’

Constitutionally, the Bundeswehr:

- defends Germany and its citizens from political blackmail and external danger;
- defends Germany and its Allies;
- contributes to securing peace and stability in the Euro Atlantic region;
- serves the cause of world peace and international security in accordance with the UN Charter;
- provides support in the event of disasters and other emergencies including humanitarian aid programs.\(^{379}\)

It is not so much the internal role of the Bundeswehr that is causing concern. It is the external role of the German Armed Forces that is a cause for concern. Germany is going through a severe dilemma regarding the international missions of the Bundeswehr. The subject of the participation of German soldiers in UN peacekeeping missions has fuelled an emotional debate for years; constitutional barriers were put forward as grounds for rejecting such missions.

The debate surrounding the participation of the German armed forces abroad according to Merkovits and Reich falls into two broad categories – Constitutional and Political.

**The Constitutional Debate**

The Basic Law became Germany’s provisional constitution in May 1949. It had only two passages related to defense: the constitutionally sanctioned right of conscientious objection (Article 4, Paragraph 3) and the constitutional prohibition against engaging in wars of aggression (Article 26, Paragraph 1).\(^380\) This was a deliberate attempt to forge an identity different from that of the Third Reich. Not until 1954, the year of the establishment of the *Bundeswehr*, did issues such as the sovereignty of Germany and its protection, as well as compulsory military service, become part of the Basic Law.

Central to the debate of the 1980s and 1990s was a cryptic statement found in Article 87a, Paragraph 2 of the Basic Law: “Apart from defense, the Armed Forces may only be used to the extent explicitly permitted by this Basic Law.” Three phrases were found debatable – the exact meanings and/or implications of “defense”, “may only be used” and “explicitly permit”\(^381\). On all three issues, there were several interpretations; none of them, however, came close to the definition of the use of the military in other countries.

Conservative interpretations of “defense” held that only an attack on the sovereign territory of Germany could justify deployment of the *Bundeswehr* for belligerent purposes. Moderates held that the deployment of the *Bundeswehr* could be only for belligerent purposes provided it was done so

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\(^{381}\) Ibid
within the defensive alliances of NATO and WEU (anything outside their purview would be termed as ‘Out-of-Area’). Most argued that Germany had clear obligations to such collective security arrangements, though these did not extend to the United Nations. The expansive interpretation held that Germany could come to the aid of any third country even if it was not contiguous with itself. These interpretations failed to provide a clear explanation of the term “defense”.\textsuperscript{382}

Equally diverse interpretations have appeared over the other two phrases as well. Interestingly, no article in the Basic Law talks about deployment outside Germany. The main debate centered on the following constitutional passage: “For the maintenance of peace, the Federation may enter a system of mutual collective security: in doing so, it will consent to such limitations upon its rights of sovereignty as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world” (Article 24, Paragraph 2). The narrow interpretation held that under no circumstances should German troops be deployed under the aegis of the United Nations. The expansive interpretation argued that by belonging to an international organization such as the United Nations, Germany assumed all duties and responsibilities, which such a membership entailed.\textsuperscript{383}

The Constitutional Court in Karlsruhe ultimately decided the constitutional side of the debate. On July 12, 1994, the Court ruled that no changes were needed in the Basic Law to permit deployment of German troops outside NATO’s defense area. It made it clear that Germany may take part in armed operations in the framework of systems of mutual collective security. This was subject to the approval of the German Parliament by a simple majority vote for each and every operation. The

\textsuperscript{382} Ibid
\textsuperscript{383} Ibid, p.142
judges at that time referred to Article 24 of the Basic Law (Germany may enter into a system of collective defense to maintain peace i.e. the UN and the NATO.)\textsuperscript{384}

The Court cited the preamble to the NATO by which members unite their efforts for collective defense for maintaining peace and security. This is consistent with the spirit of the Basic Law.\textsuperscript{385} It was, therefore, clear that member states of collective security systems must help and safeguard peace through military means if required. This, however, did not mean the transfer of sovereignty to such a system.

The procedure for the deployment of German troops abroad is long drawn and complicated. In most democratic countries, the head of State simply orders the deployment of troops abroad. However, in Germany, the Federal Government first receives the request for participation in an international mission from an international organization. Thereafter, it takes the fundamental decision to take part in such a mission. After this, it refers the request to the Federal Ministry of Defense and the Federal Foreign Office for consideration. These two ministries work closely together to formulate the political, legal and military basis for Germany’s participation in an international mission. The extent of German contribution is precisely drawn up. It goes to the extent of specifying the number of troops deployed, the time period etc. This is then put forward to the German Parliament. It is believed that all legal pre-requisites for such participation are met, if the Parliament adopts the proposal by a simple majority.\textsuperscript{386}

\textsuperscript{384} Ibid
\textsuperscript{385} www. bmvg.de (German Defense Ministry Website). Section on Parliamentary Army accessed on 10/10 /07 at 2200hrs
\textsuperscript{386} Ibid.
Earlier, on October 12, 1993, the court had ruled that Germany’s signing of the Maastricht Treaty on European Union did not violate the German constitution. These two decisions are landmark adjudications concerning foreign affairs. Until events in Somalia and the former Yugoslavia occurred, the German government and political parties had uniformly agreed that German troops were to be deployed only in the defense of Germany proper. If they were deployed abroad, they could engage only in purely defensive activities within the framework of a multinational mission. Under no circumstances could German troops ever participate in combat.\textsuperscript{387}

By this verdict, the country was now fully empowered to support its foreign policy with military force. The court had constitutionally sanctioned the beginning of a new era in German politics.\textsuperscript{388}

\textit{The Political Debate}

The Political Debate took place due to two reasons. Firstly, Germany had developed as a successful economy and a stable polity based on the Western model. Secondly, this had resulted in a commitment to pacifism and a deep scepticism towards an aggressive foreign policy.\textsuperscript{389} Hence, any move towards deployment of troops abroad was seen as a reversal of this pacifist approach.

The opinions of the various political parties on the deployment of troops abroad convey an interesting concept. The Party of Democratic Socialists (PDS) has consistently had the narrowest interpretation among German parties of the \textit{Bundeswehr}’s role outside Germany’s borders. The

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{388} Merkovits, Andrei and Reich, Simon \textit{Op. Cit.} p.142.
\item \textsuperscript{389} \textit{Ibid.} 144.
\end{itemize}
\end{footnotesize}
party strictly opposes “militarization of foreign policy”. Germany is not to deploy troops abroad under any circumstances. This implies non-participation in any alliance – in any capacity – including civilian and humanitarian.

Several members and activists of the Alliance‘90/The Greens harbour similar views but they are a little more moderate than the PDS. They believe that, under certain limited conditions, German soldiers can participate in peacekeeping missions under the command of the United Nations. Such actions can occur only as a matter of last resort.

The Social Democratic Party (SPD) was so disturbed by the government’s deploying of a German destroyer (in the context of NATO’s blockade of Serbia and Montenegro) to the Adriatic Sea that it brought the case to the Constitutional Court in mid-1992. The SPD unanimously believed that Germany’s constitutional framework does not permit participation of German troops in the international arena. The SPD wanted to limit German participation to peacekeeping missions (in which German troops are to carry light arms for purposes of self-defense only) under UN command despite a revision of the Basic Law that could have made German participation in multinational operations possible. The SPD maintained that any involvement by German soldiers outside the territorial limits of Germany requires parliamentary approval of a simple majority in the Parliament.

The interpretation that combat missions outside the traditional area covered by NATO are not permitted under the constitution had been ratified by the SPD led government of Chancellor

390 www.pds.de
391 www.spd.de
Helmut Schmidt (1974-1982) in April 1981. It was reconfirmed in 1983 by the CDU led Kohl government soon after it took over. The debate on Out-of-Area (OOA) operations during the Gulf War led to a consensus among the major political parties that rather than reinterpretation, the constitution was in need of amendment in order to allow German forces to assume a new role in collective security. Amending the constitution requires a two-thirds majority in both the Bundestag and the Bundesrat (the upper and lower houses of the German Parliament, respectively). Conflict arose initially because the SPD rejected the idea of an amendment. Later, none of the parties including the SPD could agree on the precise provisions of such an agreement. The SPD cited the example of German history and the fear of Germany being unwittingly drawn into conflicts by other powers as reasons for not deploying German forces abroad. It, therefore, called for a set of stringent measures including a mandate by the UN Security Council, a ceasefire, consent of the warring parties, operational control by the UN and the participation of other European countries as pre-requisites for the Bundeswehr’s Out-of-Area operations.  

