

## ABSTRACT

Title of Document: GERMANY, AFGHANISTAN, AND THE  
PROCESS OF DECISION MAKING IN  
GERMAN FOREIGN POLICY:  
CONSTRUCTING A FRAMEWORK FOR  
ANALYSIS

Karin L. Johnston, Doctor of Philosophy, 2011

Directed By: Professor George Quester, Department of  
Government and Politics

Germany's emerging role as a supplier of security by contributing troops to out-of-area operations is a significant change in post-unification German foreign and security policy, and yet few studies have sought to explain how the process of decision making also has changed in order to accommodate the external and domestic factors that shape policy preferences and outcomes. The dissertation addresses these theoretical gaps in foreign policy analysis and in German foreign and security policy studies by examining the decision-making process in the case of Afghanistan from 2001–2008, emphasizing the importance of institutional structures that enable and constrain decision-makers and then gathering the empirical evidence to construct a framework for analyzing German foreign policy decision making.

The dynamics of decision-making at the state level are examined by hypothesizing about the role of the chancellor in the decision-making process—

whether there has been an expansion of chancellorial power relative to other actors—and about the role of coalition politics and the relative influence of the junior coalition partner in coalition governments. Results indicate that there are few signs that federal chancellors dominate or otherwise control decision-making outcomes, and that coalition politics remain a strong explanatory factor in the process that shapes the parameters of policy choices.

The dissertation highlights the central role of the Bundestag, the German parliament. The German armed forces are indeed “a parliamentary army,” and the decision-making process in the Afghanistan case shows how operational parameters can be affected by parliamentary involvement. The framework for analysis of German foreign policy decision making outlines the formal aspects while emphasizing the importance of the informal process of decision making that is characterized by political bargaining and consensus building among major actors, particularly between the government and the parliamentary party fractions. Thus any examination of German out-of-area missions must take into account the co-determinative nature of decision making between the executive and legislative actors in shaping German foreign policy regarding its military engagements around the world.

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GERMAN FOREIGN POLICY: CONSTRUCTING A FRAMEWORK FOR  
ANALYSIS

By

Karin Lynn Johnston

Dissertation submitted to the Faculty of the Graduate School of the  
University of Maryland, College Park, in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
2011

Advisory Committee:  
Professor George Quester, Chair  
Professor I. M. Destler  
Professor Virginia Haufler  
Professor Bartłomiej Kaminski  
Professor Miranda Schreurs

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## **Dedication**

To Clay Ramsay and in memory of Edeltraud Tarsikes, née Tcharke.

## **Acknowledgments**

There are a great many people to whom I am indebted. In particular, I am deeply grateful to those individuals who so kindly agreed to be interviewed and who provided such invaluable information on the basis of anonymity. I am indebted to them for sharing their insights and knowledge, particularly those in the Chancellery, Foreign Office, Ministry of Defense, members of the Bundestag and their staff, and officials of various parties and party foundations.

I am indebted to many other individuals who took time out of their busy schedule to speak with me, in Washington D.C. and Berlin: Pia Bungarten, Director of the Washington DC office of the Friedrich Ebert Stiftung; Helga Haftendorn, Professor Emeritus, Freie Universität Berlin; Klaus Linsenmeier, Executive Director Heinrich Böll Foundation North America; Hanns W. Maull, Professor, Universität Trier; Ingo Peters, Professor, Freie Universität Berlin; Thomas Risse, Professor, Freie Universität Berlin; Dr. Eberhard Sandschneider, Director, German Council on Foreign Relations, Berlin; Benjamin Schreer, Deputy Director, Aspen Institute, Berlin; Constanze Stelzenmüller, Director, German Marshall Fund, Berlin; Markus Kaim, Stiftung Wissenschaft und Politik, Berlin. In addition, I have benefited from the intellectual stimulus and discussions with friends, former colleagues and others in Washington D.C., including: Stephen Szabo, Cathleen Fisher, Jackson Janes, Daniel Hamilton, Dieter Dettke, Gale Mattox, Bowman Miller, Stephan Wallace, and Lily Gardner-Feldman.

The administrative process of finishing the dissertation was made immeasurably easier by the staff in the Government and Politics Department at the

University of Maryland and particularly Ann Marie Clark, whose patience and guidance were particularly welcome. I am especially indebted to the members of my committee, whose sage advice, encouragement, and generosity of spirit are deeply appreciated.

Debts that can never be adequately repaid go to the friends and family who wittingly or unwittingly have shared the dissertation experience, some of whom, however, must be acknowledged: Inge and Lotar Martin, and Dagmar Pruin and Björn Budick, whose deep generosity and friendship have sustained me over the years—*ich hab' noch einen Koffer in Berlin*, thanks to them; Ilonka Oszvald, who so kindly agreed to give of her professional talents in editing the dissertation; Clare and Baxter Hill; Ginny, Sam, and Maddy; and Fran Burwell, a friend in countless ways who never fails to give good advice and Belgian chocolates as added incentive; and, finally, to my family—especially my “local” family of Johnstons (Frank, Theresa, and Isabelle) and Spanos (Steve and Tanya). I must also acknowledge my mother, Edeltraud Tarsikes, who passed on her love of her home and of Berlin, the city she grew up in; it is a bond that has not faltered. However, my deepest debt of all is to Clay Ramsay, whose patience, humor, encouragement, and unending support and steady supply of cups of coffee sustained me and kept me going. As with so many other publications, this dissertation reflects the comments, advice, and assistance of these and other individuals over the years, although any oversights and errors are my responsibility alone.

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## **Chapter 1: Introduction**

### *Background*

The acceptance of a German role in contributing troops to military operations around the world has been one of the most significant changes in German foreign policy since the end of the Cold War and the unification of the country. With such a substantial shift in foreign policy orientation, one would expect to have had a corresponding shift in patterns of decision making, and yet there has been no sustained research to understand how such decisions are met or to build a detailed framework for analyzing the foreign policy decision-making dynamics that determine policy outcomes.

Prior to 1990, the German government's position was that such contributions were unconstitutional. Within a span of two decades, and following a landmark ruling by the country's Federal Constitutional Court in 1994, Germany has become a supplier of security with over 7,000 troops participating in a dozen operations around the globe. Most of its armed forces—nearly 5,000—serve in Afghanistan, where German troops have been deployed since 2001 and where it is the third largest troop contributor after the United States and Great Britain.

The Afghanistan deployment is problematic, both from an allied perspective and the government's perspective. In the aftermath of the September 11 terrorist attacks, the German government voted to send troops to Afghanistan, and over the years its NATO allies have voiced frustration with Germany's resistance to commit

more troops and materiel to the mission and with the caveats, or national restrictions, the government imposes on its armed forces. These international pressures compete with domestic political discontent with Germany's role in Afghanistan and insistent calls to withdraw its troops. The dilemma for the German government is that deployments like Afghanistan almost always are debated in domestic political terms rather than as a foreign policy issue. Thus debates that touch on Germany's alliance commitments are colored with a strong domestic political dimension that often displaces strategic or operational considerations. The challenge facing the government, as one German official put it, is maintaining support for a foreign policy that 90 percent of lawmakers support but 80 percent of the population opposes.

For decades one of the defining characteristics of German foreign policy has been a strong elite consensus on foreign policy issues. This has been the case with out-of-area operations—until now. The political shifts ushered in by the 2009 election—a new conservative government and a strong (and critical) left-of-center opposition—have accelerated the fragmentation of the elite consensus that began to emerge after 2005. With waning elite support, Germany's military commitment in Afghanistan will continue to weaken. Understanding how such alliance commitments are negotiated will provide insights into the ways in which international and domestic variables interact to shape policy and what the underlying mix of factors are that appear necessary in constructing a policy position acceptable to the actors in the decision-making process.

### Statement of the Problem

At the theoretical level, very little research has been conducted on understanding the combination of factors that shape the German foreign policy decision-making process in relation to German out-of-area operations, and what research there has been has tended to focus on the role of actors in the decision-making process while neglecting the institutional structures within which decision makers formulate their policies. This, in turn, has delayed the construction of a decision-making framework of analysis within which insights into the policy process can be integrated.

Robert Putnam and other theorists have amply documented the dynamics of two-level games in which policymakers must contend with competing pressures from the international environment and from domestic political exigencies and the ways in which state interests are influenced by domestic conditions.<sup>1</sup> This study approaches the issue from the opposite side by examining the interaction of international and domestic factors and their impact on decision making at the state level—that is, how do policymakers balance international pressures with domestic constraints inside of an institutionalized process of decision making? How do German policymakers formulate decisions regarding out-of-area operations? Which factors—actors and structures, external or domestic—matter more, and why? The research conducted by Thomas Risse-Kappen that demonstrate the central role of domestic structures and

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<sup>1</sup> Robert D. Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization*, 42, no. 3 (Summer 1988): 427–460; Peter Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” *International Organization*, 32, 4 (Autumn 1978): 881–912; Peter Gourevitch, “Domestic Politics and International Relations,” *Handbook of International Relations*, eds. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (London: Sage Publications, 2002), 309–328.

coalition-building processes in the decision-making process is thus more relevant to the aims of this study.<sup>2</sup>

The focus on Germany and the foreign policy decision-making process is important for several reasons. More broadly, there is a recognized need in the theoretical literature for studying institutional structures and processes in foreign policy research. Juliet Kaarbo, for example, has argued that previous research in foreign policy analysis (FPA) has focused on how policy is formulated and implemented, but few studies have tended to focus on the policy-making process and the institutional structures in between.<sup>3</sup> Foreign policy analysis identifies individual actors as the most important factor in decision-making dynamics. Human agency is certainly a key variable, but human agency also creates institutional structures—organizations, rules, practices, and norms—within which individual actors function and which shape the direction and outcome of policy decisions. The study seeks to supplement the FPA literature by examining and highlighting the ways in which institutional organizations and structures—practices, procedures, rules, and norms—also affect the decision-making process.

The theoretical gap is particularly pronounced in the German case. A review of the literature shows that few studies have sought to identify the dynamics of post-unification German foreign policy decision-making.<sup>4</sup> The major German language

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<sup>2</sup> Thomas Risse-Kappen, "Public Opinion, Domestic Structures, and Foreign Policy in Liberal Democracies," *World Politics*, 43, no. 4 (July 1991): 479–512; Harald Müller and Thomas Risse-Kappen, "From the Outside in and from the inside Out: International Relations, Domestic Politics, and Foreign Policy," in *The Limits of State Autonomy*, eds. Valerie M. Hudson and David Skidmore (Boulder: Westview, 1993), 25–48.

<sup>3</sup> Juliet Kaarbo, "Coalition Cabinet Decision Making: Institutional and Psychological Factors," *International Studies Review*, 10 (2008): 58.

<sup>4</sup> Gerald Schneider, "Die bürokratische Politik der Aussenpolitikanalyse. Das Erbe Allison im Licht der gegenwärtigen Forschungspraxis," *Zeitschrift für Internationale Beziehungen*, 4, vol. 1 (1997):



studies on the subject, for example, were written during the Cold War and are thus of limited value.<sup>5</sup> Much of the theoretical debate on post-unification German foreign policy has been focused at the IR level and the question of how Germany's changed power position in the international system affects its interactions with other states, and whether Germany will remain a civilian power or become a "normal" power defined more by its national interests rather than postwar norms of multilateralism and self-restraint in military matters.

The answer, of course, is not a choice between norms and interests but a question of *which* norms and *which* interests infuse the decision-making process. The postwar Federal Republic deliberately pursued a policy of self-constraint, merging its interests with those of the Euro-Atlantic community, and while the norm of international multilateralism is a pillar of German foreign policy today, in the early postwar decades it was a way for the German state to adapt itself to the constraints imposed on it and to seek influence via the institutions and organizations it had become a part of.<sup>6</sup> Thus political necessities are transformed into normative convictions.

For much of the post-Cold War period, then, the theoretical debate on post-unification German foreign policy has vacillated between realist expectations of German foreign policy behavior and social constructivist challenges to the problems

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107–123; Dirk Peters, "Ansätze und Methoden der Aussenpolitikanalyse," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS Verlag für Sozialwissenschaften, 2007), 816–835.

<sup>5</sup> Helga Haftendorn, "Aussenpolitische Prioritäten und Handlungsspielraum. Ein Paradigma zur Analyse der Aussenpolitik der Bundesrepublik Deutschland," *Politische Vierteljahresschrift*, 30, no. 1 (1989): 32–49.

<sup>6</sup> Jeffrey J. Anderson and John B. Goodman, "Mars or Minerva? A United Germany in a Post-Cold War Europe," in *After the Cold War: International Institutions and State Strategies in Europe, 1989–1991*, ed. Robert O. Keohane, Joseph S. Nye and Stanley Hoffmann (Cambridge, MA: Harvard University Press, 1993), 23–62.

evident in applying a structural analysis to post-unification German foreign and security policy. Because the study's research question focuses on explaining decision-making processes in German foreign policy—a state level analysis—the theoretical discussion must move from a broader international relations (IR) viewpoint to the sub-field of Foreign Policy Analysis (FPA). The theoretical debate within FPA itself has gone through a transition from the dominance of a positivist approach to cognitive/psychological approaches to focusing on the role of actors in the policy process, though this emphasis on agency has, as noted, neglected the institutional structures that affect foreign policy behavior. The task is to examine the actors and structures within the decision-making process, focusing on the institutional structures that shape the context within which policies are chosen and then integrating the empirical observations into a framework for analysis of decision processes.

Thus this study will close these theoretical gaps at several levels. At the foreign policy analysis level, the study will add to the FPA literature by examining the decision-making process to determine what kinds of institutional structures—organizations, practices, rules, and norms—are evident and how such factors enable or constrain the parameters of foreign policy choices. The emphasis will be on understanding process rather than on outcomes. Secondly, the study will propose two hypotheses that will look to the interaction between agency and structure in the decision-making process and within the institutional structures in which decisions are made.

Finally, the study will begin to construct a framework for analyzing German foreign policy decision making. The limited number of studies of German foreign

policy decision making will be augmented with the study's examination of decision making on out-of-area operations, arguably the most important change in post-unification German foreign policy. The study will look at the German mission in Afghanistan beginning in 2001, with the establishment of the Operation Enduring Freedom (OEF) mission and its counterterrorism mandate, and the International Security Assistance Force (ISAF), with its civilian reconstruction and development mandate. The study ends in 2008 with the German government's decision to pull out of the OEF mission in Afghanistan.

### Research Question

This study seeks to explain variations in policy preferences that can be traced either to agency or structure in the decision-making process—in this instance, then, either through the enhanced power of the chancellor, the chief executive and major foreign policy actor, or through the dynamics of coalition politics and, in particular, to the potential for the junior coalition partner to shift policy preferences closer to its own political objectives. Important will be the identification of institutional structures—formal and informal organized bodies, rules, practices, and norms—that are utilized to secure the desired policy preferences.

A few words on definitions and key conceptual views are in order. An examination of the decision-making process will place more of an emphasis on process—for example, how decisions are arrived at, what factors matter most, which actors are involved—than the outcome itself, that is, whether the final vote on a deployment passes or not. One reason for this is that the German government has

rarely declined to participate in missions for which it received an official request, and thus the number of comparative cases that could be applied to answer a “yes” or “no” assessment of policy decisions is not sufficient.<sup>7</sup> Another reason, as noted above, is the need for greater understanding of the process itself in German foreign policy decision making.

In terms of agency, the study focuses on the chancellor because he or she is the most influential foreign policy player. The chancellor is the central decision maker in the German government and has overall responsibility for external security and national defense. In terms of structure, the role of coalition politics and the link to their parliamentary fractions is central to an understanding of the decision-making process. As Ludger Helms concludes, “. . . the political weight of the junior partner within a given coalition and the relationship between the government and the leadership of the majority *Fractionen* may be considered variables enjoying a particularly large amount of explanatory power.”<sup>8</sup>

In terms of conceptualizing institutional structures, John Duffield’s discussion of institutions is relevant to this study. Institutions have been defined in different ways. Traditionally, international institutions were conceived of as *formal*

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<sup>7</sup> Apparently the only case where Germany declined to participate was the EU-led mission in Chad in 2008, which was composed primarily of French forces. Although the reason given was Germany’s already significant contribution of forces in Afghanistan, German officials also saw the Chad mission as an extension of France’s own political/military policy in Africa and thus early on signaled its refusal to participate. Interviews in Berlin November 2009; see also Denis M. Tull, “Tschad-Krise und die Operation EUFOR Tschad/ZAR,” SWP-Aktuell 15, February 2008 (Berlin: Stiftung Wissenschaft und Politik), 1–4. It is arguable whether the 2002 Iraq War can be considered as such a case, since it is not clear that the German government received any formal request from the Bush administration to participate. Furthermore, then-Chancellor Gerhard Schröder officially declared Germany’s intention not to become involved in any military incursion in Iraq in early August 2002, before there was any public acknowledgement or confirmation of American intentions to invade Iraq. See Karin L. Johnston, “Germany,” in *Public Opinion and International Intervention: Lessons from the Iraq War*, eds. Richard Sobel, Peter Furia, and Bethany Barratt (Dulles, VA: Potomac Books, Inc., 2010).

<sup>8</sup> Ludger Helms, “‘Chief Executives’ and Their Parties: The Case of Germany.” *German Politics* 11, no. 1 (2002): 160.

*organizations*, such as the UN or OECD. Secondly, the literature on regimes beginning in the 1970s defined institutions as “recognized patterns of *behavior or practice* around which expectations converge,”<sup>1</sup> but this definition, too, is limited, since by including behavioral traits, the definition precludes a study of whether institutions and rules affect the behavior of actors. An emphasis on a definition of institutions as a set of formal *rules* in which actors are utility maximizers omits the ways in which normative elements can be an influence on institutions (e.g., how actors create rules). Finally, to define institutions solely as *norms* and collectively held intersubjective ideas neglects the formal features that are a part of the institutional make-up within which the decision-making process resides.<sup>9</sup>

Duffield argues that a workable definition of institutions can in fact integrate the various aspects of institutions identified in the literature—formal organizations, practices, rules, and norms. Thus in his view, institutions are “relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international system, the actors in the system (including states as well as non-state entities) and their activities.”<sup>10</sup> The definition covers both intersubjective and formal elements of institutions as well as functional elements (“rules” as rationalists use it, with constitutive, regulative, and procedural functions). The study will examine the decision process to determine the mix and the impact of these institutional structures on policy choices.

Finally, the aim of the study is to gather the empirical evidence of German foreign policy decision making into a framework for analysis. As discussed earlier,

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<sup>9</sup> John S. Duffield, “What are International Institutions?” *International Studies Review* 9, no. 1 (2007): 3–7.

<sup>10</sup> Duffield, 3–7.

there are very few studies that explicitly outline a decision-making framework for German foreign policy. The framework presented in Frederick Mayer's study of the decision dynamics of NAFTA in the United States is a good starting point, since the framework Mayer provides is an integrated approach that takes into account two dimensions of policy interaction: the impact of international versus domestic variables, and the importance of incorporating all three levels of analysis: systemic (interests), state (domestic institutions, political system), and individual (actors, societal norms).<sup>11</sup>

### Hypotheses

To address the theoretical and empirical gaps outlined above, the study will set its investigation within a foreign policy analysis framework, arguably the more relevant theoretical approach with which to address the study's research objective, rooted as it is in determining dynamics of decision making at the state level.

Most scholars agree that agents and structure are mutually constituted and that there is a need to find some integrative approach that can encompass the complexity of the agent–structure interaction in decision making.<sup>12</sup> The challenge is to move beyond the partition between individual action and social order to examine the interplay between them. As such, this study introduces two hypotheses that examine major components in the decision-making process that characterizes the agency–

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<sup>11</sup> Frederick Mayer, *Interpreting NAFTA: The Science and Art of Political Analysis* (New York: Columbia University Press, 1998), 14–23.

<sup>12</sup> Colin Wight, "They Shoot Dead Horses Don't They? Locating Agency in the Agent-Structure Problematique," *European Journal of International Relations*, vol. 5, no. 1 (1999): 125; Ted Hopf, "The Promise of Constructivism in International Relations Theory," *International Security* 23, no. 1 (Summer 1998): 172–173; Audie Klotz and Cecelia Lynch, *Strategies for Research in Constructivist International Relations* (Armonk, NY: M.E. Sharpe, 2007), 6–7.

structure dynamic: the role of the chancellor, the chief executive, and the role of coalition politics in the German political system. By following the interaction of the two variables over time, both their interaction and their respective impact on the policy-making process can be charted.

The first hypothesis focuses on the role of the federal chancellor. The argument presented here is that the chancellor is the central actor in foreign policy decision making; that within the structural constraints on executive power, chancellors can expand their ability to shape policy preferences and decision outcomes vis-à-vis other dominant policy actors; but that whether the chancellor dominates policy deliberations or is forced to compromise is dependent on the political and institutional context within which the policy takes shape. The first hypothesis will test the theoretical assertion of an increasingly powerful chief executive and that as a consequence the chancellor is more influential in shaping the trajectory of decision outcomes than other major actors.

The second hypothesis takes up the question of structure in its focus on the party system and the importance of coalition politics in foreign policy deliberations. The argument presented here is that institutions matter in the foreign policy decision-making process; that parties—particularly parliamentary parties in Germany’s coalition governments—are key institutions that shape policy decisions; and that within governing coalitions, junior coalition partners can have a disproportionate influence on policy outcomes. Studies of parliamentary democracies have shown that coalition politics is a core factor in determining policy outcomes. The second hypothesis states that if there is a high degree of conflict between the major coalition

partner and its junior coalition partners, the junior partner can affect the course of decision making and/or extract concessions from the major coalition partner.

### Methodology

A case study methodology was applied to the case of Afghanistan from 2001–2008. Afghanistan was chosen for several reasons. More generally, with much of the analysis of German foreign policy addressing “continuity,” this study seeks to illuminate the question of “change” relating to Germany’s participation in out-of-area operations after 1990. The shift in acceptance of this new military role created new policy networks and decision-making processes in its wake, and these will constitute the focus of the study’s empirical emphasis. Second, the German government’s position of “no use of German armed forces except for territorial defense” prior to 1989 and its acceptance of a role after 1990 enables the study to more easily control for variables and to observe the development of a policy decision-making framework for out-of-area decisions. Third, Afghanistan is the most controversial mission and one that straddles an uneasy fusion between a reconstruction/development mandate, represented by the ISAF mission, and a robust military engagement mandate, represented by the OEF mission, over the course of several years. German armed forces are deployed under the ISAF mandate but are no longer active in Afghanistan under OEF, thus affording an examination of acceptance and ultimately of withdrawal from part of the Afghanistan mission.

Furthermore, the time period incorporates two different types of coalition government: the Social Democratic Party (SPD)-Green Party coalition from 2001–



2005, and a grand coalition between the SPD and the Christian Democrats (CDU/CSU) from 2005–2008. This shift in coalition type will permit comparisons with regard to coalition dynamics. Finally, the decision to participate in the Afghanistan mission was a later out-of-area case in the (only twenty-year) period of German participation, which arguably is more desirable for assessing institutional changes as they developed over the course of the period in question.

Primary source data included thirty interviews with government officials, policy experts, members of parliament, academic researchers, and journalists. A questionnaire was developed (in English and German) to serve as a guideline for conducting structured interviews in Berlin and Washington, D.C. Interviewees were asked specific questions about the two hypotheses presented in the study and about the details of the decision-making process. Searches were conducted for public opinion data, government documents (speeches, statements), parliamentary documents (plenary records, motions, committee reports), and official government reports. Secondary data included data searches (Lexis-Nexis for German and English language newspapers), policy evaluations from U.S. and German research institutions, and an extensive literature review in German and English.

### *Organization of the Dissertation*

Chapter Two sets the context for understanding the dynamics of the Afghanistan case study by reviewing Germany's experiences in handling out-of-area questions prior to 2001. Germany's role as a contributor to out-of-area operations is relatively new. Prior to unification the use of German armed forces in peacekeeping

operations was deemed unconstitutional. With the end of the Cold War, and with the 1994 Federal Constitutional Court decision that ruled Germany's participation in out-of-area operations permissible, Germany took on a larger international role. The rules, practices, and norms now embedded in the decision-making process emerged out of Germany's experiences with out-of-area operations in the 1990s, particularly in Bosnia and Kosovo. The chapter provides the background for evaluating the course of events in the Afghanistan case.

Chapter Three examines the state of the theoretical debate on post-unification German foreign and security policy, following its arc from early realist predictions of post-Cold War German state behavior to constructivist challenges to structuralist explanations of post-unification German foreign policy. The chapter then turns to a discussion of institutions as the missing link in analyzing German foreign policy at the state level, moving the theoretical debate into a foreign policy analysis approach in order to identify the institutional factors that influence German foreign policy decisions, specifically with regard to the deployment of military forces in Afghanistan.

An understanding of the dynamics of decision making requires a framework of analysis that incorporates knowledge of both agency and structure. Chapter Four focuses on the interplay between actors and institutional structures in decision making, first by outlining the major German foreign policy actors and structures, and then by introducing two hypotheses that represent these two constitutive elements in foreign policy analysis. The first hypothesis addresses the role of the federal chancellor and explores the assertion in the theoretical debate that over time the

chancellor has accumulated more power over the decision-making process—or whether the chancellor remains constrained by the fragmentation of power in Germany’s federalist system of parliamentary democracy. The second hypothesis takes up the question of structure in its focus on political parties and the importance of coalition politics in foreign policy deliberations, specifically the role of the junior coalition partner in Germany’s coalition governments, who can have a disproportionate influence on policy outcomes.

Chapter Five takes the theoretical argument of this study one step further by integrating the insights from the two hypotheses on the role of the chief executive and coalition politics into a decision-making framework for analysis of German foreign policy on out-of-area operations. Various models of decision making are discussed and a decision-making framework for analyzing German foreign policy decision making presented.

The events in Afghanistan from 2001 through 2008 form the central narrative in Chapter Six. For the first time, German troops were engaged in a military action beyond Europe’s borders. The German government’s efforts to balance external pressure and alliance commitments against strong domestic political constraints become increasingly difficult as the conflict in Afghanistan intensified. The difference in how the two operational components in Afghanistan—the counterterrorism OEF and the development and reconstruction mandate of ISAF—were perceived and handled by the German government and the German parliament reflect this tension. The chapter charts the course of events from the two initial

mandates in 2001 through 2008, when the German government officially withdrew from the OEF mission, focusing on the decision-making process.

Chapter Seven presents the findings and analysis from the Afghanistan case study. The chapter's introduction restates the study's methodological and theoretical approach. The findings section addresses the two intertwined variables in the decision-making process, the role of the chancellor and the role of coalition politics and the coalition junior partner in the decision-making process. The presentation of the results of the case study is then followed by an analysis of the case study's findings, placing the results into a larger framework for analyzing German foreign policy decision making that documents the process by which foreign policy decisions on out-of-area operations are made, paying close attention to how institutional structures both enable and constrain the actors who function inside the parameters of the decision-making environment. The framework incorporates an understanding of the relationship between domestic and international variables and the interaction of factors at several levels of analysis.

Chapter Eight introduces a short conclusion along with a discussion of the significance and limitations of the study and provides suggestions for future research.

## **Chapter 2: Early Experiences and Emerging Practices: German Out-Of-Area Missions Prior to Afghanistan**

### *Introduction*

German participation in out-of-area operations remains a contentious issue in the Federal Republic. German history and the country's postwar identity as a civilian power have strongly influenced attitudes regarding the use of force. Prior to 1990, Germany did not participate in peacekeeping missions, though it had contributed troops to humanitarian assistance efforts and natural disaster responses. With the end of the Cold War, Germany gradually assumed a role in international peacekeeping operations. The context of these early deployments in the 1990s shaped the way in which out-of-area missions are currently debated and determined. After unification, in the first phase of Germany's acceptance of an expanded peacekeeping role (1990–1995), the Kohl government stepped up German involvement in peacekeeping missions even though the constitutionality of such an engagement was still being debated. The mission that was central to this period was Germany's participation in the conflict in Bosnia. In the second phase, from 1995–2000, the crisis in Kosovo was the watershed for German policymakers, when German troops engaged in combat for the first time since the end of World War II. Afghanistan dominates the third phase of German adaptation to sending military troops abroad (2001), when German soldiers were deployed beyond Europe's borders for the first time since 1945. As such, a review of the literature and theoretical approaches to German security policy and the

question of Germany' international peacekeeping role is warranted in order to understand the context in which the Afghanistan mission was formed.

*The Context for Change: Postwar German Foreign Policy (1945–1990)*

German foreign and security policy in the postwar period was characterized by a unique degree of external constraints. The country's military occupation and subsequent division, and the bipolar structure of the international system that emerged during the Cold War, significantly limited Germany's foreign policy maneuverability. It was Germany's first chancellor, Konrad Adenauer, who saw that integrating Germany into western military and economic institutions was the only way for Germany to become a legitimate and credible international player again and to recapture some control and influence over its external relations.<sup>13</sup>

The development of West German foreign and security policies in the first decades after World War II reflected the German state's adaptation to the realities of its political environment: the renunciation of force, acceptance of limited sovereignty via membership in western economic and political/military institutions, and a commitment to continued European integration and multilateral cooperation. Though Germany initially had little choice but to accept limits on its sovereignty, these necessities became part of the core element of West German foreign policy.<sup>14</sup>

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<sup>13</sup> Gunther Hellmann, Reinhard Wolf, and Siegmur Schmidt, "Deutsche Aussenpolitik in historischer und systematischer Perspektive," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmur Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS Verlag für Sozialwissenschaften, 2007), 30–33; Josef Joffe, "The Foreign Policy of the Federal Republic of Germany: Tradition and Change," in *Foreign Policy in World Politics*, ed. Roy C. Macridis, 8th ed. (Englewood Cliffs, NJ: Prentice Hall, 1992), 69.

<sup>14</sup> Jeffrey S. Lantis, *Strategic Dilemmas and the Evolution of German Foreign Policy Since Unification* (Westport, CT: Praeger Publishers, 2002), 2–3.

Three conceptualizations of German foreign policy during the Cold War era dominated the theoretical literature. First, early works on German foreign policy emphasized Germany as a *penetrated state* and thus focused on the dependent nature of the West German state and the significance of external pressures on policymaking. The notion of “penetration” grew out of James Rosenau’s earlier writings and was used to describe a system that suffered from a critical shortage of capabilities and thus was forced to turn to external actors to compensate for this dependency.<sup>15</sup> The second conceptualization of West Germany as a *semi-sovereign state* emphasized the decentralized character of the German state and the incremental policy outcomes that such a system produced. Closely associated with Peter Katzenstein’s work, the term as originally developed focused more on the limits of domestic state power rather than external constraints on power, but for Katzenstein the key point was that these external and internal constraints were self-imposed, creating a state that had been “tamed rather than broken.”<sup>16</sup> Finally, Germany was viewed as a classic *trading state*, a concept introduced by Richard Rosecrance to describe a state that rejects political-military goals and pursues instead economic differentiation as a means of security.<sup>17</sup> By the 1970s Germany’s growing economic influence gave it more political

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<sup>15</sup> James Rosenau, *The Scientific Study of Foreign Policy* (New York: The Free Press, 1971); James Rosenau, “Toward the Study of National-International Linkages,” in James N. Rosenau, ed., *Linkage Politics* (New York: The Free Press, 1969), 44–63. Wolfram Hanrieder extended Rosenau’s concept for the German case: see Wolfram F. Hanrieder, *West German Foreign Policy: 1949-1963: International Pressure and Domestic Response* (Palo Alto, CA: Stanford University Press, 1967); and Wolfram Hanrieder, “West German Foreign Policy 1949-1979: Necessities and Choices,” in Wolfram F. Hanrieder, ed., *West German Foreign Policy: 1949-1979* (Boulder, CO: Westview Press, 1980), 15–36.

<sup>16</sup> Peter Katzenstein, *Policy and Politics in West Germany: The Growth of a Semisovereign State* (Philadelphia: Temple University Press, 1987), 10; William E. Paterson, “Beyond Semi-Sovereignty: The New Germany in the New Europe,” *German Politics*, 5, no. 2 (August 1996): 167-184.

<sup>17</sup> Richard Rosecrance, *The Rise of the Trading State: Commerce and Conquest in the Modern World* (New York: Basic Books, 1986).

maneuverability, but while analysts recognized this, most continued to believe that the system level of analysis remained the dominant pattern in German foreign policy—Germany’s security dilemma was still operative, and so the German state continued to be constrained by these external structural factors.<sup>18</sup>

Nowhere was the reality of restraints on German power as evident as in the country’s security and defense policy. German military power was to be harnessed to postwar collective security institutions and constrained by various legal and constitutional restrictions. These included the size and structure of its forces; the integration of German command structures into NATO, which maintained operational control over the forces in peacetime; constraints on weapons production; and Germany’s renunciation of nuclear, chemical, and biological weapons.<sup>19</sup> Germany deliberately pursued a policy of self-constraint and, over the postwar decades, merged its interests with those of the Euro-Atlantic community. West Germany’s postwar foreign policy evolved into the following set of principles:<sup>20</sup>

- *Never again*: pacifism, moralism (defend human rights), democracy

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<sup>18</sup> Wolfram F. Hanrieder, *Germany, America, Europe: Forty Years of German Foreign Policy* (New Haven and London: Yale University Press, 1989), particularly his chapter on the political economy of the Federal Republic in which he outlines how economic power was translated into political leverage, though less successfully in the area of security and arms control policies, 223–306.; Jeffrey S. Lantis, “The Evolution of German Foreign Policy,” in *Strategic Dilemmas*, 1–16.

