

After Obama's Afghanistan speech

# German military pushes to overturn post-war constraints

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The escalation of the war in Afghanistan has plunged the second government of Angela Merkel (CDU, Christian Democratic Union) into a serious crisis. Just four weeks after taking office, the highest-ranking general of the Bundeswehr (Armed Forces), a senior civil servant and the country's former defence minister have been forced to go.

As always with such crises, one must differentiate between the immediate trigger and the deeper causes. The immediate trigger was the cover-up of the Kunduz massacre, the bloodiest military action involving German soldiers since the end of the Second World War. The deeper causes lie in the fundamental changes undertaken in the Bundeswehr: After over six decades as a nominally defensive force, Germany's military is once again claiming the right to kill the inhabitants of other countries with impunity.

In view of Germany's history, such a change does not happen without creating tensions and upheavals. The overwhelming majority of the population still opposes German soldiers being sent on war missions. Following the terrible crimes of Hitler's Wehrmacht (armed forces), Germany maintained no army of its own in the first ten years following the war. In 1955, at the highpoint of the Cold War, the German government created the Bundeswehr, over the bitter opposition of the population. Its task remained limited to the defense of NATO territory; it was practically never involved in any war missions.

That changed with German reunification and the collapse of the Soviet Union. Germany regained its full sovereignty, and the ruling elite looked for ways to pursue its foreign policy interests, including by military means. After several smaller missions under the auspices of the UN, the Social Democratic Party (SPD)-Green Party coalition in Berlin finally opened the way for the Bundeswehr's first large-scale war engagement: participation in the Kosovo war. This was a war disputed in international law, in the course of which Serbia came under substantial bombardment. Three years later in 2002, the SPD-Green government dispatched the Bundeswehr to Afghanistan.

Because of continuing opposition to the use of the Bundeswehr in war situations, this deployment was presented as a peace mission or reconstruction operation. The Bundeswehr, according to the official propaganda, is not engaged in a war and is also not an army of occupation; rather, it is securing peace, stabilizing the country and thereby creating the necessary conditions for the construction of civil society and the country's infrastructure.

However, this fiction can no longer be maintained. The war in Afghanistan has continued to escalate over the past months, and with

the decision of President Obama to increase the number of American troops by a further 30,000 to 100,000, it has taken on a scale similar to that of the Vietnam War.

The goal of this war is not to democratize the country or to destroy Al Qaeda, but to defend the hegemony of the imperialist Western powers in oil-rich central Asia. The new German defense minister, Karl-Theodor zu Guttenberg, expressed this openly in his inaugural visit to Washington, when he said, one must bid farewell to the "romantic idea of the democratization of the entire country according to the Western model".

This development has led to considerable tensions in the Bundeswehr. It is participating in a brutal war of occupation, in which soldiers daily risk their lives and the tally of civilian victims grows. Despite this, the government is clinging firmly to its previous propaganda that Afghanistan is purely a security and policing mission.

In the eyes of the military, this not only robs the Bundeswehr of urgently needed public acknowledgment, it also results in German troops being subjected to civilian law. If they kill Afghan civilians, they face investigation by German public prosecutors. While American and British elite troops routinely kill alleged Taliban forces and destroy entire settlements with remote-controlled missiles, German soldiers must reckon with criminal investigations if they do the same.

It was in this situation that the massacre of Kunduz occurred.

It is still unclear what induced Bundeswehr Colonel Georg Klein to request an air strike on two kidnapped petrol tankers on September 4, which according to NATO sources killed up to 142 victims, including numerous civilians. What is certain is that the official presentation of the event is riddled with unexplained contradictions.

For example, it is still claimed that Klein called for the air attack without consulting his superiors. That explanation lacks any credibility, if one considers that six hours elapsed between the hijacking of the two trucks and their destruction, during which they were under constant observation, were a considerable distance away from the German base and were bogged down in a sand bank—thus obviously presenting no direct danger to the German forces.

In the meantime, it is clear that Klein directly violated several of NATO's basic rules of engagement and misled the pilots of the American fighter-bombers that dropped the deadly munitions. There was neither an acute threat nor any other direct enemy contact, without which Klein had no authority to unilaterally issue the instruction for the air strike. *Der Spiegel*, which evaluated the official investigation report, arrived at the conclusion: "Whoever reads the

ISAF report carefully gains the impression that Klein wanted to kill.”