The Free Democrats (FDP), just like the SPD, believed that a change in Article 24 of the Basic Law was required to allow German troops to operate Out-of-Area. For that purpose, the party submitted a proposal in August 1992 to change the Basic Law so that German soldiers could participate in UN operations, of both the peacekeeping and the peace-enforcing varieties. All such operations had to be sanctioned by the UN Security Council. German participation was to require a simple majority vote in the Parliament. In addition, the FDP proposed that all matters relating to German military involvement abroad be codified in a new Federal law, restrict the Bundeswehr’s activities to blue

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392 Ibid.
helmet (non-combatant) peace-keeping missions, UN authorization for Out-of-Area deployments and that fighting missions be permitted only when other EC members were present. 393

The Christian Democratic Union (CDU) and the Christian Social Union (CSU) represented the expansive end of the spectrum. They argued that Germany should assume a military and political responsibility commensurate with its economic might. Volker Rühe (CDU) had long maintained such a position. The CSU held that no changes in the Basic Law were necessary to permit the deployment of German troops under any institution anywhere in the world. The CDU’s pragmatism also brought the party to emphasize the importance of a parliamentary majority for any military operation by German troops outside the country. 394

It was essentially the CDU’s view that influenced the bill submitted in Parliament in January 1993 and the verdict of the Constitutional Court had literally confirmed the CDU’s interpretation. Heated debates arose in 1995 when the question of actual commitment of German troops in the former Yugoslavia was raised. The CDU/CSU believed that Germany had to fulfill its commitments to its allies by sending troops. The then foreign policy speaker of the CDU parliamentary group, Karl Lamers, insisted that a precondition for German influence abroad was the willingness to participate in international military actions. 395 The then Foreign Minister, Klaus Kinkel, claimed that common European policies and Germany’s credibility depended on its willingness to commit troops to the resolution of the conflict in Bosnia. 396

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393 www.fdp.de
394 1UPInfo>country study for Germany/German Information center.accessed on 12/12/00 at 1400hrs .
395 Ibid.
396 Ibid.
The majority of the opposition, particularly the Greens, however, refused to support sending troops to Bosnia. To them, the issue was whether Germany should give up its traditional reluctance and become embroiled in military adventures. Nonetheless, on June 30, 1995, the Parliament voted to have German Tornado aircraft participate in the UN mission in Bosnia. The Srebrenica massacre of thousands of Bosnian Muslim men in July 1995 at the hands of Bosnian Serbs added urgency to the German debate. Particularly, among the German Left and Alliance ‘90/The Greens, a six-month controversy (August-December, 1995) ensued. At stake was nothing short of a fundamental redefinition of twenty years of Green identity and a fifty year old consensus about German society. In the end, a majority of Green party activists supported the deployment of troops abroad. But a large number continued to oppose the policy and remained unmitigated opponents of the deployment of German troops.\textsuperscript{397}

The inter-party debate revealed clearly two things. First, the debate was fuelled by the burdens of history and a decision to not go back in time. Second, it was also circumstantial. The party in power could not afford to be insensitive, both to public opinion and international sentiments. This, in turn, has two dimensions. The conduct of foreign policy continues to belong to the domain of the executive branch of government in Germany. But the highly controversial and emotional debate concerning German participation in peacekeeping and peacemaking missions abroad has meant that the Parliament will continue to be directly involved in the actual decision making process.

After unification, Germany soon became confident about its greater responsibility in international relations. Officially, this was reflected in the German government’s willingness to increase the \textit{Bundeswehr’s} participation abroad. It must be noted that this was done within the confines of the

\textsuperscript{397} Merkovits and Reich, \textit{Op.Cit.,} p.145
constitution. However, unofficial i.e. public attitudes reveal an ambivalence and uncertainty on the issue. As early as 1991, Switzerland was seen as a model for Germany to emulate.

According to a Rand corporation survey in 1991, 62% of the population said they thought that Germany should pursue a more active international role. Some 77% voiced the opinion that their country was best suited to play the leading foreign policy role in Europe. There were even signs that Germans were coming to terms with the idea of international military intervention. In 1992, about 53% of Germans as compared to 43% in 1991 said that they believed the use of military force is justified when principles of international law and human rights are violated.\(^{398}\)

The reluctance of the Germans to think in terms of their country’s involvement in multilateral military action remained high. Although 53% supported the participation of the *Bundeswehr* in peacekeeping operations after unification, barely 33% favoured German military involvement in NATO operations outside of German territory. Only 20% were sympathetic to the idea of German forces participating in collective security actions such as Operation Desert Storm. A 1994 follow up study by the Rand Corporation, found increasing support in German public opinion for a German defense role beyond the country’s borders. But data also reflected uncertainty about what that role should entail. In the aftermath of communism’s decline Germans, particularly those living in the old *Länder*, believed that NATO was essential to their security. They did so even though the

contours of a distinct threat had not yet emerged and Germany’s new international role remained a big question.\(^{399}\)

In this context, two questions need to be addressed:

a. Will the NATO pull Germany into conflicts not concerning its interests?

b. Should Germany follow the path of the Swiss?

To answer both questions, it is possible that the NATO may involve Germany in conflicts not concerning its interests. Membership to a multilateral organization brings with it certain responsibilities and commitments. But Germany is a sovereign state and can always choose to not get involved in such a conflict. To follow the path of the Swiss is to take the easy way out. Germany’s location will not allow her to remain that way for long. Hence, an activist but a non-militaristic policy is called for.

There is no alternative to the core goals and values of the UN – peace, human rights, freedom, justice and development – which demand universal respect. The maintenance or restoration of peace is the paramount task of the United Nations Security Council. It decides what action is appropriate to achieve that goal and where necessary may mandate peace missions. Since its founding, the United Nations has carried out/mandated more than 50 peace missions.\(^{400}\)

With the adoption of the Agenda for Peace in 1992 and the changes incorporated in 1995, the sharp distinction between intra-State conflicts on the one hand and transnational conflicts on the other

\(^{399}\) *Ibid.*

\(^{400}\) www.auswaertiges-amt.de, section on Germany and the UN. accessed on 10/10/07 at 1200hrs.
was dropped. This was a groundbreaking development – yet, also one with considerable potential for conflict (“interference in a country’s internal affairs”). Given the current broad concept of security, it may be threatened by both i.e. by other countries or by inter-ethnic tensions. In concrete terms, the international community not only acts to defuse potential conflicts (conflict prevention) before they escalate into armed hostilities, but also, once hostilities have ceased, to develop and consolidate democratic structures (peace building). The United Nations may also authorize regional organizations (e.g. Iraq coalition), usually under the auspices of a “lead nation”, to create the conditions for resolving a particular conflict.

In this context, the Brahimi Report drawn up in 2000 at the request of the UN Secretary General needs mention. It addresses the whole spectrum of peace missions, clearly pinpoints the problems and recommends a comprehensive package of improvements. Overall, the report calls for radical reform – covering political, military, financial, personnel and organizational aspects of peace operations – to ensure that future UN peace missions will be both more credible and more successful. The proponents of reform will have to display considerable determination to push these well-grounded proposals through. It cannot be done without a substantial increase in financial and human resources.

Along with its EU partners, North America and other countries, Germany endorses the findings of the Brahimi Report and will maintain its contributions to the UN peace missions. The Bundeswehr’s role in OOA operations takes several forms:

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401 Ibid.
402 Ibid.
403 Ibid.
1. Germany provides substantial support for every peace mission. Around 10% of the UN’s regular budget is borne by Germany.

2. At present, Germany is participating in several international missions. The *Bundeswehr*’s task in the context of these operations is to monitor critical processes in unstable regions, to conduct peace keeping missions and to interdict terrorist groups and their equipment, thus helping to combat international terrorism.\(^{404}\)

**Table 1 : German troops deployed abroad**

<table>
<thead>
<tr>
<th></th>
<th>ISAF</th>
<th>UNAMA</th>
<th>KFOR</th>
<th>EUFOR</th>
<th>UNMIS</th>
<th>UNIFIL</th>
<th>Active Endeavor</th>
<th>UNOMIG</th>
<th>RECCE</th>
<th>Tornados</th>
<th>Afghanistan</th>
<th>OEF</th>
<th>Horn of Africa</th>
<th>On stand-by in Germany for medical evacuation purposes (STRATAIRMEDEVAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL</strong></td>
<td>3,236</td>
<td>1</td>
<td>2,279</td>
<td>518</td>
<td>41</td>
<td>1,087</td>
<td>24</td>
<td>11</td>
<td>188</td>
<td>2</td>
<td>257</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Female personnel</strong></td>
<td>156</td>
<td>-</td>
<td>112</td>
<td>56</td>
<td>0</td>
<td>32</td>
<td>-</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Reservists</strong></td>
<td>259</td>
<td>-</td>
<td>188</td>
<td>33</td>
<td>0</td>
<td>8</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Conscripts volun. for extended enlistment</strong></td>
<td>96</td>
<td>-</td>
<td>210</td>
<td>13</td>
<td>0</td>
<td>134</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>25</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

(Source: German Ministry of Defence, 2007.)

Together with the soldiers on standby in Germany, the total number of soldiers deployed on operations abroad is approx. 7,684.\(^{405}\)

3. In addition, Germany donates large amounts to specific missions in the form of equipment and other material; for other UN missions, it has also offered to make available capacities and resources of various kinds, although these are not always called on in the event of a crisis (e.g. Lebanon or Ethiopia-Eritrea).

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\(^{404}\) [www.bmvg.de](http://www.bmvg.de) accessed on 24/9/2007 at 21.00 hrs.

\(^{405}\) *Ibid.*
4. Since 1998, Germany has offered and also deployed medical, de-mining and stress treatment capacities in the civilian sector. In November 2000, considerable military capabilities were made ready for deployment at short notice under the Standby Arrangements System (land and aerial transport, army, medical and engineering components, telecommunications and related security units, naval reconnaissance military observers, military police units and command support personnel).  

5. In addition, Germany is actively developing an ‘on-call’ list of civilian specialists (currently around 500) as well as a pool of police officers to enable it to contribute also to these new and increasingly important sectors. These personnel will also be available to serve with other organizations (OSCE, in future also the EU). In this area, the Federal Foreign Office has established courses of its own to train civilian personnel for peace missions, which it plans to open increasingly to participants from abroad.

6. In the field of conflict prevention and peace missions Germany provides substantial funding (a 2-digit million figure) for a large number of individual projects. It also provides additional funding – beyond its regular contribution to the UN budget. This is for particular projects and groups/units within the UN organization/system (e.g. Lessons Learnt Unit in the Department of Peacekeeping Operations).

