

German commission undermines parliamentary approval requirement for military operations

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9 August 2014

Largely unnoticed by the public, a commission of former defence politicians as well as military experts has been working to repeal the requirement that Bundeswehr (armed forces) operations abroad obtain parliamentary approval.

The commission is headed by former defence minister Volker Rühe (CDU, Christian Democratic Union), his deputies are Walter Kolbow (SPD, Social Democratic Party), former parliamentary undersecretary of defence and Wolfgang Schneiderhan, former Bundeswehr inspector general.

Their activity is closely related to the campaign to revive German militarism, and the stated aim of the government and the president that Germany must take on a greater role and responsibility in the world, including through the use of military means.

After the Second World War, in response to the war crimes of the Wehrmacht (Hitler's armed forces), the role of the Bundeswehr was constitutionally enshrined as a purely defensive army. The constitution expressly prohibits the preparation of aggressive military interventions. After German reunification in 1991, the then CDU-led government urged, however, that the Bundeswehr also participate in armed foreign missions of the UN and NATO. In 1991 and 1992, without the consent of parliament, German soldiers were sent on UN armed "peacekeeping missions" to Somalia and Cambodia. In 1992, the German armed forces participated in NATO surveillance flights over Bosnia-Herzegovina. The same year, the SPD, which was still in opposition and had previously criticized such missions, undertook a foreign policy reversal and called for the legal situation to be clarified.

The Supreme Court finally ruled in July 1994 that the

deployment of the German armed forces abroad was in principle constitutionally permissible, however each mission needed the approval of the Bundestag.

Subsequent governments, in particular the former SPD-Green government led by Gerhard Schröder and Joschka Fischer, have systematically expanded Bundeswehr missions abroad. The Bundestag has regularly given its blessing to such missions, from the war in Yugoslavia to the Afghanistan mission.

However, with the foreign policy change since the last federal election, and the tense political situation in Ukraine and the Middle East, the existing procedures are regarded as too time consuming by leading politicians and military brass. They want a free hand for quick-armed interventions. Emphasizing NATO treaty obligations, they argue that a mandatory requisite to seek a parliament decision for Bundeswehr missions poses an obstacle to Germany's reliability as an ally and for its leadership responsibilities in NATO.

On July 29, the *Süddeutsche Zeitung* reported on the last meeting of the commission on July 8 in Aachen. The paper cites political scientist James Davis, a professor at the University of St. Gallen and a member of the commission, saying that Germany was among the group of countries, "in which the parliamentary right of consultation [was] particularly pronounced." This would make deployments as part of multinational alliances more difficult.

It was along these lines that Volker Rühe, who was defence minister from 1992 to 1998 in the governments led by Helmut Kohl, also spoke. "We already no longer have national armed forces, but armies operating at European level increasingly in a division of labour. ...This will be further consolidated. But this also means

that it must be sure that their contribution is available.”

Calls for a softening and undermining of the need for parliamentary approval have long been made. For example, according to Walter Kolbow (SPD), the deputy chairman of the Commission: “We will not get far in an international context with a military constitution from 1955. It is about creating reliability for the allies.”

Before their meeting in Aachen, members of the commission visited the European aviation transport command in Eindhoven, Holland, the headquarters for the “Allied Joint Force Command NATO” in Brunssum and the base for AWACS reconnaissance aircraft in Geilenkirchen.

A total of 440 of 1,300 Bundeswehr soldiers used for the AWACS system are based in Geilenkirchen. Germany finances a third of the annual AWACS budget, to the tune of about 250 million euros. When the German government abstained in the vote in the UN Security Council on the bombing of Libya by NATO in March 2011, German crew-members on the AWACS aircraft that were circling over Libya had to be withdrawn.

Proponents of stronger military engagement by Germany repeatedly cite this abstention, which is now regarded by German politicians, in particular representatives of the Greens, as a serious foreign policy error that must never again be repeated.

Rühe said that this was an essential part of the job of the commission headed by him: “We need to find a way that protects confidence, so that European countries also engage in such a division of labour of military structures.”

Of the 800 soldiers at the NATO command post in Brunssum, 90 are from Germany. They are currently lead by the German General Hans-Lothar Domröse. Some military figures stressed during the commission visit that this command post would be almost paralysed if in an emergency the German forces were withdrawn from the operations staff.

This question arose three years ago, in the operations against Libya. However, German officers were ultimately not withdrawn from the NATO command post, despite the fact that Germany had abstained from voting in the UN Security Council for the mission. This fact too was concealed from the general public.

According to Rühe, a commission proposal to bypass

parliamentary approval might look like this: Once a year, the government allows parliament to grant it so-called general “transnational powers,” in other words to issue a blank check for international military operations. The Bundestag should “affirmatively note” that other nations can rely on the Germans in these areas. In the case of a concrete deployment, the Bundestag would still have to agree, but the political threshold for rejection would be significantly higher.

However, the demands and wishes of the military leadership and also many politicians go much further. For example, some demand the replacement of the vote by the Bundestag before a Bundeswehr mission through a so-called call-back right. The *Süddeutsche Zeitung* writes: “The government decides on a deployment, the Bundestag can (theoretically) end it again. This is already possible for operations that cannot be delayed, but beyond that it will be impossible to enforce.”

The commission is to submit its proposals to the Bundestag by April next year. Its next meeting is scheduled for September 11. Despite being invited, the Greens and the Left Party have not sent any members to the commission, supposedly because they fear a weakening of the rights of parliament.

The Green defence spokeswomen, Agnieszka Brugger said: “We would really like to have cooperated, if the government parties were responsive to our suggestions.” In their opinion, the Parliamentary Participation Act in its current form already offers “rapid response” mechanisms. Parliament had “so far always shown great responsibility,” she said, alluding to the approval of the Greens to foreign Bundeswehr missions since 1998.

Leaders of the Left Party have also repeatedly emphasized that they would not oppose Bundeswehr operations abroad justified on “humanitarian” grounds.

The drive to abolish parliamentary approval for foreign military missions makes clear that the revival of an aggressive German militarism goes hand in hand with the dismantling of democratic checks and balances.



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