<sup>19</sup> Paul Stares, *Allied Rights and Legal Constraints on German Military Power* (Washington, D.C.: Brookings Institution Press, 1990), 12–19. For example, the Basic Law declares unconstitutional any war of aggression, that German armed forces are to be used for defensive purposes only (Art. 87(a) GG), but that exceptions can be made though only within the strictures laid out in the Basic Law. With its membership in collective security arrangements, Germany agrees to restrictions on its sovereignty (Art. 24 GG). See also Kenneth Moss’s comparison of the United States and Germany on questions of use of force in: “Constitutions, Military Force, and Implications for German-American Relations,” *SWP Comments*, no. 56, December 2005 (Berlin: Stiftung Wissenschaft und Politik), 1–5.

<sup>19</sup> Helga Haftendorn, *Security and Détente: Conflicting Priorities in German Foreign Policy* (New York: Praeger Publishers, 1985); Catherine McArdle Kelleher, “The Defense Policy of the Federal Republic of Germany,” in *The Defense Policy of Nations: A Comparative Study*, eds. Douglas J. Murray and Paul R. Viotti (Baltimore and London: Johns Hopkins University Press, 1982), 268–98.

<sup>20</sup> Hanns W. Maull, “Germany and the Use of Force: Still a Civilian Power?” *Trierer Arbeitspapier*, no. 2, November 1999, 3–8.



- rejection of military force, as translated into its legal and military components: a rejection of all nuclear, biological and chemical weapons as well as constitutional constraints on use of force (e.g., rejection of “aggressive war”);
- *Never Alone*: integration, multilateralism, democratization
  - acceptance of integration in western political and collective security institutions—for example, European Community/EU, NATO; emphasis on multilateral cooperation and coalition building; support for democratization in Eastern Europe;
- *Politics Not Force*: skepticism regarding utility of force; emphasis on deterrence
  - emphasis on soft tools of power—diplomacy and negotiations, economic initiatives, trade, development aid—and on deterrent strategies to bring about peaceful resolution of the East-West divide;
- *Norms Define Interests*: identity and foreign policy objectives
  - importance of democratic norms and values, such as promoting European integration, international human rights, rule of law, and incorporating international law into national law (for example, under the German constitution—the Basic Law—norms of international law take precedence over German law, though not the Basic Law itself);
- *Unification*: peaceful unification of a divided Germany.

To summarize: analyses of West German foreign policy emphasized the external constraints that shaped policy options and outcomes and the intertwining of domestic and international variables. Since the goal of the West German government was to regain some control over its domestic and external affairs, it was clearly in Germany’s interests to adapt itself to the constraints imposed on it and to seek influence via the institutions and organizations it was now a part of.

#### 1969–1990: Limited Humanitarian Assistance

Before 1990, German forces were deployed abroad exclusively on a multilateral basis for humanitarian aid and disaster and emergency assistance. Beginning in 1960, German troops were sent to countries in Africa, the Middle East, and Asia as well as to other European countries. In the period 1960–1989, the

Bundeswehr assisted in over one hundred humanitarian aid missions, averaging about four per year but running as high as thirteen missions in 1973 alone.<sup>21</sup> Thus prior to unification, Germany had participated on a bilateral level but not as part of a UN peacekeeping mission outside its borders. Part of the reason lay in occupied Germany's unique status during the Cold War (East and West Germany became members of the United Nations only in 1973) and in concerns that any West German military contribution that was not humanitarian in nature would seriously disrupt its relationship with the Soviet Union and East Germany, perhaps even provoking some kind of military retaliation.

The question of whether or not to send German troops abroad had in fact been an issue prior to the 1990s. There were periodic calls by the United States for Germany to fully participate in military missions. President Lyndon Johnson, for example, pressed West Germany to send a small troop contingent to Vietnam in the mid-1960s, but the West Germans rejected the idea as moving "beyond the spirit of the German constitution."<sup>22</sup> In response to such expectations, the West German government in the late 1970s and early 1980s took steps to formalize a position: German armed forces could be deployed for territorial or collective self-defense within the framework of Germany's multilateral defense arrangements, but no more.<sup>23</sup> Many constitutional law experts did not agree with the government's argument that it

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<sup>21</sup> See list of humanitarian missions since 1960 on German Ministry of Defense website: [http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_Qjz\\_KLN\\_SJdw32BMIB2EGu-pFw0aCUVH1fj\\_zcVH1v\\_QD9gtyIckdHRUUA5XlamQ!!/delta/base64xml/L3dJdyEvd0ZNQUFzQU\\_MvNEIVRS82XzFMX0Y0Rg](http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_Qjz_KLN_SJdw32BMIB2EGu-pFw0aCUVH1fj_zcVH1v_QD9gtyIckdHRUUA5XlamQ!!/delta/base64xml/L3dJdyEvd0ZNQUFzQU_MvNEIVRS82XzFMX0Y0Rg).

<sup>22</sup> Kelleher, "Defense Policy," 293.

<sup>23</sup> Hans J. Giessmann and Armin Wagner, "Auslandseinsätze der Bundeswehr," *Aus Politik und Zeitgeschichte* 48 (2009): 3; John S. Duffield, *World Power Forsaken: Political Culture, International Institutions, and German Security Policy After Unification* (Stanford: Stanford University Press, 1998), 176.

was unconstitutional for Germany to utilize its forces for anything other than self-defense, and it was this issue of constitutionality regarding out-of-area missions that fueled the political debates on German foreign and security policy in the early 1990s. Nevertheless the official German government position up to 1989 was that apart from giving humanitarian aid or assistance when natural disasters occurred, German forces were to be used for territorial defense only.<sup>24</sup>

### Post-Unification German Foreign Policy (1990–)

In the early 1990s, with the Gulf War and the disintegration of Yugoslavia, German leaders came under increasing pressure to resolve the constitutionality of the out-of-area question and to define what constituted the country's new role and responsibilities in a post-Cold War world and what function Germany's military forces had in this new role. Two important phases of adaptation to a policy of German engagement in out-of-area operations in the 1990s were Bosnia (1992–1995) when the issue of the constitutionality of German participation was resolved; and Kosovo (1998–1999) when the issue of a more robust military engagement and the question of whether German participation required an international mandate dominated the political debate.

### 1990–1995: Bosnia and the Constitutionality Issue

The end of the Cold War, with the fall of the Berlin Wall on November 9, 1989 and the unification of Germany on October 3, 1990, led to a reassessment of Germany's role in the new post-Cold War era. The deep-seated German skepticism

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<sup>24</sup> Duffield, *World Power*, 174.

regarding the use of military force shared by the elite and public alike was challenged by the structural changes in the global security environment. The first test came quickly. The Gulf War in 1990–1991 forced open the debate on the role of German military forces in Germany’s evolving foreign policy and found the Germans singularly unprepared.<sup>25</sup>

When Iraq invaded Kuwait in August 1990, the German government faced a growing number of external as well as internal pressures. Externally, Germany’s allies, particularly the United States, expected Germany to contribute forces to fight Iraq. Domestically, however, the German government was focused on the needs of unifying the country and on the upcoming all-German elections in October 1990. Politically, the discussions regulating the 2+4 Treaty that were to finalize the unification of Germany had not been completed, and sensitive negotiations on the withdrawal of Soviet forces from East German territory were still ongoing. The German government feared that any direct German contribution of troops in the Gulf War would antagonize the Soviets and endanger German unification. The German government’s position remained what it had been: Sending troops was unconstitutional, though there were differing views on whether or not the Basic Law permitted German troops to be deployed outside of NATO territory.

Finally, the question of the use of German military forces outside Germany’s borders was an intensely divisive issue within Germany’s political parties. Chancellor Helmut Kohl believed that Germany should assume the same rights and

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<sup>25</sup> For a discussion of the gradual acceptance of German participation in out-of-area missions in the early 1990s, see Karin Johnston, “German Public Opinion and the Crisis in Bosnia,” in *International Public Opinion and the Bosnia Crisis*, eds. Richard Sobel and Eric Shiraev (Lanham, MD: Lexington Books, 2003), 255–262; for a discussion on the debate regarding constitutionality of such missions in 1994, see Johnston, “Bosnia Crisis,” 269–274.

responsibilities of any “normal” state power, but the willingness of the Christian Democrats (CDU/CSU) for Germany to assume a greater role in international peacekeeping would not come without a political battle, not only from the left—the Social Democrats (SPD), the Green Party, and the Party of Democratic Socialism (PDS)—but from its own coalition partner, the Free Democratic Party (FDP). The FDP and SPD (initially the CDU as well, though it reversed itself later) refused to consider sending German troops without a constitutional amendment. Of the opposition parties, the SPD rejected the use of German military forces except for humanitarian purposes, and the Green Party rejected any military role for the Bundeswehr outside of Germany’s borders.<sup>26</sup>

Given these domestic political constraints, Chancellor Kohl’s CDU-led government refused to send troops on constitutional grounds but saw to it that Germany did contribute by providing substantial financial assistance.<sup>27</sup> However, the government’s decision to stay out of the Gulf War was harshly criticized. Germany’s western allies saw the Gulf War as a test of the German commitment to assuming greater responsibilities commensurate with its new status, and in their eyes, Germany had failed the test.<sup>28</sup>

Stung by the international criticism over its refusal to participate in the Gulf War, the German government began the long process of moving the country toward acceptance of German participation in international peacekeeping missions.

Chancellor Kohl had concluded that attaining the two-thirds majority in the

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<sup>26</sup> Johnston, 256.

<sup>27</sup> Ronald D. Asmus, *Germany after the Gulf War* (Santa Monica: RAND, 1992), 11–13.

<sup>28</sup> Anna Geis, “Die Zivilmacht Deutschland und die Enttabuisierung des Militärischen,” *HSFK Standpunkt 2/2005* (Peace Research Institute Frankfurt: Frankfurt, 2005), 4–5.

Bundestag for a constitutional amendment to permit German participation in out-of-area operations was impossible in the political climate at that time. Tactically, then, the way to build both political and popular support for German participation in out-of-area missions was to begin a gradual step-by-step process of sending small contingents of German soldiers to serve in multinational humanitarian aid operations even before the question of constitutionality was resolved. The German government began this process of adjustment in 1992, providing humanitarian assistance to UN missions in Cambodia and Somalia.<sup>29</sup>

But the next crisis was not long in coming, and it was not long before external events again challenged German views on the use of its military forces. The disintegration of Yugoslavia had accelerated in the early 1990s, and European efforts to broker a settlement failed to halt the conflict. The events in Bosnia from 1992–1995 were punctuated with periods of escalating violence, followed by failed efforts at brokering cease-fires, and followed again by the intensification of violence, mass expulsions, and ultimately, human rights violations and genocide. At every phase, the German government and political elite's actions were, in effect, a reactive process in response to external events that pushed the issue of military force and the constitutionality of German participation in out-of-area missions to the forefront of the political debate. The pattern showed the German government's preference for waiting until some movement in the international community was evident and then moving to construct the necessary political response, always seeking a balance between external events and expectations and domestic political constraints.

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<sup>29</sup> See German Ministry of Defense website chronicling Bundeswehr missions: [http://www.bundesregierung.de/Content/EN/Artikel/Auslandseinsaetze-der-/2008-04-24-chronologie-der-einsaetze\\_en.html](http://www.bundesregierung.de/Content/EN/Artikel/Auslandseinsaetze-der-/2008-04-24-chronologie-der-einsaetze_en.html).

The political parties were deeply divided on whether or not the Basic Law allowed German participation in out-of-area operations, or whether a constitutional amendment was required, but the government was acutely aware of the fact that it could not choose to stay out of the conflict in the former Yugoslavia by reverting to its earlier Gulf War “checkbook diplomacy,” nor could it refuse to assist in resolving a Europe-based conflict. The government’s decisions, made in reaction to growing UN and ultimately NATO involvement, were met with hostility in the Bundestag and led to a challenge in the Federal Constitutional Court in Karlsruhe.

As the Bosnian crisis expanded, the UN responded in September 1991 with a weapons embargo against the remaining Yugoslav republics of Serbia and Montenegro. It acted again in May 1992, imposing a trade embargo on Serbia and Montenegro. By July 1992 NATO and the WEU agreed to support the UN’s efforts by establishing naval patrols in the Adriatic to monitor the trade and weapons embargo. As a NATO ally, the German government had to respond, and on July 15 the government signaled its intention to send ships to assist in monitoring the embargo, and by November 1992 German AWACS were actively participating in monitoring the embargo. The SPD objected to the government’s decision, charging that the mission was unconstitutional.

The next challenge arose in October 1992, when the UN Security Council issued a flight ban over Bosnia and NATO AWACS planes were dispatched to monitor the “no fly” zone, including German AWACS crews. This time, the issue of German participation split the governing coalition itself since the FDP continued to insist that German participation required a constitutional amendment, a position that

implied that both government decisions were unconstitutional. This was a view shared by the SPD. Both parties believed Article 87a of the Basic Law allowed the use of German armed forces for territorial and collective self-defense only and that the government should not be allowed to make such far-reaching decisions without the consent of parliament.<sup>30</sup>

The political process had reached an impasse, and the deep divisions among the parties made a resolution of this question impossible. To some party leaders, the only way out of this political dead end was to take the issue to the Federal Constitutional Court. In 1993, one more attempt to reverse the Kohl government's deployment decisions was made. On March 31, 1993, the UN Security Council voted to enforce the "no-fly zone," and on April 2, NATO agreed to assist in the enforcement of the UN resolution. Again, the CDU/CSU and FDP were on opposite sides of the issue, with little prospect for consensus. In a calculated tactic, CDU/CSU leaders agreed to bring the issue to a vote in the federal cabinet and the FDP would then file suit against the motion, bringing an injunction to reverse the government's decisions and recall the troops. Thus, on April 2, the German federal cabinet voted for the enforcement mission and the FDP (joined eventually by the SPD) sued the government it was a part of, thus handing over to the Federal Constitutional Court the messy job of resolving the deployment issue.

On April 8, 1993, the Federal Constitutional Court denied the FDP and SPD's motion for injunction on the April 2, 1993, case only, arguing that the withdrawal of

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<sup>30</sup> See "Ein geschichtsträchtiges Urteil" on the Germany Ministry of Defense website: [http://www.bmvg.de/portal/a/bmvg/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLd4k38Q4ASYG\\_Zbub6kTCxoJRUFV-P\\_NxUfW\\_9AP2C3IhyR0dFRQAZO09L/delta/base64xml/L2dJQSEvUUt3QS80SVVFLzZfRF80S1A!?yw\\_contentURL=%2FC1256F1200608B1B%2FN26ZXABK565INFODE%2Fcontent.jsp](http://www.bmvg.de/portal/a/bmvg/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4k38Q4ASYG_Zbub6kTCxoJRUFV-P_NxUfW_9AP2C3IhyR0dFRQAZO09L/delta/base64xml/L2dJQSEvUUt3QS80SVVFLzZfRF80S1A!?yw_contentURL=%2FC1256F1200608B1B%2FN26ZXABK565INFODE%2Fcontent.jsp).



German AWACS, which constituted a third of all AWACS reconnaissance planes, would seriously compromise the UN-led mission.<sup>31</sup> The central issue of the constitutionality of such deployments was not addressed by this opinion—merely whether the fulfillment or denial of the injunction would severely compromise the mission.<sup>32</sup> What remained unresolved was the question of whether the government’s actions were constitutional. Resolution of this question would not occur until the following year, when the Federal Constitutional Court ruled on the 1992 case.

In April 1994, the Federal Constitutional Court met to hear oral arguments on the earlier cases brought before the federal government.<sup>33</sup> Finally, on July 12, 1994, the Court announced its ruling. In this landmark decision, the Court determined first of all that there were no constitutional objections for German military personnel to participate in military operations outside of NATO territory. The legal basis for this lay in Article 24(2), which allows the federal government to accept membership in a system of mutual collective security and provides the constitutional basis for accepting the duties and responsibilities such membership requires, which in the Court’s view included the deployment of armed forces. Importantly, the Constitutional Court opined that “alliances of collective self-defense can also be systems of mutual collective security” in the sense of Article 24(2), which for the Court included the UN, NATO, and WEU (now part of the EU). Thus the Court ruled

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<sup>31</sup> Ibid; Marc Fisher and Steve Vogel, “Bonn Addresses Bosnian ‘No-Fly-Zone,’—Sort of,” *Washington Post*, April 3, 1993; Alan Riding, “NATO Agrees to Enforce Flight Ban Over Bosnia Ordered by U.N.,” *New York Times*, April 3, 1993.

<sup>32</sup> Duffield, *World Power Forsaken*, 198.

<sup>33</sup> In addition to the cases mentioned above—participation in the monitoring of the embargo over the Adriatic Sea and the “no-fly zone” in Bosnia—was the government’s decision to send troops to participate in Operation UNISOMII in Somalia. See Thomas Schmitz, “Chronik der Rechtsprechung des Bundesverfassungsgerichts – 1994,” available at: <http://lehrstuhl.jura.uni-goettingen.de/tschmitz/ChronBVerfG/1994-2.htm>.

that missions must be undertaken within a multilateral context and within established collective security arrangements, and it determined that NATO and the EU constituted collective security organizations.<sup>34</sup>

Most importantly perhaps, the Federal Constitutional Court required the federal government to obtain the consent of the Bundestag prior to every “armed operation” (*bewaffneter Einsatz*) via a simple majority vote. In this context the term means that parliamentary approval is required for every deployment of German military forces in which an actual or potential risk exists that the forces will be involved in armed clashes. Thus while in principle all deployments are subject to parliamentary consent, not all deployments necessarily require Bundestag approval (e.g., humanitarian aid, disaster relief) but, rather, only those in which there is the potential risk that force will be used.<sup>35</sup> In emergencies, the Court declared the federal government could send troops without such an approval, but it would have to seek that approval *ex post facto*. Should the Bundestag refuse to sanction the deployment, the federal government would be obligated to recall the troops.<sup>36</sup>

Ten days after the decision, in which the Court also ruled the government had failed to meet its responsibility in seeking the approval of parliament in the 1992 cases that had been brought to the Court, the German government formally requested parliamentary approval of its missions in southeastern Europe (the AWACS mission and naval embargo). In the special session that was called on July 22, 1994, the

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<sup>34</sup> Johnston, 274.

<sup>35</sup> Georg Nolte and Heike Krieger, “Military Law in Germany,” in *European Military Law Systems*, ed. Georg Nolte (Berlin: De Gruyter, 2003), 360.

<sup>36</sup> See Arbeitsstelle Frieden und Abrüstung, “Urteil Bundesverfassungsgericht vom 12.07.94,” at: <http://www.asfrab.de/print/urteil-bverfg-1271994-2-bve-392.html>.

Bundestag approved the motion on a vote of 424–48–16 (yes/no/abstentions), with parliamentarians from the CDU/CSU, FDP, and SPD voting in its favor.<sup>37</sup>

Despite the legal significance of the Federal Constitutional Court’s ruling, the decision did not decisively change the course of German security policy nor the long-standing skepticism of the utility of military force in the public at large—more specifically, it did not create greater receptivity in the German public for out-of-area missions. While the Court decision had ruled on the question of “whether” troops can participate, it was now the government’s task to determine the other parameters, the “when, where, and how much” of future missions. In an interview at the time, Defense Minister Volker R  he outlined the government’s initial set of criteria:

- Size and scope: deployments should be limited to Europe and its periphery;
- UN mandate: a UN mandate is a prerequisite for German participation;
- Historical sensitivities: German participation in countries it had occupied during World War II must be deployed in a way that avoids creating further tensions;
- Public support: German missions must have broad public support;
- “compelling reason”: only in times of dire threat to Germany, Europe, or international peace would German forces be deployed beyond territorial or alliance defense.<sup>38</sup>

But these criteria were only temporary in the sense that the Court’s ruling had also tasked the German parliament with developing “the form and extent of parliamentary participation,”<sup>39</sup> though it would take ten years to fulfill this mandated task. The Parliamentary Participation Act (*Parlamentsbeteiligungsgesetz*) was passed

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<sup>37</sup> Karl-Heinz B  rner, “Germany’s Constitutional Court and Future German Combat Operations Outside of Europe,” *Air and Space Journal* (1995), <http://www.airpower.maxwell.af.mil/airchronicles/cc/borner.html>; and B  rner, “The Future of German Operations Outside NATO,” *Parameters* (Spring 1996): 62–63.

<sup>38</sup> Franz-Josef Meiers, “Germany: The Reluctant Power,” *Survival*, vol. 37, no. 3 (Autumn 1995): 92–93.

<sup>39</sup> “Landmark Decision on Foreign Deployments of the Bundeswehr (July 12, 1994),” German History in Documents and Images, vol. 10, One Germany in Europe, 1989-2009, *German Historical Institute*, available at: <http://germanhistorydocs.ghi-dc.org/pdf/eng/Ch8Doc04FIN.pdf>.

by the Bundestag in March 2005, codifying the requirements set out by the Federal Constitutional Court in 1994—that is, in principle any “deployment of armed forces abroad” required the consent of parliament, though missions in which no armed conflict was expected were not subject to parliamentary approval; two procedural formats—a standard plus a more simplified procedural process, were provided; and in certain circumstances parliamentary consent can be given *ex post facto*. The Act also underscored the Court’s ruling that the Bundestag could only vote up-or-down on a mission; it could not alter the parameters of the deployment that the government had established in the mandate.<sup>40</sup>

The resolution of the constitutionality question did not make the job of determining the level of commitment Germany must make to resolve the Bosnian crisis any easier. The longer the conflict dragged on and the more human rights violations came to light, the greater the realization was that the issue of the international community’s response had been pushed beyond simple humanitarian aid. For the Germans, the gray area lay between the commitment to humanitarian relief efforts and the prospect of combat operations, which neither the elite nor the public would support. German participation would be more palatable if the rationale were couched in humanitarian terms, since public opinion data at the time showed that public support for a UN mission declined when the mission was posed as something other than humanitarian aid or if the question implied some kind of

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<sup>40</sup> See written testimony of Dr. Katja S. Ziegler, “The Model of a ‘Parliamentary Army’ under the German Constitution,” in House of Lords, Select Committee on the Constitution, “*Waging war: Parliament’s role and responsibility*,” Volume II: Evidence, 15th Report of Session 2005-06, HL Paper 236-II (July 27, 2006), 32.

military intervention.<sup>41</sup> Not surprisingly, given the sensitivity and volatility of the issue of sending German troops abroad, the German political elite showed no willingness to launch a public debate on expanding Germany's military engagement.

The German public, too, had shifted its views. It was willing to accept that Germany now had a larger international role to play but was reluctant to fully accept that this role included a military dimension. It was supportive of the Bundeswehr providing assistance for humanitarian and disaster situations but uneasy about peacekeeping operations. The public was more comfortable with a UN-led than a NATO-led mission, but rejected the use of German troops in any combat environment. Thus, public support was generally high, but contingent upon situational variables.<sup>42</sup>

The reluctance to expand Germany's military presence in Bosnia became evident in the way in which the government reacted to external expectations of Germany's role in peacekeeping missions—a reaction that, as John Duffield succinctly put it, has “rarely been automatic and never unqualified.”<sup>43</sup> On November 30, 1994, NATO Supreme Allied Commander Europe (SACEUR) General George Joulwan requested the German government deploy six Tornado aircraft to assist in deterring Serb surface-to-air missile capabilities. Faced with an uncomfortable choice, the German government chose not to respond at all, claiming it had not received an official request. Soon enough, another request arrived from the North Atlantic Council, asking the government to declare what it might contribute in the event of NATO assuming responsibility of protecting UNPROFOR troops should a

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<sup>41</sup> Johnston, 266.

<sup>42</sup> Johnston, 275.

<sup>43</sup> Duffield, 218.

withdrawal from Bosnia be necessary.<sup>44</sup> The Kohl government was less comfortable with ignoring the request this time around, and in December 1994 the German cabinet signaled its willingness to provide troops and materiel should such an event materialize, though it rejected their use in combat operations.

This decision was never put to the test, but events on the ground drove the issue of German participation even further when the question arose as to whether Germany would provide support for a rapid reaction force to protect UN forces in the event of their possible redeployment in Bosnia. Alarmed by a possible failure of the UN mission in Bosnia and the prospect of a real ground war, in June 1995 the German government and parts of the SPD joined to approve the participation of German troops, though again the government and Bundestag placed a wide range of restrictions on the mission.<sup>45</sup> Finally, with the successful negotiations of the Dayton Accord bringing an end to the Bosnian war, the Bundestag approved a motion to contribute troops to the UN implementation force (IFOR) that was to monitor the implementation of the Dayton Accords.

In sum, when the Gulf War began, the consensus among all German parties was that the constitution prohibited the sending of German troops abroad. From very early on, Chancellor Kohl and other conservatives had concluded that a unified and “normalizing” German state should have access to the full range of policy options any state had, but they realized this position was too premature, given that even their own coalition partner, the FDP, believed decisions on out-of-area missions required a constitutional amendment, which was not feasible in the political climate at the time.

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<sup>44</sup> Robert H. Dorff, “German Security Policy in the 1990s,” *American Diplomacy*, [http://www.unc.edu/depts/diplomat/AD\\_Issues/amdipl\\_4/dorff-germany.html](http://www.unc.edu/depts/diplomat/AD_Issues/amdipl_4/dorff-germany.html); Meiers, 85–92.

<sup>45</sup> Duffield, 214–215.

The SPD's position paralleled that of the FDP, though unlike the FDP, a majority of the SPD rank and file strongly rejected any involvement of Bundeswehr troops outside Germany's borders. Within the SPD leadership, however, a small group of pragmatists had come to accept that Germany's future international obligations included contributions to international peacekeeping missions and they worked steadfastly within the SPD to shift party sentiment in that direction.<sup>46</sup> The Green Party, with its pacifist roots, condemned any use of German forces except for territorial defense. Over time the momentum in the political elite and in the German public shifted toward acceptance of the use of force for preserving peace and defending human rights.

Critical was the shift in the SPD and particularly in the Green Party. The targeted violence against civilians and mounting human rights violations led the *Realos* (the Green party's pragmatist wing) under Joschka Fischer to push the Green Party toward a position whereby using military force would be acceptable under very restricted conditions and circumstances, such as genocide. The former East German communist party, the PDS, remained adamant in its opposition to any use of military force. Thus, by the end of the Bosnian war in late 1995, all of the major German parties had revised their position on out-of-area support operations, but there were inter-party schisms that implied the issue had not been laid to rest.<sup>47</sup>

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<sup>46</sup> Wolfgang-Uwe Friedrich, "Kosovo and the Evolution of German Foreign Policy in the Balkans," in *The Legacy of Kosovo: German Politics and Policies in the Balkans*, German Issues no. 22, ed. Wolfgang-Uwe Friedrich (Washington, DC: American Institute for Contemporary German Studies, 2000), 7; Interview in Berlin, November 10, 2009.

<sup>47</sup> Johnston, 271–272.

## 1995–2000: The Kosovo War

If the Bosnia conflict had been the first major step for the Bundeswehr in participating in a peacekeeping operation, Kosovo was the next important step—the first time German troops participated in military operations outside their country’s borders since World War II. What was remarkable was not only the wide acceptance of German participation within the political elite and the public at large, but that it was implemented under a left-of-center governing coalition and without the imprimatur of a UN mandate.

The Kosovo conflict had been simmering alongside the conflict in Bosnia for some time, fueled by ethnic tensions between the province’s Albanian majority and Serbian minority. Slobodan Milosovic’s rise to power in the 1980s saw the rise of Serbian nationalism at the expense of the Kosovo Albanians’ civil rights. In 1989, Milosovic nullified Kosovo’s autonomous status, and the Serbian government responded to Albanian opposition by sending troops and combat aircraft. Many Kosovo Albanians looked to the international community in hopes that the situation in Kosovo would also be addressed in the Dayton negotiations in 1995, but the western powers declined to do so. With little prospect for international support, the Kosovo Albanians shifted tactics. The emergence of the Kosovo Liberation Army (KLA) in 1996 as a paramilitary force that targeted Serbian installations and police initiated a long period of cyclical violence in Kosovo.<sup>48</sup> Ultimately, some 1.4 million

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<sup>48</sup> “Timetable of the conflicts in Kosovo,” in *deutsche-aussenpolitik.de*, available at: [http://deutsche-aussenpolitik.de/index.php?/resources/dossiers/kosovo\\_overview.php](http://deutsche-aussenpolitik.de/index.php?/resources/dossiers/kosovo_overview.php); Marc Hoch, “Die Kosovo-Tragödie. Chronologie des Konflikts,” *Süddeutsche Zeitung*, February 15, 2008.



Kosovo Albanians, about 60 percent of the Albanian population, were expelled from their homes.<sup>49</sup>

In the spring of 1998, the international community finally responded. On March 31, 1998, the UN Security Council passed a resolution calling for a cessation of violence, and by June the Kosovo Contact Group composed of France, Russia, the United States, Great Britain, Italy, and Germany had begun to meet. The violence, however, continued unabated. It was clear to many—not least Milosevic—that the western alliance’s warnings about the possible use of force against Serbia had no teeth: the politically viable options (e.g., stationing of troops in Macedonia and Albania) were not sufficient to stop the violence, and the militarily effective options were not feasible because many states refused to condone military action against Serbia without a UN resolution—which was unattainable given Russia’s opposition.<sup>50</sup> On September 23, 1998, after twenty-two Albanians were massacred, the UN Security Council passed Resolution 1199 calling for an immediate cease-fire. Since a UN resolution sanctioning military force to end hostilities was not possible, the only other basis on which to validate future action was the need to intervene because of gross human rights violations. The UN resolution, with its reference to a humanitarian catastrophe, reflected this reasoning.<sup>51</sup>

This was the political backdrop into which the new German Red-Green coalition stepped. On September 27, 1998, only days after the passing of UNSCR

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<sup>49</sup> Elizabeth Pond, “Kosovo and Serbia after the French *non*,” *Washington Quarterly*, 28:4, Autumn 2005: 29.

<sup>50</sup> Joachim Krause, “Die deutsche Politik in der Kosovo-Krise,” in *Kosovo. Humanitäre Intervention und kooperative Sicherheit in Europa*, ed. Joachim Krause (Opladen: Leske + Budich, 2000), 108.

<sup>51</sup> Paul Hockenos, *Joschka Fischer and the Making of the Berlin Republic. An Alternative History of Postwar Germany* (Oxford: Oxford University Press, 2008), 260; Krause, 110.

1199, the SPD and Green Party emerged the winners in the German federal election, ending the sixteen-year tenure of Chancellor Helmut Kohl and the CDU/CSU-FDP coalition. Here, the timing of external events and the German federal election mattered a great deal, since the newly elected yet not seated Red-Green coalition government immediately faced a decision on whether or not to agree to German troop participation in a NATO-led operation in Kosovo.

In early October, NATO authorized airstrikes against Serbian military targets—albeit without a UN-backed resolution sanctioning such actions. In the wake of UN Resolution 1199, NATO first issued an “activation warning” (September 24) and then an “activation request” (October 6), which tasked NATO members with declaring the capabilities they would contribute to an intervention in Kosovo—essentially committing NATO members to military action. The final stage, the “activation order,” came on October 13, after UN Secretary-General Kofi Annan announced that Serbia was not in compliance with previous UN Security Council resolutions.<sup>52</sup>

In meetings before and after the German election, Gerhard Schröder had relayed to President Clinton Germany’s willingness to support military action in Kosovo should diplomacy fail, but that Germany would not commit combat troops for such a contingency.<sup>53</sup> For the SPD and the Green party leadership, there was little choice but to support the Kosovo deployment for internal and external reasons. Domestically, there were doubts raised whether an SPD-Green Party coalition was *regierungsfähig*, or capable of governing. The SPD had been out of power for sixteen

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<sup>52</sup> Friederich, 11; Krause, 203.

<sup>53</sup> Krause, 112.

years, the Greens had never served as a governing party, and both parties had strong pacifist and left-leaning factions. Faced with the realities of governance, particularly in foreign policy, would the new coalition be able to make the hard decisions? What was at stake here, as Fischer noted in a later speech, was the question of continuity and calculability in German foreign policy.<sup>54</sup> Externally, this meant that the new government needed to show its commitment to alliance cohesion and to the goals set out by the international community with regard to Kosovo.

Both Schröder and Fischer had sought to delay the German vote until after the new government took power, but the Clinton administration signaled that it was unwilling to wait. Chancellor Kohl consulted with Schröder and Fischer, who reluctantly agreed to support the motion. Thus on October 16, 1999, Kohl, in an unusual procedure, called a special session to reconvene the old Bundestag to vote on the NATO activation order whose goal, it was declared, was to prevent a humanitarian catastrophe in Kosovo. The Bundestag passed the motion by a wide margin of 500–62–18.<sup>55</sup> Although the way was now clear for German participation in a NATO-led campaign, it did not come to that—at least not yet. Milosevic backed down and agreed to a cease-fire and to allow OSCE observers to enter Kosovo to monitor the cease-fire.<sup>56</sup> It was only on October 24, that a UN Security Council resolution on Kosovo was passed, and only on October 27, that Schröder was elected by the Bundestag to serve as Germany's new chancellor. On November 19, the newly convened Bundestag voted in favor of German soldiers participating in the Extraction Force, should such an action be necessary. The question of sending German troops

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<sup>54</sup> Friedrich, 13.

<sup>55</sup> Krause, 112; Hockenos, 261.

<sup>56</sup> Friedrich, 13.

had been side-stepped when the cease-fire was brokered, but the relief was short-lived since the cease-fire did not hold for very long.