7. The Bundeswehr carried out practically no military operations beyond its borders. However, since 1960, it has conducted over 120 humanitarian operations across the globe.

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406 www.auswaertiges-amt.de accessed on 23/9/07 at 0900hrs.
407 Ibid.
These were the results of bilateral agreements or conventions between Germany and the recipient countries.

The debate over OOA operations has come a long way since the Defence Ministry Paper of 1964. This classified paper gave a list of reasons as to why the Bundeswehr should not be involved in the OOA operations. Firstly, it was not advisable to use it outside the NATO until the high degree of resentment and mistrust held in the West vis-à-vis Germany was overcome. This could be done only through patience and self-restraint on the part of Germany. Secondly, German forces were neither mentally nor materially prepared to operate outside NATO. Thirdly, they were needed by the West to counter Soviet influence in central Europe. Deploying them elsewhere would weaken the Western defense. Fourthly, international engagement was further complicated by Germany not being a member of the UN at that time.\textsuperscript{408} Fifthly, the division of Germany with both divisions being part of rival blocs may have resulted in their fighting each other. Finally, there was no will on the part of the government to engage in Out-of-Area operations.\textsuperscript{409}

The paper made a few things clear:-

i. That there are no specific legal barriers to an active role of the Bundeswehr

ii. That a country of Germany’s potential could not abstain permanently from international involvement

iii. That influence depended on contributions – Germany was interested in being a part of the group of nations that shaped the world’s security policy.

\textsuperscript{408} Germany became a member of the UN in 1973.
\textsuperscript{409} Becher, Klaus, ‘German Forces in International Military Operations, Orbis, Foreign Policy Research Institute, Philadelphia, Summer 2004, pp.399, 400.
A new White Paper (Weissbuch 2006) was published twelve years after the publication of the last White Paper; this had been on the Security of the Federal Republic of Germany and the Situation of the Bundeswehr. The new White Paper (Weissbuch 2006) has kept in mind the new realities and announced a transformation in the German security Policy. This is also in line with its Civilian Foreign Policy.

The East West conflict has ended. Germany is unified. There has been considerable progress in European integration. This has resulted in Germany’s identity being integrated into that of Europe. A European identity demands that Germany assume certain responsibilities and undertake certain commitments. Added to this, is the fact that globalization and its consequent interdependence have brought shared responsibilities to all countries. Germany is no exception.

Germany is well aware of this. This is reflected in the increasing willingness to assume responsibility in foreign affairs through constant widening of the spectrum of tasks Germany has taken on – in the intensity, extent and duration of German involvement in international missions over the past decade. German military commitment forms part of its security concept. The latter calls for political methods (conflict prevention and crisis management) of conflict resolution. These must be developed prior to any other method. It is only when all possibilities for a peaceful solution have been exhausted, that the military option ought to be utilized (that too, after careful consultation).

Today, the German armed forces are prepared to adapt to mission scenarios outside Germany that may vary greatly in type and intensity. This is despite the fact that the Bundeswehr was not
originally intended for employment in different environments.\textsuperscript{410} Former Foreign Minister, Genscher points out in his memoirs that, during the Gulf Crisis of 1990, Bonn’s army was not prepared; there was a constitutional ban, a fragile two plus four reunification process with Russia which was close to Iraq.\textsuperscript{411} This is why Germany kept away during the 1990 Gulf Crisis.

Germany is clear that military forces alone can manage no crisis permanently. Nor can political methods always offer solutions. The state admits that potential or actual use of military means can become necessary to find political solutions to conflicts. In some cases, armed forces may be indispensable in preventing or terminating violent conflicts. They can act as a stabilizer or deterrent and help stop crises from escalating and spreading. They are also highly instrumental in establishing the secure environment needed to consolidate a peace process. Hence, a \textit{Bundeswehr} capable of being deployed quickly and effectively is a necessary and integral element of a broadly based security policy aimed at attaining lasting stability. In recent years, national tensions have increasingly triggered violent conflicts affecting the international community as a whole. Frequently, such conflicts stem from structural, social and economic disparities and caused, or accompanied by, a severe loss of legitimacy of public authority. Historical images of certain groups or nations as enemies along with ethnic differences and religious strife can lead to a vicious circle of force and counterforce, which could be exploited by unscrupulous elements.\textsuperscript{412}

It is felt that missions in such environments may require them to contribute towards safeguarding national security and render humanitarian assistance. However, such contributions must be limited

\textsuperscript{410}www.bmvg.de accessed on 12/10/06 at 1500hrs.
\textsuperscript{412}Ibid.
to cases where civilian resources are delayed or not available. Rendering humanitarian aid or reconstruction assistance will benefit relations between the German armed forces and the civilian population and thus facilitate military mission accomplishment. Overall, however, external contributions must not lead to a peacetime order that will remain reliant on external aid rather than develop independently. In any case, the *Bundeswehr* is called upon to engage in close co-operation with military, civilian and government organizations and NGOs. The common goal of peacekeeping requires interdepartmental co-ordination and a substantive and continuous dialogue between all participants in order to make optimal use of the individual potentials of forces, international organizations, political institutions, police contingents, humanitarian aid organizations, development aid organizations and local elements. In addition, the *Bundeswehr* must temporarily conduct non-military tasks as well, if so required, for the support of the civilian population and in the event of civilian forces not being available as needed. As soon as possible, these tasks will be assumed by civilian organizations in order to allow military assets to discharge their original functions. Where local civilian capabilities are not yet available, international support efforts will focus on providing properly trained civilian personnel. This is why the Federal Government attaches great importance to the training and provision of civilian peacetime personnel.413

Seeking to strengthen Germany’s overall concept of conflict prevention and crisis management, the Federal Ministry for Economic Cooperation and Development has established a civilian peacetime service. This is a new element of development cooperation.414 In this changed scenario, a proposal to restructure the German armed forces was suggested (January 2004).

By 2010, Germany’s armed force will be subdivided into: -

- Intervention Force (around 35,000 soldiers) for high intensity multinational operations (military peacemaking operations)
- Stabilization Force (70,000 soldiers) for low and medium intensity operations in peace-stabilizing measures, as well as long-term peacekeeping operations
- Auxiliary Force (147,500 troops including 40,000 soldiers in training, 2,500 posts for reservists) for the support of all missions and basic armed forces operations.

The idea is to orient them towards crisis management and conflict resolution including the fight against terrorism\textsuperscript{415} as well as to create an army on ‘active duty’.\textsuperscript{416}

The terrorist attacks on the World Trade Centre and the Pentagon on 11 September 2001 brought about radical changes in the security situation in Germany and throughout the world. Since there are no longer two blocs facing each other with hostile intent, but more complex threats posed by international terrorism and the proliferation of weapons of mass destruction, nations must find new answers. At the same time the technical possibilities both for attackers and defenders underwent major changes over the past few years. Given these two parameters, the armed forces of Germany and of many of its allies and partners are currently engaged in a process which has become known as transformation.

This process is not like a reform, where outdated procedures and equipment are replaced by new and improved ones. Rather, transformation means complete reorientation. “Preventive security

\textsuperscript{416} Staack, Michael 50 Years of the Bundeswehr, www.magazine-deutschland.de, 4/2005.accessed on 1/10/06 at 2200hrs.
measures” are to an increasing extent seen as a comprehensive approach that is part of an overall national effort - and not a task to be performed by the armed forces alone. Cooperation with various national authorities is recommended. At the same time action is to be taken at multinational level, that is, in cooperation with partner countries. The objective is not only to conduct crisis management and crisis prevention, but also to develop the capability to contain and settle conflicts that have already broken out, making use of state-of-the-art technologies. 417

Under the transformation process, the US single services are to conduct joint operations, elaborate, further develop and put to the test networking of information systems (“Network Centric Operations”) and the capability to conduct operations at multinational level as well as a number of other concepts by 2015. This affects all areas of military planning, ranging from equipment to training down to command and control and infrastructure. 418

In the light of these developments, the Bundeswehr today is an instrument of a comprehensive and proactive security and defence policy. Its mission is:

- to guarantee the capacity for action in the field of foreign policy,
- to contribute towards European and global stability,
- to maintain national security and defence,
- to provide assistance in the defence of Germany’s allies,
- to foster multinational cooperation and integration.

417 http://www.bmvg.de/portal/PA_1_0_P3/PortalFiles/C1256EF40036B05B/W26UWAMT995INFOEN/W_2006_eng_DS.pdf?yw_repository=youatweb accessed on 21/7/07 at 1800hrs.
418 Ibid.
An effective *Bundeswehr* is vital to Germany’s security and defence policy. Particularly if it seeks to actively shape its environment. Politically and constitutionally, the *Bundeswehr’s* raison d’être and core function continue to be the defence of Germany against external threats. Additional responsibilities include the defence of allies in the event of attack and assistance in crises and conflicts that might escalate into actual threats. The *Bundeswehr’s* functions continue to be

- international conflict prevention and crisis management, to include the fight against international terrorism;
- support of allies
- protection of German territory and its citizens;
- rescue and evacuation operations;
- partnership and cooperation;
- subsidiary assistance (legal and administrative support, help in the wake of natural disasters and serious accidents.)

For the foreseeable future, the most likely tasks will be the prevention of international conflicts and crisis management, to include the fight against international terrorism. They will determine the structure of and exert significant influence on the capabilities, command and control systems, availability and equipment of the *Bundeswehr*.