The entire German government reacted to the Kunduz massacre by systematically hiding the truth and deceiving the public. For days, Defence Minister Franz Josef Jung denied that there had been civilian casualties. In parliament, Chancellor Merkel attacked all those who would “prejudge” the Bundeswehr. And one month later, Jung’s successor, Karl-Theodor zu Guttenberg, continued to defend the air strike as militarily necessary.

In the end, the cover-up attempt failed because powerful forces within the military opposed this course of action. Twelve hours after the bombing, the American ISAF commander General Stanley McChrystal visited the scene in person and criticized the actions of Klein. The “Initial Action Team” that accompanied him came to the conclusion that there was a “very great probability of civilian victims”. This information was also reported in the media, which supplied additional proof of the number of civilian victims.

With the German government finding itself increasingly boxed in, *Bild-Zeitung* published internal Bundeswehr reports and a video of the air strike from one of the combat aircraft involved. They exposed the government’s lies and led to the resignation of general-inspector Wolfgang Schneiderhan, State Secretary Peter Wichert and the former Defense Minister Franz Josef Jung, who in the meantime was a minister in the department of labour.

It is not clear who passed on the incriminating material to *Bild-Zeitung*. It could only have originated from within military circles. According to *Der Spiegel*, there are rumors in the defence ministry that it came from those close to Jung’s successor Guttenberg, in order to get rid of unpopular figures in the ministry of defence. Although Guttenberg participated in the cover-up of the massacre, he has positioned himself as the mouthpiece of the military and strives to provide them with the necessary legal and political room for maneuver to conduct their international war missions.

In any case, the leading German authorities are now compelled to adopt a clear position. The public prosecutor’s office in Potsdam has handed over its case files on Colonel Klein to the Federal Prosecutor’s Office. Experts expect that this will be dealt with as a matter of international criminal law, which could have far reaching consequences. Klein could only be punished if he had deliberately committed a war crime—of which the Federal Prosecutor’s Office will surely not accuse him. On the other hand, killing people in Afghanistan within the context of the ISAF mission would be legal.

The relevant penal code originates from 2002. It was enacted by the SPD-Green Party government shortly after the beginning of the Afghanistan war. Publicly, it was presented as a means by which war crimes and crimes against humanity could be pursued even if they were committed by non-Germans outside Germany. However, it also contains clauses regulating the responsibility of military commanders.

If Colonel Klein is acquitted based on these sections of the penal code, or if proceedings against him are halted, this would create a precedent. The Bundeswehr would have been given a charter to kill as part of their foreign missions, without having to face any legal investigations. This is something which the military has been demanding a long time. They demand “legal security”, which includes the Afghanistan operation being called by its proper name—a war. The new defence minister, Guttenberg, supported this demand on the day he was inaugurated by ditching the previous phraseology and describing the mission in Afghanistan as “armed conflict” and a “non-international war”.

The parliamentary defence committee, which convened Wednesday

as a committee of inquiry, is also pursuing the goal of backing the Bundeswehr. The object of its investigation is not the events in Kunduz but the “communication breakdown” in the ministry of defense, which should be avoided in future. By holding the inquiry under the auspices of the defence committee, its deliberations can be held in secret, to avoid too much information reaching the light of day. Its members are regularly briefed about current events and are obliged to uphold strict rules of secrecy—and to a certain extent are investigating themselves.

Moreover, all the Bundestag parties are deeply implicated in the Afghanistan war: the SPD and the Greens sent the Bundeswehr to Afghanistan; the Christian Democrats and the Free Democratic Party want to increase the level of Germany’s troop commitment; and the Left Party calls for a “departure strategy”, but only after peace is brought to the country and the situation is under control.

If as a result of the Kunduz massacre the Bundeswehr is given a charter to kill, this would have far-reaching consequences. Not only would it be able to act more ruthlessly against the insurgents in Afghanistan, resulting in more civilian victims, it could also participate more freely in the deliberate killings that are a hallmark of modern colonial wars.

Above all, the American, Israeli and British armies have for a long time deliberately liquidated those accused of being terrorism suspects. Dubious intelligence or a denunciation suffices to carry out a death sentence, without the accused ever needing to face a public prosecutor or a judge. The sentence is usually carried out by remote-controlled missiles. Debates have taken place on an international level for years concerning the legal gray area in which these slayings occur.

The participation of German soldiers in such actions has far reaching historical implications. During the “vernichtungskrieg” (war of extermination) on the Eastern Front, Hitler’s armed forces committed war crimes on an almost unimaginable scale. Since then, the German military has had its hands bound. The removal of such fetters has dangerous consequences for the international and German working class.



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