The New Year brought a resurgence of violence. Evidence of a massacre of forty-five civilians on January 29, in the town of Racak and the unsuccessful attempts to negotiate a cease-fire with Milosevic brought renewed international attempts at mediating the conflict, culminating in the negotiations in Rambouillet, France in February and March 1999. Eventually, the Kosovo Albanian delegation signed the proposed peace agreement on March 15, but the Serbs refused to do so. The failure of these diplomatic efforts contributed to the NATO decision to launch air strikes (within the framework of ALLIED FORCE) against Serbian targets, which began on March 24, 1999. German pilots flew reconnaissance missions and undertook actions against Serb anti-aircraft positions, the first time German military forces were involved in combat operations since the end of World War II. On March 25, all German political parties except for the PDS signaled their support of the airstrikes against Serbia and of Germany's participation. Chancellor Schröder argued that the failure of diplomacy made the attacks on Yugoslavia necessary, but he emphasized again that Germany would not contribute ground forces to fight in Kosovo. Germany, Schröder stressed, was committed to securing peace in Kosovo, not to waging war.<sup>57</sup>

The real pressure was on Fischer and the Green Party, which was deeply divided on the question of German participation in the military action. During the Bosnia conflict, the SPD had come to support the basic re-orientation in German foreign policy with regard to German participation in out-of-area operations, but this

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<sup>57</sup> Nina Werkhäuser, "Kosovo: A Watershed for German Foreign Policy," *Deutsche Welle*, March 3, 2004.

was not quite the case with the Green Party, where a still sizeable number of Bundestag members had voted against the Bundeswehr deployment in Bosnia. Now, as a member of the governing coalition, the dynamics and political calculations were quite different. The longer the air strikes went on, the more the opposition within the party grew—and thus the more fragile the governing coalition became. With the prospect of a ground invasion on the table should the air strikes fail to stop Serb aggression, the German government intensified its efforts to find a political solution and avoid an action that would certainly have brought down the Red-Green coalition government.<sup>58</sup> With the so-called “Fischer Plan” re-integrating the UN and Russia into the negotiations with the Serbs, Fischer managed to pull together the pieces of a peace plan that would end the war—and in doing so, secured his government’s survival.

It only remained for him to convince the Green party’s rank and file to support him. During the rancorous and heated debate at the Bielefeld Party Congress in mid-May 1999—a paint balloon was thrown at Fischer, hitting him on the side of the head and shattering his ear drum—Fischer argued that in Kosovo, two of the central axioms of postwar German political culture were in conflict: “never again war” and “never again Auschwitz,” and that the international community and the German people had to choose to fight to prevent mass murder and genocide in Europe. It was Germany’s obligation, and moral responsibility, and he asked for his party’s support.

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<sup>58</sup> Polls, too showed that the German public was increasingly concerned that the ongoing conflict would result in German combat troops participating in a full ground war. Fully 64 percent of respondents in a *Focus* survey voiced fear that the Kosovo war would escalate. See “Kosovo Krieg: Entschlossene Zweifler,” *Focus Magazin*, April 12, 1999.

Fischer continued to work hard to find a diplomatic solution. Over the course of the next several weeks, hard negotiations finally reaped a measure of success, but it was not until June 1, 1999, that Fischer received a letter from Milosevic that outlined the Yugoslav leader's intention to withdraw Serbian forces from Kosovo and to accept a UN presence in the Serbian province. On June 10, NATO ended its air operations and the UN Security Council passed Resolution 1244 creating the foundations for the post-conflict reconstruction of Kosovo. The following day, June 11, a majority of Bundestag members approved a motion to contribute forces to the newly established peacekeeping mission (KFOR).<sup>59</sup>

In sum, Kosovo signaled the next step in Germany's political-military development as an active participant in international peacekeeping operations. While in Bosnia Germany participated in post-conflict stabilization efforts after the cessation of military action and the implementation of the Dayton Agreement, in Kosovo German armed forces were involved in military actions to bring hostilities to an end. The German Bundestag had voted in October 1998 to agree "in general" to support NATO, but the "activation" of this pledge of support occurred only in March 1999 when international diplomacy failed to secure a lasting peace agreement.

By the end of the Kosovo conflict, all parties except the PDS supported German involvement in the conflict. The Green Party remained divided, but the party leadership continued to support Fischer's position on Kosovo. Many Greens held to their pacifist roots, some supported the NATO action because they personally

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<sup>59</sup> "Chronologie des Einsatzes im Kosovo (KFOR)," German Ministry of Defense website: [http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_Qjz\\_KLN\\_SJdw3xBclB2EGu-pFw0aCUVH1fj\\_zeVH1v\\_QD9gtyIckdHRUUAZUVF3w!!/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82XzFMX0VUTg](http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_Qjz_KLN_SJdw3xBclB2EGu-pFw0aCUVH1fj_zeVH1v_QD9gtyIckdHRUUAZUVF3w!!/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82XzFMX0VUTg).

believed it was the only solution, but many others supported the action because they held that as a governing party in the first Red-Green coalition, the Green Party could not act otherwise.<sup>60</sup>

The Kosovo case remains controversial because Germany participated in a NATO-led military intervention that was not sanctioned by a UN mandate. Many observers questioned the legality of Germany's involvement, asserting that it was unconstitutional and violated one of the central preconditions for German participation in out-of-area missions. Externally, German participation was seen by the United States and Germany's other allies in Europe as a step toward the "normalization" of German foreign policy. Throughout the Kosovo crisis, however, the German government worked closely on a multilateral basis with its western allies while capitalizing on its good relations with Russia to bring it more directly into the negotiating process. German diplomacy within the various multilateral contexts—the UN, the Contact Group, the EU, and NATO—and its term as EU president in April-June 1999 allowed it to push initiatives that help bring an end to the conflict.<sup>61</sup>

### Summary

In summary, the willingness of the German public and elite to send troops abroad evolved gradually, though the process by which such decisions are made is difficult and remains vulnerable to external pressures, internal domestic constraints,

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<sup>60</sup> "Nur vereinzelte deutsche Kritik am Nato-Einsatz; Verfassungsrechtliche Debatte über den Bundeswehreinsatz," *Neue Zürcher Zeitung*, March 30, 1999. Interviews conducted in Berlin in November 2009 support this assessment. Several government and political leaders interviewed stated that the decision to participate in the Kosovo conflict was "pure political opportunism" made palatable by public assurances that elite support was driven by humanitarian concerns.

<sup>61</sup> Krause, 104.

and party political calculations. Nevertheless, some patterns emerged over time. First, the German government will not lead on out-of-area questions; rather, from the outset the question of whether to support a particular mission is seen as a multilateral issue. The German government's actions are in response to a request from an international player, rather than as an initiator. This position also highlights the importance of international law and international legal precedence as a support and validation for German action. In addition, the domestic political environment is such that the operational parameters will remain restricted in some way (e.g., no ground troops), that conflict prevention or post-conflict development and reconstruction will remain the sine qua non for sending German military forces abroad, and that the mood of the public, while not determinant in deciding to send troops, nevertheless will shape the decision-making environment.



## Chapter 3: The Theoretical Debate: Analyzing German Foreign Policy

### Introduction

For much of the post–Cold War period, the theoretical debate on post-unification German foreign policy has vacillated between realist expectations of German foreign policy behavior and social constructivist challenges to the problems evident in applying a structural analysis to German foreign policy after the end of the Cold War. Because the study’s research question focuses on explaining decision-making processes in German foreign and security policy—a state-level analysis—the theoretical discussion must move from a broader international relations viewpoint to the sub-field of foreign policy analysis (FPA). The theoretical debate within FPA itself has gone through a similar transition, from the dominance of a positivist approach to cognitive/psychological approaches emphasizing the role of decision makers in the policy process while tending to neglect the institutional factors that affect foreign policy behavior.<sup>62</sup>

The chapter will begin with an examination of the state of the theoretical debate on German foreign and security policy, following its arc from early realist predictions of post–Cold War German state behavior to constructivist challenges to structuralist explanations of post-unification German foreign policy development.

The chapter then turns to a discussion of institutions as the missing link in analyzing

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<sup>62</sup> Valerie M. Hudson, *Foreign Policy Analysis: Classic and Contemporary Theory* (Lanham, MD: Rowman and Littlefield, 2007), 14–33; Patrick J. Haney, “Structure and Process in the Analysis of Foreign Policy Crises,” in *Foreign Policy Analysis: Continuity and Change in its Second Generation*, eds. Laura Neack, Jeanne A. K. Ney, and Patrick J. Haney (Englewood Cliffs, NJ: Prentice Hall, 1995), 99.

German foreign policy at the state level, moving the theoretical debate into a foreign policy analysis approach to identify the institutional factors that influence German foreign policy decisions, specifically with regard to the deployment of military forces in Afghanistan.

### *Realism and Structural Explanations of German Foreign Policy*

The end of the Cold War brought significant structural changes in its wake, particularly for Germany, whose unification enhanced its geopolitical and thus its power position both within Europe and internationally. The scholarly debate in the immediate post-Cold War years tended to view implications of German unification through neorealist lenses: Germany would begin to display different characteristics of a state maximizing its interests and re-balancing its power position in the international system. German foreign policy would be adapted to conform to Germany's new geopolitical position.<sup>63</sup> Thus, once the postwar constraints on German power were lifted, Germany would conform to what the anarchic nature of the international system would expect of it: more aggressive state action focused less on multilateral cooperation than on acquiring more power to enhance its international position and protect its national interests.

John Mearsheimer's writings are particularly emblematic of the realist position. Mearsheimer argued that the problem of German power would emerge once

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<sup>63</sup> John J. Mearsheimer, "Back to the Future: Instability in Europe After the Cold War," *International Security* 15, no. 4 (Summer 1990): 8, 32; Charles Krauthammer, "The Unipolar Moment," *Washington Post*, July 20, 1990; Christopher Layne, "The Unipolar Illusion: Why New Great Powers Will Arise," *International Security* 17, no. 4 (Spring 1993): 5–51; Kenneth N. Waltz, "The Emerging Structure of International Politics," *International Security* 18, no. 2 (Fall 1993): 44–79. More recently, Max Otte provides a realist interpretation of post-Cold War German policy; see Max Otte, *A Rising Power? German Foreign Policy in Transformation, 1989-1999* (New York: St. Martin's Press, 2000).

again since a unified Germany would begin to chafe underneath the constraints of the international institutions of which it was a part and strike out on its own. Weaker neighbors would be unable to form an effective counterbalance against German strategic objectives. Most worrisome to many, Mearsheimer believed the United States should provide Germany with nuclear weapons (in a process of “limited nuclear proliferation”) because in time Germany would demand them anyway. It is interesting to note that most of the neorealist predictions of German behavior originated with American political scientists, rather than with their German counterparts, though there were German analysts who called for a more assertive German foreign policy and a more power-conscious state that was not hesitant to pursue its own national interests.<sup>64</sup>

Mearsheimer’s structural logic led him to make policy prescriptions that were as alarming as they were inaccurate as a reflection of German political realities, and over time it became clear that realist expectations of German foreign policy behavior did not materialize. Germany showed no interest in abandoning its memberships in international institutions and continued to emphasize its commitments to the EU and NATO, thus accepting continued multilateral restraint on its newly won sovereignty; it retained the country’s constitutional ban on possession and acquisition of nuclear, biological, and chemical weapons; and it accepted the status quo on its current territorial boundaries. These were not the foreign policy decisions realists had

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<sup>64</sup> The argument was that Germany’s self-confidence had been crushed by outside powers, creating a weak and thus overly cautious foreign policy that was detrimental to German interests. The subtitle of Hans-Peter Schwarz’s earlier book reflects this thinking: *Die gezähmten Deutschen. Von der Machtbesessenheit zur Machtvergessenheit* [The Tamed Germans: From the Obsession of Power to the Obliviousness of Power] (Stuttgart: Deutsche Verlags-Anstalt, 1985). See also Christian Hacke, “Die nationalen Interessen der Bundesrepublik Deutschland an der Schwelle zum 21. Jahrhundert,” *Aussenpolitik* 49, no. 2 (1998): 5–26; and Gregor Schöllgen, *Angst vor der Macht. Die Deutschen und ihre Aussenpolitik* (Berlin: Ullstein Verlag, 1993).

predicted. Indeed, the new “Berlin Republic” looked much like the old “Bonn Republic,” with more continuity than change in its foreign policy behavior, highlighting the weaknesses of realist explanations. But if not realism, then what other theoretical approach best explained the absence of wholesale change in German foreign policy?

### *Constructivism and Cultural Explanations of German Foreign Policy*

Given the failure of structural theories in the wake of the end of the Cold War, scholars in the 1990s turned to domestic levels of analysis to explain continuity and change in German foreign policy in general and to constructivist theories of German policy behavior in particular. There is no single definition of constructivism<sup>65</sup> and no single theoretical approach, although there are commonly held assumptions. While structural arguments begin from assumptions of rationality and fixed interests, that is, that norms and identity precede and thus define interests, constructivists assume that norms, identity, and interests are mutually constituted. Constructivists do not discount material power, but they hold that these material interests are set and defined within a normative social context. With its roots in social theory, constructivism assumes that actors follow a logic of appropriateness (political action is a product of norms that suggest appropriate action in a given context), rather than a logic of consequentiality (political action is shaped by calculations of rational actors to maximize preferences),

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<sup>65</sup> Emanuel Adler offers a definition of constructivism: “the view that the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world,” though the diversity of approaches under the constructivist rubric has precluded any consensus on a definition. See Emanuel Adler, “Seizing the Middle Ground: Constructivism in World Politics,” *European Journal of International Relations* 3, no. 3: 322.

and that social actions among actors lead to the creation of norms and identities that shape further interaction.<sup>66</sup> Since interests develop endogenously, norms, values, and identities can be treated as independent variables in analyzing foreign policy.<sup>67</sup>

The key question, as John Duffield posed it, was why a united Germany confounded neorealism.<sup>68</sup> Constructivism, with its emphasis on ideational variables and socially constituted norms, seemed a near-perfect theoretical fit with Germany's emphasis of its "civilian power" status and the power of historical memory. The answer, for these scholars, was the influence of deeply held norms of behavior that continued to determine the direction of German foreign policy. Three interrelated strands emerged from this research orientation. The first is a broadly based culturalist approach that sought to demonstrate the importance of non-materialist variables such as culture in the study of foreign policy. Researchers identified such explanatory variables as Germany's culture of anti-militarism (Berger), historical memory (Banchoff), and collective memory (Markovits and Reich).<sup>69</sup> However, the use of the

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<sup>66</sup> Henning Boekle, Volker Rittberger, and Wolfgang Wagner, "Constructivist Foreign Policy Theory," in *German Foreign Policy Since Unification*, ed. Volker Rittberger (Manchester and New York: Manchester University Press, 2001), 105–137.

<sup>67</sup> For general discussion on constructivism and international relations theory, see Ted Hopf, "The Promise of Constructivism in International Relations Theory," *International Security*, vol. 23, no. 1 (Summer 1998): 171–200; for constructivism applied to foreign policy analysis, see David Patrick Houghton, "Reinvigorating the Study of Foreign Policy Decision Making: Toward a Constructivist Approach," *Foreign Policy Analysis*, vol. 3 (2007): 24–45; and the review article by Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50, no. 2 (1998): 324–348.

<sup>68</sup> John S. Duffield, "Political Culture and State Behavior: Why Germany Confounds Neorealism," *International Organization* 53, no. 4 (1999): 765–803.

<sup>69</sup> Thomas Berger, *Cultures of Antimilitarism: National Security in Germany and Japan* (Baltimore, MD: Johns Hopkins University Press, 1998); Thomas Berger, "Norms, Identity, and Security in Germany and Japan," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 317–356; Thomas Berger, "A Perfectly Normal Abnormality: German Foreign Policy after Kosovo and Afghanistan," *Japanese Journal of Political Science* 3, no. 2 (2002): 173–193; Thomas Banchoff, *The German Problem Transformed: Institutions, Politics, and Foreign Policy, 1945-1995* (Ann Arbor: University of

term culture here is over-generalized and as such is not very helpful, since it often remains caught in descriptive inferences rather than suggesting causal inferences that can help build testable theories.

A second strand takes up the more specific concept of political or strategic culture in German foreign policy to draw conclusions about German policy behavior. Many current studies apply the term using a constructivist approach that emphasizes the subjective aspects of security policy, the influence of collective historical memory, and the relevant values and norms that define interests and policies.<sup>70</sup>

Duffield makes a case for utilizing the more general concept of “political culture” (the ways in which members of a society perceive the course of politics and the views and assumptions with which they order their political world) rather than other cultural variables (e.g., organizational culture and strategic culture, which he defines as sub-categories of political culture), arguing that the term political culture can be applied to a broader range of cases.<sup>71</sup>

Peter Katzenstein’s edited volume on the impact of culture on national security is one of the most comprehensive arguments in favor of analyzing the impact

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Michigan Press, 1998); Andrei S. Markovits and Simon Reich, *The German Predicament: Memory and Power in the New Europe* (Ithaca and London: Cornell University Press, 1997).

<sup>70</sup> Analysis of strategic culture has gone through several theoretical cycles (generations). Some are squarely in the constructivist approach; see Kerry Longhurst, *Germany and the Use of Force* (Manchester and New York: Manchester University Press, 2004), 17; and Björn Conrad and Mario Stumm, “German Strategic Culture and Institutional Choice: Transatlanticism and/or Europeanism?” *Trierer Arbeitspapiere zur Internationalen Politik*, no. 9 (Trier: Universität Trier, December 2004). Others such as Alastair Iain Johnston argue that strategic culture has ideational as well as operational (classic rationalist) components. See Alastair Iain Johnston, “Thinking about Strategic Culture,” *International Security* 19, no. 4 (Spring 1995): 32–64. For another review article, see Jeffrey S. Lantis, “Strategic Culture and National Security Policy,” *International Studies Review* 4, no. 3 (Fall 2002): 87–113.

<sup>71</sup> Applying two dimensions of German political culture, militarism–anti-militarism and unilateralism–multilateralism, Duffield shows no significant changes in German security policy because of the enduring nature of German political culture. Deeply held attitudes help explain why German policy behavior has been marked more by continuity than change. See Duffield, “Germany Confounds Neorealism,” 774–777; 790–791.

of strategic culture on state behavior. International relations (IR) theory has long been dominated by two major theoretical approaches, neorealism and neoliberalism. The book, published in 1996 and thus cognizant of the failure of IR theory in predicting the end of the Cold War, argues that a new analytical framework is needed, one that takes into account the non-material factors (norms, cultures, collective identities) that provide the missing link in explaining foreign and national security policies.<sup>72</sup>

The third strand, and the most influential interpretation of post-unification German foreign policy, has been Hanns Maull's concept of Germany as a civilian power, which emerged as a reaction against the dominance of realism and its seeming inapplicability to the emerging post-Cold War environment. Arguing for a "civilizing" concept of international politics, Maull integrated Norbert Elias' discussion of "civilizing processes" within societies into an argument about the need for a fundamentally different form of international politics—one that at its core recognizes the impact of complex interdependence. These civilizing impulses would be driven by "civilian powers" whose goals were the promotion of the rule of law, social justice, restraints on violence, democratic participation, and the monopolization of force.<sup>73</sup>

While Maull emphasizes that "civilian power" is an ideal type, over time the term has been closely linked to German foreign policy as a whole: German foreign policy *is* a civilian power foreign policy. The term was deemed useful both as an

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<sup>72</sup> Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

<sup>73</sup> Maull applied the concept to Germany and Japan in his seminal article; see Hanns W. Maull, "Germany and Japan: The New Civilian Powers," *Foreign Affairs* 69, no. 5 (Winter 1990/91): 93–106; Hanns W. Maull, "Zivilmacht Bundesrepublik. Vierzehn Thesen für eine neue deutsche Aussenpolitik," *Europa-Archiv* 10 (1992): 269-278. See also Hanns W. Maull, "Deutschland als Zivilmacht," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006), 74.

empirical-analytical concept for scholarly descriptions and an explanation of German foreign policy, although it also provides a normative parameter for Germany's foreign policy orientation. Maull's earlier writings did not explicitly reject military force but set it within constraints (collective decision making), and viewed it as an instrument of last resort.<sup>74</sup> Nevertheless, the term has come to define a certain type of state that eschews hard power military instruments in favor of soft power instruments in its foreign policy behavior. This, however, is one of the most contentious aspects within the debate about post-unification German foreign policy: whether or not the concept of civilian power can incorporate the state use of military power without compromising the concept's theoretical integrity. Since Germany now participates in military operations abroad, is it still a civilian power?

One set of scholars argues that Germany's civilian power approach has shown it can adapt to the new international realities.<sup>75</sup> They assert that the role concept never dismissed military power but set limits on its use, emphasizing the need to exhaust all other possible tools (diplomacy, aid, sanctions) before the use of force is considered—thus no diminution of the relevance of the civilian power concept, but a learning and adaptation process within it. Others claim Germany has moved too far away from the civilian power ideal type to be considered a civilian power; since the word “civilian” is generally defined as “non-military,” the attempt to insert a military

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<sup>74</sup> Maull, “Zivilmacht Bundesrepublik,” 273–274.

<sup>75</sup> Hanns W. Maull, “Die prekäre Kontinuität: Deutsche Aussenpolitik zwischen Pfadabhängigkeit und Anpassungsdruck,” in *Regieren in der Bundesrepublik, Innen- und Aussenpolitik seit 1949*, eds. Manfred G. Schmidt and Reimut Zohlnhöfer (Wiesbaden: Verlag für Sozialwissenschaften 2006), 7; Sebastian Harnisch, “Change and Continuity in Post-Unification German Foreign Policy,” in *New Europe, New Germany, Old Foreign Policy?* ed. Douglas Webber (London and Portland, OR: Frank Cass, 2001), 35-60; Anja Dalgaard-Nielsen, “The Test of Strategic Culture: Germany, Pacifism, and Pre-emptive Strikes,” *Security Dialogue*, 36, no. 3: 339–359; Adrian Hyde-Price, “Foreign and Security Policy,” in *Developments in German Politics 3*, eds. Stephen Padgett, William E. Paterson, and Gordon Smith (Durham, NC: Duke University Press, 2003): 186.



component into the term renders it conceptually useless.<sup>76</sup> The problem then becomes a question of definition: if civilian powers do not abstain from military force, then there is no distinct method for differentiating between a civilian power and a normal power.<sup>77</sup> Thus, in this view, the concept has been stretched and broadened in its use such that it is perilously close to being all things to all analysts.<sup>78</sup> For critics, then, Germany's changed security and defense policy shows that the concept can no longer provide a satisfying explanation for German policy behavior.

All three strands are linked to constructivism because of their emphasis on norms and ideational variables, and a growing number of studies—particularly from German scholars—use a constructivist framework.<sup>79</sup> For constructivists, post-unification Germany is a good test case because of the weak explanatory power of rationalist theories and the seemingly close fit with the declaratory components of German foreign policy itself. Germany developed—first out of necessity, later out of conviction—a foreign policy that is more adapted to the post-Cold War international environment than other, more structuralist-driven state foreign policies. If this is the case, then there is no overwhelming rationale for implementing wholesale changes in German foreign and security policy.

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<sup>76</sup> For example, Karen Smith applied this argument to the EU, also considered a civilian power. See Karen E. Smith, "The End of Civilian Power EU: A Welcome Demise or a Cause for Concern?" *International Spectator* XXXV, no. 2 (2000): 12–13.

<sup>77</sup> James Sperling, "The Foreign Policy of the Berlin Republic: The Very Model of a Post-Modern Major Power? A Review Essay," *German Politics* 12, no. 3 (December 2003): 17–18.

<sup>78</sup> Beverly Crawford, *Power and German Foreign Policy: Embedded Hegemony in Europe* (London and New York: Palgrave, 2007); Henning Tewes, "How Civilian? How Much Power? Germany and the Eastern Enlargement of NATO," in *Germany as a Civilian Power? The Foreign Policy of the Berlin Republic*, eds. Sebastian Harnisch and Hanns W. Maull (New York: Palgrave, 2001): 10–25.

<sup>79</sup> For example, Henning Tewes critiques Maull's civilian power concept but concludes that it has much to contribute to constructivism. See Tewes, "Das Zivilmachtkonzept in der Theorie der internationalen Beziehungen. Anmerkungen zu Knut Knirste und Hanns W. Maull," *Zeitschrift für Internationale Beziehungen* 4, no. 2 (1997): 347–359.

For constructivists, German foreign policy behavior is norm-driven. German political culture has been imbued with strong skepticism, if not rejection, of the use of military force in resolving conflict. Germany's experience during the Third Reich has created an aversion to aggressive Realpolitik and a deep commitment to multilateral institutions and to European integration. However, to argue that German foreign policy is norm-consistent is not a sufficient explainer of German foreign policy behavior; no state, as is evident in Sperling's review of seven books on post-unification German foreign policy, has solely normative motives for action.<sup>80</sup> However, even Duffield, who takes a culturalist approach, admits that the variable "political culture" is a necessary but not sufficient explanation of German foreign and security policy.<sup>81</sup>

Sperling's review touches on some of the issues that are relevant in addressing a central question in this study: which conceptual approach can best explain developments in post-unification German foreign policy behavior? The conclusion shared by most researchers, including those reviewed by Sperling, is that neorealism fails as an explainer of German foreign policy in the "Berlin Republic," but does this mean that constructivism is the better theoretical approach?

One study that sought to test various theoretical approaches was Volker Rittberger's edited volume on post-unification German foreign policy.<sup>82</sup> The point of departure for Rittberger's book was the question of which theoretical tradition could best explain continuity and change in German foreign policy after 1990. The study

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<sup>80</sup> Sperling, "Review Essay," 11, 27.

<sup>81</sup> Duffield, *World Power Forsaken*, 28–29.

<sup>82</sup> Volker Rittberger, ed., *German foreign policy since unification. Theories and case studies* (Manchester and New York: Manchester University Press, 2001). The multi-year study was conducted by a group of researchers working in tandem with Rittberger.

aligned neorealism with two other theoretical paradigms—utilitarian liberalism and constructivism—to test them for their explanatory power. The overwhelming evidence, based on the book’s deductive analysis, was that constructivism showed the greatest degree of explanatory power.

Traditional neorealism (states will conduct autonomy-seeking behavior only) fared poorly in the study’s analysis, but a modified neorealism appeared to at least partially explain events in the security policy domain, specifically the decision to participate in out-of-area operations. Rainer Baumann, the author of the chapter on security policy, outlined the argument thus: modified neorealism holds that states will seek to preserve their autonomy under conditions of high security risk, and are willing to cede some autonomy in exchange for substantive gains in influence under conditions of low security risk.<sup>83</sup> Under a modified neorealism, and given that the German state now functions under conditions of low security pressures, modified neorealism would expect Germany to pursue influence-seeking policies within institutional settings (e.g., NATO) rather than pursue autonomy and independence apart from such institutions. Applying the study’s deductive approach to two cases, the Bundeswehr’s integrated command structure in NATO and out-of-area operations, Baumann sees the NATO example as exemplifying the constructivist case but finds a mixed result in the out-of- area operations case. Baumann concluded that with regard to out-of area operations, while constructivism explained the restraint that the German government showed, it could not explain some instances of participation in the absence of strong societal or international norms (e.g., Kosovo in 1998), which seems

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<sup>83</sup> Rainer Baumann, Volker Rittberger, and Wolfgang Wagner, “Neorealist foreign policy theory,” in *German Foreign Policy Since Unification: Theories and Case Studies*, ed. Volker Rittberger (Manchester and New York: Manchester University Press, 2001): 38–67.

to indicate that at times German foreign policy is interest-driven rather than norm-driven.<sup>84</sup>

Though the case for constructivism is strong, at least in the Rittberger study, the book has not been without its critics. Maull points out that the study and cases themselves are too deductively drawn, which can produce findings that may not hold up to closer empirical scrutiny.<sup>85</sup> Sperling outlines other drawbacks: Rittberger's application of behavioral assumptions to define German foreign policy behavior falters with its presupposition that a neorealist state will exit international institutions in order to pursue more autonomy. If this behavior is the *sine qua non* for testing for the effects of a modified neorealism, then any realist proposition about German foreign policy will fail since Germany has made no effort to exit from any of the international institutions of which it is a member. Furthermore, Rittberger's theoretical discussion seems to imply a zero-sum relationship between autonomy-seeking and influence-seeking behavior when some of the case studies show that a state often chooses to do both.

Some case studies show that German foreign policy behavior is not exclusively norm-driven. For example, the issue of NATO enlargement is dealt with in Baumann's chapter in the Rittberger book as well as in two further books reviewed by Sperling.<sup>86</sup> All three authors take a constructivist approach to explain German foreign policy behavior, but the argument that norms drove German policy behavior

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<sup>84</sup> Rainer Baumann, "German security policy within NATO," in *German foreign policy since unification. Theories and case studies*, ed. Volker Rittberger (Manchester and New York: Manchester University Press, 2001): 176–178.

<sup>85</sup> Hanns W. Maull, ed., "Transatlantic Relations after September 11th," *German Foreign Policy in Dialogue Newsletter*, 2 (5) (December 2001): 24–26; Scott Erb, *German Foreign Policy* (Boulder, CO: Lynne Rienner, 2003), 5–6.

<sup>86</sup> The two books cited are Tewes and Hyde-Price. See Sperling, "Review Essay," 26–27.

is not conclusive. In the case of Adrian Hyde-Price's book on Germany's response to NATO and EU enlargement, German enthusiasm for NATO enlargement declined significantly after the first enlargement round, suggesting the weakness of norm compliance. Sperling notes: "German security interests, particularly the milieu goals of stability along Germany's eastern borders, may be lent a normative patina, but it is clear to me that in this case interests preceded both norms and identity."<sup>87</sup> With regard to the out-of-area operations case in the Baumann chapter, even the author concludes that while his analysis cannot fully settle the question of what factors have led to the changed in decision to participate in out-of-area operations, "there is sufficient grounds to state that modified realism provides the most adequate explanation of post-unification German foreign policy in this case."<sup>88</sup>

Thus, to argue as constructivists do that German foreign policy is norm-consistent may be useful for theory-building but tells us little about the factors that affect the policy decision-making process. Sperling's take on recent scholarship on German foreign policy underscores this point: German foreign policy exhibits behavior reflective of both the logic of appropriateness and the logic of consequentiality, that is, German foreign policy aims are driven by interests as well as norms; Germany has pursued milieu goals but these goals have furthered German national interests as well as European interests; and in some instances German policy decisions have been driven by a calculation of interest not terribly different from

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<sup>87</sup> Sperling, "Review Essay," 27.

<sup>88</sup> Baumann, "German Security Policy," 178.

other states, as the Iraq case in 2003 shows—that is, norm compliance may give way if it conflicts with strong national interests.<sup>89</sup>

Finally, there are scholars who argue that an emphasis on international or cognitive-psychological level factors tends to ignore state-level factors, such as the role of institutions. For example, it is not clear why Rittberger's theoretically rigorous study does not include an institutionalist paradigm, despite studies showing that institutionalism can provide plausible explanations for German foreign policy behavior. Anderson and Goodman coined the phrase "reflexive multilateralism" to emphasize their assertion that Germany's institutional memberships were both instrumental and normative. They were instrumental in that they served German interests during a time when its semi-sovereign status made a strategy of multilateralism to reintegrate German political and economic interests into the broader international community highly desirable, and normative in the sense that these multilateral memberships in turn shaped German interests and eventually were integrated into a broadly held consensus in the elite and public alike that accepts multilateralism as a fundamental pillar of German foreign policy. For Anderson and Goodman, German foreign policy always possessed an instrumentalist view of institutions, but over time institutions were accorded normative values in themselves and became part of Germany's new *Staatsraison*.<sup>90</sup>

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<sup>89</sup> Sperling, "Review Essay," 28–29.

<sup>90</sup> Anderson and Goodman argue that western institutions gave Germany a postmodern identity (semi-sovereignty) defined through Europe and its interests; see Jeffrey J. Anderson and John B. Goodman, "Mars or Minerva? A United Germany in a Post-Cold War Europe," in *After the Cold War: International Institutions and State Strategies in Europe, 1989-1991*, eds. Robert O. Keohane, Joseph S. Nye, and Stanley Hoffman (Cambridge, MA: Harvard University Press, 1993), 23–62; see also Martin Mendler's review of Rittberger's edited volume: [http://www.fes.de/IPG/ONLINE3\\_2003/INHALTSVERZREZ.HTM](http://www.fes.de/IPG/ONLINE3_2003/INHALTSVERZREZ.HTM).

But while including institutions is a needed corrective, Anderson and Goodman's analysis remains at the IR level—at a level of abstraction that does not shed light on how to explain foreign policy decision-making processes: What factors determine foreign policy decision outcomes? Why this policy, rather than another? To begin to construct a framework for analyzing such research questions, one must look to the foreign policy analysis literature, and to the role of domestic politics.

### *Domestic Politics and Foreign Policy Analysis*

The theoretical arc within IR literature has moved inexorably toward the acknowledgment of the need to integrate both structural and domestic political variables. The realist paradigm was challenged by the evidence of growing transnational politics and complex interdependence, but the pendulum swing toward liberalism and domestic- and individual-level analyses is also problematic if not tempered by the recognition of the continued relevance of systemic factors.