Internal and external security are increasingly intertwined. The defence against terrorist and other asymmetric threats within Germany falls primarily into the purview of the Federal and Land authorities responsible for internal security. It is, however, permissible under current law to deploy the *Bundeswehr* and its available assets whenever a particular situation cannot be managed without
its assistance. To date, the use of military munitions in such cases has been prohibited. The structure of the *Bundeswehr* is consistently oriented towards its operational needs. Consequently, the German Armed Forces are organised into the categories of response, stabilisation, and support forces. They are trained, equipped, and deployed according to their respective functions. The *Bundeswehr* will continue to be a conscript force in the future; universal conscription has proven to be an unqualified success in varying security environments. The tenets of Innere Führung – leadership development and civic education – will remain the *Bundeswehr’s* guiding principles.

**Innere Führung**

The basic assumption of the founding fathers of the *Bundeswehr* and of the concept of Innere Führung was that the democratic idea and military necessity can be harmonised with each other. For that purpose, they had to develop a concept permitting to transfer the basic principles of a democratic state governed by the rule of law to military forces which were to be operational and efficient in accomplishing their tasks.

At the *institutional level*, the focus was and, in particular today, continues to be on integrating the armed forces as a conscription army, a parliamentary army and an alliance army into the political system of the Federal Republic of Germany; this is to be achieved by preserving the fundamental principles and concentrating in particular on the moderation and control of power also in the inner workings of the military establishment by developing a system of checks and balances (see also Article 87 a and b of the German Basic Law, command authority within clearly defined limits, obligation to obey within clearly defined limits, civilian administration of justice).

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419 www.bmvg.de, section on Innere Führung, accessed on 22/7/07 at 2300hrs.
At the individual level, the normative platform of the "citizen in uniform" concept was intended to reflect the human image stipulated by the German Basic Law guaranteeing human dignity, basic rights and the principles of the rule of law. This normative platform was to provide the binding framework for the internal order of the armed forces - while remaining committed to the goal of operational readiness.

By implementation of Innere Führung in ten specified areas of applicability - ranging from leadership through civic education all the way to the organisation of military duty and training activities - the citizen in uniform is to become a reality, not only in the day-to-day routine of military units but also during operations.

Innere Führung is more than just a normative concept. It is a dynamic leadership philosophy with a professional ethics code tied to the values of democracy and the rule of law. From the very beginning, Innere Führung has been a guiding principle for the balance between necessary adaptation of the military to the German free society and the typical aspects of being a soldier. It is from these two levels that the generally known four objectives of Innere Führung are derived. These objectives are:

- integration
- legitimacy
- motivation
- an internal order that treats soldiers like human beings.

The way the German armed forces are integrated in the democratic state governed by the rule of law has never been questioned by anyone. In other countries, it is considered an exemplary model that has proved to be a success. The integration of the armed forces within the state works and,
apart from that, is the sole responsibility of the legislative branch. The *Bundeswehr* is accepted as an institution and Innere Führung is a concept widely supported by society as a whole. The armed forces possibilities of adaptation to social change are restricted. Due to the specific aspects of military service, developments occurring within society can only be adopted for the armed forces after careful scrutiny. On the other hand, military service requirements cannot be used as a yardstick for society.\textsuperscript{420}

The need for Germany to maintain armed forces has had a legal foundation since the provisions relative to defence and the armed forces were incorporated in the Basic Law in the 1950s. For decades now, this fact has been supported by an overwhelming majority. Time and again, however, issues of legitimacy have been raised concerning partial aspects of the armed forces, as for instance, nuclear delivery means, the length of compulsory military service, the strength of the armed forces, the size of the defence budget, the new missions and, quite recently, once again the form of military service. This makes clear that legitimacy is not only a matter of law but also involves a process of political and ethical discussions.

Innere Führung places high expectations on military leaders. They should set an example in terms of their attitudes and the manner in which they perform their duties. This means that officers and NCOs must also have a knowledge of political events, backgrounds and developments, must be able to fit them into the proper context and must give them due consideration in their actions.

Setting a personal example is the best way to convey political and social values to subordinates. Goal-oriented civic education elucidates the basic free and democratic order; it helps young

\textsuperscript{420} *Ibid.*
"citizens in uniform" realize the purpose and necessity of their military service for the sake of peace and freedom.

It is felt that many young soldiers know little about the country’s basic constitutional order and code of values. So the purpose of civic education in the *Bundeswehr* is first to impart the most essential fundamentals. In this context, educational efforts are guided by the objectives pursued by general civic education activities. Civic and history education support help people develop the capacity for making their own judgements.

They also help the soldier get his bearings in a world which is becoming more complex. The new tasks of the German armed forces have intensified debate on the causes and backgrounds of recent conflicts and induced people to reflect more on the political decisions governing the employment of the armed forces. During international operations in particular, civic and history education provides a basis for mutual understanding and respect. This is the very reason why they are considered so important in preparing *Bundeswehr* personnel for specific operations.

Civic education also means encouraging soldiers to actively exercise their civic rights. The right of association as well as active and passive voting rights is undisputed civic rights. Many soldiers exercise them and by holding seats at all levels of government become actively involved in community affairs. In exceptional cases, it is possible to temporarily restrict the right to hold seats at local government level whenever operational requirements so demand.

The political and military leadership of the *Bundeswehr* will oppose any proliferation of extremist ideas and all incipient unlawful behaviour at the earliest possible stage and with all possible means. This is a permanent task for those in charge of civic education.
The OOA debate has another dimension. There were complaints from the opposition about lack of information on what happens in the missions. They felt that the Government must follow a more transparent policy on the deployment of troops abroad. This, in turn, has led to speculations as to whether the Government should introduce a special deployment law. Such a law would state the duration of deployment as well as cut down on the inordinate delay caused in the decision making process.\textsuperscript{421} While such a policy will bring about the necessary transparency, it could also open doors to the very dangers that Germany is seeking to avoid. The inordinate delay in decision-making is one of the restraining factors on deployment abroad. Removing this may open up a veritable ‘Pandora’s Box’.

The then Chancellor, Schröder, speaking on the occasion of 50 years of the establishment of the Bundeswehr, called the latter an army based on democratic principles, subject to parliamentary control. Again, he emphasized on the fact that military action alone does not eliminate the causes of conflict. Germany’s security policy includes political, economic, diplomatic (and military) options. All these will be used to resolve international conflicts.\textsuperscript{422}

A storm of controversy arose in August 2004, following the attack on UN headquarters, as to whether the government should rethink its stance on military involvement in Iraq. Walter Lendner, foreign Ministry spokesman, clearly ruled out rethinking. Hans Ulrich Klose, SPD’s foreign affairs expert, was of the opinion that Germany should not rule out categorically sending soldiers to Iraq.

\textsuperscript{421} Regulating Foreign Deployments, www.dw-world.de/dw/article0,2144,953164,00html,21/8/2003 accessed on 22/8/03 at 1200hrs .
under any circumstances. The Greens foreign affairs spokesman, Ludger Vollmen, was in favour of rethinking the cooperation between the UN and NATO in Iraq and the coalition forces.423

The then defence minister, Peter Struck, speculated in October 2004 that he could someday be open to sending soldiers to fight in Iraq. In a statement to the Financial Times he made it clear that, at present, deployments of soldiers is ruled out but *no one can predict developments to make a binding statement.*424 But in January 2005, he made it clear that *Germany will not send troops to Iraq.*425 The Greens defence expert, Winifred Nachtwei, also said that there will be no deployment of German soldiers to Iraq in the foreseeable future but *no one knows what can happen five years hence.* The then Chancellor *reiterated that there would be no change in the German policy with respect to Iraq.*426

In a survey conducted by Deutsche Welle in May/June 2004 on the question *If the US asks Germany to contribute to the reconstruction efforts in post war Iraq what should Schröder do?*, 30.2% voted for troops to be sent towards peacekeeping, 16.3% supported financial help while an overwhelming 53.5% wanted neither.427 Yet another survey conducted by the same news site in 2006 asked the question, *do you think the Bundeswehr should reduce its involvements abroad?* The results showed, 53.3% saying yes and 46.7 % no. This reveals that the public, at large, is not averse to the participation of the *Bundeswehr* abroad.

Hence, to avoid irritating public opinion, at each step, Berlin has tried not to create the impression that it was returning to the status of a militaristic power. In November 2001, Schröder declared that the German contributions to Operation Enduring Freedom were due to specific requests on the part of the USA, which was promptly denied by US Secretary of Defence, Rumsfeld. This shows clearly the extent to which the German government goes to in order to avoid irritating public opinion by favouring German missions abroad.

On the other hand, Germany recognizes that after 9/11, a new kind of threat aimed at the international system has emerged creating a new strategic environment. Germany, at the same time, does not want to abandon its status of a civilian power, given the burdens of its past. Hence, it has decided to give up its policy of abstention by abandoning the status of being a seeker of security and being a provider of the same instead. At the same time, it is very clear that in the war against terror, the military dimension is but one aspect of a larger strategy of counter-terrorism. The latter, in Berlin’s terminology, includes political, social and economic components. That is why Germany regards the war against Iraq as insufficiently justified – a dangerous and counterproductive distraction from the war against terrorism – and hence its reluctance to send troops to Iraq. Germany also cites three reasons for its reluctance to participate in military missions abroad (particularly Iraq). First, Germany believes in multilateralism (which is said to be the Third Basic Law of Germany), not unilateralism. Second, it is willing to contemplate the use of force only if it is on the basis of the UN Charter or has a clear international and legal sanction. Third, war is not a normal tool of politics for Berlin.

428 Becher, Op.Cit..
While this can be appreciated, critics feel that the reluctance to participate in Iraq has been fuelled by domestic concerns rather than a commitment to a Civilian Foreign Policy. It has been conveniently resurrected at the time of the last two Federal elections. To this, this writer rules out the latter. Germany’s history will never permit a non-civilian foreign policy. In this sense, the reluctance to participate in military missions abroad is understandable. Had Schröder wanted to use the sending of troops to Iraq only to tide over the elections, he would have sent troops later, which he did not. Second, Germany’s policy towards Iraq did not mean it was going its own way. The fundamental difference lay in the approaches of both the USA and Germany towards conflict resolution in the world. Germany focuses on Multilateralism as a guiding principle of its foreign policy. USA at that time preferred unilateralism. The former believes in the idea that conflicts cannot be abated through military measures alone. The latter trusts pre-emptive diplomacy i.e., America’s sovereign right to attack political foes before they harm the USA. American power is to be used not for imperialistic designs but for spreading freedom, democracy, respect for human rights throughout the world, while destroying threats to peace and prosperity.

It is, therefore, clear that Germany understands that it cannot play the political dwarf forever. Since sovereignty is accompanied by responsibilities, it is not enough to carry out a cheque book diplomacy (Germany contributing only financially). Nor is it enough to be a passive participant.

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429 Schröder Says Military Intervention In Iraq Would Be A Big Mistake, www.bundesre.de, 15/8/02 accessed on 12/4/03 at 1300hrs. Also, see Gardiner Nile and Helle Dale, What Berlin Must Do To Repair The US-German Alliance, www.heritage.org/Research/Europe/BG1609.cfm.30/10/02 accessed on 18/4/03 at 1400hrs, Hooper John, German Leader Says No To Iraq War, Guardian, 6/8/02, www.auswaeriges-amt.de, section on Iraq accessed on 11/2/05 at 2100hrs, Fischer Joschka, Speech At The International Conference On Iraq, 22/6/05 and 23/11/04, as well as Speech to the German Bundestag On War Against Iraq20/3/03, also on The USA/Iraq Problem Complex 22/2/02 in www.bundesre.de accessed on 23/9/05 at 1100hrs.


431 Bardehle Peter, German Participation in UN Peace-keeping Missions, Inconvenient Obligations, German Comments, Osnabruck, Germany, July 1992, p.35.
This is felt all the more as Germany was probably the only major power that was not plagued by ethnic groups demanding autonomy (unlike the Basques in Spain or Northern Ireland in Britain). Germany’s reputation and its future relations with the NATO and other Western Allies will depend on its willingness to play a more active role in sharing the burdens of international security. The judicial decision was in tune with this.

One can identify two dimensions with respect to this reluctance on Germany’s part to commit the Bundeswehr to OOA:

**Psychological** – the experiences of German history have resulted in a feeling of national guilt and a society that has an anti-war mentality. These two have collectively resulted in the demilitarization of the German conscience. Hence, whenever there is a call for OOA, there will be debates and arguments. *It cannot be expected, that after a 45-year effort to rid the Germans of their militarism…they can be expected to revert to the pre-war patterns of behavior.*

**Participatory** – This is dominated by economic concerns. Prior to unification, Germany has always seen economics as the sole means of international participation. Germany’s status as an economic giant filled the void left by the rejection of National Socialism. This resulted in Germany carving a niche for itself as a respected member of the international community (a new identity, an economic power). Hence, foreign policy and, consequently, international participation was defined in economic terms and not in military terms. It is in a bid to retain this identity and to avoid isolation that Germany’s new identity as a Civilian Power has emerged.

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432 Germroth David S. / Hudson, Rebecca J. *German-American Relations in the Post-Cold War World*, Aussenpolitik,1/92, Interpress Verlag,GmbH, Hamburg,pp.41,42.
Today, Germany’s status as an economic giant is under shadow, given the stresses and strains of unification. Will this result in yet another new identity, this time a militaristic one? In the opinion of this writer, it is unlikely. Public opinion, recent amendment to the Basic Law and general political inclination confirm that the return to National Socialism is impossible. To this must be added the fact that others, in the vicinity (France and Britain) and far away (USA), will not allow it. Whatever changes have occurred has happened in response to a changed international environment, where a catastrophe in one part affects another. It is not because of visions of a *Grossdeutschland*. Perhaps, in the near future, the *citizen in uniform* will play a greater role in the OOA operations. It will, however, be contained in a multilateral defence framework. To counter this, the idea of a *citizen in uniform* is being developed in the context of the German army. The *citizen in uniform* is the modern German soldier. He is a free individual, a full citizen and a trained soldier who obeys lawful orders from lawful superiors. He is a soldier of peace who protects human dignity.\(^{433}\) It is expected that the *Bundeswehr*, in the future, will be an Alliance army sharing not just missions but also military capabilities with the NATO and the EU.\(^{434}\)

**German Tornadoes to Afghanistan: A case study**

The German *Bundeswehr* has been part of the International Security Assistance Force (ISAF) in Afghanistan since 22 December 2001. The current Parliamentary mandate ran out in October 2007. On 12/10/07, the German Parliament voted in favour of extending the mission in Afghanistan-454

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\(^{433}\) [www.bundeswehr.de](http://www.bundeswehr.de) accessed on 31/8/07 at 1200hrs .

members (over 75%) voted in favour, 79 against and 48 members abstained. Germany’s contribution to the effort focuses on the northern region and Kabul. Germany’s 3,000-strong troop contingent is the third largest in ISAF. The total force currently consists of 26 NATO and 11 non-NATO states with more than 37,000 troops. Germany took charge of the ISAF Regional Command in northern Afghanistan with effect from 1st June 2006. What began as a purely coordinating task grew into Leadership responsibility for some 3,400 ISAF troops from 13 nations.

Regional Command (RC) north is stationed at Mazar-e-Sharif. The five Subordinate reconstruction teams (two from Germany and one each from Norway, Sweden and Hungary) have a particularly strong part to play in the country’s reconstruction.

The coalition government in Germany has consistently resisted pressure from the NATO regarding the dispatch of ground troops to the south and east in Afghanistan. This is where the US, British, Canadian and other troops operate. However, Germany agreed, after an extensive debate, that it will employ six Tornado jets in April 2007. This was to support ISAF troops in the south with aerial reconnaissance. The planes will be used in a reconnaissance role in the south of the country—currently the scene of violent struggles—to support the operations of NATO troops under the command of the US. The deployment of the planes also means sending an additional 500

436 Ibid.
437 Crossland David, Germany Tormented by its Pacific Streak after the Afghan Attack, Part I and Part II www.spiegel.de/international/world/0,1518,483952,00html, www.spiegel.de/international/world/0,1518,483952-2,00html 21/5/07 accessed on 23/5/07 at 14.51 hrs. Also see German Tornado Jets Depart for Afghanistan, www.spiegel.de/international/germany/0,1518,47593,00html 3/4/07 accessed on 23/5/07 at 14.51 hrs.
soldiers—on top of the 3,000 German troops already stationed there. The mission was to begin in early April and will extend until mid-October.

During a vote on whether to deploy German Tornado reconnaissance jets to Afghanistan, one-third of the left-leaning party's delegates cast their votes against the proposed expansion of the German military's mandate. The split on the foreign policy issue underscored the perils that face Germany's governing coalition, which pairs the SPD with Chancellor Angela Merkel's Christian Democrats. Foreign policy is one of the few areas where the parties have generally agreed since Merkel came to power.

The vote signified growing unrest in Germany about the country's six-year deployment in Afghanistan. At almost every recent SPD party event, questions have persisted about the mission. What is Germany doing in Afghanistan? Why is Germany waging America's war? And why is it that Germany can only afford € 20 million (US $ 26.5 million) per year in development aid to Afghanistan when the cost of sending Tornado jets to the country for only six months will cost a whopping € 35 million?

Party members have openly expressed their growing dissatisfaction with the uncertain aims in Afghanistan, saying they want SPD policy to reflect its identity as a party of peace. It's a sentiment that evokes former SPD Chancellor Gerhard Schröder's adamant stance against the Iraq war. Though the economic reforms Schröder pushed through remain deeply unpopular, broad support remains within the party base for his anti-war stance and for his having stood up to the United States. At one party meeting, Renate Schmidt, a former cabinet minister in Schröder's government,
warned that Germany "threatened to slide into a second Vietnam." And the party's foreign policy expert, Rolf Mützenich, said Germany had "fallen to a low level in Afghanistan." And the unrest isn't just limited to the left-wing fringes of the party -- it has also arrived at its core, even within the party's parliamentary faction. During the vote, 69 SPD members -- close to one-third of its representatives in the German parliament, the Bundestag, voted against deploying the jets.\(^{440}\)

A clear majority of Germans reject this operation. Just two days before the parliamentary vote, a poll by dimap found that only 23% of respondents supported the deployment of the jets and soldiers, while 69% were opposed.

The vote in the Bundestag was also far from unanimous, with 405 voting for the government motion, 157 opposing and 11 abstentions. This is the highest number of dissenting votes cast for an international military mission.

The Green Party vote was split. Parliamentary party leaders Renate Künast and Fritz Kuhn endorsed the mission. Party head Claudia Roth said Germany was “being drawn into ever sharper and more violent actions.” The Green Party parliamentary group chair Hans-Christian Ströbele remained true to his role as the pacifist fig leaf for the party, saying, “These Tornadoes will support the fatal war missions of the US in the south of Afghanistan.” There were 69 “no” votes in the SPD parliamentary faction—nearly a third of the group. This figure was higher than the predicted number of SPD dissenters. The Left Party-Party of Democratic Socialism voted en bloc against the deployment.