Understanding foreign policy behavior requires understanding the impact of domestic politics. Several scholars' works are relevant to the discussion at hand. In his "second image reversed" article, Peter Gourevitch described how the international system affects domestic politics, but he also stressed the degree to which domestic structures can influence state behavior.<sup>91</sup> Like many others, Gourevitch pointed out the problems associated with the prevailing emphasis on a strong state–weak state argumentation as it related to explaining foreign policy: many structural arguments ignored the political context within which states made decisions and that structures

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<sup>91</sup> Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization*, vol. 32, no. 4 (Autumn 1978), 881–912;

themselves affect the way in which one set of policy views can prevail over another. He emphasized the relevance of a “coalitional analysis” to highlight how the process of policy formulation can affect the decision outcome.<sup>92</sup> Later, both Gourevitch and Peter Katzenstein moved toward an integrative model that emphasized three factors: political institutions and the degree of state centralization (executive versus legislative power); societal structure (homogeneity, organized political interests); and policy networks that link state and society, and where coalition-building processes are critical.<sup>93</sup>

Harald Müller and Risse-Kappen advocate a domestic structure approach that links structure with political culture—an approach that incorporates the organizational structures of the state along with the decision-making practices, rules and procedures, and the cultural norms and values woven into the political culture. This integrative approach can account for variations in policy outcomes advocated by actors.<sup>94</sup> In particular, Risse-Kappen emphasizes the nature of Germany’s domestic structure, defined as a democratic corporatist model that “is characterized by comparatively centralized societal organizations, strong and effective political parties, and a federal government that normally depends on a coalition between at least two parties. As a result and supported by cultural norms emphasizing societal partnership between ideological and class opponents, the system is geared toward compromise-

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<sup>92</sup> Ibid, 903–905.

<sup>93</sup> See discussion in Thomas Risse-Kappen, “Public Opinion, Domestic Structures, and Foreign Policy in Liberal Democracies,” *World Politics* 43 (July 1991), 484–486.

<sup>94</sup> Harald Müller and Thomas Risse-Kappen, “From the Outside In and from the Inside Out: International Relations, Domestic Politics, and Foreign Policy,” Valerie M. Hudson and David Skidmore, eds., *The Limits of State Autonomy* (Boulder, CO: Westview, 1993), 34–35.



oriented consensus-building in its policy networks.”<sup>95</sup> These policy networks “are the mechanism and processes of interest representation linking the political systems to their societal elements, such as political parties and interest groups. This concept emphasizes the ability of political actors to build consensus among the relevant elite groups in support of their policies.”<sup>96</sup>

In summary, the insights of these scholars are relevant to this study: domestic structures can affect foreign policy outcomes; coalition-building processes are central factors in decision outcomes; and policymakers must constantly weigh the “policy” and the “political” sides of the decision-making equation. A domestic politics approach thus incorporates “the nature of the political institutions (the ‘state’), with basic features of the society, and with the institutional and organizational arrangements linking state and society and channeling societal demands into the political system (the ‘policy networks’).”<sup>97</sup>

Foreign Policy Analysis (FPA), considered a sub-set of IR, lies at the intersection of these international and domestic political variables and focuses on how foreign policy decisions are made. It is an approach that is multi-leveled, interdisciplinary, and agent-oriented, one that “looks at the interface between institutions, agents, and rules with the aim of showing how these led to foreign policy choices made by the collective agents known as states.”<sup>98</sup>

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<sup>95</sup> Thomas Risse-Kappen, “Ideas do not float freely: transnational coalitions, domestic structures, and the end of the cold war,” *International Organization*, vol. 48, no. 2 (Spring 1994), 211.

<sup>96</sup> Müller and Risse-Kappen, “From the Outside In,” 35.

<sup>97</sup> *Ibid.*, 33.

<sup>98</sup> Juliet Kaarbo, “Foreign Policy Analysis in the Twenty-First Century: Back to Comparison, Forward to Identity and Ideas,” *International Studies Review* 5, no. 2 (2003): 156–163.

In parallel to IR theory generally, the early phase of FPA, labeled “comparative foreign policy,” emphasized event data collection and methodological development in an effort to build grand theory. Influential “first generation” theorists such as Richard Snyder, H. W. Bruck, and Burton Sapin sought to develop a general, testable theory of what determines a state’s foreign policy behavior. Their work was followed by insights of scholars such as Irving Janis and his work on “groupthink” and Charles F. Herrmann on the dynamics of small group decision making. Graham Allison’s work on bureaucratic politics and organizational processes also brought the focus of analysis down to the level of domestic politics and demonstrated that the assumption of “rational” decision making is challenged by the dynamics of large government bureaucratic institutions and group players.<sup>99</sup>

Efforts to build the necessary meta-theoretical and methodological frameworks were not very successful, however, and the study of comparative foreign policy seemed to have hit a dead end by the 1970s and 1980s. It was not until the end of the Cold War and a shift from the dominance of neorealist structural theory to a more careful consideration of domestic-level phenomena that a “second generation” of foreign policy analysts began to build on the research of previous scholars and expand the conceptual framework of FPA. This theoretical framework emphasizes middle-range theory, the role of actors, the need for multi-causal explanations at all levels of analysis, and a focus on process as well as outcome.<sup>100</sup> However, the needed re-balancing back to the level of decision makers and to individual actors in the

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<sup>99</sup> Ibid, 14-20; Laura Neack, Jeanne A. K. Hey, and Patrick J. Haney, “Generational Change in Foreign Policy Analysis,” in Laura Neack, Jeanne A. K. Hey, and Patrick J. Haney, eds., *Foreign Policy Analysis: Continuity and Change in Its Second Generation* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1995), 1–15.

<sup>100</sup> Hudson, 28–31.

decision-making process has tended to neglect the institutional context within which the decision-making process operates. An examination of the FPA literature finds relatively few studies that have integrated an understanding of how the institutional setting affects decision making in order to build a more complete picture of the foreign policymaking process. Institutional structures shaped by policy actors can and do affect the process of decision-making, and decision makers cannot escape these institutional practices and constraints.<sup>101</sup>

Thus the role of institutional structures in the decision-making analysis has been underanalyzed and both German and American researchers have argued for the re-introduction of such factors in foreign policy analysis. Juliet Kaarbo believes the emphasis on pure psychological explanations in earlier FPA scholarship must give way to a more inclusive and balanced approach that takes politics and institutional contexts into consideration.<sup>102</sup> Foreign policy analysis may have focused on structure but not enough on how structure can affect process. Patrick Haney emphasizes the need to examine the link between structure and process that, he argues, is often suggested in studies but not explicitly researched. A theoretical perspective that incorporates institutional factors can explore the relational links between policy structures, the policymaking processes, and policy outputs.<sup>103</sup>

On the German side, the theoretical literature on foreign policy analysis is very sparse. A number of studies have identified domestic political sources of influence in German foreign policy, but the specific study of foreign policy analysis has tended either to focus on individuals and small groups, or on broader, structural

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<sup>101</sup> Haney, "Structure and Process," 99–100.

<sup>102</sup> Kaarbo, "Foreign Policy Analysis," 163.

<sup>103</sup> Haney, "Structure and Process," 103.

determinants of state behavior.<sup>104</sup> Gerald Schneider is particularly critical of the state of foreign policy analysis in Germany, which he feels lacks theoretical rigor because the sensitivity to or outright rejection of the term “realism” in German political and academic circles (too closely linked to the term Realpolitik) has indirectly cast aspersion on theory-driven research. Too often, Schneider argues, German “foreign policy analysis” is bereft of theoretical considerations, thus reducing it to a form of “foreign policy advice.”<sup>105</sup> What is needed is a theoretical framework that merges structure and process and highlights the institutional structures within which decision makers interact.

If institutions, then, are the focus, how are they defined in this study? Simmons and Martin’s broad definition of “a set of rules that stipulate the ways in which states should cooperate and compete with one another,”<sup>106</sup> is spare and streamlined, but its focus on state cooperation is not easily applied to a study of institutional dynamics within the state.<sup>107</sup> John Duffield’s definition is better suited to an examination of foreign policy decision making. Institutions have been defined in different ways. Traditionally, the term “institution” implied a *formal organization*, such as the UN or OECD. Second, the literature on regimes beginning in the 1970s defined institutions as “recognized patterns of *behavior or practice* around which

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<sup>104</sup> Sperling, “Review Essay,” 16ff.

<sup>105</sup> Gerald Schneider, “Die bürokratische Politik der Aussenpolitikanalyse. Das Erbe Allison im Licht der gegenwärtigen Forschungspraxis,” *Zeitschrift für Internationale Beziehungen* 4, no. 1 (1997): 113.

<sup>106</sup> Beth A. Simmons and Lisa L. Martin, “International Organizations and Institutions,” in *Handbook of International Relations*, eds. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (London: Sage Publications, 2002), 194.

<sup>107</sup> As Kaarbo notes, it is problematic to apply “grand theory” to foreign policy analysis, since foreign policy analysis resides at the level of middle-range theory. See Kaarbo, “Foreign Policy Analysis,” 158–159.

expectations converge,”<sup>108</sup> but this definition, too, is limited since by including behavioral traits the definition precludes a study of whether institutions and rules affect the behavior of actors. Third, an emphasis on a definition of institutions as a set of formal *rules* in which actors are utility maximizers omits the ways in which normative elements can be an influence on institutions (e.g., how actors create rules). Finally, to define institutions solely as *norms* and collectively held intersubjective ideas neglects the formal features that are a part of the institutional make-up within which the decision-making process resides.

Duffield argues that a workable definition of institutions can in fact integrate the various aspects of institutions identified in the literature—formal organizations, practices, rules, and norms. Thus in his view, institutions are “relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international system, the actors in the system (including states as well as non-state entities) and their activities.”<sup>109</sup> The definition covers both intersubjective and formal elements of institutions as well as functional elements (“rules” as rationalists use it, with constitutive, regulative, and procedural functions).

What holds the components of his definition together is the sense of an ongoing dynamic in which a reiterative process becomes self-perpetuating. This process is then recognized and utilized by actors to guide policy behavior in response to external and internal stimuli. Structures and agents shape and are in turn shaped by the process in which they are engaged. Thus formal institutional structures (legal,

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<sup>108</sup> Oren Young, “Regime Dynamics: The Rise and Fall of International Regimes,” in *International Regimes*, ed. Stephen D. Krasner (Ithaca: Cornell University Press, 1983), 93.

<sup>109</sup> John S. Duffield, “What are International Institutions?” *International Studies Review* 9, no. 1 (2007): 3–7.

constitutional) and informal structures (precedence, tradition), as well as the constitutive (societal and international norms) and regulative/procedural components (federal guidelines, committee membership), are acknowledged as influential factors in the foreign policy decision-making process.<sup>110</sup>

### Summary

The discussion thus far has been that much of the literature on post–Cold War German foreign policy has been at the level of IR theory, with an emphasis on realism and constructivism as two points of argumentation. There is no question that the foreign policy of a state such as Germany is shaped by its perceived interests (such as its power position, threat perception, alliance considerations), and by individual policy actors and the norms and beliefs they internalize (anti-militarism, multilateralism, rule of law). The task, argues Walter Carlsnaes, is to find a theoretical approach that can integrate the various perspectives represented in foreign policy analysis, since foreign policy actions incorporate “a multitude of influences—structural and agential, as well as international, societal and individual—that continually impinge on them and on their decision-makers.”<sup>111</sup> Foreign policy action, he stresses, is “always a combination of purposive behavior, cognitive-psychological factors and the various structural phenomena characterizing societies and their environments, and hence explanations of actual foreign policy actions must perforce

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<sup>110</sup> Duffield, “International Institutions,” 7–8.

<sup>111</sup> Walter Carlsnaes, “Foreign Policy,” in *Handbook of International Relations*, eds. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (London: Sage Publications, 2002), 344.

be able to give accounts that do not by definition exclude or privilege any of these types of explanations.”<sup>112</sup>

Ascertaining the decision-making processes that shape policy preferences relating to out-of-area missions requires a state-level focus, with its emphasis on international and domestic political variables, and a framework for analyzing the interaction of these variables in determining policies. The following chapter takes up the question of agency and structure, outlining the major German foreign policy actors and structures and introducing two hypotheses that represent these two constitutive elements in foreign policy analysis. The discussion of agents and structures is then followed by an examination of the appropriate framework for analysis that will provide the foundation for studying the decision-making process in the case of Afghanistan.

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<sup>112</sup> Carlsnaes, *Handbook*, 342.

## **Chapter 4: Agency and Structure in German Foreign Policy: Executive Power and Political Parties in the Decision-Making Process**

### Introduction

A great deal of attention has been given to the question of agency and structure in international relations and in foreign policy analysis.<sup>113</sup> The emphasis on actors in Foreign Policy Analysis (FPA) has obscured institutional variables that shape and are in turn shaped by individual actors. Here, as in international relations theory in general, researchers are faced with the problem of agency versus structure. The issue is a fundamental one: how do we understand the interplay between actors (individualism) and the social order in which they are embedded (collectivism) in shaping political action?

But while the theoretical debate on ontology, epistemology, and methodology continues, at least two aspects of the relationship appear to be shared by most scholars, namely, that agents and structure are mutually constituted, and that there is a need to find some integrative approach that can encompass the complexity of the agent–structure interaction.<sup>114</sup> The challenge is to move beyond the partition between individual action and social order to examine the interplay between them. As such,

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<sup>113</sup> Walter Carlsnaes, “The Agency-Structure Problem in Foreign Policy Analysis,” *International Studies Quarterly* 36 (1992): 245.

<sup>114</sup> Colin Wight, “They Shoot Dead Horses Don’t They? Locating Agency in the Agent-Structure Problematique,” *European Journal of International Relations* 5, no. 1 (1999): 125; Ted Hopf, “The Promise of Constructivism in International Relations Theory,” *International Security* 23, no. 1 (Summer 1998): 172–173; Audie Klotz and Cecelia Lynch, *Strategies for Research in Constructivist International Relations* (Armonk, NY: M.E. Sharpe, 2007), 6–7.



this study introduces two hypotheses that examine major components in the decision-making process that characterizes the agency-structure dynamic: the role of the chancellor, the chief executive, and the role of coalition politics in the German political system. By following the interaction of the two variables over time, both their interaction and their respective impact on the policy-making process can be charted.

The first hypothesis focuses on agency and the role of the federal chancellor. The argument presented here is that the chancellor is the central actor in foreign policy decision making; that within the structural constraints on executive power, chancellors can expand their ability to shape policy preferences and decision outcomes vis-à-vis other dominant policy actors; but that whether the chancellor dominates policy deliberations or is forced to compromise is dependent on the political and institutional context within which the policy takes shape. The second hypothesis takes up the question of structure in its focus on the party system and the importance of coalition politics in foreign policy deliberations. The argument presented here is that institutions matter in the foreign policy decision-making process; that parties—particularly parliamentary parties in Germany’s coalition governments—are key institutions that shape policy decisions; and that within governing coalitions, junior coalition parties can have a disproportionate influence on policy outcomes.

#### *Agency: Foreign Policy Actors*

With regard to agency, scholars acknowledge there is no consensus on the term’s meaning, or what constitutes an “agent.” For Wight, the ontological problem

about the nature of agency is better addressed by acknowledging its complexity, setting it in what he has termed a multi-layered concept of agency that integrates three levels:

- Agency(1): agency is composed of *individuals* who possess the ability and capacity to carry through intended actions. It is the power of intention that is central to this aspect of agency;
- Agency(2): agency includes a *socio-cultural system* in which agents are embedded, i.e., individuals are set within different structures at different levels;
- Agency(3): agency reflects “*positioned-practices-places*,” or roles, that agents occupy and play (e.g., soldier, banker, politician).<sup>115</sup>

These three aspects of agency (agency-as-individuals, agency-as-system, agency-as-role) interact closely with one another; the roles individuals internalize and act out are linked to the socio-cultural environment in which they are formed. Thus agency deals with individual human beings who have been shaped by their social environment and life experiences, which feed into the roles they play within a given environment. As Wight concludes: “Each level of agency is necessary to account for the other, but none is reducible to the other.”<sup>116</sup> Thus, an examination of an individual actor must take account of the individual’s biography, the social-political context in which he/she acts, and the various roles that the person embodies and acts through.

In the following section, the discussion focuses on the role of the chancellor relative to other major foreign policy actors such as the cabinet, federal ministers, and parliament. The section will then explore contending theories of the role of the chancellor in German foreign policy: has the chancellor over time exerted increasing power over the decision-making process, as is asserted in the theoretical debate, or

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<sup>115</sup> Ibid, 132–134.

<sup>116</sup> Ibid, 135.

does the chancellor remain compelled by virtue of the fragmentation of power within Germany's federalist system to compromise with other actors in order to reach a consensus policy position? The answer will have a decided effect on the outcome of foreign policy decisions.

### Chancellor and Chancellor's Office

The chancellor is the central decision maker in the German federal government. The chancellor, elected not by popular vote but by a majority vote in the Bundestag, the German Parliament, is chosen from the strongest party in the coalition, while the office of vice-chancellor is given to the major coalition partner. Articles 64 and 65 of the German Basic Law (the *Grundgesetz*, or GG) define the role and authority of the chancellor and outline three organizational principles that reflect this authority:<sup>117</sup>

“*Chancellor Principle*” (*Kanzlerprinzip*): Through Article 65, the chancellor is given the right to determine general policy guidelines for the federal government, the so-called *Richtlinienkompetenz*. This gives the chancellor significant freedom of action in setting the political agenda and signaling which policy issues he/she will take a leading role in, though these policy guidelines usually are not formally articulated. The federal government's rules of procedure (*Geschäftsordnung der Bundesregierung*) emphasize the chancellor's responsibility for the effective management of the federal government (*Leitungskompetenz*). Finally, the authority of

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<sup>117</sup> All references to the German Basic Law are taken from Axel Tschentscher, *The Basic Law (Grundgesetz). The Constitution of the Federal Republic of Germany (May 23, 1949)*, 2nd ed. (Bern and Würzburg: Jurisprudencia Verlag, 2008), available at: [www.servat.unibe.ch/jurisprudencia/lit/the\\_basic\\_law.pdf](http://www.servat.unibe.ch/jurisprudencia/lit/the_basic_law.pdf).

the chancellor includes the right to appoint the federal ministers who will compose the government (Article 64).<sup>118</sup>

“*Minister Principle/Departmental Principle*” (*Ressortprinzip*): Article 64 gives the chancellor the right to appoint and dismiss federal ministers, but Article 65 states that within the policy guidelines set by the chancellor, federal ministers retain complete autonomy within their departmental jurisdiction. This means, in effect, that much of the policy development is conducted in the ministries, not in the Chancellor’s Office (although there are some politically sensitive issues that reside in the Chancellor’s Office, such as the federal intelligence service because of its extra-territorial reach).<sup>119</sup> Federal ministers are thus highly influential bureaucratic players within their area of competence.

“*Cabinet Principle/Collegiality Principle*” (*Kabinettsprinzip*): Article 65 states specifically that the federal cabinet is tasked with resolving differences of opinion among ministers. As a collective body, the chancellor and federal ministers must vote on all policy initiatives put forward by the government.<sup>120</sup> Cabinet votes are thus expected to be unanimous.

These principles are constitutionally vague and thus open to political interpretation.<sup>121</sup> Within the federal executive there is a constantly shifting balance

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<sup>118</sup> Volker Busse, *Bundeskanzleramt und Bundesregierung: Aufgaben, Organisation, Arbeitsweise* (Heidelberg: Hüthig, 1997), 44–48.

<sup>119</sup> Busse, *Bundeskanzleramt*, 50–51; Klaus Goetz, “Government at the Centre,” in *Developments in German Politics* 3, eds. Stephen Padgett, William E. Paterson, and Gordon Smith (Durham: Duke University Press, 2003), 23; Stephen Padgett, “Introduction: Chancellors and the Chancellorship,” in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, DC: Georgetown University Press, 1994), 4.

<sup>120</sup> Goetz, “Government at the Centre,” 23.

<sup>121</sup> David Southern, “The Chancellor and the Constitution,” in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington DC: Georgetown University Press, 1994), 33; Busse, *Bundeskanzleramt*, 51–52.

between the chief executive's dominance in the government as a whole and his/her power to set the policy agenda, competing pressures from individual ministers who retain autonomy within their ministerial competences and have their own political agendas, and a shared constitutional requirement to cooperate as a collective body to resolve policy differences. The relative weight of each component depends largely on the personalities and leadership styles of the dominant actors, particularly the chancellor. The cabinet, however, is considered the weakest link; it functions more as a "board of managers" than a powerful decision-making body, and because formal and informal rules require unanimity on policy decisions, any policy conflict is usually resolved before the issue is placed on the cabinet's agenda.<sup>122</sup> The real struggle for power within the federal executive lies in the interactions between the chancellor and the ministers, and in the ability of the chancellor to effectively implement his/her constitutional responsibility to set policy guidelines while managing ministerial interests and initiatives.<sup>123</sup>

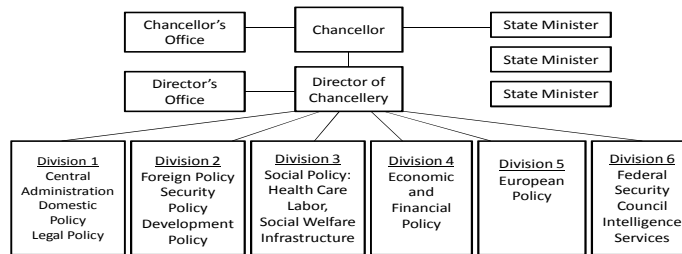
In addition to the formal constitutional powers, the chancellor has other instruments of authority. Administratively, one of the most powerful tools at the chancellor's disposal is the Chancellor's Office (*Bundeskanzleramt*, or Chancellery), whose function is to provide information and assistance to the chancellor and to conduct the operative planning and tactical coordination for the chancellor's policy guidelines.<sup>124</sup> Figure 1 shows the broader institutional outlines of the Chancellery.

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<sup>122</sup> Goetz, "Government at the Centre," 25.

<sup>123</sup> Padgett, "Introduction," 5.

<sup>124</sup> Goetz, "Government at the Centre," 33.



Source: Based on chart of German Federal Chancellery, available at: <http://www.bundesregierung.de/Content/DE/Anlagen/druckversion-organigramm-bkamt-property-publicationFile.pdf>

**Figure 1: Organizational Structure of Chancellery**

The six overarching Directorate-Generals, the sub-directorates, and the policy divisions mirror the general structure of German ministries, with Division 2 covering foreign, security, and development policy.<sup>125</sup> The Chancellor's Office also coordinates inter-ministerial policy initiatives as well as relations with the chancellor's coalition partner and prepares policy decisions and monitors their implementation.<sup>126</sup> It manages the intersecting lines between the governing parties, federal ministries, parliament, and external and domestic relations (e.g., foreign dignitaries, interest groups, public opinion and media). Thus the Chancellery is the nexus at which all the governing principles intersect in the person and office of chancellor: leadership via the *Kanzlerprinzip*; coordination with the ministries (*Ressortprinzip*) and federal cabinet (*Kollegialprinzip*); and negotiation tactics in the

<sup>125</sup> See Federal Chancellery organization plan at: <http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/Bundeskanzleramt/Organigramm/organigramm.html>.

<sup>126</sup> Ferdinand Müller-Rommel, "The Chancellor and His Staff," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 108.

chancellor's relations with his party (*Parteiprinzip*) and coalition partner (*Koalitionsprinzip*).<sup>127</sup>

One institutional peculiarity based within the Chancellery related to foreign policy is the Federal Security Council (*Bundessicherheitsrat*), a cabinet committee. Institutionally, at least at first glance, the Council appears to hold some power. Presided over and called by the chancellor and composed of the major foreign policy actors, it is responsible for domestic and external security. Organizationally, it is the only cabinet committee that can take decisions on its own authority and that is not subject to parliamentary oversight.<sup>128</sup> In reality, however, the influence of the Council has waned substantially after the end of the Cold War. During that time, the Federal Security Council handled critical issues related to nuclear weapons, arms control, and proliferation. Today, the Council is primarily responsible for overseeing German arms exports and functions as a general forum for foreign and defense policy discussions.<sup>129</sup> The coalition agreement in 1998 between the Social Democratic Party (SPD) and the Green Party re-emphasized the Council's original role of a coordinating body for German security matters, and there have been calls for the government to transform the Federal Security Council into a German National Security Council similar to the U.S. model—most recently in a CDU party concept

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<sup>127</sup> Karl-Rudolf Korte, "Bundeskanzleramt," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2007), 204-205.

<sup>128</sup> Judith Siwert-Probst, "Traditional Institutions of Foreign Policy," in *Germany's New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmill, Basingstoke, UK: Palgrave, 2001), 24.

<sup>129</sup> Lothar Rühl, "Security Policy: National Structures and Multilateral Integration," in *Germany's New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmill, Basingstoke, UK: Palgrave, 2001), 105; *Deutscher Bundestag*, "Der Bundessicherheitsrat," *Aktueller Begriff*, Wissenschaftliche Dienste, no. 22/08 (May 9, 2008), 1-2; Siwert-Probst, "Traditional Institutions," 24.

paper in 2008—but the suggestion has not garnered any serious political support because of the potential re-distribution of power in favor of the chancellor and, by inference, of the major coalition party.<sup>130</sup>

In terms of foreign policy, the chancellor has overall responsibility for external security and national defense. Should a “state of defense” arise, the responsibilities of the military supreme commander are transferred from the Chief of Staff (*Generalinspekteur*) of the German Armed Forces to the chancellor (Art. 115b GG). In the field of foreign policy, the chancellor is considered the most influential player, for several reasons. As noted, the ambiguity in the wording of the relevant constitutional articles provides the chancellor with significant scope of action in his agenda-setting function. Secondly, Konrad Adenauer’s dominance over foreign policy arguably set the pattern for future chancellors, most of whom took a defining role in German foreign policy. Thirdly, foreign policy generally is not subject to intense parliamentary oversight (in terms of legislation), giving the chancellor expanded room for maneuver.<sup>131</sup>

Finally, the chancellor’s ability via the *Richtlinienkompetenz* to set policy guidelines has allowed chancellors to signal their intent to take a leading role in a particular policy arena. This policy prerogative is particularly pronounced in foreign policy and European policy. The particular circumstances of the Federal Republic’s

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<sup>130</sup> The SPD is wary because they see it as a power ploy to create a new power center in the Chancellery at the expense of the Foreign Office and the foreign minister. See “Union will robustere Sicherheitspolitik,” *Tagesspiegel*, May 4, 2008.

<sup>131</sup> William E. Paterson, “The Chancellor and Foreign Policy,” in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 127–128. This is particularly evident under Helmut Kohl, who began his sixteen-year tenure as a foreign policy novice but used the growing number of international summits and the Chancellery’s bureaucracy to circumvent the influence of his long-serving foreign minister, Hans-Dietrich Genscher. See Peter M. Wagner, “Aussenpolitik in der Koalitionsdemokratie,” *Internationale Politik* 4, (1998): 31–36.



establishment in 1949 have meant that the conduct of foreign policy has been a central focus of the federal executive, and of the chancellor in particular. Constitutionally the primary responsibility for foreign policy is handed to the chancellor and the dominant foreign policy actors (Foreign Office, Ministry of Defense, Ministry of Finance) who report to the executive.<sup>132</sup> There have been times when the foreign minister has taken the lead on a foreign policy issue, such as Foreign Minister Hans-Dietrich Genscher's handling of the OSCE process in the 1980s, and times when the chancellor has taken the lead on foreign policy, such as Chancellor Helmut Kohl's drafting of the Ten Point Program during the unification process in 1989–1990.<sup>133</sup>

With the levers of authority come countervailing constraints. One such constraint is Germany's federalist system of government in which power is widely diffused. The *Kanzlerprinzip* is counter-balanced by the ministers' *Ressortprinzip* and the unanimity requirement in cabinet voting. The chancellor's agenda-setting abilities may be opposed by other dominant foreign policy actors. Federal states are given a stake in some foreign policy areas by way of the *Bundesrat*, the Federal Council that represents the states at the federal level and in which the states participate directly in national policy decisions that affect their areas of competencies (though their influence on foreign policy is minimal save for EU-related issues).<sup>134</sup> Furthermore, Germany's system of coalition government means that the chancellor's power to

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<sup>132</sup> Siwert-Probst, "Traditional Institutions," 19–20.

<sup>133</sup> Korte, "Bundeskanzleramt," 209.

<sup>134</sup> The *Bundesrat* is not quite analogous to the "second chamber" of government but is considered one of five constitutional bodies in the German federal government. See Roland Sturm, "The Chancellor and the Executive," in *The Development of the German Chancellorship: Adenauer to Kohl*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 89.

achieve foreign policy objectives is dependent on the cooperation of the junior coalition partner, most especially because the office of foreign minister is held by the junior party in the coalition.<sup>135</sup> Thirdly, the chancellor's relationship with his/her own party often impacts decision making. Dissent within the party complicates other management imperatives, such as a smoothly functioning coalition. Finally, the dynamics of foreign policy issues both within the political elite and in the public at large can often obstruct the chancellor's policy aims.<sup>136</sup>

The other side of the equation, however, is the informal instruments of power available to the chancellor. The formalized structures of Germany's federalist system of government compel actors to engage in consensus building, though consensus is often difficult to obtain. In response to increasing policy complexity and expanding numbers of bureaucratic actors, a set of informal policy networks, tools, and procedures have developed in response to increasing bureaucratic rigidity and stasis.<sup>137</sup> Lothar Rühl lays out the advantages and disadvantages of informal decision-making procedures: smaller group dynamics can be more effective, and informal procedures tend to be more flexible and can more easily respond to unfolding events. The disadvantages are that the pressures to make a faster decision can lead to important information being left out, or decisions being struck that lack the necessary detail or direction, complicating the implementation of the policy.<sup>138</sup>

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<sup>135</sup> Gordon Smith, "The Changing Parameters of the Chancellorship," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, DC: Georgetown University Press, 1994), 192. In foreign policy, the *Bundesrat*'s influence is felt most acutely in Germany's European policy and EU affairs.

<sup>136</sup> Sturm, "Chancellor and Executive," 89; Smith, "Changing Parameters," 178.

<sup>137</sup> Stephen D. Collins, *German Policy-Making and Eastern Enlargement of the EU During the Kohl Era: Managing the Agenda?* (Manchester and New York: Manchester University Press, 2002), 7–9.

<sup>138</sup> Rühl, "Security Policy," 107–111.

Such informal decision-making practices are highly developed in the German system where there is a tendency “to detach decisions at the highest leadership level from the formally competent institutions and from formal procedures.”<sup>139</sup> For example, while the party fraction meetings are formally the central decision-making bodies in the Bundestag, time pressures and the growing size of the parliamentary fractions mean that in practice, policy objectives have been shaped in informal settings as issues have moved up the hierarchical bureaucratic structures. However, real decision-making power is also based in the coalition rounds (*Grosse Koalitionsrunde*) begun under Chancellor Kohl and retained by his successors Gerhard Schröder and Angela Merkel. Members are officials drawn from the government, parliamentary fraction, and coalition and meet prior to or in parallel with the formal cabinet meetings called by and presided over by the chancellor.<sup>140</sup> Karl-Rudolf Korte considers these informal patterns the distinguishing characteristic of the decision-making style of the German chancellor and the Chancellery.<sup>141</sup>

To sum up, the office of chancellor retains a great deal of authority and power that is nevertheless subject to formal and informal constraints. The ability of the chancellor to successfully apply the instruments of power depends on many factors: the relative cohesion of the coalition government, ministerial ambitions, party cohesion, and the chancellor’s own managerial style.<sup>142</sup>

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<sup>139</sup> Ibid, 108.

<sup>140</sup> Wolfgang Ismayr, “Bundestag,” in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften 2007), 176. Interview respondents stressed that domestic political issues usually dominate such coalition rounds. Interviews conducted in Berlin on November 11, 16, 2009.

<sup>141</sup> Korte, “Bundeskanzleramt,” 205.

<sup>142</sup> Siwert-Probst, “Traditional Institutions,” 20; Gordon Smith, “Changing Parameters,” 178.

## Federal Ministries: Major Foreign Policy Actors

While the federal chancellor sets policy guidelines, and policy decisions are voted on by the cabinet, it is the federal ministries that conduct the day-to-day activities relating to policy development. Importantly, the growing complexity of issues has meant that competences are shared between ministries, such as in the case of out-of-area operations where the issue is managed with input primarily from the Foreign Office as well as the Ministries of Defense and Finance with the full participation of the Chancellery. Nearly every federal ministry is involved in some aspect of Germany's external relations—at least 250 administrative units outside the Foreign Office and Defense Ministry.<sup>143</sup> Nevertheless, the federal government's rules of procedure state that the Foreign Office holds the authority for coordination of foreign policy and the right to negotiate abroad.<sup>144</sup> Foreign policy guidelines are set by the chancellor, the policy developed in the relevant specialized ministries, and the policy recommendations voted on in the federal cabinet. In the following section, the primary ministerial actors—the Foreign Office and Ministry of Defense—are outlined in more detail.

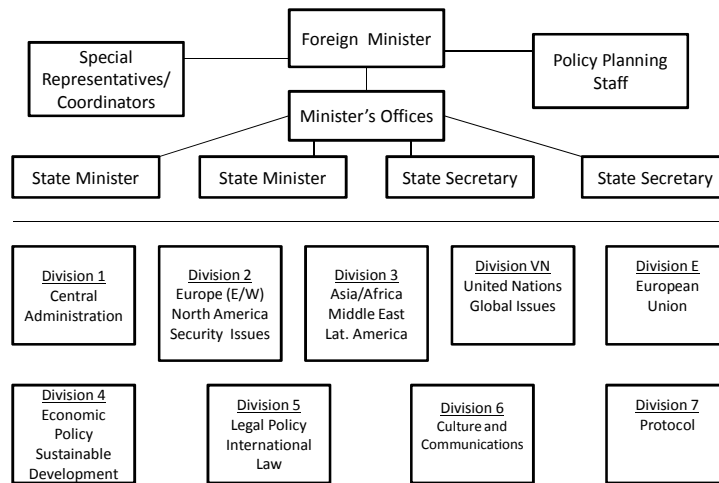
*Foreign Office.* The Foreign Office is formally responsible for German foreign policy, though it is not the only actor in the foreign policy arena.<sup>145</sup> Figure 2 shows the general organizational structure of the Foreign Office.