\(^{440}\) *Ibid,*
Two Christian Democrats also voted against: Winfried Wimmer (Christian Democratic Union—CDU) and Peter Gauweiler (Christian Social Union—CSU), who also lodged a legal objection to the Federal Constitutional Court.

Their reasoning for rejecting the despatch of German Tornado fighters expressed clear discontent with the conduct of the war in Afghanistan under US command. They stated that America’s conduct of the war was contrary to international law, which was no longer covered by the right of self-defence as laid down in the Charter of the United Nations, and in which Germany was now increasingly participating. The sending of the planes was “the last step in a government policy that had stretched over many years and that has contributed to a silent and unwanted alteration to the substance of the NATO accord,” they added.

For some time, Wimmer has ranked as one of the most vociferous critics of German participation in the war in Afghanistan. Some weeks ago, he said the path of the Tornadoes would lead from Afghanistan “directly to The Hague” to the War Crimes Tribunal, since the results of their reconnaissance missions would lead to the killing of innocent civilians. The criticisms of Wimmer, Gauweiler and others, however, by no means represent a general rejection of military operations by Germany’s Bundeswehr (armed forces) and are not an adaptation to the antiwar sentiments in the general population. Rather, it expresses the fear of being sucked into a military quagmire from which there is no going back.

As well as the military doubts, there are political ones—expanding participation in America’s military enterprises could frustrate German foreign policy efforts to gain a foothold in the region. There were some violent debates about the character of the mission even before the decision was taken to send the Tornadoes. Special significance was given to the distinction between the activities
of the ISAF troops and those of Operation Enduring Freedom (OEF). Although both missions work hand in hand and share their assignments and also a considerable part of their command structures, in public discussion ISAF is described as being involved with “civilian development aid” while OEF is engaged in active fighting.

As to whether the deployment of Germany’s Tornados represents a “combat mission,” here also there was no agreement between opponents and proponents. Defence Minister Franz-Josef Jung (CDU) insists upon the strict distinction between reconnaissance flights and combat missions—a distinction that makes no sense militarily. He even tried to present the mission as a contribution to the protection of the civilian population: The better identification of military targets would lessen “collateral damage.”

On the other hand, several experts stressed the substantial links between reconnaissance and military strikes. Jung’s predecessor at the Defence Ministry, Peter Struck (Social Democratic Party—SPD), said that “of course” it involves a combat mission. Others demanded a clear commitment to combat missions—including the sending of ground troops into the south.

In an interview the defense minister said:

**Q:** The German parliament, the Bundestag, approved a plan to deploy six Tornado jets, which are also supposed to fly in volatile southern Afghanistan. Your predecessor Peter Struck called it a combat deployment, but you have avoided using this terminology.

**Jung:** Tornados have two capabilities: reconnaissance and attack. But this is a reconnaissance mission. The bottom line is this: Every mission entails a life-threatening risk and there can also be
situations where soldiers have to fight. Of course, if our troops are being attacked -- by a rocket-propelled grenade, for example -- they must defend themselves.

**Q:** Why are you tiptoeing around the term combat deployment? Are you worried about opposition in the Bundestag or from the chancellor?

**Jung:** I'm not tiptoeing around the terminology. I just want to avoid misunderstandings. We're on a mission for peace, that's the message.441

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**AFGHANISTAN SURVEY**

“**What future would you like to see for the German military deployment in Afghanistan?**“

**Withdraw troops as soon as possible**

- CDU/CSU: 49
- SPD: 56
- FDP: 37
- Left Party/PDS: 83
- Greens: 50

**Deployment should continue as is**

- CDU/CSU: 44
- SPD: 40
- FDP: 54
- Left Party/PDS: 7
- Greens: 42

**should increase commitment**

- CDU/CSU: 5
- SPD: 4
- FDP: 7
- Left Party/PDS: 8
- Greens: 2

A TNS poll conducted for SPIEGEL between March 13-14; approximately 1,000 respondents; does not add up to 100% because respondents either did not provide data or replied with "don't know".

Source: Spiegel Online 09/03/07

**Figure 4:** Opinion poll on the deployment of the *Bundeswehr* in Afghanistan

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441 Volkery Carsten and Wittrock Phillip, *Interview with German defense Minister Jung*, www.spiegel.de/international/0,1518,470674,00html, 9/3/07 accessed on 23/5/07 at 15.44hrs.
The issue is compounded by the fact that a new poll shows the majority of Germans calling for a withdrawal of German troops from the region. A TNS poll conducted for SPIEGEL in the first week of March revealed that 57% of those polled -- many of whom also support the SPD -- believe German troops in Afghanistan should be removed as soon as possible. As part of its efforts to promote the SPD as a peacenik party, members of the base want party leadership to lay out a clear plan for the future of Germany's deployment in Afghanistan and to express decisive opposition to the American plans to install parts of its new missile defense system in Poland and the Czech Republic. It's a project that Schröder recently criticized as "politically dangerous," a "counterproductive attempt to encircle Russia that in no way represents European interests." The issue is creating a dilemma for the Social Democrats. If the SPD's leadership gives in to pressure from the party base, it could severely weaken Social Democratic members of Merkel's cabinet -- including Foreign Minister Frank-Walter Steinmeier, who has already been weakened by investigations into German intelligence cooperation with the US during the Iraq war as well as efforts to keep wrongly accused terror suspect Murat Kurnaz, a longtime inmate at Guantanamo, from returning to Germany. An open conflict with the Christian Democrats could bring a quick end to the fragile coalition government and raise serious questions about the SPD's ability to govern.442

At the same time, the idea of positioning itself as a peace party remains an attractive prospect -- especially in the wake of controversial reforms that have seen the center-left SPD help push through such unpopular measures like a hike in the retirement age by two years. "This is an issue of identity for us," says SPD floor leader Peter Struck, who expressed concern that the "dissatisfaction within the party and population regarding the Afghanistan deployment is growing." Still, party strategists have yet to come up with any solutions that would meet the demands of its Christian

442 Ibid.
Democratic partners and Germany's NATO commitments while at the same time keeping the party core happy. The only certainty within the party is that unilateral withdrawal of German troops from Afghanistan would be impossible.” Even the peaceniks know that," says Struck.  

At this juncture it is necessary to make a comparison with another former axis power that has given up the idea of force since World War II and is also bearing the burdens of the past—Japan. After its defeat in the Second World War, Japan accepted total disarmament and demobilization. This included, removing military leaders from positions of influence, abolishing all clubs schools, societies associated with military and martial skills, general staff, army and navy ministries as well as industry serving the military were abolished.

Article 9 of the Japanese constitution says that the *Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes and that in order to accomplish this aim, land, sea or air forces as well as other war potential will never be maintained and the right of belligerency of the state will not be recognized.* The exact limits of the Article are a controversial issue in Japan but it has been interpreted as allowing for a Self Defense Force (SDF).

Deprived of any military capability after 1945, Japan had only occupation forces and the limited domestic police to rely on for its security. The Cold War tensions, leftist strikes and demonstrations led many to question the unilateral renunciation of military capacity by this country. The Korean Crisis (1950) clinched the need to enter into some kind of mutual security assistance with the USA. This led to the Mutual Security Assistance Pact which was ratified in 1952 along with the peace

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444 www.mofa.go.jp 4/8/04 at 2100hrs
treaty Japan had signed with the USA and other countries. By this, the US forces which were stationed in Japan were to deal with external aggression against Japan while Japanese forces would deal with internal threats and natural disasters. The National Police Force consisting of 75,000 men equipped with light infantry weapons had been established in 1950, it was expanded to 110,000 in mid 1952 and renamed the National Safety Force. The Coastal Safety Force which was established in 1950 as a waterborne counterpart to the National Police Force was transferred to the National Safety Agency to constitute an embryonic navy.\textsuperscript{445} The National Safety force underwent several changes and in 1954, separate land, sea and air forces for purely defense purposes were created subject to the Office of the Prime Minister. Apart from Article 9, civilian control of the government, and the use of non military terms for the organization and functions of the forces aimed to avoid the appearance of military revival.

The overall organization was called, \textit{Defense Agency not the Ministry of Defense. The armed forces were designated as Ground Self Defense Force (GSDF), the Maritime Self Defense Force (MSDF), and the Air Self Defense Force (ASDF) instead of the army, navy and the air force.} The Basic Atomic Energy Law (1956) limits research, development, and utilization of nuclear power to peaceful purposes. Further, the national policy has adopted the \textit{three non nuclear principles— forbidding the nation to possess, manufacture or allow nuclear weapons to be introduced into the country.} Further Japan has signed the Non Proliferation Treaty (ratified in 1976) and has maintained its self imposed moratorium on nuclear weapons. This is despite the fact that it is a nuclear capable state, i.e., it has the capacity and technology to develop a nuclear weapon in a short period of time.

\textsuperscript{445} \textit{Ibid.}
The Self Defense Law of 1954 provides the basis for the use of the SDF. By this, ground, maritime and air forces are to preserve the peace independence of the nation and to maintain national security by conducting operations on land, sea and air to defend the nation against direct and indirect aggression. In addition, the Basic Policy for National Defense (1957) pledges to support the UN, promote international cooperation, stabilize domestic affairs by slowly developing effective self defense capability, and by dealing with external aggression on the basis of the US-Japanese security arrangements.

In the 1976 National Defense Program Outline the cabinet set guidelines for the operation of the SDF. By this, in cases of limited small-scale attack, the Japanese forces would respond promptly to control the situation. If the enemy forces attacked in greater strength, then the Japanese forces would continue until the USA came to it aid. Against nuclear attack, Japan would rely on the nuclear deterrence of the USA.

The GSDF would deal with ground invasion and threats to internal security, will have the capacity of being deployed in any part of the nation, and protect the bases of all three services. The MSDF was to meet invasion by sea, sweep mines, patrol and survey the coastal waters, ports bays and major straits. The ASDF was to render aircraft and missile interceptor facilities, support maritime and ground operations, supply air reconnaissance, maintain airborne and stationary early warning units. For the program to gain acceptance, the government agreed to a ceiling on military expenditures of 1% of the total GNP. On January 24, 1987, in response to US and Western nation’s demand that Japan adopt a more active defense policy, this 1% ceiling was abandoned.
In the context of the Gulf Crisis, in 1990, the Japanese government took the initiative of creating a legal framework enabling the participation of Japan in the international community’s efforts at peacekeeping including participation in such operations as the multinational forces deployed during the Gulf Crisis. This resolution failed to get adequate support and hence fell through.

In September 1992, the Japanese government introduced a new legislation that would permit the dispatch of the Self Defense Forces to Peacekeeping operations under the UN command. The final product, the Law Concerning Cooperation for UN Peacekeeping Operations and Other Operations or the International Peace Cooperation Law empowers the government to dispatch Self Defense Forces to participate in the logistical aspects of peacekeeping operations only. The Law states that those provisions on the dispatch of a contingent to peacekeeping activities going beyond logistical nature are to be frozen until a new legislation is enacted.

Five conditions are to be satisfied before a Japanese contingent is sent:

1. A ceasefire must be in place.
2. The parties to the conflict must have given their consent to the operation.
3. Activities to be conducted in an impartial manner.
4. Participation may be suspended if any of the above conditions are not satisfied.
5. Use of weapons shall be limited to the minimum necessity to protect life or person of personnel.\textsuperscript{446}

The process to be followed for dispatching the contingent is as follows:

There should be a request from the UN or any other relevant organization.

On receipt of this request, the Prime Minister judges whether it is appropriate to send in a contribution.

The Prime Minister then seeks approval from the cabinet and an Implementation Plan as well as relevant orders is issued.

The Implementation Plan sets forth the basic policy with regard to international peacekeeping operations, nature of operations, destination of dispatch, duration, size, composition, equipment etc.

On the basis of this plan, the Prime Minister as Chief of the International Peace Cooperation Headquarters prepares operating procedures.

When it is done, it is presented to the national Diet for approval.447

Thus, under the UN peace keeping Law, Japan’s participation in peacekeeping is frozen. Only logistical support is allowed.448 This is also under strict and vigilant procedures.

There have been several proposals to amend Article 9. This is because of a peculiar and anomalous situation in Japan. On the one hand, it has a constitution that does not incorporate the right of a nation to defend itself, on the other; it has for all intents and purposes armed forces despite the presence of a clause that denies the right of one to be maintained. The post war Japanese Constitution was drafted by the Government Section of the Supreme Command for the Allied Powers (SCAP), which oversaw the mainly the US led post war occupation of Japan. The document

447 Japan’s Contribution to International Peace in www.pko.go.jp/PKO_E/pref-e.html accessed on 10/7/06 at 1500hrs
was drafted over seven days, after the SCAP rejected an initial Japanese proposal of revisions to the prewar Constitution as ineffective. The SCAP included Article 1 which retained the emperor as a mere symbol of the state (depriving him of his divine status) and insisted on Article 9. This was done partly to control Japan and partly to placate the Allies over the retention of the Emperor. Having deprived Japan of the right to self defense, the US took charge of Japan’s national defense. It is because of this that the Right in Japan speaks of the constitution as *US imposed*.\(^{449}\)

There has always been a sharp division between the left and the right over Article 9, with the former supporting its retention as it is and the latter favoring its revision. Three proposals for revision need to be looked into. The neo-liberal proposal of Hatoyama Yukio president of the Democratic Party of Japan (DPJ), the neo-conservative proposal of Ozawa Ichiro of the Liberal Democratic party (LDP) who later broke away to form the Liberal Party, and the orthodox conservative proposal of Nakasone Yasuhiro of the LDP.

**Ozawa’s Proposal (September 1999):**

Ozawa regarded the constitution as invalid as it had been created during the Occupation by the non-Japanese. Japan should have declared this constitution as null and void when the occupation ended in 1952. Hence his proposed amendment to Article 9 includes:

- Adding a third paragraph to the article. This would read as follows: *The preceding second paragraph does not prevent Japan from exercising its right to self defense and from maintaining armed forces to exercise that right.*

\(^{449}\)Itoh, Mayumi *Japanese Constitutional Revision, A Neo Liberal Proposal for Article9 in a Comparative Perspective*, Asian Survey, University of California, Berkeley, 2001, p.310, 311.[310-327].
Adding a new article to follow Article 9, which would read as follows: the Japanese people shall take the initiative in participating in international peace activities in order to maintain and restore international peace and security from threats to peace and acts of destruction and aggression and actively contribute to world peace through every means including the supply of armed forces.\textsuperscript{450}

Japan is conditioned by the terms and obligations of the UN like any other member state. Hence it should not use the excuse of constitutional restraints and refrain from participating in peacekeeping operations of the UN.

\textbf{Hatoyama’s Proposal (October 1999):}

He argued that traditional post war liberalism followed by the Japanese is outdated. The SDF is nothing but the armed forces and should be recognized as such. In his opinion Article 9 should be amended to read as follows:

- Japan shall maintain land, sea and air forces as well as other war potential.
- Japan shall neither use these forces for acts of aggression nor shall it employ conscription.

He was in favour of Japan decreasing its dependence on the USA for its defense and developing an independence defense. In this regard he was in favor of the US-Japan Security Treaty but against the stationing of US troops in the country. Initially Hatoyama did not support Japan participating in collective self defense activities. This is because he believed that it would upset the countries of

\textsuperscript{450} Ibid, pp315, 316.
the region and of the world, and Japan would become involved in wars that were not of its concern. But, by October 2000, he began to support this concept in right earnest.451

**Nakasone’s Proposal (April 2000):**

He called for the revision of the second paragraph of Article9 and adding a third paragraph on collective self defense. The amendment would read as follows:

- **Japan shall maintain land, sea and air forces, as well as other war potential, for self defense purposes.**
- **Japan should retain the right to collective self defense.**

The right to self defense should be stipulated in a concrete fashion to draw a clear line concerning the extent to which Japan could cooperate in such activities.452

**Koizumi’s proposal (November 2005):**

In November 2005, another set of constitutional reforms were proposed. They included:

- **Creating a cabinet level Defense Ministry while keeping the clauses of pacifism.**
- **The JSDF to be referred as military force for the first time since its establishment. The amended article would read as follows: In order to secure peace and the independence of our country as well as security of the state and our people, military forces for self defense shall be maintained with the Prime Minister of the cabinet as the supreme commander.**453

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452 Ibid.,318, 319.
453 www.wikipedia.org accessed on 23/1/06 at 1500hrs.
Japanese security thinking and posture have been changing for more than a decade now. The country has moved more and more towards a realistic security policy, which has been conditioned by external developments—North Korea and China. Three publications, the report of the Prime Minister’s Council on Security and Defense (Araki Commission Report), the National Defense Program Guidelines (NSDP), and the Mid Term defense Buildup Plan reveal Japan’s security strategy for the future.

The Araki Commission Report was presented in October 2004 and it identified two security goals – preventing a direct threat from reaching Japan and reducing the chances of threats arising in parts of the world that could reach Japan or harm Japanese interests. Three approaches are available to Japan: self defense, cooperation with the USA and working with the international community. The Report however stressed on an integrated security strategy that is more flexible and outward looking than the self defense approach adopted during the Cold War. It calls for Japan to embrace the Multifunctional Flexible Defense Force concept which would allow the SDF to be more versatile and take on a variety of functions.\(^{454}\)

The National Defense Program Guidelines for 2005 and After was published in December 2004. This is only the fourth time that Japan has revised its defense guidelines and this document for the first time identifies threats in the form of China and North Korea. The NDGP reiterated the two security policy objectives identified by the Araki Commission and endorses the multifunctional, flexible approach.

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The 2006 Defense report also states the same, that the NDGP (2005) has two security guidelines—to prevent any threat from reaching Japan and to improve the international security environment. These in turn are to be attained by combining Japan’s own efforts, cooperative efforts with the USA and cooperative efforts with the international community. There have been major developments in the three areas. They include:

- The improvement of the SDF’s defense capabilities. It has shifted to *joint operational postures as of March 2006* which has been envisaged in the Mid Term Defense Program. The *Defense Agency will be transformed into the Defense Ministry.* A draft proposal to this effect has been submitted to the Diet.
- Final agreement reached in March 2006 on realigning US forces in Japan.
- SDF engaged in a wide spectrum of international peacekeeping activities.\(^{455}\)

Japan’s security threats have been identified once again as North Korea and China. The former has always harbored a deep seated resentment over Japan’s past colonial rule over it. Added to this is the country’s nuclear development program. The 1997 revision of Guidelines for Japan-US Defense Cooperation was in response to the first nuclear crisis of 1993 and 1994. The launching of a Taepodong missile in 1998 by North Korea, the Japanese Coast Guard’s skirmish with a suspected North Korean spy boat near the Amami Islands in 2001 only added to the already existing tensions.\(^{456}\) Hence, North Korea’s development, deployment as well as proliferation of WMD are seen as a major threat to Japan’s security. Regarding China, the two digit growth rate in its defense budget is a major worry for Japan. In addition, it must be noted that recently North Korea has gone nuclear.