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<sup>143</sup> Christoph Weller, "Bundesministerien," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2007), 210–211.

<sup>144</sup> Weller, "Bundesministerien," 216.

<sup>145</sup> Siwert-Probst, "Traditional Institutions," 26. For a detailed description of Foreign Office departments and their roles, see Reinhard Bettzuege, "Auswärtige Dienst," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2007), 225–245.



Source: Based on chart of Foreign Office available at: <http://www.auswaertiges-amt.de/diplo/de/AAmt/Organisationsplan.pdf>

**Figure 2: Organizational Structure of Foreign Office**

The executive leadership of the Foreign Office includes the foreign minister, the two ministers of state who are members of the Bundestag and assist the foreign minister in his/her tasks, primarily those of a political nature, and three state secretaries who oversee the administrative tasks and responsibilities of the Directorate-Generals. The Political Directorate 2 is responsible for coordinating policy toward Europe, North America, and Central Asia as well as covering all aspects of European and transatlantic security relations. A sub-directorate handles disarmament and arms control issues.<sup>146</sup> The foreign minister also appoints special representatives who coordinate sensitive bilateral relations (with the United States, Russia, and Poland) and Germany's international human rights policy.

<sup>146</sup> See Foreign Office website: <http://www.auswaertiges-amt.de/diplo/en/AAmt/Uebersicht.html>.

Ministerial coordination occurs both vertically and horizontally and at formal and informal levels within the Foreign Office. There are formalized forms of horizontal coordination such as inter-ministerial committees, which are permanent bodies with clear rules guiding membership and responsibilities. However, there is a great degree of informal horizontal and vertical coordination as well, both within and between ministries (email, informal meetings at sub-unit levels, and so on). Policy initiatives are vetted by the minister before being passed on to the federal cabinet for discussion.<sup>147</sup>

Though the Foreign Office has the authority for coordinating foreign policy, the Chancellery often takes the lead in coordinating policy decision making, either formally or informally. Highly technical issues are left to the ministries with competence in that area which, because of their specialized expertise, at times will take the lead in policy discussions. The system is intended to achieve a high level of inter-ministerial coordination so that any potential conflicts over policy are resolved within the bureaucracy in order to avoid conflict at higher levels of authority (e.g., during a cabinet meeting). Because of the growing number of bureaucratic actors and the consequent multi-leveled inter-ministerial activity, coordination is a critical element in the policy process.<sup>148</sup>

*Ministry of Defense.* During the Bundestag's first foreign policy debate in 1949, the newly elected parliamentarians voted against the rearmament of the Federal Republic, but the pressures of the Cold War and the failure of the European Defense

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<sup>147</sup> Weller, 216–217.

<sup>148</sup> Wolf-Dieter Eberwein and Karl Kaiser, "Academic Research and Foreign Policy-Making," in *Germany's New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmill, Basingstoke, UK: Palgrave, 2001), 5.

Community led to the establishment of NATO and the WEU and, by 1955, to the establishment of the German Ministry of Defense and the Bundeswehr. German lawmakers had already inserted provisions in the new constitution that set out the role of a German military and the consequent restrictions on the use of military force in the Federal Republic. What is noteworthy is that references to the German military appear not in one single constitutional article but are scattered throughout the Basic Law, emphasizing the integrated nature of the German armed forces in a democratic constitutional order.<sup>149</sup> Civilian control of the military is underscored by the fact that the Defense Minister retains control of the German armed forces except in times of war, when leadership of the armed forces is transferred to the federal chancellor. The Chief of Staff of the Bundeswehr (*Generalinspekteur*), the highest-ranking officer in the German armed forces, functions as the military adviser to the defense minister and chancellor and is responsible for the development of German defense strategy.<sup>150</sup>

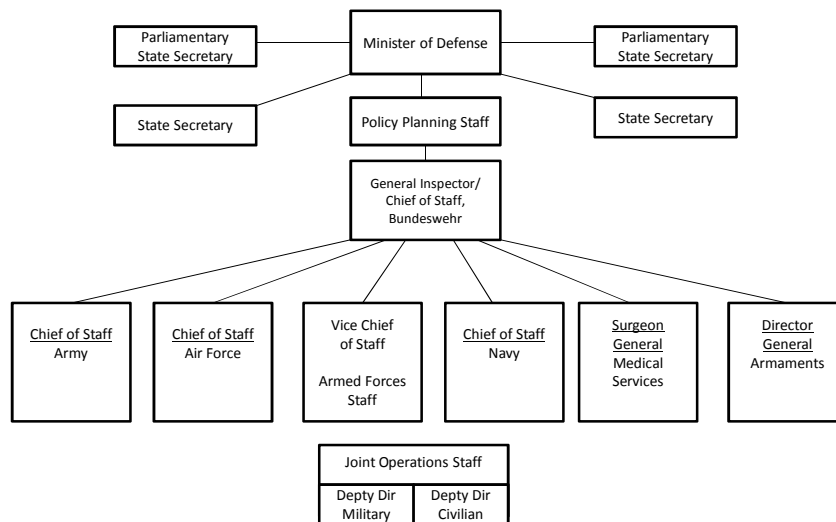
The emphasis on civilian control of the military is reflected in parliamentary relations with the German armed forces. The Bundestag controls the defense budget, and the Bundestag's Defense Committee has far-reaching rights of control as established in the Basic Law; it is the only parliamentary committee that has the authority to call its own investigations and to demand the participation of the defense

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<sup>149</sup> Johannes Varwick, "Bundeswehr," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2007), 248.

<sup>150</sup> German Federal Ministry of Defense, [http://www.bmvg.de/portal/a/bmvg/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLd4k3cfcASYGZbub6kTCxoNQ8fV-P\\_NxUfW\\_9AP2C3lhyR0dFRQDWCjom/delta/base64xml/L0IKWWttUSEhL3dITUFDc0FJVUF0by80SUVhREFBIS9kZQ](http://www.bmvg.de/portal/a/bmvg/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4k3cfcASYGZbub6kTCxoNQ8fV-P_NxUfW_9AP2C3lhyR0dFRQDWCjom/delta/base64xml/L0IKWWttUSEhL3dITUFDc0FJVUF0by80SUVhREFBIS9kZQ).

minister in any of its meetings.<sup>151</sup> This legislative oversight is underscored by the office of the Parliamentary Commissioner for the Armed Forces, designed to protect basic democratic rights of military personnel and assist the Bundestag in exercising oversight of the Bundeswehr.<sup>152</sup> Table 3 shows the structure of the Defense Ministry.



Source: Based on organizational chart of Ministry of Defense available at: <http://www.bmvg.de/fileserving/PortalFiles/C1256EF400368058/W26NSJZD625INFOEN/Organigramm%20BMVg%20April%202009%20%28Englisch%29.pdf>

**Figure 3: Organizational Structure of Ministry of Defense**

The structure of the Defense Ministry, with its executive, the civilian directorates, and the military staffs, reflects this intent to ensure civilian control of German military forces. The executive group consists of the minister, the Special Investigation Branch, and five staffs: the Executive Staff, which is the main coordination point for all relevant agencies; Policy Planning Staff, responsible for strategic planning; Press and

<sup>151</sup> Federal Ministry of Defense, “Citizen in Uniform: Implementing Human Rights in the Armed Forces,” Conference in Berlin, September 7–8, 2006, [http://www.osce.org/documents/odihr/2006/10/21882\\_en.pdf](http://www.osce.org/documents/odihr/2006/10/21882_en.pdf).

<sup>152</sup> See “Armed Forces Commissioner,” at [http://www.Bundestag.de/htdocs\\_e/commissioner/index.html](http://www.Bundestag.de/htdocs_e/commissioner/index.html).



Information Office; Organization Staff (responsible for organization-specific tasks at both the Ministry's headquarters outside of Bonn and in its offices in Berlin); and a Operational Controlling System staff that provides the executive with quality control information on ongoing missions and tasks.

The civilian directorates encompass the Directorate-General of Armaments, Personnel, Social Services, and Central Affairs, Budget, Legal Affairs, and the Defense Administration, Infrastructure, and Environmental Protection Directorate. The five military directorates represent the German Armed Forces Staff, Army, Air Force, Navy, and the Medical Services staff.<sup>153</sup> The Joint Operations Staff was established in 2008 to coordinate all mission-relevant functions of the civilian directorates and military divisions of the Ministry of Defense. Its responsibilities include planning, preparation, and analysis of out-of-area missions in order to provide relevant information not only to the Ministry's Executive Group but to the Cabinet and the Bundestag as well.<sup>154</sup>

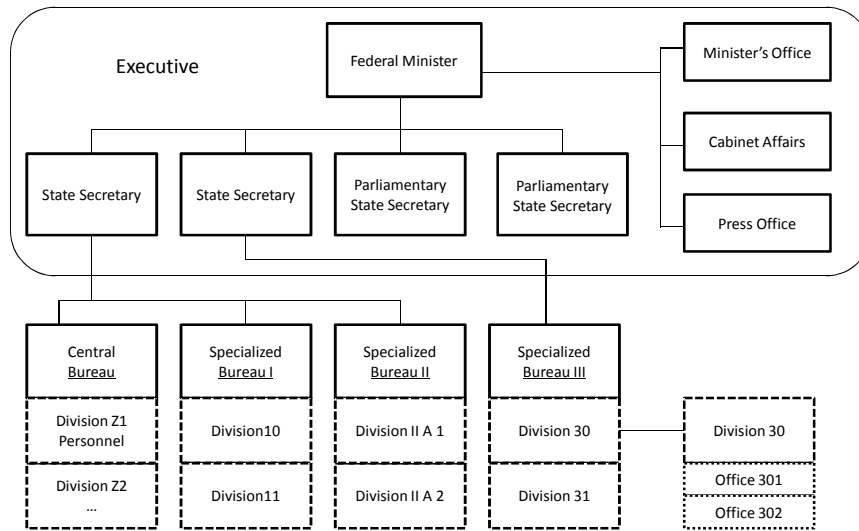
#### Other Federal Ministries.

The general structure of a federal ministry is presented in Figure 4.

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<sup>153</sup> See Federal Ministry of Defense:  
[http://www.bmvg.de/portal/a/bmvg/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLd4k38XIESYGZbub6kTAXX4\\_83FT9oNQ8fW\\_9AP2C3IhyR0dFRQCa0KCM/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82X0RfNEdE](http://www.bmvg.de/portal/a/bmvg/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4k38XIESYGZbub6kTAXX4_83FT9oNQ8fW_9AP2C3IhyR0dFRQCa0KCM/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82X0RfNEdE).

<sup>154</sup> See Federal Ministry of Defense:  
[http://www.bmvg.de/portal/a/bmvg/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLd4k3cfcESYGZbub6kTAXX4\\_83FT9oNQ8fW\\_9AP2C3IhyR0dFRQAvshv6/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82X0RfMVNISA](http://www.bmvg.de/portal/a/bmvg/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4k3cfcESYGZbub6kTAXX4_83FT9oNQ8fW_9AP2C3IhyR0dFRQAvshv6/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82X0RfMVNISA).



Source: Based on general model of German federal ministry available at: [http://de.wikipedia.org/wiki/Datei:Schaubild\\_Muster-Bundesministerium.png](http://de.wikipedia.org/wiki/Datei:Schaubild_Muster-Bundesministerium.png).

**Figure 4: Structure of German Federal Ministry**

The minister is assisted by his/her immediate representatives: two parliamentary secretaries who are high-ranking civil servants (*beamteter Staatssekretär*) tasked with managing the various divisions (called Directorate-Generals); and two parliamentary state secretaries (*parlamentarischer Staatssekretär*) who are themselves members of parliament. These parliamentary state secretaries assist the minister in his/her governmental duties (primarily the political functions), and represent the minister in governmental bodies (Bundestag, *Bundesrat*, parliamentary groups). Under these state secretaries lie the overarching bureaucratic divisions, called Directorate-Generals. Some are administrative entities while others are specialized regional or

technical entities. Below the Directorate-Generals lie the various research departments.<sup>155</sup>

The following section highlights other ministries that support the Foreign Office and Defense Ministry in decisions relating to out-of-area missions:

*Ministry of Finance.* The Ministry of Finance is a player in foreign policy decision-making by virtue of its veto power on matters relating to the federal budget. The *Bundeshaushaltsordnung* (the legal framework for budget procedures) states that the finance minister has a veto on all financial questions related to the federal budget, which in practice has meant that the finance minister holds a more powerful position in the cabinet relative to other members.<sup>156</sup> Implied here is that the chancellor's ability to follow through with his/her intended policy guidelines is dependent on the quality of the working relationship with the finance minister.

*Ministry of Interior.* The constitutionally directed division of responsibility for internal and external security is a consequence of the failures of the Weimar constitution and of Hitler's use of the military externally for territorial expansion and internally to repress domestic political opposition. Thus, the Basic Law forbids the use of German armed forces in any aggressive, offensive military action and gives the German federal states (*Länder*) sovereignty in police matters within Germany's borders, though the federal government does have the responsibility for international crime prevention and maintaining border security (e.g., railways, waterways/shipping, airports) (Art. 87 GG).<sup>157</sup> These two federal law enforcement agencies—the Federal

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<sup>155</sup> See Foreign Office website: <http://www.auswaertiges-amt.de/diplo/de/AAmt/Leitung/Uebersicht.html>.

<sup>156</sup> Sturm, "Chancellor and Executive," 89.

<sup>157</sup> See German Basic Law at: <https://www.btg-bestellservice.de/pdf/80201000.pdf>.

Criminal Police Office (BKA) and the Federal Police—are situated in the Ministry of the Interior. A primary venue by which the Ministry participates in foreign policy decisions lies through its role in providing police trainers for the various military missions as part of their stability and reconstruction mandates, such as in Afghanistan. This requires cooperation between the Ministry of the Interior and the sixteen federal *Länder*, who must agree to provide the police officers for out-of-area-deployments.

*Ministry of Economic Cooperation and Development.* The Ministry of Economic Cooperation and Development reflects the role development policy and conflict management play in Germany’s long-term security. The issues the Ministry actively monitors deal with general development policy issues (poverty, economic development, education) as well as peace building in post-conflict situations, conflict prevention, conflict management, and “security sector reform,” whose aim is to strengthen a state’s governmental structure and bring about democratic control of the security sector. The argument is that supporting security sector reform in unstable countries is linked not just to military security but to development efforts as well, since a stable security environment is the prerequisite for building civil society and the rule of law in transitioning states.<sup>158</sup>

### German Bundestag

The core responsibility of the parliamentary branch is oversight of the federal government. As a parliamentary body, the Bundestag is responsible to the electorate and thus tasked with ensuring a governing majority; it appoints the federal chancellor

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<sup>158</sup> See Ministry for Economic Cooperation and Development website: <http://www.bmz.de/en/ministry/index.htm>.

and can unseat the government, but only if it has enough votes to vote in a new government. It sets the federal budget and coordinates the drafting of legislation done in the ministries, oversees the parliamentary debate on policy alternatives, and votes on the final bills.<sup>159</sup>

The Basic Law declares that both the executive and parliamentary branches of government share responsibility in foreign and security matters, though the federal government has the prerogative. The constitutional competence of the Bundestag in foreign policy matters is thus limited, though it is given the right via the Basic Law to ratify international treaties, preside over the federal budgetary process, and establish investigative committees upon the motion of one-quarter of its members (the Defense Committee also has this specific right).<sup>160</sup> The Bundestag's formal instruments of control are applied through its foreign policy-related committees, especially the Budget, Defense, and Foreign Affairs Committees, through its control over the defense budget, and its ability to pressure the government via major and minor interpellations and requests for factual information intended to compel the government to disclose information on its policy objectives, priorities, and costs.<sup>161</sup>

More general trends, however, have expanded the involvement of the Bundestag in foreign policy issues. In particular, the lines dividing domestic and international issues are increasingly blurred, expanding the reach of parliamentary participation in foreign policy areas. Germany's European policy is the most important example of this growing competence. Foreign policy decisions are no

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<sup>159</sup> Joachim Krause, "The Role of the *Bundestag* in German Foreign Policy," in *Germany's New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmill, Basingstoke, UK: Palgrave, 2001), 158; Ismayr, "Bundestag," 177–178.

<sup>160</sup> Rühl, "Security Policy," 106–107.

<sup>161</sup> Ismayr, "Bundestag," 182–184.

longer simply “national” in character. The growing complexity of policy issues means that the Foreign Office by itself is unable to manage Germany’s foreign policy, as is seen in the expanding number of foreign policy actors in the specialized ministries and the Bundestag.<sup>162</sup>

### Judiciary

The judiciary’s role in foreign policy is a limited one. The Federal Constitutional Court has given the German Bundestag enhanced foreign policy decision-making powers in two important foreign policy areas: European policy and out-of-area operations. This reflects the legislative branch’s growing activity in the foreign policy arena, with the consequent blurring of the lines between domestic and foreign policy.<sup>163</sup> On the subject of out-of-area operations, the Federal Constitutional Court has ruled in several cases brought to the Court by political parties. The major decision on out-of-area missions was the Court’s “Armed Forces Decision” in July 1994, which upheld the constitutionality of Germany’s participation in multilateral missions and gave responsibility to the Bundestag for voting on such deployments. The Federal Constitutional Court has been called on to resolve several security-related questions, ranging from whether NATO’s 1999 New Strategic Concept constituted a fundamental change in the NATO Treaty (the Court ruled it was not), to whether the German government should have sought Bundestag approval in deploying German soldiers in NATO AWACS aircraft over Turkish territory in

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<sup>162</sup> Lisette Andreae and Karl Kaiser, “The ‘Foreign Policies’ of Specialized Ministries,” in *Germany’s New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmill, Baskingstoke, UK: Palgrave, 2001), 39–40.

<sup>163</sup> Ismayr reports that of the 336 federal ministerial departments with some degree of international responsibility, fully 279 deal directly with European policy. See Ismayr, “Bundestag,” 177.

March 2003, just prior to the onset of the Iraq war (the Court ruled the government should have sought approval).<sup>164</sup>

### Other Actors

Studies of German foreign policy also have expounded on other actors in the foreign policy process, such as interest groups and the public at large. Nevertheless, the view among foreign policy analysts seems to be that in the German federal system, contrary to domestic policy, interest groups are not major actors in foreign policy deliberations, save for corporate business interests related to the defense armaments industry.<sup>165</sup> For the purposes of this study on the issue of military intervention policy, it is assumed that interest group dynamics play a marginal role. Public opinion, on the other hand, plays an indirect role in foreign policy deliberations and will be followed to determine the degree to which public opinion surveys play any role in decision-making dynamics, though it is not the central factor in this study.

### *Hypothesis 1: Chancellor Dominance or Chancellor Constraint?*

Of the actors outlined above, the most influential actor is seen to be the federal chancellor—the state’s executive. In the German case, the Basic Law provides no guidance to the question of the relative power balance within the executive, and

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<sup>164</sup> For the 2001 decision regarding NATO New Security Concept, see: [http://www.bundesverfassungsgericht.de/entscheidungen/es20011122\\_2bve000699en.html](http://www.bundesverfassungsgericht.de/entscheidungen/es20011122_2bve000699en.html); for the ruling on the 2008 AWACS case, see: <http://www.bundesverfassungsgericht.de/en/press/bvg08-052en.html>.

<sup>165</sup> Padgett, “Chancellor and Foreign Policy,” 128; Tom Dyson, *The Politics of German Defense and Security: Policy Leadership and Military Reform in the Post-Cold War Era* (Oxford and New York: Berghahn Books, 2007), 23, 26.

over the years two different leadership styles of chancellors have emerged.<sup>166</sup> The first, “chancellor democracy” (*Kanzlerdemokratie*), is defined by a powerful chief executive who dominates the decision-making process relative to the federal ministers and the cabinet at large by controlling cabinet decision making. The term also implies compliant coalition parties as well as an executive-dominated parliament.<sup>167</sup> This concentration of power in the chancellorship is most closely associated with Adenauer’s first term in office (1949–1953), when unique political circumstances and still weak party structures resulted in the centralization of power in the chancellorship (Adenauer also retained the role of foreign minister until 1955). While the term has been applied to subsequent chancellors, German scholars have argued that the *Kanzlerdemokratie* model is less relevant today because of the growing complexity of policy issues that have expanded the number of actors in the policymaking process and thus reduced the chancellor’s power to ensure a particular policy outcome.<sup>168</sup> Germany’s postwar establishment as a pluralist democracy with a federalist system of government means power has been diffused, requiring a process of compromise and consensus building among political players.

The second approach, “coordination democracy” (*Koordinationsdemokratie*), reflects this thinking and represents a leadership style more defined by its need for cooperation and building consensus than a concentration of political power. The dominance of the chancellor democracy thesis was challenged in the 1980s by

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<sup>166</sup> Sturm, “Chancellor and Executive,” 79.

<sup>167</sup> Karl-Rudolf Korte and Manuel Fröhlich, *Politik und Regieren in Deutschland* (Paderborn: Verlag Ferdinand Schöningh, 2004), 79-81; Goetz, “Government at the Centre,” 31–33.

<sup>168</sup> Siwert-Probst, “Traditional Institutions,” 20-21; Sturm, “Chancellor and Executive,” 79–80; Stephen Padgett, “The Chancellor and his Party,” in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 51.



research on institutional pluralism, which emphasized the transition from a dominant leadership style to one increasingly defined by its need to coordinate and manage the policy process among an increasing number of foreign policy actors and institutions.<sup>169</sup> The process of globalization and increasing interdependence, continued integration into the European Union, and new international roles and responsibility heightened the need for a managerial style of governance. For these scholars, Adenauer's time in office was a product of specific historical conditions that cannot be generalized into a current model of leadership style.

Nevertheless, there are studies that still argue that the chancellor's influence is increasing. In their study of German security policy, Catherine Kelleher and Cathleen Fisher allude to an expansion of chancellorial power in security policy decision-making in the 1990s.<sup>170</sup> Peter Wagner's study of former chancellor Kohl documents a gradual process of the chancellor's influence in foreign policy. A foreign policy novice when he came to power in 1982 after Helmut Schmidt's fall from power, Kohl (CDU) inherited a powerful and experienced foreign minister, Hans-Dietrich Genscher (FDP). Kohl used bureaucratic instruments and the media to weaken the control Genscher had on foreign policy to enhance his own foreign policy credentials and influence in foreign policy.<sup>171</sup> William Paterson mentions interviews conducted with Chancellery officials who spoke of the increased centrality of the chancellor in foreign policy due to factors such as the increased complexity and intractability of

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<sup>169</sup> Padgett, "Chancellors and Chancellorship," 15–16.

<sup>170</sup> Catherine Kelleher and Cathleen Fisher, "Germany," in *The Defense Policy of Nations: A Comparative Study*, 3rd edition, eds. Douglas J. Murray and Paul R. Viotti (Baltimore and London: Johns Hopkins University Press, 1994), 174.

<sup>171</sup> Wagner, 31–36. An illustration of Kohl's ability to bypass the ministerial principle was when Kohl seized the initiative during the unification process in 1989–1990, circumventing Foreign Minister Genscher by drafting a Ten-Point Program in the Chancellery and presenting it directly to Soviet President Gorbachev without any input from the Foreign Office.

issues, the expanded use and institutionalization of international summits, and the public's expectation of a chancellor taking a strong role in foreign policy.<sup>172</sup> Finally, although Klaus Goetz argues that the coordination democracy model is the prevalent model rather than the chancellor democracy model, he does assert that a process of centralization of power occurred under former chancellor Schröder as seen in his ability to control cabinet decision making.<sup>173</sup>

### Presidentialization Thesis

Other emerging approaches acknowledge the complexity argument but nevertheless assert that the power in parliamentary democracies is increasingly dominated by the chief executive in a style more reminiscent of leaders in presidential systems. This “presidentialization” thesis refers to a highly personalized style of governance in which the prime minister or chancellor is the main locus of power.<sup>174</sup> At its most abstract, the presidentialization thesis points to a systematic marginalization of collective elements in a system of government, combined with the eroding social foundation of party organization, that allows the chief executive to expand his or her power resources and personal authority in the decision-making process. The growth of a leader's autonomy from his or her political party implies that the leader is able to bypass the party in the decision-making process, take more control over bureaucratic and administrative resources, and highlight his or her own personal attributes within government and to the public at large, in particular during

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<sup>172</sup> Paterson, “Chancellor and Foreign Policy,” 137.

<sup>173</sup> Goetz, “Government at the Centre,” 36–37.

<sup>174</sup> Thomas Poguntke, “A Presidentializing Party State? The Federal Republic of Germany,” in *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, eds. Thomas Poguntke and Paul Webb (Oxford: Oxford University Press, 2007), 68, 70.

electoral campaigns.<sup>175</sup> Proponents of this thesis emphasize that presidentialization advances without any concurrent change in the regime type—that is, the presidentializing trend takes place in parliamentary systems that remain structurally intact.<sup>176</sup>

In all these components, the weight of the exercise of power has shifted to the chief executive, from within the executive or from the party. Thomas Poguntke and Paul Webb cite four factors as causes for this shift in power resources: the internationalization of politics; the growth of the state (bureaucratic complexity); the changing structure of mass communications; and the erosion of traditional social cleavages in politics.<sup>177</sup> Ludger Helms reviewed the theoretical literature and presents no less than thirteen indicators of presidentialization trends, though he argues that only a few warrant closer examination: the growing impact of the individual leader on parliamentary election outcomes; structural changes in the executive in favor of the chief executive; and the executive–legislative relationship.<sup>178</sup>

This study will test the assertion of an empowered chancellor in foreign policy, hypothesizing that if there are competing policy preferences between the chancellor and other actors (parliament, cabinet, federal ministers), the chancellor has the power to override objections and prevail in the policy debate. The hypothesis will be applied to the case of decision making on the two missions that comprise Germany’s contribution in Afghanistan, the anti-terrorist Operation Enduring

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<sup>175</sup> Thomas Poguntke and Paul Webb, “The Presidentialization of Politics in Democratic Societies: A Framework for Analysis,” in *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, eds. Thomas Poguntke and Paul Webb (Oxford: Oxford University Press, 2007), 5.

<sup>176</sup> Poguntke and Webb, 346–357.

<sup>177</sup> Poguntke and Webb, “Framework for Analysis,” 13–15.

<sup>178</sup> Ludger Helms, “The Presidentialization of Political Leadership: British Notions and German Observations,” *Political Quarterly*, (2005): 431–432.

Freedom (OEF) mission and the civilian reconstruction International Security Assistance Force (ISAF) mission from the initiation of the mandates in 2001 to the end of the OEF mandate in 2008. The study will seek to determine the degree of power of the chancellor in out-of-area decision making by examining two explanations of enhanced chancellorial power outlined in the presidentialization thesis: structural changes in the core executive that provided the chancellor with more power; and executive-legislative relations and the hypothesized growing distance between the chancellor and his or her party.

These two variables are the most relevant to the Afghanistan study and can get to the question of by what means the chancellor has gained influence while other actors (ministries, parliament) have lost influence. Other proposed variables are not applicable in any rigorous way. For example, two indicators Poguntke and Webb cited as causal factors in the presidentialization thesis, the internationalization of politics and the spread of mass communications, are almost platitudinous and thus no real indicators of direct power or influence. No one can deny that political interactions are becoming more internationalized or that the line between domestic and international politics is increasingly blurred; nor can one reject the assertion that advanced communication technology has changed the contours of social and political dynamics throughout the world. However, these dynamics are being felt in every state, regardless of regime type, and are too vague to function as power indicators. As such, they have no capacity to prove the presidentialization thesis of power passing from one location to another in the decision-making schematic.

Structure: Political Parties and Coalition Politics

Just as with the concept of agency, the ontological debate on what constitutes structure reveals the absence of a consensus.<sup>179</sup> Nevertheless, efforts have been made to define what structures mean for analytical purposes. Haney proposes a general definition of structure as “organizational configurations within which foreign policy-making takes place,”<sup>180</sup> but the definition does not seem to take into account informal structures and institutions. Ikenberry is more to the point: institutional structures “refer both to the organizational characteristics of groups and to the rules and norms that guide the relationships between actors.”<sup>181</sup> This approach fits with Duffield’s proposed definition, discussed earlier, to integrate the various ways in which the term “institution” has been utilized in IR theory: as formal organizations, practices, rules, and norms. This framework assumes that individuals are shaped by the institutional setting in which they operate. The institutional setting retains both formal elements (legal, constitutional) and informal elements (rules, procedures, routines, norms, practices) as well as constitutive (norms, beliefs) and regulative/procedural (bureaucratic practices, guidelines) components. Thus, institutions are organizational settings and rules set up by individuals that define a context for political action.

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<sup>179</sup> See discussion in Wight, “Dead Horses,” 125–126.

<sup>180</sup> Patrick J. Haney, “Structure and Process in the Analysis of Foreign Policy Crises,” in *Foreign Policy Analysis: Continuity and Change in Its Second Generation* (Englewood Cliffs, NJ: Prentice Hall, 1995), 101.

<sup>181</sup> G. John Ikenberry, “Conclusion: An Institutionalist Approach to American Foreign Economic Policy,” *International Organization* 42, no. 1 (Winter 1988): 223.

## Party System

As political institutions, parties are at the core of Germany's federal system of governance and are a major influence on policy decision making.<sup>182</sup> Parties are the link between society and the state, the conduit through which the government and the voting public interact to address the concerns of the society at large. The centrality of German political parties is manifested in their constitutionally defined role and activities (Art. 21 GG), becoming not just political or social institutions, but legal entities as well.<sup>183</sup> The elevated role of the parties as reflected in the Basic Law was intended to prevent the development of political parties motivated by narrow self-interest and goals rather than the desire to represent the will of the German people. They are thus enjoined by the constitution to actively participate in the building of the political will (*politische Willensbildung*) in society, operate within fully democratic principles, and publicly account for the use of public funds they receive from parliament. The 1967 Law on Parties, the federal statute governing party activities, outlined the function of German parties in even greater detail.<sup>184</sup>

The scholarly literature on German political parties emphasizes their centrality in German politics and in stabilizing the party system over time.<sup>185</sup> Gordon Smith's

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<sup>182</sup> Peter Katzenstein, *Policy and Politics in West Germany* (Philadelphia: Temple University Press, 1987), 36; Gert-Joachim Glaeßner, *Politik in Deutschland* (Wiesbaden: VS Verlag für Sozialwissenschaften), 437.

<sup>183</sup> *Ibid.*

<sup>184</sup> Gerard Brauntal, *Parties and Politics in Modern Germany* (Boulder: Westview Press, 1996), 40–41.

<sup>185</sup> Michaela W. Richter, "The German Party State: A Reassessment," in *Transformation of the German Political Party System: Institutional Crisis or Democratic Renewal?* ed. Christopher S. Allen (New York and Oxford: Berghahn Books, 1999), 62; Korte and Fröhlich, *Politik und Regieren*, 133; Torsten Oppelland, "Parteien," in *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2007), 269; Thomas Saalfeld, "The German Party System—Continuity and Change," *German Politics* 10, no. 2 (August 2001): 99.

concept of the “politics of centrality” lays out the reasons, which have their roots in the country’s unique postwar history and in the lessons of the Weimar Republic. First, political parties have a constitutionally defined role to contribute to the welfare of the state and its citizens. Second, the system of proportional representation (5 percent hurdle) promotes coalition government and inhibits the rise of extremist parties on the right and left, which historically has encouraged the stability and continued dominance of the two larger catch-all parties. Third, the constitution allows the government to ban extremist parties if their intentions and actions are anti-democratic. Fourth, the constructive vote of no confidence only allows parliament to dissolve the government if it is capable of voting in a new one. Finally, the constitution establishes the primacy of the role of chancellor in government (relative to the federal president) and his/her role in establishing policy guidelines.<sup>186</sup>

The early years of the Federal Republic saw competition from multiple parties across the political spectrum give way to a process of party consolidation fueled by several factors: the constitutional “5 percent” hurdle that prevented parties with less than five percent of the popular vote to enter the Bundestag; the Federal Constitutional Court’s banning of extremist parties on the right (NPD – *Nationaldemokratische Partei Deutschlands*) and on the left (KPD – *Kommunistische Partei Deutschlands*) under Article 23 section 2 of the Basic Law; and the merger of several conservative parties under the umbrella of the Christian Democratic Union (CDU/CSU). In the 1960s, the dominance of the CDU/CSU was challenged by the Social Democratic Party (SPD), which had abandoned its socialist ideological

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<sup>186</sup> Paterson, “Chancellor and Foreign Policy,” 127–128; Thomas Poguntke, “The German Party System: Eternal Crisis?” *German Politics* 10, no. 2 (August 2001): 41; Charles Lees, “Coalitions—Beyond the Politics of Centrality?” *German Politics* 10, no. 2 (2001): 118–119.

mooring in 1959 and transformed itself into a “catch-all party” (*Volkspartei*) to compete with the CDU/CSU.<sup>187</sup> The resulting three-party structure, consisting in its core of the two catch-all parties along with the Free Democratic Party (FDP),<sup>188</sup> retained its dominance for over two decades until the entrance of the Green Party into the Bundestag in 1983. Lees called the German party system in these early years an oligopolistic market, with the dominance of a small handful of parties over the course of nearly thirty years.<sup>189</sup>

Though the party system showed a remarkable degree of stability, political parties were slow to adapt to the societal changes and shift to post-materialist values in the 1970s. The rise of the Green Party from its origins as a social movement to its establishment as a political party represented in parliament was a consequence of the political system’s inability to address the new concerns of a changing electorate. The natural constituencies of the *Volksparteien* had weakened, and the next few years saw a decline in party identification, party membership, and voter participation while voter volatility increased.<sup>190</sup>

This second transformation in the early 1980s to a broad “two-bloc party system,” with a center-right composed of the FDP and CDU/CSU on one side and the center-left of the SPD and Greens on the other, was further transformed with the unification of the Federal Republic in 1990. In its place an asymmetric five-party

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<sup>187</sup> For a discussion of Kirchheimer’s thesis as applied to Germany and whether it retains explanatory power today, see Stephen Padgett, “The German Volkspartei and the Career of the Catch-all Concept,” *German Politics* 10, no. 2 (August 2001): 51–72; Michelle Hale Williams, “Kirchheimer Revisited: Party Polarisation, Party Convergence, or Party Decline in the German Party System,” *German Politics* 17, no. 2 (June 2008): 105–123.

<sup>188</sup> This configuration has been called a two party system, or two-and-a-half party system, but the term this study will utilize is the three-party system, given the actual number of parties referenced.

<sup>189</sup> Lees, “Coalitions,” 122.

<sup>190</sup> Gordon Smith, “The ‘New Model’ Party System,” 82–83.



system developed composed of the CDU/CSU, FDP, SPD, Greens, and the PDS (*Partei des demokratischen Sozialismus*, or Party of Democratic Socialism, the former East German communist party [SED]), broadly divided between right and left on the political spectrum. This is the party structure in which German political parties operate today.<sup>191</sup> The system is marked by a high degree of fluidity as the greater number of parties changes the political calculations of the larger *Volksparteien* in search of coalition partners and raises the political stakes for all parties. The decline in party identity in West Germany accelerated after unification with the inclusion of nine million East German voters who, while accepting the West German political party structure, possessed little in the way of party identification and loyalty to the West German parties they were to vote for.<sup>192</sup>

The transformation to a five-party system has had consequences for the two large catch-all parties, the CDU/CSU and SPD. The SPD was particularly affected by these shifting dynamics. In 2004 internal discord resulted in disaffected left-wing SPD activists founding WASG (*Arbeit und Soziale Gerechtigkeit—Die Wahlalternative*, or “Labor and Social Justice—The Electoral Alternative”) which formed an alliance with the PDS in 2005 to compete (successfully) in the 2005 national elections. In 2007 it merged with the PDS to form *Die Linke*, or the Left Party.<sup>193</sup> Nevertheless, despite a great deal of concern among German scholars about the impact of these structural shifts, the German party system remained remarkably

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<sup>191</sup> Poguntke, “Eternal Crisis,” 46-47; Korte and Fröhlich, *Politik und Regieren*, 138-139.

<sup>192</sup> Braunthal, “Parties and Politics,” 184-188; Thomas Saalfeld, “Political Parties,” in *Governance in Contemporary Germany: The Semisovereign State Revisited*, eds. Simon Green and William E. Paterson (Cambridge: Cambridge University Press, 2005), 71-77.

<sup>193</sup> Jonathan Olsen, “The Merger of the PDS and WASG: From East German Regional Party to National Radical Left Party?” *German Politics* 16, no. 2 (June 2007): 209-215.

stable.<sup>194</sup> The current five-party system is characterized by continued voter volatility, a greater number of independent voters with a corresponding decline of party membership in the catch-all parties, and declining party identification. The greater number of parties also means the political calculations for coalition building are more complicated, though it could also offer a greater number of possible coalition variations for the larger parties as well.

### Parliamentary Parties

The discussion so far reveals the complicated yet critical role of parties in the German political system: they are the intermediaries between the state and its citizens and interact with both to address societal concerns; and they are organized institutions that mobilize voters, present and market political viewpoints, and participate in elections.<sup>195</sup> The parliamentary parties represented in the Bundestag are particularly influential players in policy formation, not least because of the importance of coalition politics in the German political system.

The parliamentary parties (*Fraktionen*, or parliamentary fractions) are central to policy decision making in the Bundestag. A parliamentary fraction is composed of an organized body of at least 5 percent of Bundestag members from the same party (the figure paralleling the 5 percent threshold in the German electorate law for parties

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<sup>194</sup> Henry Kreikenbom, "The Major Parties: Dealignment and Realignment in Post-Cold War Germany," in ed. Christopher S. Allen, *Transformation of the German Political Party System: Institutional Crisis or Democratic Renewal?* (New York and Oxford: Berghahn Books, 1999), 32–33; Hans-Joachim Veen, "Zwischen Rekonzentration und neuer Diversifizierung: Tendenzen der Parteientwicklung fünf Jahre nach der deutschen Einheit," in *Umbruch und Wandel in westeuropäischen Parteiensystemen*, eds. Winand Gellner and Hans-Joachim Veen (Frankfurt am Main: Peter Lang, 1995), 117–133.

<sup>195</sup> Korte and Fröhlich, *Politik und Regieren*, 134.

wishing to enter parliament).<sup>196</sup> The parliamentary fraction is led by an executive board and is organized in working groups that mirror (in terms of number and topic) the parliamentary committees in the Bundestag itself. Members of parliament are professional politicians who have risen up a hierarchical and formalized career ladder, and they are not independent policy entrepreneurs. In fact there are few procedural rights accorded to individual members; the parliamentary fraction as a body retains most of the procedural rights in the Bundestag, such as introducing legislative bills or submitting major or minor interpellations to the government.<sup>197</sup>

Policy positions and legislative details are worked out in the various working groups of the parliamentary fractions. Formally, all decisions are to be taken in parliamentary fraction meetings, but the growing complexity of issues that demand more specialized knowledge and the increasing size of the parliamentary fractions have led to decisions being formulated prior to meetings.<sup>198</sup> In this way, policy deliberations take place within the parliamentary fractions that “pre-structure” the policy options sent on to the Bundestag committees, which then prepare the issue for debate on the floor of the Bundestag. The result is that the plenary debates and decisions are rather pro forma, since the political calculations and outcomes of final votes have been worked out prior to the final stage of parliamentary decision-making.<sup>199</sup> These institutional factors highlight a critical point: the need for strong party cohesion and policy coordination within parliamentary parties.

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<sup>196</sup> Suzanne S. Schüttemeyer, *Parliamentary Parties in the German Bundestag*, German Issues 24 (Washington, D.C.: American Institute for Contemporary German Studies, 2001), 7.

<sup>197</sup> *Ibid.*, 7–11.

<sup>198</sup> Ismayr, “Bundestag,” 176.

<sup>199</sup> Schüttemeyer, *Parliamentary Parties*, 17, 44.

Of the parliamentary committees, the Bundestag's Committee on Foreign Affairs is the most important means by which parliamentary fractions influence the development of foreign policy. It is one of only four of the twenty-two Bundestag committees established in the Basic Law (Article 45 GG).<sup>200</sup> The primary task of the Committee on Foreign Affairs is to monitor and guide the government's foreign policy activities, and it is the main instrument for building cross-party support for foreign policy issues.<sup>201</sup> The Defense Committee, also established via a constitutional amendment, is a closed committee tasked with preparing defense-related decisions that will be taken up in the Bundestag plenary for the final vote. The Defense Committee reviews all international deployments on a regular basis, and there is some overlap with the Foreign Affairs Committee that necessitates close cooperation between the two committees.<sup>202</sup>

The discussion on parliamentary party fractions raises the question of how influential the Bundestag is as an institutional actor in the policy process. Few studies have sought to measure the role of the Bundestag in foreign policy decision making, and the few studies that have been done tend to view the Bundestag's influence as minimal—or at most, the record is mixed.<sup>203</sup> For example, James Ryan Anderson's study of parliamentary control and foreign policy in the Bundestag examines the legal instruments Bundestag members can apply to influence foreign policy decisions. Anderson observes that such instruments are rarely used or have failed in the few instances in which influence-seeking behavior was evident. He concludes from this

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<sup>200</sup> See [http://www.Bundestag.de/htdocs\\_e/Bundestag/committees/a03/tasks.html](http://www.Bundestag.de/htdocs_e/Bundestag/committees/a03/tasks.html). The other three committees are Defense, European Union, and the Petitions Committee.

<sup>201</sup> Krause, "Role of Bundestag," 163.

<sup>202</sup> See [http://www.bundestag.de/htdocs\\_e/bundestag/committees/a12/index.html](http://www.bundestag.de/htdocs_e/bundestag/committees/a12/index.html).

<sup>203</sup> Krause, "Role of Bundestag," 169.

that the Bundestag's influence on foreign policy is marginal. But Anderson's conclusions are problematic: his analysis overlooks informal tools of influence, depends primarily on published secondary sources, and argues that limited parliamentary control is due to the poor state of debate in the Bundestag while providing little empirical evidence for this assertion.<sup>204</sup>

In another study, Jäger, Oppermann, Höse, and Viehrig argue that most analyses take a too narrow view of parliamentary control—for example, the formal constitutional instruments—and leave out the ways in which Bundestag members can indirectly affect the policy-making process, though members do not always utilize these informal mechanisms. The authors produced a questionnaire to explore why members choose or do not choose to use them. The analysis showed that the primary precondition for members using their institutional capabilities is the salience of the issue—that is, the greater the issue salience the greater the chance that members will bring instruments to bear to derail a policy. The lower the salience, the more room for maneuverability the government has in setting policy direction.<sup>205</sup> In terms of how salient the issue of out-of-area operations is for Bundestag members relative to other foreign policy considerations, the questionnaire revealed the highest salience and thus influence-seeking behavior was centered on European issues and policies, with the issue of “securing peace/foreign missions” rating only sixth out of the nine issues on which members were questioned. The low salience of military missions abroad seems

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<sup>204</sup> James Ryan Anderson, “Parliamentary Control and Foreign Policy in Germany,” *German Politics and Society* 20, no. 3 (Fall 2002): 1–14.

<sup>205</sup> Thomas Jäger, Kai Oppermann, Alexander Höse, and Henrike Viehrig, “Die Salienz ausenpolitischer Themen im Bundestag. Ergebnis einer Befragung der Mitglieder des 16. Deutschen Bundestages,” *Arbeitspapier zur Internationalen Politik und Ausenpolitik* (AIPA), AIPA 4/2006 (Cologne: University of Cologne, 2006), 1–2.

to imply that on deployment issues, the government may possess greater latitude on setting policy direction, though not, one would suspect, in all cases.<sup>206</sup> Given the sensitivity in the public to Bundeswehr deployments and the fact that there is no strong elite consensus on the question, conflict among parliamentary members regarding military missions may well be greater than assumed.

Other researchers argue that various factors have actually expanded the competence of the Bundestag in foreign policy. The blurred lines between domestic and foreign policy, the complexity of policy issues requiring greater policy expertise in many more policy arenas, and the rising involvement of the European Union in security policy have been responsible for the growing involvement of the Bundestag in foreign policy.<sup>207</sup> Most importantly, however, by virtue of the Federal Constitutional Court's decision on July 12, 1994 that upheld the constitutionality of German participation in military deployments abroad, the Bundestag is an indispensable actor on this central question in German foreign and security policy. Calling its decision the "parliamentarization of foreign policy,"<sup>208</sup> the Court held that "the Federal Government is required to obtain the Bundestag's explicit approval for each deployment of German armed forces" through a simple majority vote.<sup>209</sup> The Committee on Foreign Affairs prepares the documents and the recommendations that will be made to the Bundestag as a whole. The Bundestag then decides whether to grant, modify, or extend the involvement of the German armed forces in operations

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<sup>206</sup> Ibid, 1–2, 11.

<sup>207</sup> Ismayr, "Bundestag," 175, 177; Krause, "Role of Bundestag," 157, 162.

<sup>208</sup> See [http://www.Bundestag.de/htdocs\\_e/Bundestag/committees/a03/tasks.html](http://www.Bundestag.de/htdocs_e/Bundestag/committees/a03/tasks.html).

<sup>209</sup> Karl-Heinz Börner, "Germany's Constitutional Court and Future German Combat Operations Outside of Europe," *Air & Space Power Journal* (1995), available at: <http://www.airpower.maxwell.af.mil/airchronicles/cc/borner.html>.

abroad. To date, the plenum has accepted every recommendation on deployment issues forwarded by the Committee on Foreign Affairs.<sup>210</sup> In this regard, then, the Bundestag is a principal actor in the development of German policy on out-of-area operations and as such warrants closer analysis.

### *Hypothesis 2: Coalition Politics*

The German Basic Law divides the responsibilities of governance between the executive (chancellor and cabinet) and the parliament, and the cabinet further divides the power and decision-making responsibilities between the governing parties. Germany's parliamentary system produces a coalition style cabinet government, where governing coalitions are almost always the rule.<sup>211</sup> This leads to several important features: for one, while authority is concentrated in the chancellor, power is dispersed among the members of the cabinet who must vote as a collective body on all legislative initiatives. Second, the diffusion of power and influence between governing parties means that conflict is built into the process of decision making, given the diverging set of goals and interests in each party. Third, with the exception of the grand coalitions composed of the two major parties, the CDU/CSU and the SPD, the power-sharing structure of German coalitions is asymmetrical, with one of

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<sup>210</sup> See Bundestag website at:

[http://www.Bundestag.de/htdocs\\_e/Bundestag/committees/a03/tasks.html](http://www.Bundestag.de/htdocs_e/Bundestag/committees/a03/tasks.html).

<sup>211</sup> Besides the special circumstances after 1945, when Chancellor Konrad Adenauer and the CDU/CSU dominated the political landscape, there have been only two exceptions to the coalition government rule: the CDU/CSU and SPD grand coalition from 1966–1969 and the CDU/CSU and SPD grand coalition from 2005–2009.

the two major parties and (at least up to now) one smaller party comprising the governing coalition.<sup>212</sup>

The result of this coalition government structure is that the junior coalition partner retains a disproportionate degree of influence, with potential consequences for policy outcomes.<sup>213</sup> Coalition parties often disagree on policy direction, and a lack of unity at the top makes the necessary negotiations and bargaining more difficult. Thus the relatively greater influence of the junior coalition partner is an important and arguably central factor in determining which variables shape policy outcomes in a coalition government.<sup>214</sup> As Helms contends in his study of chancellor-party relations: “As to the chancellor’s policy-leadership capacities in the core executive and the parliamentary arena, the political weight of the junior partner within a given coalition government and the relationship between the government and the leadership of the majority *Fraktionen* in the Bundestag may be considered variables enjoying a particularly large amount of explanatory power.”<sup>215</sup> This is especially true for German foreign policy, since by tradition the junior coalition partner is given control of the Foreign Office.

Juliet Kaarbo’s research on the role of coalitions in foreign policy decision making are relevant to this study’s analysis of German foreign policy behavior. In her comparative study of German and Israeli coalitions, Kaarbo asks what explains the variance in junior party influence, that is, why were junior partners in the coalition

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<sup>212</sup> Korte, *Politik und Regieren*, 137–140.

<sup>213</sup> Juliet Kaarbo, “Power and Influence in Foreign Policy Decision Making: The Role of Junior Coalition Partners in German and Israeli Foreign Policy,” *International Studies Quarterly* 40 (1996): 502.

<sup>214</sup> *Ibid.*, 502.

<sup>215</sup> Ludger Helms, “‘Chief Executives’ and their Parties: The Case of Germany,” *German Politics* 11, no. 2 (August 2002): 160.



able to incorporate their position in the final decision at some times but not at other times? Of the six variables tested, three variables were particularly strong in explaining junior party influence: the locus of authority (where the decision took place); the degree of unanimity in the major party on a policy (division in the major party enhanced the success of the junior partner's influence attempt) and whether the junior party was treated as an equal partner in the proceedings; and what strategy was applied by the junior coalition partner in the influence attempt (persuasion, bargaining, procedural manipulation, framing of the issue, threat to exit coalition).<sup>216</sup> Other ways by which the smaller coalition party wields power are through the negotiations over the distribution of ministries during coalition negotiations, their party platform and positions on policy issues, and the tactics and strategies of their leadership.<sup>217</sup> Thus, the ability of the junior coalition partner to affect foreign policy decision making depends on a number of factors relevant to the context of the decision-making process.

If the degree of consensus between coalition partners is high, the decision-making process will be marked by less conflict, but there are any number of consequences that result when the decision-making process breaks down. Polarization can produce political stalemate and policy stasis. Intra-coalition conflict can immobilize decision making and lead to poor decision-making practices. The expectation of policy unanimity can exacerbate this political deadlock and contribute

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<sup>216</sup> Kaarbo, "Power and Influence," 517–522; Juliet Kaarbo, "Coalition Cabinet Decision Making: Institutional and Psychological Factors," *International Studies Review* 10 (2008): 64–69.

<sup>217</sup> Juliet Kaarbo and Jeffrey S. Lantis, "The 'Greening' of German Foreign Policy in the Iraq Case: Conditions of Junior Party Influence in Governing Coalitions," *Acta Politica* 38 (2003): 202.

to a fragmented policy process and contradictory policy recommendations—and thus to poor governance.<sup>218</sup>

As a result, given that “institutional and political dynamics of coalitions impact the nature or character of the foreign policy,” one should expect “either highly constrained foreign policy . . . or extreme foreign policies.”<sup>219</sup> Kaarbo and Beasley’s research indicated that relative to single party governments, coalition governments are more conflict-prone, but the data were unable to pinpoint the mechanisms for this; junior partners could hold senior partners hostage, coalition governments may simply be more vulnerable in the domestic political realm, or perhaps parties within coalitions are more willing to take risks because the risks are dispersed among all coalition partners.<sup>220</sup>

How can such tendencies toward more conflict be neutralized? Joe Hagan’s research suggests variables to look for in coalition government behavior: how closely the parties’ political philosophies parallel each other; how power is distributed between parties when a government is established (e.g., coalition negotiations and distribution of ministries); the degree of unanimity within each coalition party; and how closely aligned the respective political positions are among coalition parties.<sup>221</sup> Junior coalition parties can apply a number of formal and informal instruments to apply pressure to their larger coalition partner. In the case of German foreign policy, the junior partner’s control of the Foreign Office means it can use its ministerial

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<sup>218</sup> Joe D. Hagan, *Political Opposition and Foreign Policy in Comparative Perspective* (Boulder and London: Lynne Rienner, 1993). See also I. M. Destler, *Presidents, Bureaucrats, and Foreign Policy: The Politics of Organizational Reform* (Princeton, NJ: Princeton University Press, 1972).

<sup>219</sup> Juliet Kaarbo and Ryan K. Beasley, “Taking it to the Extreme: The Effect of Coalition Cabinets on Foreign Policy,” *Foreign Policy Analysis* 4 (2008): 71.

<sup>220</sup> Kaarbo and Beasley, “Taking it to the Extreme,” 77.

<sup>221</sup> Hagan, *Political Opposition*, 28–30.

prerogative to impact the direction of foreign policy decisions. The foreign minister can use various institutional mechanisms to assist in this effort: his personal standing with the media and the use of framing devices relevant to the policy issue (German history, culture of reticence, humanitarian use of military forces); procedural manipulations (rule-setting, establishing working groups, calling meetings); and personnel decisions, to name a few.

The argument thus far is that parties matter, and interaction between government coalition partners strongly affect foreign policy decision making. Junior partners within the coalition have a disproportionate share of power and thus influence on policy formation. The study's second hypothesis is based on this observation and states that if there is a high degree of dissent between coalition parties, the junior coalition partner will have greater success in inserting its policy preferences into the final decision outcome and/or extract concessions from the major coalition partner.

However, the senior coalition partner is not without its own tools for applying pressure. This begins with the coalition negotiations and the distribution of ministries among the governing coalition partners. Despite the fact that the German constitution recognizes the Foreign Office as the lead institution in representing Germany's foreign policy, the centrality of the federal chancellor in the foreign policy process indicates there can be serious turf battles between the Chancellery and Foreign Office. The chancellor, too, has a large array of institutional mechanism at his/her disposal, and a large and competent staff in the Chancellery to apply the weight of office.

### Summary

A foreign policy analysis approach asserts that actors form the central node of analysis, and yet actor preferences necessarily are shaped by institutional structures that both enable and constrain them in the process of decision making. The theoretical challenge is to address both agency and structure in an effort to build an integrated approach to explain foreign policy decision-making processes. This study will look at the intersection of agency and structure by focusing the analysis and central hypotheses on the role of the federal chancellor as an actor and the influence that coalition politics has on the outcome of the decision-making process.

With the actors, structures, and hypotheses outlined in this chapter, the next step is to define the analytical framework on decision making within which actors and structures interrelate. The analytical framework will then be applied to the case study of Afghanistan to determine how the policy-making process works, that is, what kinds of institutional instruments can actors bring to bear in the construction of policy outcomes.

## **Chapter 5: German Foreign Policy Decision Making: Constructing a Framework for Analysis**

### *Introduction*

The theoretical discussion thus far has been that much of the literature on post-unification German foreign policy has been concentrated at the international relations (IR) level, while few studies have dealt with German foreign policy decision making itself—that is, not the nature of German foreign policy (“normal” versus civilian power, multilateral versus unilateral) but, rather, how foreign policy decisions are formed and which factors are more influential in the decision-making process. As argued earlier, a Foreign Policy Analysis (FPA) approach is better suited to such inquiries. This chapter will take the theoretical analysis one step further by exploring various models of decision making found in the literature and laying out a decision-making framework for analyzing German foreign policy decision-making process functions. The framework will then be applied to the case of decision-making in the case of Afghanistan.

### *Foreign Policy and Decision-Making Models*

Various types of approaches have been posited to study the process of foreign policy decision making. The approaches can be organized into three general categories: rational actor/rational choice models, organizational process models, and

cognitive-psychological models.<sup>222</sup> Classic decision-making models reflect the centrality of rationality in international relations theory; policymakers weigh both utility and probability and make the most rational choice to maximize their utility for the most optimal policy.<sup>223</sup> However, it became clear that such overarching assumptions of rationality were problematic. The assumption that actors are rational-driven decision makers did not hold up to empirical scrutiny, and subsequent theoretical contributions—from Herbert Simon’s work on bounded rationality to Charles Lindblom’s study of “muddling through” and John Steinbruner’s theory of cybernetic decision making—made important modifications to the assumption of rational decision makers.<sup>224</sup>

Nevertheless, these interest-based models of decision making remained problematic because they tended to ignore the domestic level factors that affect policy preferences. Theorists turned to state-level factors to build a more accurate picture of decision making. Graham Allison took the theoretical debate one step further with his classic work on bureaucratic and organizational processes, *The Essence of Decision*.<sup>225</sup> Allison pointed out the weaknesses of the rational actor model and introduced two alternative frames of reference, the bureaucratic politics model and organizational processes model, which some theorists now call “governmental

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<sup>222</sup> See discussion in Helga Haftendorn, “Zur Theorie aussenpolitischer Entscheidungsprozesse,” *Theorien der internationalen Beziehungen*, ed. Volker Rittberger (Opladen: Westdeutschen Verlag, 1990), 406–407.

<sup>223</sup> James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*. 5th ed. (New York: Addison Wesley Longman, Inc., 2001), 560–561.

<sup>224</sup> See Christopher Hill’s chapter on rationality in foreign policy, in Christopher Hill, *The Changing Politics of Foreign Policy* (Houndsmill, Basingstoke: Palgrave MacMillan, 2003), 98–107.

<sup>225</sup> See Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971); and Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed. (Redding, MA: Longman, 1999).

politics.”<sup>226</sup> Allison argued that policy decisions may not be based on a strict cost-benefit analysis but by competing bureaucratic interests and internal bargaining processes that can result in sub-optimal outcomes. Actors respond not according to a set of ordered rational assumptions but to parochial concerns driven by bureaucratic wrangling among actors.

Allison’s work is important in that he showed the significance of domestic political drivers in foreign policy decisions. A state’s bureaucratic apparatus does, in fact, influence policy decisions, but while the bureaucratic politics model remains widely in use, its basic assumptions have come in for much theoretical and methodological criticism. Successive studies have cited several conceptual weaknesses—among others, an oversimplification and over-emphasis on the U.S. case, a focus on crisis decision making while neglecting routine decision making, and inattention to the dynamics of learning and adaptation.<sup>227</sup>

The most logical conclusion is to develop a more integrated framework of analysis, one that would take into account both agent as well as structural variables. Institutions, which are created by actors to organize political behavior and streamline decision-making processes, can provide the integrative link because individual action

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<sup>226</sup> See the contributions in Eric Stern and Bertjan Verbeek, “Whither the Study of Governmental Politics in Foreign Policymaking? A Symposium,” *Mershon International Studies Review*, 42, (1998): 205–255; Hill, 85–92.

<sup>227</sup> Stern and Verbeek, 207–209; for a broader discussion of Allison’s earlier work, see David Welch, “The Organizational Process and Bureaucratic Politics Paradigms: Retrospect and Prospect,” *International Security*, 17, no. 2 (1992); Stephen D. Collins, *German Policy-Making and Eastern Enlargement of the EU During the Kohl Era* (Manchester and New York: Manchester University Press, 2002), 33–34; Dirk Peters, “Ansätze und Methoden der Aussenpolitikanalyse,” *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hellmann, and Reinhard Wolf (Wiesbaden: VS Verlag für Sozialwissenschaften, 2007), 825–826; Gerald Schneider, “Die bürokratische Politik der Aussenpolitikanalyse: Das Erbe Allison im Licht der gegenwärtigen Forschungspraxis,” *Zeitschrift für Internationale Beziehungen*, 4, no. 1 (1997): 108–111.

is shaped by the institutional setting in which it is embedded. Institutions are structures, but they possess their own dynamics that in turn shape processes.

### Core Elements of Decision-Making Framework

The need, then, is to build an integrative framework for analyzing foreign policy decision making that allows for the interplay of actors and structures. In his development of a general framework for analyzing decision making, Frederick Mayer provides an integrated approach that takes into account two dimensions of policy interaction: the impact of international versus domestic variables, and the importance of incorporating all three levels of analysis: systemic (interests), state (domestic institutions, political system), and individual (actors, societal norms).<sup>228</sup> Mayer attempts to define behavioral patterns of actors as they move between the three levels of analysis. Following Mayer's discussion, the argument at the international level is that the higher the political stakes, the more likely actors are to act in a more rational, self-interested manner. At the state level, where domestic political variables are more influential, the assertion is that when domestic variables come into conflict with external level factors, the higher level process will be more important. Finally, at the individual level of analysis, Mayer acknowledges that statements about "predicting" individual level behavior are very difficult and so directs the researcher to look at which stage of the process individual-driven variables (what Mayer calls "symbolic politics") matter most.<sup>229</sup> In examining the course of the decision-making process,

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<sup>228</sup> Frederick Mayer, *Interpreting NAFTA: The Science and Art of Political Analysis* (New York: Columbia University Press, 1998), 14–15.

<sup>229</sup> Mayer, 24–25.



attention must be paid to which interests prevail and which factors weigh more heavily than others in shaping the policy preferences.

In a similar vein, Risse-Kappen also argues that complex models must integrate external and domestic variables as well as incorporate all three levels of analysis.<sup>230</sup> There are many examples of external factors influencing domestic political dynamics and decisions—policy leaders are often forced to change their political preferences when external factors intervene, for example—but it does not necessarily follow that such external variables are determinant. Political decisions cannot be explained without references to the motivation of actors and the domestic political context and institutional structures in which decisions are met. These policy networks are seen as the “mechanisms and processes of interest representation linking the political systems to their societal environments, such as political parties and interest groups. This concept emphasizes the ability of political actors to build consensus among the relevant elite groups in support of their policies.”<sup>231</sup>

#### *Framework for Analysis: German Foreign Policy Decision Making*

Before setting out the general framework for analyzing post-unification German foreign policy decision making, it is useful to ask what is known about the elements and the formal and informal dynamics of decision making in the German case. A study of the literature on German foreign policy analysis shows the paucity of studies that have focused on explaining the decision-making process per se. Helga Haftendorn, arguably one of the most influential German scholars on German foreign

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<sup>230</sup> Harald Müller and Thomas Risse-Kappen, “From the Outside In and from the Inside Out: International Relations, Domestic Politics, and Foreign Policy,” in Valerie M. Hudson and David Skidmore, eds. *The Limits of State Autonomy* (Boulder: Westview, 1993), 31.

<sup>231</sup> Müller and Risse-Kappen, 35.

and security policy, was the exception. Her co-edited book in 1978 aimed at expanding the theoretical literature on foreign policy decision making.<sup>232</sup> Haftendorn's work in the 1970s and 1980s did not include an outline of a general model or framework of West German foreign policy decision making, presumably because the unique position of Germany as an occupied, semi-sovereign state did not lend itself to generalizable statements about its foreign policy behavior. Indeed, Haftendorn's 1989 article outlining a "foreign policy priorities conflict" paradigm for the analysis of West German foreign policy argued that West Germany's dependence on the United States meant that it was forced to align its own security priorities with those of the United States and that this compliance often led to domestic political conflict, which German leaders were forced to accept as a price for American security guarantees.<sup>233</sup> Thus the defining characteristic of German foreign policy, and by inference the parameter shaping decision making, was the limits on its scope of action and stronger external pressures due to Germany's semi-sovereign status and its strategic dependence on the United States.

Catherine Kelleher, too, published studies of West German security policy that discussed the decision-making process, though it focused on defense policy and decision making in the Ministry of Defense. Kelleher's 1982 chapter on Germany's defense policy also emphasized the constrained nature of West German defense decision making and the centrality of the United States and external pressures in the

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<sup>232</sup> Helga Haftendorn, "Verflechtung und Interdependenz als Strukturbedingungen westdeutscher Aussenpolitik," eds. Wolf-Dieter Karl, Joachim Krause, and Lotar Wilke, *Verwaltete Aussenpolitik. Sicherheits- und entspannungspolitische Entscheidungsprozesse in Bonn* (Cologne: Verlag Wissenschaft und Politik), 15–38.

<sup>233</sup> Helga Haftendorn, "Aussenpolitische Prioritäten und Handlungsspielraum. Ein Paradigma zur Analyse der Aussenpolitik der Bundesrepublik Deutschland," *Politische Vierteljahresschrift*, 30, no. 1 (1989): 45–47.

decision process.<sup>234</sup> In essence, the structure and doctrine of Germany's armed forces did not reflect German strategic concepts and choices but, rather, the kinds of political accommodations worked out between the United States and Germany during the Cold War.<sup>235</sup>

The problem, of course, is that these studies were published prior to the fall of the Berlin Wall in November 1989 and are of limited use in evaluating patterns of decision-making in post-unification German foreign policy. In this sense, then, Gerald Schneider is right to highlight the neglect of German foreign policy studies and to call for more research on analyzing German foreign policy decision making. In his view, one way to overcome this conceptual stagnation is to apply an institutionalist perspective into foreign policy analysis, thus acknowledging the contribution Allison made in showing the importance of internal domestic drivers of foreign policy actions, that is, emphasizing interaction between groups of actors involved in decision-making that can affect policy substance.<sup>236</sup> Incorporating a study of institutions—structured organizations, norms, practices, rules, and regulations—brings important insights into the analysis by addressing important questions such as how coordination within the foreign policy process is achieved; how, in complex organizations, operationally relevant practices and conventions develop; and how

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<sup>234</sup> Catherine Kelleher, "Defense Policy of the Federal Republic of Germany," eds. Douglas J. Murray and Paul R. Viotti, *The Defense Policies of Nations: A Comparative Study* (Baltimore and London: Johns Hopkins University Press, 1982), 283. In terms of a description of the institutional structure of defense decision making, Kelleher's revised chapter in the 1994 edition of Murray and Viotti's book, co-authored with Cathleen Fisher, was not substantially different from the chapter published in 1982. Interestingly, one change from the 1982 edition was the assertion that the role of the Chancellery has expanded in the wake of unification, though there was no evidence cited to support this view. See Catherine Kelleher and Cathleen Fisher, "Germany," eds. Douglas J. Murray and Paul R. Viotti, *The Defense Policies of Nations: A Comparative Study* (Baltimore: Johns Hopkins University Press, 1994), 174.

<sup>235</sup> Kelleher, "Defense Policy," 293–294.

<sup>236</sup> Schneider, 109.

informal communication networks contribute to the functioning of institutional structures.<sup>237</sup>

Thus, this chapter turns to the task of taking the first step in constructing an outline of a decision-making framework that can be applied to post-unification German foreign policy decision making, with an emphasis on ascertaining how institutional structures and practices, both formal and informal, shape the decision-making context within which actors interact and ultimately determine policy preferences. Institutions can enable or constrain actors in the decision-making process; they can limit or expand the relative influence of actors; they can have the effect of channeling policy preferences in one direction or another; and they can determine the quality of the political outcome.<sup>238</sup>

#### *General Structure of German Decision-Making Framework*

Karl-Rudolf Korte and Manuel Fröhlich provide a detailed examination of politics and governance in Germany. In their book, on which the following discussion is based, the authors begin with a general discussion of explanatory models and then outline the central concepts necessary for an analysis of decision making, particularly in the German context. Normally three general models are offered to explain decision making: either actor decisions are determinant, structures are determinant, or a combination of both. Every decision, however, is dependent not only on the actors involved in the decision but on the institutional environment and the form of governance. There is, then, an active relationship between actors and

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<sup>237</sup> Ibid, 115.