\(^{456}\) Hitoshi,Tanaka *Toward Active Diplomacy For The Japan-US Alliance and International Coordination*, Gaiko Forum, Spring 2004, Toshi Shuppan Publications, Tokyo, Japan, p.9. [3-11]. (Tanaka then was the Deputy Minister for Foreign Affairs.)
It is in response to this that the SDF has gone into *joint operational postures* and Japan and the USA have jointly developed interceptor missiles to improve the capability of the Ballistic Missile Defense System.\(^{457}\)

Observing the recent series of policies and measures of the Japanese Government, both domestic and foreign commentators warn of a resurgent *nationalism*. The members of the Liberal Democratic party especially, Yoichi Masuzoe, feel that Japan’s neighbors should not worry about the resurgence of nationalism as many of its Asian neighbors have the capacity to strike Japan. A Social Democrat member of the Upper House, Masahide Ota, is of the opinion that, budding nationalism should be a cause for concern at home and abroad.\(^{458}\) While others assert that Japan is only *a follower of the USA*. These are stereotyped perceptions of Japan stemming from fixed ideas about its pre war militant nationalism and the extent of US influence over Japan. Japan today is following the policy of *new internationalism*.\(^{459}\) The maintenance of peace and order cannot be left to US alone, as US initiatives require backing from the international community. Hence, to maintain international order with the coordination of major countries is what Japan aims for. Moreover, one impetus for changing the constitution comes from the international demand for Japan to take a greater role in international affairs. It was criticized for unwilling to play an active military role during the Gulf War. Since then, it has sought to redeem itself by passing laws to enable its military to participate internationally. The new government in Japan has also promised to look into constitutional reform.

Since 1992, the Japanese SDF is found to participate in several peace keeping operations. They include:

- 1992, Angola, Cambodia
- 1993, Mozambique,
- 1994, Rwanda, El Salvador
- 1999, Kosovo, Sierra Leone, Congo
- 2000, Ethiopia and Eritrea
- 2002, East Timor.\(^{460}\)

The Japanese government approved two special measures, Anti Terrorism Special Measures Law of 2001 and the Iraq Humanitarian Reconstruction and Support Special Measures Law of 2003 to enable this country to send troops to Afghanistan and Iraq respectively. The reasons cited by the government were, to maintain and strengthen security ties with the USA, \(^{461}\) as well as the desire to help rebuild the Iraqi nation. While the public accepted the logic as several polls in Japan seemed to suggest, there were doubts about the future of such participation. Japan has veered from passive pacifism to active pacifism. The basic tenets of this are, it has no intention of becoming a military power, except for self defense and joint international actions taken when the peace is threatened, it uses restraint in exercising military force, does not impose taboos on supplying equipments for minimum necessary military force exercised in self defense, and, in international joint actions in building and maintaining peace it plays an active part appropriate to its resources and circumstances.\(^{462}\)

\(^{460}\) www.mofa.go.jp \textit{Ibid.}

\(^{461}\) Given North Korea’s nuclear ambitions, Japan cannot put its alliance with the USA at risk. If it did not send troops the fear of rupturing ties with the USA prevailed. This in turn would be expensive to Japan’s security needs. In this regard, national interests dictated sending troops to Iraq.

The then Japanese Premier Shizizo Abe met the German Chancellor in Berlin in January this year (2007). He outlined Tokyo’s top foreign policy priorities as, *a more assertive foreign policy and rewriting the US imposed constitution.*\(^{463}\) Earlier he had vowed to push aggressively for constitutional revision. A major step toward this was getting legislation passed to allow for a national referendum in April 2007. (On 13/4/07 the Japanese lower House of the parliament passed a bill to this effect) However, by that time there was little public support for changing the constitution, with a survey showing 34.5 percent of Japanese not wanting any changes, 44.5 percent wanting no changes to Article 9, and 54.6 percent supporting the current interpretation on self-defense. On the 60th anniversary of the constitution, on May 3, 2007, thousands took to the streets in support of Article 9. The Chief Cabinet secretary and other top government officials interpreted the survey to mean that that the public wants a pacifist Constitution that renounces war, and may need to be better informed about the details of the revision debate. The legislation passed by parliament specifies that a referendum on constitutional reform could take place at the earliest in 2010 and would need approval from a majority of voters.\(^{464}\)

Both Germany and Japan were former axis powers. Hence, any attempt on their part to participate in military actions across the globe will always be treated with suspicion. One can even say that the world becomes paranoid at the thought of the Japanese and German army becoming active. Yet, given the security issues world-wide, it is impractical that two economic giants should be devolved.

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463 *www.auswaertiges-amt.de* 10/1/07, accessed same date at 1900hrs .

464 *Constitution Referendum Bill Clears Lower House, search.japantimes.co.jp/gi-bin/nn20070414a1.html* 14/4/07 accessed same date at 2100hrs . Also see Hogg Chris, *Revising Japan’s Ambiguous Constitution,* www.bbc.co.uk/2/asiapacific/6283952.htm 19/7/07 accessed on 21/9/07 at 2300hrs .
of their responsibilities. Both have placed stringent measures on the participation of their respective troops. Japan, from a status of no official army, today, is contemplating an active army which is causing concern. It is also thinking about cooperation with the USA on weapons technology. Germany never did away with the concept of the army. Instead it restricted it to domestic use and said as much in its constitution. The political system of Germany has made it conducive to depend on court rulings to allow the Bundeswehr to participate in peace keeping operations. Moreover, the army can not only participate with parliamentary mandate, but it requires the renewal of this mandate on a regular basis. Germany’s participatory aspect is fuelled by security problems in its vicinity (East Europe); in Japan too it is the security concerns fuelled by developments in its vicinity. This has made it mandatory in Japan to allow for participation by the armed forces on the approval of the Prime Minister, the Cabinet and the Diet (Japanese Parliament). Both have made it clear that, their respective armed forces will only participate in conflict areas in the face of a UN requisition, that too after all other possibilities have been explored.

Thus, two things must be remembered. First, Collective Security under the UN means the participation of all states when responding to a breach of peace. Article 23 (UN Charter), defines, the USA, the UK, China and Russia as permanent members and Article 24, makes them responsible for maintaining international peace. Article 43, says all members must make available to the Security Council whatever armed forces, assistance, and facilities that may be needed for maintaining international peace. The role of other states like Japan, Canada, Switzerland, Germany etc, is defined as middle power diplomacy or niche power diplomacy. This means, the tendency to pursue multilateral solutions to international problems, embrace compromise positions in international disputes, and their tendencies to embrace notions of good international citizenship to
guide their diplomacy. Second, a relationship exists between engagement and risk. The failure to act and taking action can be risky propositions. The key is to determine the optimum interaction to achieve stated national security goals, objectives, and policies without overexposing the nation, and potentially diminishing what is essentially a limited or finite national power. A failure to engage carries a risk of not achieving national goals and objectives as a result of inactivity or indecision, the decision for action is turned over to others. Both Germany and Japan are still engaging in niche diplomacy. But they do want to achieve their national goals and do not want to turn over decisions to others. This is why the armed forces of both countries are to be engaged internationally under stringent measures. The Japanese Defense White Paper 2005, points out that, the right to use force to stop an armed attack on a foreign country with which any state has close relations even when the state itself is not under direct attack is usually said to be collective security. This is accepted by international law. In Japan however, self defense under Article9 is confined to the minimum necessary level for the defense of the country and the exercise of right to collective security exceeds that limit. Armed forces will be used only when there is an illegal and imminent act of aggression against Japan. This does not fit into the role of an international player that Japan seeks to play.

Herr Wehmann comments armed forces in Germany were set up as a necessary evil. The ground forces are to defend Germany internally, the air force to defend its domestic airspace and the Navy to keep the ocean approaches from the North Sea and the Baltic safe. The Bundeswehr is fully

integrated into the NATO, and at the end of the Cold War the forces were reduced from some 500,000 to about 370,000 approximately. The concept of conscription is not only to augment the armed forces, but to prevent the army from becoming a State within a State. (It helps to link the army with society). Earlier Germany did not participate in OOA as there was no means of transporting them. Today the entire world emphasizes on multilateralism, policies and peacekeeping are fitted into a multilateral framework. Germany can’t stand aside, (he added, we all know what happened when Germany was isolated) when there is political instability elsewhere, violation of human rights can’t be accepted. Germany is the third largest financial contributor to the UN, it is careful to deploy soldiers for only peacekeeping and not for combat This is not only because of Germany’s past, but also due to the fact that no German will tolerate a German soldier being killed. Politicians will face a problem. He also referred to the strict requirements for deployment which act as a sufficient measure to prevent German military from becoming uncontrolled.\(^\text{468}\)

Both Japan and Germany are today what Joseph S. Nye calls a Soft Power. As opposed to a Hard Power—based on the ability to coerce which in turn grows out of a country’s military and economic capabilities, a Soft Power, is one that has the ability to get what it wants through attraction rather than coercion. The attraction stems from a country’s political ideals, culture and policies.\(^\text{469}\)

Thus Germany is no longer a follower, nor is it a lone player in international politics. It is a responsible partner of states, institutions, organizations across the globe. In this capacity, it has its

\(^{468}\) Interview, Op. Cit.

own ideas to legitimate the use of military force. It is not just the USA; Germany will disagree with any power or institution that does not conform to the principle of using force as a last resort. As a responsible and participatory power, it has taken decisions to sanction the use of its armed forces accordingly. It did so in Kosovo in 1999 to counter the genocide and the spillover effects it could have; it saw a distinct link between Taliban and the Attacks on the World Trade Center. Hence it backed the war in Afghanistan. It did not think the use of force in Iraq was justified, hence it refused. This is commensurate with the idea of *Autonomous Identity*. 