<sup>238</sup> Karl-Rudolf Korte and Manuel Fröhlich, *Politik und Regieren in Deutschland* (Paderborn: Ferdinand Schöningh, 2004), 25.

structures that an integrated model for analyzing decision-making acknowledges; both are co-determinant. Actors make decisions within institutional contexts and structures, and institutions create opportunities or barriers to power.<sup>239</sup>

Korte and Fröhlich outline four analytical tools for decision making: the political system, the policy cycle, policy networks, and veto players. At the most abstract level is the political system, understood as the totality of structures/institutions and practices that actors integrate via a dynamic of regularized interaction. This basic component must be supplemented by an understanding of policy cycles. Though more often than not used as a heuristic device rather than an empirical tool, the point is that policy cycles can show how actors within institutions act in the political process. Important factors can be highlighted through policy cycles: how actors influence the process as well as in which stage of the policy cycle that influence is applied (defining the problem, seeking alternatives, formulating and implementing a policy response); the power position of the actors (coalition party or opposition, executive or minister); or the constellation of actors and the context of their action.<sup>240</sup>

A decision-making framework must be able to identify the policy networks that in turn define the policy dynamic, that is, the structure of interlocking social, economic, or political relationships that build a specific group of actors or coalitions that are anchored in the various institutions involved. Many policy networks are political or administrative in nature; others are defined interest groups. Identifying policy networks can provide relevant information: What are the opportunities and the

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<sup>239</sup> Ibid., 22–24.

<sup>240</sup> Ibid., 26–32.

constraints the actors face, and where are the points at which policy decisions are finalized or forestalled? An important policy network relevant to this study is the relationship between the German government and the parliamentary majority in the Bundestag.

Finally, specific veto players can be identified in the decision-making process. Based on George Tsebelis's work, veto players are individuals or collective actors whose approval is necessary for a change in policy, meaning a change in the conditions of governance. Such players are based in institutions, parties, or other organizations tied to specific policy fields (e.g., unions, corporations).<sup>241</sup> This study's two hypotheses recognize important veto players in the decision-making process: the federal chancellor, the governing coalition, and the Bundestag by virtue of its constitutive right to vote on out-of-area missions.

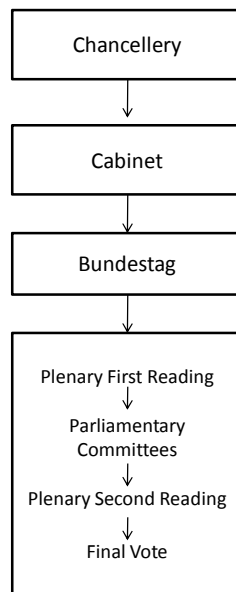
### Formal Process

What do we know, then, about the formal and informal aspects of foreign policymaking in general and the process of decision making related to German military deployments in particular? In terms of the decision-making elite, the major actors are composed of the government (chancellor, Chancellery), the relevant ministries (and cabinet ministers), the party establishment (particularly the leaders of the fractions and working groups), and the Bundestag (relevant committees). Generally, the foreign policy decision-making process for out-of-area missions closely resembles the process by which parliamentary laws are adopted.

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<sup>241</sup> Ibid, 32–36.

The formal process, as outlined in Figure 5, begins with the government’s drafting of a motion that lays out the legal basis on which it is acting (e.g., UN Security Council resolution) and outlines the specific parameters of the mission—purpose and aim, geographical reach, troops limits, operational resources, and funding source and cost.



**Figure 5: Formal Steps of Decision Making Process**

Motions on politically sensitive missions usually are more detailed.<sup>242</sup> The Chancellery and the relevant ministries, with the Foreign Office in the lead, coordinate in the drafting of a motion. The Chancellery begins the process of evaluating the political and military options. The Chancellery is the tool of executive authority and a powerful instrument that enables the chancellor to harness the process. The administrative/bureaucratic elite in the ministries provide the substantive

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<sup>242</sup> Julia von Blumenthal, “Decision-Making by the German *Bundestag* on Out-of-Area Missions,” paper presented at the Council on European Studies Conference, Chicago, Illinois, March 2004, 3.

expertise, and there is a great deal of inter-ministerial coordination, particularly between the Foreign Office and the Defense Ministry.<sup>243</sup> The inter-ministerial coordination within the Chancellery runs parallel to the intra-ministerial process, which proceeds from the substantive divisions and bureaus up to the state secretaries (roughly equivalent to undersecretaries) and finally to the federal minister for his/her recommendation.<sup>244</sup> The one relevant cabinet committee, the Federal Security Council, is largely absent in this process. Once the drafting of the motion is completed, the issue is placed on the federal cabinet's agenda for discussion and a final vote. Cabinet meetings are highly orchestrated; a motion is placed on the agenda only when consensus has been reached. Votes thus tend to be pro forma.<sup>245</sup>

The chancellor is aided by several formal instruments of governance that influence the process of decision making, as mentioned earlier in Chapter 3. As the chief executive and head of government, the chancellor has the constitutive right to set general policy guidelines (*Richtlinienkompetenz*), and he or she can apply the full weight of the Chancellery, which serves as the central nexus of information, inter-ministerial coordination, and policy formulation and management.<sup>246</sup>

Once the motion is finalized by the government and voted on in the federal cabinet, it is sent to the Bundestag. The motion is given its first reading in the plenary

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<sup>243</sup> Lothar Rühl, "Security Policy: National Structures and Multilateral Integration," *Germany's New Foreign Policy: Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndsmills Basingstoke: Palgrave, 2001), 106.

<sup>244</sup> Klaus H. Goetz, "Government at the Centre," in *Developments in German Politics 3*, eds. Stephen Padgett, William E. Paterson, and Gordon Smith (Durham: Duke University Press, 2003), 27–29.

<sup>245</sup> Karl-Rudolf Korte, "Bundeskanzleramt," 207; Klaus von Beyme, "Elite Relations in Germany," *German Politics*, vol. 10, no. 2 (August 2001): 24; Gert-Joachim Glaessner, *Politik in Deutschland*, 2nd ed. (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006), 413.

<sup>246</sup> Ferdinand Müller-Rommel, "The Chancellor and His Staff," *Adenauer to Kohl: The Development of the German Chancellor*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 108.



and then forwarded to the relevant parliamentary committees for further evaluation. The Foreign Affairs Committee acts as the lead committee and clearing house for the parliamentary motion that is built upon the government's proposed motion. The Foreign Affairs Committee works closely with the Defense Committee, while other committees (e.g., Defense, Finance, Interior) act in an advisory fashion. Thus, the Foreign Affairs Committee plays a more influential role in shaping the motion's content. The Foreign Affairs Committee finalizes a recommendation and report (*Beschlussempfehlung und Bericht*) in which it advises parliament on how to vote on the motion. The Finance Committee submits a separate report.

Once the motion clears the committee, it is returned to the plenary for a second (and sometimes a third) reading and debate in the Bundestag, after which the motion is voted on. Every vote on an out-of-area-mission is a roll-call vote—not a fixed rule, but an established parliamentary practice. The final determination is an up-or-down vote, since the 1994 Constitutional Court decision ruled that the Bundestag cannot change the substance of a motion. The high turnout for the out-of-area mission votes reflects the degree of sensitivity such votes retain.

The Bundestag has several formal instruments that enhance its potential for shaping policy preferences relating to out-of-area missions. Most importantly, the German military forces are a *Parlamentsarmee*, or parliamentary army—constitutionally and legally more closely regulated by the Bundestag than almost any other national military force. The 1994 Federal Constitutional Court's decision on the constitutionality of German participation in out-of-area missions gave the determining vote to the Bundestag, based on its assessment of constitutional

provisions and legal traditions that have established the principle that the consent of parliament is required to send German armed forces abroad—thus making the Bundeswehr subject to parliamentary control. Furthermore, the Parliamentary Participation Act regulates the Bundestag’s direct involvement in out-of-area decisions. The Bundestag has several other formal instruments with which it can apply pressure in policy debates, such as its control over the budgetary process and the use of minor and major interpellations in parliamentary debates. The interpellations are particularly useful for opposition parties as a tool to force the government and federal administration to provide policy-related information.<sup>247</sup>

In sum, the decision-making framework first involves close information exchange and coordination between the Chancellery and ministries and between the government and the political parties and parliamentary party fractions. The Bundestag remains a central actor by virtue of the legal/constitutional frameworks set out by the German Basic Law, by the Federal Constitutional Court’s rulings on out-of-area missions, and the Parliamentary Participation Act established in 2005.

### Informal Process

In Germany, as in other states, there has been a growing reliance on informal processes in decision making.<sup>248</sup> The problems associated with the usual dilemmas of coordination due to bureaucratic competition, imperfect information, and time pressures often lead to efforts to bypass formal institutional structures by establishing informal practices and networks to speed up the process or overcome bureaucratic

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<sup>247</sup> Wolfgang Ismayr, “Bundestag,” *Handbuch zur deutschen Aussenpolitik*, eds. Siegmund Schmidt, Gunther Hoffmann, and Reinhard Wolf (Wiesbaden: VS Verlag für Sozialwissenschaften, 2007), 183.

<sup>248</sup> Rühl, 107–111.

hurdles. Formal constitutional structures increasingly are bypassed in favor of informally constituted groups of decision makers in a triangular matrix composed of government (chancellor/Chancellery), ministerial bureaucracies (particularly Defense Ministry and Foreign Office), and party (particularly the governing party majority in parliament—i.e., parliamentary factions and their executive committees).<sup>249</sup> In parliamentary democracies, then, there is a symbiotic relationship between government and parliament, linked through the parliamentary party fractions of the governing majority parties.

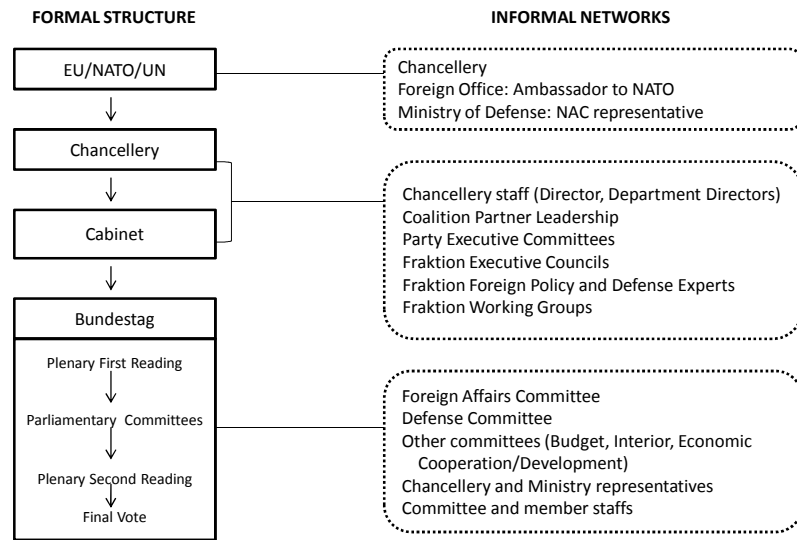
However, effective governance in parliamentary democracies depends not merely on the political fine-tuning between the government and the coalition parties, but with the opposition parties as well. For the consensus-driven German parliamentary system of government, opposition parties are often approached and drawn into the deliberative process, particularly on policies with significant political ramifications.<sup>250</sup> It is assumed that such informal networking is well developed with regard to the politically precarious issue of military deployments.

Figure 6 outlines the formal decision-making structure and the parallel informal communication networks active during various stages of the decision-making process.

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<sup>249</sup> Korte and Fröhlich, 41–42.

<sup>250</sup> Ibid, 43; interviews in Berlin on November 12, 16, 2009.



**Figure 6: Formal Structures and Informal Communication Channels**

Lothar Rühl writes that there is a growing tendency to disassociate decisions from the “formally competent institutions and from formal procedures.”<sup>251</sup> It is often the case that coalition party leaders make decisions on policy preferences before the federal government lays out its formal motion.<sup>252</sup> Membership within formal institutional bodies often is composed of regular members and outside representatives from these cross-cutting networks between government, party, and administrative bureaucracy.

For example, the chancellor chairs the Federal Security Council and sets the agenda. Membership in this executive committee is composed of representatives from the ministries, party leaders, and parliamentary group leaders, some of whom are full participants while others are present only in an advisory capacity. This kind of

<sup>251</sup> Rühl, 108.

<sup>252</sup> Rühl cites several examples: the 1982 decision on arms exports, the 1988 decision to remove the Pershing-I weapons system; the 1989 decision to postpone the modernization of short-range missiles; and decisions to cut back on defense spending and the length of conscription service. See Rühl, 109.

integrated decision network means that the outlines of policies often are negotiated in closed sessions before the final process of drafting the motion is completed. Thus, coalition leaders participate directly in setting the direction of policy preferences before the federal government submits the formal resolution. In the case of the federal cabinet, where a consensual and unanimous vote is expected, it follows that the details of the policy objectives are worked out in advance of the vote itself.

In the Bundestag as well, committee meetings reflect this informal integrated communication network. Representatives from the Chancellery or federal ministries regularly attend and participate in parliamentary committee meetings. Also, if the Bundestag can only vote to accept or reject the government's motion relating to an out-of-area operation, then members of parliament rely on a network of informal, ad hoc meetings to ensure that they are involved in the decision-making process.

These informal structures of decision making point to the tensions inherent in the German political system. Coalition governments require close coordination between competitive parties that have their own distinct political agendas. Thus, one ongoing source of tension is the competition between the governing parties. Further tension exists between the chancellor and the ministries, where the chancellor's right to set general policy guidelines is offset by ministerial autonomy.

Finally, scholars also point to several factors that have undermined the formal competences of actors in the decision-making process: the increasing complexity of foreign policy issues, the blurred line between domestic and foreign policy issues, and the expansion of non-state actors—all of which have led to the growth of informal

policy networks and influence of bureaucratic actors with specialized policy expertise.<sup>253</sup>

### Summary

Political decisions are made by actors functioning within institutional structures and are dependent on the interests of the actors and the institutional context; government action is shaped by the actors themselves (their leadership and decision-making styles) and the formal structures of governance that define where formal political authority resides. And yet, explanations of decision-making processes that incorporate only the formal legal/constitutional structures of governance are insufficient in explaining policy outcomes. It is because formalized decision-making structures often hinder efficient and timely decision making that actors have turned to informal practices and arrangements to overcome bureaucratic obstacles or political resistance.

This analytical framework will be applied to the case of Germany's participation in the NATO-led mission in Afghanistan. The analytical steps taken in this study will begin with the identification of actors and actor preferences, seeking to determine the relative weight and influence of the actors in the decision-making process and, in keeping with the study's first hypothesis, whether the chancellor wields greater influence in the decision-making process. The next step will examine the dynamics of coalition politics to determine its relevance in the decision-making process and in particular whether the junior coalition partner wields any significant influence in terms of shaping policy preferences. The decision-making process

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<sup>253</sup> Rühl, 102–103.

itself—both informal and formal institutional structures—will be mapped in order to determine how foreign policy decisions are arrived at, and whether the analytical framework outlined stands up to empirical analysis. The next chapter will present the case study of Afghanistan, from the initial decision to participate in Operation Enduring Freedom (OEF) in October 2001 and the International Security Assistance Force (ISAF) in December 2001, through to the government’s abandonment of its role in OEF in December 2008.

## Chapter 6: The Case of Afghanistan

### Introduction

Afghanistan is the most important case in the third phase of Germany's adaptation to its role as a major contributor of troops to out-of-area missions. For the first time, German forces were deeply engaged in a military operation beyond Europe's borders. While Germany's role was presented to the public as a reconstruction and development aid mission, the terms of engagement began to shift to a more security-driven mission as the conflict intensified with no resolution in sight. The difference in how Operation Enduring Freedom (OEF) and International Security Assistance Force (ISAF) missions were perceived reflects the contradictions in German policy in Afghanistan and the demands of finding an effective balance between Germany's international commitments and domestic dissent regarding the use of military force.

The September 11 terrorist attacks against the United States brought a swift and strong statement of support from the German government. In a press conference on September 12, and again in an address to the Bundestag on September 19, 2001, Chancellor Gerhard Schröder offered Germany's "unlimited solidarity"<sup>254</sup> and its

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<sup>254</sup> The German term used in the text is "*uneingeschränkte Solidarität*." The term is often misleadingly translated in English as "unconditional solidarity," though the word "*uneingeschränkt*" is translated more readily as "unlimited" or "unreserved," and the official English translations provided by the German government refer to Germany's "unlimited solidarity" (September 11 press conference) or "unreserved solidarity" (September 19), though not "unconditional (*bedingungslose*) solidarity." Translational nuances aside, the phrase was interpreted to mean Germany would unquestioningly back U.S. aims and requests for assistance in fighting global terrorism. But as Schröder made clear in an interview to the *New York Times* on August 17, 2002, the question of German support for a potential



assistance in pursuing the terrorists responsible for the attacks. Schröder's statement reflected the German state's willingness to accept a greater international role as well as the limitations on the application of German military force:

All allies have expressed their moral and political solidarity. This is only natural. We still do not know if the United States expects and will request support from the NATO partners, and if so, what kind of support. It could be military support. This option is not, and cannot be, excluded. Whatever form of support we are asked to provide, the Basic Law and the rulings of the Federal Constitutional Court will of course be respected. Naturally, every right has its corresponding duty. But the reverse is also true: any Alliance obligation corresponds to a right, in this case a right to information and consultation. What we as Germans and Europeans wish to achieve is unreserved solidarity with the US with respect to all necessary measures. Germany is prepared to take risks, even military ones, but it is not prepared to embark on any reckless adventure. Thanks to the prudent conduct of the American Administration, we have not been called upon to embark on any such adventure, and surely will not be in the future. This form of solidarity is what we have learnt from our history, a lesson which was bitter enough for the civilized world. A fixation on purely military means would be fatal.<sup>255</sup>

Schröder's statement revealed a number of things. First, Germany signaled it was prepared to meet its alliance obligations and assist the United States in efforts to fight global terrorism. Second, American expectations of some combined military action were acknowledged, though for the Germans such actions were to be channeled through a multilateral institutional setting and America's allies consulted on the matter. Third, the German government expected the request for assistance to include military forces, although the details were still to be worked out. Finally,

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military attack on Iraq was something quite different. See Steven Erlanger, "U.S. Quietly Chides German For His Dissension on Iraq," *New York Times*, August 17, 2002.

<sup>255</sup> For the September 12, press conference in English, see: [http://www.germany.info/relaunch/politics/speeches/091901\\_2.html](http://www.germany.info/relaunch/politics/speeches/091901_2.html). For the September 19 Bundestag speech in English, see: [http://www.germany.info/relaunch/politics/speeches/091901\\_2.html](http://www.germany.info/relaunch/politics/speeches/091901_2.html). For the September 19, 2001 text in German, see: <http://archiv.bundesregierung.de/bpaexport/regierungserklaerung/81/56381/multi.htm>.

Germany's contribution, whatever that proved to be, would be defined by its legal and constitutional obligations.

By the end of September 2001 plans were well underway for a military offensive in Afghanistan. As the U.S.-led incursion (OEF) went forward on October 7, 2001, German government officials did not rule out the possibility of German troops—even combat troops—being involved.<sup>256</sup> The Christian Democrats (CDU/CSU), Social Democrats (SPD), and Free Democrats (FDP) supported the U.S. action, the Party of Democratic Socialism (PDS) condemned it, and the Greens were divided. Public opinion also was divided, though the percentage of Germans who felt the incursion was justified had risen to just slightly over half of the population (51 percent). Within the German population, however, support for the U.S.-led offensive was significantly weaker among East Germans, the PDS, and the Greens.<sup>257</sup>

Chancellor Schröder and Foreign Minister Joschka Fischer were firmly committed to German participation, motivated by concerns for alliance cohesion and a desire to show that Germany was prepared to take responsibility in the emerging fight against global terrorism. Nevertheless undercurrents within their respective parties threatened to undermine the government's position. On the whole, the SPD was supportive, though there were some voices in the party's left wing that spoke out against the attack. The real problem for the Red-Green coalition lay in the pacifist wing of the Green party. As in the Kosovo case in 1999, the longer the air strikes in Afghanistan continued and media reports of civilian casualties mounted, the more

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<sup>256</sup> "Einsatz deutscher Soldaten in der Anti-Terror Allianz rückt näher," *Die Welt*, October 8, 2001.

<sup>257</sup> "Germany: Poll shows 51 percent support US strikes in Afghanistan," BBC Monitoring Europe, October 19, 2001.

support for the offensive began to decline. The Green party's executive council called for a halt to the bombing attacks, but Schröder rejected these calls out of hand.<sup>258</sup>

The growing unease within the Green party about the Afghanistan incursion placed pressure on the coalition itself. Schröder was clear about the path he had chosen: Germany would have to contribute to the fight against the terrorists, and that meant German soldiers might be deployed very soon. He was also clear about what his expectations were with regard to his coalition partner: they were to support his position or risk the collapse of the government if they failed to do so. In staking out a position, Schröder was also signaling to his own left wing that this was the SPD's position and that any opposition would not be tolerated.<sup>259</sup>

#### *OEF Vote November 2001: Fighting Terrorism*

The question of a German troop deployment meant that a Bundestag vote was necessary. Schröder met with the top leadership of the parties and the party fractions in the Bundestag to discuss the request that had been sent by President George W. Bush. The government took care in drafting its motion. The legal basis for the request to contribute German troops to the antiterrorism effort in Afghanistan was based on Article 51 of the UN Charter, the invocation of Article 5 of the North Atlantic Treaty, and the United Nations Security Council resolutions 1368 and 1373 as well as Article 24(2) of the Basic Law on which German membership in a system

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<sup>258</sup> "Grünen-Spitze unterstützt US-Angriff auf Afghanistan; nur vereinzelt Kritik an 'Krieg gegen Taliban;' die Reaktion in Deutschland," *Die Welt*, October 9, 2001; "Grüne schießen quer; Grünen-Parteirat für Aussetzung der Bombenangriffe. SPD-Spitze lehnt Forderung ab. FDP sieht Riss in der Koalition. CDU: Schaden für Deutschland," *Tageszeitung*, October 16, 2001.

<sup>259</sup> Kate Connolly, "Attack on Afghanistan: Germany: Schroeder warns Greens as military prepares to enter the fray: Coalition under threat over split in support," *The Guardian*, October 17, 2001; "Roth recht stur; Rot-Grün weiter im Streit um Feuerpause. Grüne Parteichefin: Solidarität heisst nicht, Ja und Amen zu sagen," *Tageszeitung*, October 22, 2001.

of mutual collective security (NATO) is based.<sup>260</sup> The motion allowed for a maximum of 3900 troops, including anti-biological warfare units, medical personnel, air and naval logistical support and personnel, and 100 Special Forces soldiers.<sup>261</sup>

As Schröder later emphasized in a speech before the Bundestag on November 8, specific conditions on the deployment of a maximum of 3900 soldiers would apply: the German government retained full control over any decisions regarding German armed forces, and the motion did not permit German troops to participate in any operations outside of Afghanistan. “This is the consequence of what we have proposed,” he declared.”<sup>262</sup> Schröder also touched on the motivations for sending troops to Afghanistan: first and foremost, it was a question of solidarity and of Germany’s responsibility as a member of NATO. What he did not mention, however, were the Special Forces (KSK) that had been approved.

Alliance solidarity notwithstanding, Schröder continued to wrestle with opposition within both government coalition parties. He rejected the SPD’s executive council’s own call for a cease-fire and continued to apply pressure on the Green party leadership. For some Greens, supporting the deployment was an existential question—no support meant the end of the coalition. Green parliamentary fraction leaders supported sending German troops but wanted a cease-fire for humanitarian reasons, while most rank and file members were opposed to any contribution at all and called for an immediate halt in the U.S.-led attack.

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<sup>260</sup> German government motion 14/7296, November 7, 2001, 1–5.

<sup>261</sup> See also Carol J. Williams, “Germany Orders Troops to Mobilize; Military: Contribution will include as many as 3,900 fighters and an array of hardware. Lawmakers are expected to give their approval,” *Los Angeles Times*, November 7, 2001; Steven Erlanger, “A Nation Challenged: Germany Ready to Send Force of 3,900; Not Clear If They Would Be Combat Soldiers,” *New York Times*, November 7, 2001.

<sup>262</sup> German Bundestag, Government Statement by Chancellor Schröder, Plenarprotokoll 14/198, 19283.

Again, Chancellor Schröder and Foreign Minister Fischer faced the problem of finding a balance between external pressures and domestic political constraints. NATO had invoked Article 5 for the first time in its history, and the UN had passed resolutions that set future UN actions within the parameters of Chapter VII of the UN Charter in response to the terrorist threat. In addition, Schröder had promised “solidarity” with the United States and given assurances that it would be an active and reliable partner in fighting terrorism. Finally, the German government wanted to convey the broader message that it was a reliable partner willing to play a greater international role and capable of shouldering its share of the responsibility.

Domestic political dynamics strained against these factors. Both Schröder and Fischer faced challenges to their leadership from inside their parties. Unlike Helmut Kohl, Schröder’s power base was not centered within the party. Kohl’s strength—and authority over the CDU—lay in his ability to manage party tensions through a patronage system that reached deep into the party base.<sup>263</sup> Schröder, on the other hand, was not reliant on the party for his political power and often circumvented rather than controlled the opinion-making and decision-making dynamics within the SPD, relying instead on outside experts and advisers.<sup>264</sup> This style of leadership made Schröder more politically vulnerable to widespread internal dissent at a time when he still had to contend with strong opposition from the left wing of the SPD—enough, as

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<sup>263</sup> The fact that the make-up of the federal cabinet showed a much smaller number of cabinet ministers who also were members of parliament was reflective of this leadership style as well. See Stephen Padgett, “The Chancellor and his Party,” ed. Stephen Padgett, *Adenauer to Kohl: The Development of the German Chancellorship* (Washington, DC: Georgetown University Press, 1994), 68–71.

<sup>264</sup> Torben Lütjen and Franz Walter, “Die präsidentiale Kanzlerschaft,” *Blätter für deutsche und internationale Politik* 45, 23 (2000): 1309–1310; Ludger Helms, “The Changing Chancellorship: Resources and Constraints Revisited,” *German Politics* 10, 2 (August 2001): 161–162.

it turned out, to pose a serious problem for him. When Schröder needed unquestioning support, it was not forthcoming.

As a consequence, Schröder's ability to manage the coalition was endangered as well. Relations within the Red-Green coalition had been marked by growing tensions on several policy fronts, such as immigration, internal security measures, and the question of civil liberties (in the wake of September 11). The disagreements placed more pressure on the Greens as the coalition partner because Schröder was willing to cross the aisle to negotiate with the opposition parties to push through his agenda. More to the point, Schröder made it clear that the SPD had the option of choosing the FDP as a coalition partner if the Greens were unwilling to give ground on this issue. The Green Party's relative weight in the coalition had been weakened by a string of electoral losses on the state level that threatened their survival as a parliamentary party. Upcoming local state elections in Berlin showed a real danger of disaffected and more left-leaning Green Party members defecting to the PDS, which would further weaken the Green Party's political standing.<sup>265</sup> These problems reduced the Green party leadership's ability to counter the SPD's pressure on them and to direct the policy debate toward their preferred outcome.

One question worth exploring is why the Afghanistan deployment became such a contentious issue for the Green Party. One could reason that the question of supporting peacekeeping missions had been laid to rest after a majority of Green Party members backed Foreign Minister Fischer's call to support the Kosovo mission in 1999, and yet the Greens appeared more divided than ever. Part of the answer is

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<sup>265</sup> Haig Simonian, "Germany's pacifist Greens voice misgivings," *Financial Times*, October 18, 2001; Williams, *Los Angeles Times*, November 7, 2001.

that the support the rank and file gave to their political leadership to assist in preventing human rights violations and reducing the conflict did not necessarily alter or diminish the ingrained skepticism and outright opposition to the use of military force to solve political conflicts. Furthermore, many Greens were concerned that the party's support for the United States following the September 11 attacks and the lengthy air campaign and rising number of civilian casualties had damaged the party's identification as a *Friedenspartei*, or "peace party." More importantly, the Greens were now a governing party, and there remained a division between those members who emphasized taking a principled position and those pragmatists who were unwilling to bring the government down on this issue.

#### Macedonia Mission

Another important factor that played into the argument over Afghanistan was the tense debate two months earlier, in August 2001, over the vote to contribute German troops to the mission in Macedonia. This was an important backdrop because the signs of discontent and mutiny within the party ranks were already visible. Tensions with the Albanian population in Kosovo had spilled over into Macedonia in the spring of 2001, resulting in a growing separatist revolt by Macedonia's ethnic Albanian minority. The EU sought unsuccessfully to broker a peace, and on June 29, 2001, NATO resolved to send a force to Macedonia to monitor the disarmament of the Albanian separatists as part of the negotiations for a compromise settlement.

By August 2001, the two sides in the conflict had finally reached agreement, and NATO prepared to send troops as part of its operation "Essential Harvest," which was conceived as a thirty-day mission to assist in the disarmament of ethnic Albanian

fighters. Operation Essential Harvest was later replaced by “Amber Fox” on September 27, 2001. The new mandate was intended to protect EU and OSCE monitors who had been sent to Macedonia to assist in implementing the peace plan.<sup>266</sup> In terms of out-of-area operations, the Macedonian mission was a milestone that marked the beginning of closer cooperation between NATO and the EU. It was also the first time that the EU assumed sole command of such a mission.

The Bundestag debate on the mission reflected the skepticism felt across the political spectrum.<sup>267</sup> The conservatives opposed the Macedonian mission because they felt the Bundeswehr lacked the necessary resources to do the job. Members of Schröder’s own coalition argued against the mission for other reasons: there was no UN mandate; the mission itself was not adequately defined; and in their view the resolution of the conflict did not warrant the use of military forces. Some conservative members along with thirty-five members from the governing coalition parties announced they would vote against the NATO mission to disarm the Albanian separatists.<sup>268</sup>

German government officials were committed to sending troops, though there were differences between the political leadership and other bureaucratic actors (e.g., Foreign Office, Defense Ministry) with regard to the timing of the operation and the balance of responsibilities between the EU and NATO. The need to support the fledging European Security and Defense Policy (ESDP) and ensure a strong German

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<sup>266</sup> See NATO website: <http://www.nato.int/fyrom/home.htm>.

<sup>267</sup> For a discussion on the Macedonian vote, see Julia von Blumenthal, “Decision-Making by the German *Bundestag* on Out-of-Area-Missions,” paper presented at the Council for European Studies conference, Chicago, Illinois, March 2004, 5.

<sup>268</sup> Heiner Kiesel, “Unionsführung für Einsatz in Mazedonien,” *Welt-Online*, August 28, 2001.



role in it was an important though secondary concern to German policymakers.

NATO alliance considerations remained paramount.<sup>269</sup>

Assured by the government that the Bundeswehr's budget would be increased, the CDU/CSU ultimately announced they would support the mandate. However, Schröder failed to secure a majority of members from within the SPD and Green coalition, and so the motion passed only with the support of the parliamentary opposition parties (497–130–8).<sup>270</sup> The mission in Macedonia was the first time that a German government was unable to garner a parliamentary majority from within the governing coalition to carry a motion on an out-of-area operation. Arguably, the reality of facing another parliamentary revolt two months later over an even more controversial military deployment must have shaped the context in which the decision on the Afghanistan mission took place.

### Afghanistan Vote

The announcement that an unexpectedly large number of Green as well as SPD Bundestag members would vote against the Afghanistan deployment threatened a repeat of the Macedonian vote; internal dissent endangered the parliamentary majority that Schröder needed to prevail in the Afghanistan case. If the chancellor could not get the rank and file under control, his position as party leader would be severely compromised.

Schröder chose to resolve his dilemma by applying a tool that had been used only three times before in the history of the Federal Republic—that of the so-called

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<sup>269</sup> Eva Gross, "Germany and European Security and Defence Cooperation: The Europeanization of National Crisis Management Policies?" *Security Dialogue*, vol. 38, no. 4 (2007): 507–510.

<sup>270</sup> Deutscher Bundestag, Plenarprotokoll 14/184, August 29, 2001, 18210.

*Vertrauensfrage*, or motion of confidence. The motion of confidence, based on Article 68 of the Basic Law, is a parliamentary maneuver the chancellor can apply to determine whether or not he or she retains the support of a majority in parliament. The instrument is used when a political crisis threatens the viability and continuity of a sitting government to bind or obligate members in the governing parties to support the chancellor's course of action on a policy issue. If the motion carries, support for the chancellor's political agenda is confirmed; if the motion fails, the chancellor has lost the backing of parliament, and the government falls. The chancellor can then request that the federal president dissolve parliament and call for a new election.<sup>271</sup> The rarity of this instrument's use shows that this constitutional right is used *in extremis*, as an instrument of last resort to safeguard the position of the chancellor.

It was a big risk, but Schröder was known as a risk taker. Arguably, the outcome of a parliamentary vote on the Afghanistan mission was not one that Schröder would have lost, since the chancellor could have passed the motion by relying on the support of the CDU/CSU and the FDP, as had occurred with the Macedonia deployment. However, taking this route to securing the German mission to Afghanistan would have signaled that Schröder was no longer in control of his governing coalition, and it would have raised questions among Germany's allies about its reliability as a security partner. Thus, allowing the opposition parties to cast the determining votes would weaken the coalition and endanger Schröder's own

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<sup>271</sup> The vote of confidence is often discussed in conjunction with the constructive vote of no-confidence (konstruktives Misstrauensvotum) (Art. 67 GG). They are complementary, but there is a difference: with the vote of confidence, the chancellor seizes the initiative to submit a motion; the constructive vote of no-confidence is called by the Bundestag itself, not the chancellor. See German Wikipedia, "Vertrauensfrage," at: <http://de.wikipedia.org/wiki/Vertrauensfrage>; Heinrich Oberreuter, "Vertrauensfrage," in *Handbuch des politischen Systems der Bundesrepublik*, Bundeszentrale für politische Bildung, available online at: <http://www.bpb.de/wissen/09227029410039753516108462466007,0,0,Vertrauensfrage.html>.

political future.<sup>272</sup> The choice was getting the mission or getting control of his party and, by extension, the coalition. The gamble was that he could get both. On November 13, 2001, Schröder announced he would call for a vote of confidence in his government and then intensified the political pressure on the dissenters by linking the *Vertrauensfrage* to the vote on the Afghanistan mission.<sup>273</sup> This tactical move was constitutionally permissible but had never been utilized before.<sup>274</sup>

Schröder's tactic meant that for reasons of political survival, the rebellious SPD and Green party members would be compelled to vote in favor of the motion.<sup>275</sup> Needless to say, the SPD and Green members of parliament were furious and accused the chancellor of political blackmail. However, the relatively weaker position of the Greens within the coalition mattered; their poor electoral prospects and relative inexperience in governance had made them more vulnerable to SPD pressure.<sup>276</sup> As the time frame narrowed down to the inevitable vote in the Bundestag, twelve parliamentarians—eight Green members and four Social Democrats—repeated their intent to vote against a German deployment. But in behind closed door sessions, pressure was applied and the calculations made: some of the recalcitrant members were permitted to vote no, while the rest were expected to vote in favor of the motion—thereby ensuring the necessary parliamentary majority.

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<sup>272</sup> Roland Eggleston, "Germany: Coalition Risks Split Over Troop Deployment Issue," RFE/RL, November 12, 2001.

<sup>273</sup> See "Antrag des Bundeskanzlers gemäß Artikel 68 des Grundgesetzes," Deutscher Bundestag, Drucksache 14/7440, November 13, 2001.

<sup>274</sup> Oberreuter, 1–2; see also Article 81 of Basic Law in Axel Tschentscher, *The Basic Law (Grundgesetz): The Constitution of the Federal Republic of Germany (May 23rd, 1949)*, SSRN Working Paper Edition November 2009, 61.

<sup>275</sup> Steven Erlanger, "German Leader Calls Vote of Confidence on Role in Afghanistan," *New York Times*, November 14, 2001.

<sup>276</sup> Haig Simonian, "Schroder's showdown: The German chancellor is risking his leadership and the ruling coalition on a vote on troop deployment in Afghanistan," *Financial Times*, November 15, 2001; "Koalitionskrise: Schröder stellt die Vertrauensfrage," *Der Spiegel*, November 13, 2001.

The defiant Green party members, however, were not without some leverage. A compromise that was intended to address the concerns of the members still undecided or opposed was eventually worked out. The compromise involved the SPD and Green party fraction leaders supporting a *Protokollnotiz*, or supplemental clause to the proposed motion. In the declaration, the federal government assures the Bundestag and its parliamentary committees that it will provide regular briefings and written reports on all of the German forces covered under the mandate. Furthermore, the Bundestag will be informed beforehand regarding any changes to the mandate, and the mandate will not be extended beyond the borders of Afghanistan. Finally, the government assures the Bundestag that the deployment of armed German soldiers will be carried out under German command and that “the ultimate decision regarding the concrete deployment of armed German forces lies solely with the federal government.”<sup>277</sup> The restrictions outlined in the *Protokollnotiz* regarding scope and locus of authority for deploying German armed forces were enough for many of the undecided SPD and Green Party members to declare their intent to vote in favor of the Afghanistan mission. In the end, the eight remaining Green Party objectors elected to split their votes so that four members could vote no—to signal that opposition to the motion remained—while the other four abstained.<sup>278</sup>

Nevertheless, if the motion of confidence had failed, Schröder still retained some options. The government would fall, but the SPD could salvage the situation by allowing the Red-Green coalition to collapse and then building a coalition with the

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<sup>277</sup> Deutscher Bundestag, “Beschlussempfehlung und Bericht,” Drucksache 14/7447, November 14, 2001, 5.

<sup>278</sup> Thorsten Denkler, “Werde keine Soldaten in den Krieg schicken,” *Süddeutsche Zeitung*, November 14, 2001; Matthias Meisner, “Skeptiker suchen einen Ausweg,” *Tagesspiegel*, November 14, 2001.

FDP, or it could govern as a minority government. The third option would be to call for early elections, but even then political observers believed the SPD would retain the advantage because the CDU/CSU—caught in the throes of a leadership crisis—would not have been a significant electoral threat. Regardless of which scenario one looked at, the consequences of a failed motion would leave the Greens in an even more vulnerable position.

Thus on November 16, 2001, a narrow majority of the German Bundestag voted to send German armed forces to participate in OEF in Afghanistan for an initial twelve-month period. The German contribution of up to 3,900 soldiers was composed, as initially proposed, primarily of anti-biological warfare units, support personnel (medical, air, and sea transport), and, importantly, 100 Special Forces personnel (*Kommando Spezialkräfte*, or KSK).<sup>279</sup> These Special Forces were to become the most controversial aspect of Germany's contribution to the Afghanistan mission.

The whole vote was, to many observers, a rank display of political cynicism and opportunism, particularly by the Greens.<sup>280</sup> As one journalist described it, Schröder had won, but he did so by “forcing the Greens to sacrifice principle for power.”<sup>281</sup> The government needed an absolute majority (*Kanzlermehrheit*) of 334 votes; it received 336, only two more than was required. The opposition CDU/CSU

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<sup>279</sup> Deutscher Bundestag, Antrag der Bundesregierung, Drucksache 14/7296, November 7, 2001, 3; “3900 Soldaten für ‘Enduring Freedom,’” *Süddeutsche Zeitung*, November 15, 2001.

<sup>280</sup> Interviews in Berlin, November, 2009; John Vinocur, “Vote on War Underscores Fragility of Berlin Goals,” *International Herald Tribune*, November 16, 2001.

<sup>281</sup> Steven Erlanger, “Pressing Greens, German Leader Wins Historic Vote on Sending Troops to Afghanistan,” *New York Times*, November 17, 2001.

voted as a bloc against the motion because it opposed Schröder's linkage of the two questions, even though the conservatives supported the Afghanistan mission.<sup>282</sup>

The coalition had been shaken by Schröder's strong-arm tactic and the sense among the rank and file Green members that the compromises they were forced to make to stay in power had been too costly, but Chancellor Schröder and Foreign Minister Fischer both viewed the vote as a test for Germany to show that it would live up to its international responsibilities and alliance obligations. Because the ongoing air strikes in Afghanistan were placing enormous pressure on the government and the coalition, and because there was discussion of opening up a ground assault should the air strikes prove insufficient, Fischer again turned to the task of finding a diplomatic solution before the government was compelled to send combat troops.<sup>283</sup> Germany lobbied hard to be given the chance to host the conference that would follow the cessation of conflict.<sup>284</sup> The German government placed a great deal of emphasis on Germany's role as a major contributor to the reconstruction of Afghanistan. When hostilities ceased, the donor conference intended to organize the reconstruction plan for post-conflict Afghanistan was set to begin in early December 2001 in Bonn.

#### *ISAF Vote December 2001: Civil Reconstruction*

The international community's efforts now turned toward stabilizing Afghanistan and building the necessary economic and political structures to secure a

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<sup>282</sup> Deutscher Bundestag, Plenumprotokoll 14/202, November 16, 2001, 19893; Peter Finn, "Schroeder Wins His Gamble On Troop Deployment Vote," *Washington Post*, November 17, 2001; "Vertrauensfrage Schröder besteht Machtprobe," *Süddeutsche Zeitung*, November 16, 2001.

<sup>283</sup> Sophie Mühlmann, "Fischers hehre Pläne für Afghanistans Nachkriegszeit," *Die Welt*, October 22, 2001.

<sup>284</sup> Steven Erlanger, "German Chancellor Shores Up His Shaky Coalition," *New York Times*, December 9, 2001.

lasting peace. The interim leadership of Afghanistan, led by Hamid Karzai, requested that the UN authorize a peacekeeping force to maintain a secure zone in and around Kabul as it began its task of constructing a functioning system of governance. As a consequence, on December 20, 2001, the UN Security Council passed Resolution 1386 establishing the International Security Assistance Force (ISAF) for Afghanistan to assist the Afghan authorities in maintaining security and a safe environment conducive for the reconstruction of the country. Thus the emphasis of the mission was not on peacekeeping but on “security assistance.”

In Germany, Chancellor Schröder agreed that if German assistance was requested, it must accept the responsibility. On December 21, the German federal cabinet passed the government’s motion to support the newly formed UN mission with a deployment of 1200 soldiers, and the motion was voted on and passed the following day in the Bundestag by a vote of 538–35–8.<sup>285</sup> All political parties save the PDS voted in favor of the motion, which set a six-month deadline for the mission. The German government went to great lengths to distinguish between the earlier OEF mission and the ISAF mission which, with its emphasis on civilian reconstruction and development assistance, they considered to be the major contribution of Germany to the Afghanistan mission. This insistence on a firm division between the OEF mission to fight terrorism and the ISAF mission to build civilian infrastructure became the defining characteristic of Germany’s public face in Afghanistan.

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<sup>285</sup> Deutscher Bundestag, Plenarprotokoll 14/210, December 22, 2001, 20849.

### 2002: Pressures to Expand Mission

By January 2002 the first German soldiers had arrived in Afghanistan. The German ISAF troops, together with the Dutch, were to be present in northern Afghanistan and central Kabul. However, apart from the initial deployment activities, it was not clear what to do with the ISAF mandate beyond the initial six-month period. The British government agreed to serve as the lead nation for this initial period, but it was unclear who would take over after the British troops left. The Afghan interim government requested Germany take over the role of lead nation, but the German government was reluctant to do so. It would take the greater part of the year before the Red-Green coalition acquiesced to this request, with the term set to begin in February 2003. The Germans also agreed to assume responsibility for police training—again at the Karzai government’s request.<sup>286</sup> German ISAF assistance would thus focus on building non-military infrastructures: police training, education development, and organizing administrative structures. In the meantime, the six-month mandate was nearing its end, and in mid-June 2002 the Bundestag passed another six-month extension for the ISAF contingent.<sup>287</sup> By this time, Germany had 2,000 troops in Kabul. Interestingly, it was reported that the German government had been willing to accept the role of lead nation as recompense for refusing to participate

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<sup>286</sup> Patrik Schwarz, “Führungsnation gesucht! Deutschland überlegt jetzt doch, ‘Lead Nation’ zu werden,” *Tageszeitung*, January 29, 2002; “Schröder sichert Bush Unterstützung zu; Kanzler hält Zusage über Führungsrolle der Bundeswehr in Afghanistan offen,” February 2, 2002.

<sup>287</sup> Deutscher Bundestag, Plenarprotokoll 14/243, June 14, 2002, 24479.



in the war in Iraq (and, presumably, for the reluctance to send troops to assist in post-conflict reconstruction efforts).<sup>288</sup>

*The 2002 Federal Election.* The 2002 federal election revealed the degree of public sensitivity to questions of military power and the ongoing discomfort with Germany assuming a greater role in out-of-area operations. By the summer of 2002, the German political establishment had turned their attention to the upcoming national elections scheduled for September 22. Earlier in the year, opinion polls had predicted heavy losses for the SPD. This apprehension dominated the discussions within the SPD leadership in the waning days of July as it sought to construct a winnable campaign strategy. One of the issues debated was whether the Red-Green coalition needed to take a position on Iraq.<sup>289</sup> A series of U.S. declarations on the question of a possible military intervention in Iraq had been closely monitored by the German government and the public: President George W. Bush's West Point speech on June 1, 2002 (Americans should be prepared for a preemptive action), and Vice President Richard Cheney's August 26 speech in Nashville (perceived by Germans to be a declaration of war against Iraq). The third statement that had wide-ranging repercussions on German attitudes was the announcement on September 20 of the Bush administration's National Security Strategy (with new emphasis on preemption)—only two days before the Germans went to the polls. All of these statements and documents had increased the salience of the topic as well as the

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<sup>288</sup> Ansgar Graw, "Planspiele in Berlin: Kabul statt Bagdad; Deutsch-niederländisches Korps soll ab Februar Einsatz in Afghanistan leiten—dafür keine Beteiligung in Iraq," *Die Welt*, September 11, 2002.

<sup>289</sup> "Schroeder won't back U.S. war on Iraq—makes Baghdad election issue," *Deutsche Presse-Agentur*, August 5, 2002; John Hooper, "German leader says no to Iraq war," *Guardian*, August 6, 2002; Gunter Hofmann, "Der lange Weg zum lauten Nein," *Die Zeit-Online*, 5/2003.

apprehensions of German officials and the public alike.<sup>290</sup> In late July-early August, the decision was made to take a public position on Iraq and utilize the question of an Iraq invasion in the campaign.<sup>291</sup>

By the end of the first week of August, Chancellor Schröder announced his position on Iraq: Germany would not participate in any military intervention against Iraq, not even if there were a UN Security Council mandate for such an action. The public responded strongly to the chancellor's determined "no" to taking part in a war in Iraq. On the eve of the election, the polls showed the SPD trailing by only two percentage points.<sup>292</sup> On September 22, election results showed that against all predictions, the SPD/Green coalition had won by the narrowest of margins in the closest election since unification.

Many observers concluded that Schröder's instrumentalization of the Iraq issue had won the election, but survey data reveal that the question of military force in Iraq played only a contributing role. Even large sections of the CDU/CSU opposed any possible German involvement in Iraq, forcing party leaders to take a position not much different than that of the SPD and Greens. Other dynamics were in play as well, and a perceptible though gradual decline in poll numbers over time for the CDU/CSU showed the conservatives had not been successful in convincing the German electorate that they had a more compelling political and economic alternative to the

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<sup>290</sup> Karin L. Johnston, "Germany," eds. Richard Sobel, Peter Furia, and Bethany Barratt, *Public Opinion and International Intervention: Lessons from the Iraq War* (Dulles, VA: Potomac Books, 2010) (forthcoming).

<sup>291</sup> Dieter Dettke, *Germany Says No: The Iraq War and the Future of German Foreign and Security Policy* (Washington, D.C.: Woodrow Wilson Press, 2009), 161–162; interview with German official, Berlin, November 2009.

<sup>292</sup> See Karin L. Johnston, "Germany."

Red-Green coalition.<sup>293</sup> The Iraq war was an intensely emotional issue, and public and elite opposition was overwhelming, but the Iraq issue was only one of several factors that taken together created a political dynamic that allowed the SPD to squeeze through at the polls. In the end, the CDU/CSU could not translate their (relatively modest) electoral advantage into votes, and the SPD and Greens were able to profit from short-term events and themes that surfaced in the final weeks of the campaign.<sup>294</sup>

The Red-Green coalition settled into a new term and in December 2002 once again took up the question of extending the OEF and ISAF mandates for another twelve months. Public opinion at the time continued to show support for the Afghanistan mission. The Bundestag approved the extensions and Germany's new role as lead nation—agreeing, as the government had wanted, to increase ISAF troop levels from 1,200 to 2,500 because of the additional responsibilities Germany would carry when it assumed the role of lead nation in February 2003.<sup>295</sup>

### 2003: Further Constraints

The year 2003 witnessed a growing debate on extending ISAF's geographical reach that touched on a number of sensitive issues, such as the division between OEF

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<sup>293</sup> For an extensive analysis of the 2002 election data, see Dieter Roth, "A Last Minute Success of the Red-Green Coalition," *German Politics and Society*, Issue 66, vol. 21, no. 1 (Spring 2003), 35-56; see also Norpoth and Gschwend's conclusion that Iraq was not a necessary condition that mobilized the swing voters in the final weeks of the campaign, in Helmut Norpoth and Thomas Gschwend, "Against All Odds? The Red-Green Victory," *German Politics and Society*, Issue 66, vol. 21, no. 1 (Spring 2003): 32.

<sup>294</sup> Other factors, for example, were that the German public did not believe that either the Conservatives or Social Democrats were capable of solving the problems of the day, the weakness of the conservative candidate, Edmund Stoiber, and the government's prompt and effective management of flooding in eastern Germany earlier in the year. See Oscar W. Gabriel and Kerstin Völkl, "Die Bundestagswahl 2002: Erfolg in letzter Minute?" *Wechselwirkungen, Jahrbuch 2003*, 45.

<sup>295</sup> For the OEF vote, see Deutscher Bundestag, Plenarprotokoll 15/11, November 15, 2002, 667; for the ISAF vote, see Deutscher Bundestag Plenarprotokoll 15/1720, December 20, 2002, 1331.

and ISAF and the development of NATO's Provincial Reconstruction Teams (PRTs). The Karzai government had begun to pressure the NATO allies to expand the geographical scope of the mandate to the rural areas beyond Kabul. The German government was not inclined to support this request, but growing unrest and violence in the countryside where the Karzai government exercised minimal authority and control forced this question onto the international security agenda.

Tension mounted in February 2003 when the news media reported on the participation of German Special Forces in a large military action within the scope of the OEF mandate. The government reiterated its support for OEF, but it was clear that the debate was crystallizing around the "bad" OEF mandate, with its task of eliminating Taliban threats, and the "good" ISAF mandate that focused on building the structures of a democratic civil society. By mid-2003 it was clear that the international community had recognized the need to expand the mandate beyond Kabul since it was clear that the conflict was escalating in the rural areas around the country and that the civilian reconstruction teams that were being organized for deployment in the provinces needed better protection. NATO had been providing logistical support for ISAF troops in Kabul; eventually, in August 2003, NATO assumed command for all ISAF operations.

The Schröder government had reached the conclusion that expansion was necessary in order to support the development of democratic structures throughout Afghanistan, but whether the existing mandate allowed for the geographical expansion of the mission, and if so, where the German PRTs should be based

produced a great deal of disagreement among German officials and tension between the Germans and its NATO allies.<sup>296</sup>

Under the signature of four ministries—Defense, Foreign Office, Economic Cooperation and Development, and Interior—the federal government published its first “Afghanistan Concept” on September 1, 2003. The document declared the government’s support of the PRT concept and its willingness to establish a PRT in Kunduz. The rationale for insisting on placing German PRTs under ISAF command was based on the argument that the focus on Germany’s engagement was political, social, and economic reconstruction and development rather than antiterrorism efforts.<sup>297</sup> The document argues that the original UN ISAF mandate covering Kabul and its environs cannot serve as the legal foundation for extending the international community’s activities beyond Kabul, leading the German government to support supplementing the mandate to make possible the expansion of ISAF’s presence to the rest of Afghanistan. The major responsibility for ISAF in these provinces would be protecting civilians working in the PRTs and promoting stability as a key condition in preparation for the upcoming elections. The document stressed that this process must be preceded by a supplemental resolution from the UN Security Council followed by a change to the NATO operational plan subject to approval by the North Atlantic Council. Only then would the federal government take up the motion and the German

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<sup>296</sup>“Afghanistan: Berlin prüft Militäreinsatz auch ausserhalb Kabuls,” *Frankfurter Rundschau*, May 22, 2003; “Struck ist für Ausweitung des Afghanistan Einsatzes,” *Frankfurter Rundschau*, August 8, 2003; “NATO übernimmt Kommando in Kabul; Struck warnt vor der Gefahr eines Rückfalls Afghanistans in ‘Anarchie und Chaos,’” *Die Welt*, August 12, 2003.

<sup>297</sup> “Das Afghanistan-Konzept der Bundesregierung,” German federal government document (Foreign Office, Ministry of Defense, Ministry of Economic Cooperation and Development, Ministry of Interior), September 1, 2003, 9.

Bundestag vote on it.<sup>298</sup> Thus for domestic political reasons the government was intent on signaling that Germany was focused on reconstruction and development efforts in Afghanistan and not on the domestically precarious subject of fighting terrorists and that the German government had the weight of international approval and international law behind it.<sup>299</sup>

Though military considerations were a large part of the internal bureaucratic debate, political factors were no less important—and no less difficult—to balance. German Bundeswehr officials were concerned about overstretch and whether they would have the resources to fulfill their tasks. The Defense Ministry was focused on its discussions in NATO and how such decisions would affect its presence and capabilities in the country and its role in NATO. The Foreign Office was sensitive to the EU dimension and felt more European cooperation was needed. The Ministry for Economic Cooperation and Development, which controlled much of the reconstruction funding, refused to work directly with the Bundeswehr because of its concern that its work with nongovernmental organizations (NGOs) in Afghanistan would be compromised, and it feared losing its independence and control over resources.<sup>300</sup>

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<sup>298</sup> “Afghanistan-Konzept,” 2003, 9–10.

<sup>299</sup> See NATO website, “International Security Assistance Force, Afghanistan,” at: <http://www.isaf.nato.int/history.html>; Sean M. Maloney, “Afghanistan Four Years On: An Assessment,” *Parameters*, 35, no. 3 (Autumn 2005): 22, 30. Today, however, virtually all of the NATO PRTs are run under ISAF command, including those led by the United States. The view remains, however, that US-led PRTs remain weighted more towards military personnel relative to the PRTs led by various European countries. See Vincent Morelli and Paul Belkin, “NATO in Afghanistan: A Test of the Transatlantic Alliance,” *Congressional Research Service Report*, 7-5700, RL33627, December 3, 2009, 12–14.

<sup>300</sup> Interview in Berlin, November 9, 2009; “In Afghanistan will Berlin zeigen, wie man’s besser macht als die USA; Entwicklungsministerin Wieczorek-Zeul verteidigt bei ihrem Kabul-Besuch die geplante Erweiterung des Bundeswehreinsatzes,” *Frankfurter Rundschau*, September 1, 2003.

Parliamentary debates showed how divisive the issue continued to be. Criticism of the government came from the conservative right as well as the left. For many parliamentarians, the decision to expand ISAF's reach beyond Kabul had not been adequately thought through in terms of strategic implications, funding, and purpose. Such a shift in the German military's competences required a new political concept, something they charged that the government did not have. SPD members generally supported the establishment of the Kunduz PRT, though again there was hefty opposition from the left wing. The Greens as well as the FDP opposed the expansion to Kunduz. The FDP opposed the recommendation on the grounds that the expansion was legally questionable under the standing mandate, and it took the step of filing suit against the government.<sup>301</sup> Representatives of the CDU and CSU criticized the government for its lack of strategic clarity with regard to the purpose of the PRTs. Both parties were not convinced that the expansion would stop at Kunduz and were fearful that German troops would get pulled into other, more intractable problems, such as drug interdiction efforts.

This was the other major concern of parliamentarians—that the Bundeswehr forces would somehow be pulled into efforts to destroy the growing drug trade.<sup>302</sup> Much of the parliamentary debate in the latter half of 2003 and into early 2004 focused on this concern. The German federal government prepared the motion for extending German military operations in Afghanistan, but the motion would not be

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<sup>301</sup> “Struck ist für Ausweitung des Afghanistans-Einsatzes,” *Frankfurter Rundschau*, August 8, 2003; “FDP klagt in Karlsruhe wegen Auslandseinsätzen,” *Die Welt*, August 9, 2003; “Unionspolitiker warnen vor ‘Kundus plus,’” *Tageszeitung*, October 24, 2003;

<sup>302</sup> “Unionspolitiker warnen vor ‘Kundus plus’: CDU kritisiert Afghanistan-Einsatz und befürchtet Verwicklung in Drogengeschäfte,” *Tageszeitung*, October 20, 2003; Interview in Berlin, November 16, 2009.

forwarded to the Bundestag until the UN Security Council passed a supporting resolution—hopefully one that would permit the expansion to be undertaken under the ISAF mandate rather than the OEF mandate.<sup>303</sup> The Germans had also pushed for NATO to endorse placing the PRTs under ISAF command, but the Americans and British wished to maintain the operational flexibility that OEF gave them. Instead, the decision reached at the NATO summit in October 2003 was that operating PRTs under ISAF command would be an option.<sup>304</sup>

Finally, on October 13, 2003, the UN Security Council passed Resolution 1510, which extended ISAF's reach throughout the whole country. The expansion of ISAF was accompanied by the gradual shift in command of PRTs from under U.S.-led military command to the NATO ISAF command.<sup>305</sup> Closely following that vote, on October 15, the Schröder government submitted the motion to the Bundestag to extend the ISAF mandate for twelve months and the northern perimeter of the German contingent.

The government's efforts to pass the extension hit a snag when its motion was forwarded to the Bundestag's Foreign Affairs Committee. The document contained a sentence apparently taken verbatim from correspondence between NATO General Secretary Lord Robertson and UN Secretary-General Kofi Annan, which spoke of the ISAF mandate being broadened to cover all of Afghanistan, although the reference was to assisting with the upcoming elections. Nevertheless, the wording was unclear enough that it prompted accusations that the motion was in fact a veiled "Kunduz

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<sup>303</sup> "Afghanistan; Berlin will Soldaten in Kundus einsetzen," *Frankfurter Rundschau*, August 27, 2003.

<sup>304</sup> See final communiqué available at: <http://www.nato.int/docu/pr/2003/p03-148e.htm>.

<sup>305</sup> See Maloney, "Afghanistan Four Years On," 24–25; see also "Global Security" website, at: <http://www.globalsecurity.org/military/oef-prt.htm>.



plus” request that would permit the deployment of German troops beyond the northern boundaries. The CDU fraction leaders and committee members called a meeting with the Chancellery’s state secretary and a representative from the Ministry of Economic Cooperation and Development to discuss the motion. The message: they were prepared to accept the government’s motion under the condition that the government accept two changes: first, that it must keep the Defense and Foreign Affairs committees regularly informed of any deployment taken beyond its current geographical mandate for the purpose of assisting with the election, and that the government put in writing that the Bundeswehr would not be involved in any anti-drug activities, military or otherwise.

The government agreed to provide this written clarification, which would be attached to the Foreign Affairs Committee’s report in the form of a *Protokollnotiz*. Once the SPD Defense Minister Peter Struck agreed to the supplemental clause, the CDU/CSU signaled its willingness to support the Red-Green government’s motion for extension. The FDP, PDS, and several Green members remained opposed to it.<sup>306</sup>

Thus the *Protokollnotiz* clarified that any possible military actions outside of Kunduz and Kabul would remain the exception and then only for the purpose of supporting the upcoming national election, and that “the federal government assures that drug interdiction efforts are not included in the mandate of the mission.”<sup>307</sup> The final paragraph concluded by affirming that should the question of deploying German

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<sup>306</sup> Severin Weiland, “Marschbefehl für Kunduz,” *Spiegel-online*, October 21, 2003; see also the CDU/CSU press release, “Kunduz – Protokollnotiz schafft mehr Klarheit,” at: <http://www.pressrelations.de/new/standard/dereferer.cfm?r=137497>; Richard Meng, “Es geht um Karzai, nicht um Kunduz; der Bundeswehreinsatz im Norden Afghanistan hat vor allem politisch-diplomatische Gründe,” *Frankfurter Rundschau*, October 24, 2003.

<sup>307</sup> Deutscher Bundestag, Plenarprotokoll 15/1806, October 22, 2003, 4.

soldiers outside of Kabul or Kunduz for the specific purposes spelled out in the protocol to the resolution be raised, that the defense minister will first seek the approval of the appointed party representatives (*Obleute*) from the relevant committees, and that he would not approve the deployment were there to be considerable misgivings raised by the appointed representatives and chairs of the committees.<sup>308</sup> Despite the opposition and the harsh tones of the final plenary debate, a majority of Bundestag members voted to extend the ISAF mission (531–57 –5), with most of the “no votes” coming from the FDP because of its concerns regarding the constitutionality of expanding the mandate. Less than a month later, the extension for the OEF mission came up for vote and was passed by a comfortable majority, although the FDP again voted against the mandate because of the party’s objection to the extension of its mandate.<sup>309</sup>

#### 2004: Growing Skepticism

The growing dissatisfaction with the outlines of the OEF and ISAF mandates continued into 2004, as reflected in the parliamentary votes on the extension in September and November. The political wrangling in the coalition government and the Bundestag parliamentary fraction parties remained focused on concerns related to anti-drug efforts and the disintegration of the strategic situation on the ground and NATO pressure to commit more resources to establish additional PRTs in Afghanistan. The consequence was that the allied presence and engagement—and

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<sup>308</sup> Interview in Berlin, November 16, 2009; “Einsatz der Bundeswehr in Afghanistan,” *Der Aktueller Begriff*, Wissenschaftliche Dienste des Deutschen Bundestages, No. 67/2005, September 23, 2005, 1–2; Deutscher Bundestag, Plenarprotokoll 15/1806, October 22, 2003, 4.

<sup>309</sup> For ISAF, see Deutscher Bundestag, Plenarprotokoll 15/70, October 24, 2003, 6009; for OEF see Deutscher Bundestag, Plenarprotokoll 15/76, November 14, 2003, 6577.

conceivably Germany's contribution—would expand, much to the consternation of German officials. Growing instability meant less emphasis on reconstruction and more prominence given to security stabilization efforts.

By April 2004 there was talk in the German Defense Ministry of assuming responsibility for a second PRT, this time in Feyzabad. This generated a great deal of opposition again from the FDP and the CDU/CSU, which announced that it would demand the government submit a new mandate if Germany were to take on another PRT. But the Schröder government declared this was unnecessary since there would be no change in the structure of the mandate, in terms of personnel and materiel, as set by the Bundestag in 2003. Thus the decision was made for German and Dutch soldiers to assume command of a new PRT in Feyzabad, and by July 2004 German soldiers had begun to arrive there.<sup>310</sup>

On September 17, the UN Security Council passed its resolution supporting ongoing operations in Afghanistan, and by September 22, the coalition government had submitted its motion for extending the German mission for an additional year and expanding the Bundeswehr's military presence to Kunduz and Feyzabad. The FDP responded by submitting a minor interpellation (*Kleine Anfrage*)<sup>311</sup> based on the two PRTs, arguing that the government did not have the authority to expand the geographical reach of the Bundeswehr. The FDP then submitted its own motion

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<sup>310</sup> "Union gegen neuen Einsatz," *Der Spiegel*, April 26, 2004; "Afghanistan: Berlin will Einsatz in Kundus ausweiten," *Frankfurter Rundschau*, April 24, 2004.

<sup>311</sup> Minor interpellations are requests usually submitted by opposition parties to obtain information from the government, which is obligated to submit a written reply within two weeks. A major interpellation, on the other hand, is submitted by a parliamentary group or 5 percent of the members of parliament. The government is required to submit a reply, which is formally placed on the plenary agenda and debated in the full plenary. See glossary of parliamentary terms at: <http://www.mitmischen.de/index.php/Informativ/WissenPur/site/Glossar/letter/K>; "Vorlagen und ihre Behandlungen," Bundesanstalt für politische Bildung, available at: [http://www.bpb.de/wissen/WYR8EX,30,0,VIII\\_Vorlagen\\_und\\_ihre\\_Behandlung.html#art30](http://www.bpb.de/wissen/WYR8EX,30,0,VIII_Vorlagen_und_ihre_Behandlung.html#art30).

requiring separate mandates for Kunduz and Feyzabad, though the motion was defeated.<sup>312</sup> The government's request for extension was passed by the Bundestag on September 30 on a vote of 509–48–3. Regarding the OEF vote, the Red-Green coalition leaders maintained enough discipline in their parliamentary fractions to deflect the growing criticism within party ranks, and the Bundestag approved the motion by a vote of 550–10–0.<sup>313</sup>

### 2005: A New Coalition Government

By 2005 the United States was mired deeply in Iraq. Because of the need to shift more resources to stabilize the security environment in Iraq, the United States was keen to hand over more of its responsibilities in Afghanistan to its European allies. Thus the Bush administration pushed the question of merging the OEF and ISAF missions, which had been placed on the agenda for the NATO summit in February 2005. NATO's own difficulties in Afghanistan were placing a great deal of pressure on the German government, which again sought to deflect the topic. The government had built a fragile balancing act by insisting on keeping the U.S.-led counterterrorism OEF mission separate from the more palatable ISAF mission of civilian reconstruction. To merge the two missions would, it was feared, throw the coalition into another existential crisis. In the end, German officials managed to keep the OEF and ISAF mandates separate. However, along with other NATO allies, they

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<sup>312</sup> Sven Hansen, "Bundeswehr bleibt in Afghanistan; Mit den Stimmen von Rot-Grün und Union verlängert der Bundestag das Mandat für den Einsatz deutscher Soldaten in drei afghanischen Städten," *taz*, October 1, 2004.

<sup>313</sup> "Bundeswehr bleibt ein weiteres Jahr in Afghanistan," *Die Welt*, September 30, 2004; *Tageszeitung*, October 1, 2004; for the ISAF vote, see Deutscher Bundestag, *Plenarprotokoll* 15/129, September 30, 2004, 11759; for OEF vote see Deutscher Bundestag, *Plenarprotokoll* 15/139, November 12, 2004, 12798.

were driven by circumstances to agree to take on a greater commitment on the ground. For the German troops, this meant taking responsibility for the whole of northern Afghanistan as well as the base in Mazar-i-Sharif—albeit without an increase in troop levels. That would have required submitting a new mandate to the Bundestag, which the Schröder government was reluctant to take on.

But the question of an increase in German troops would not go away so easily, and it was a top concern in the Bundeswehr's own evaluation of what would be needed to fulfill Germany's obligations in Afghanistan. A confidential Defense Ministry report sent to the parliamentary fractions in July 2005 stated plainly that the expanded ISAF mandate would require more troops.<sup>314</sup> Since the vote on the ISAF mission's extension would have to take place by October 2005, the coalition government set out to make the case for submitting a motion to extend German participation in ISAF another year and to increase German troop levels to 3000.

But domestic politics intervened via a dramatic turn of events in the spring that led to the federal president dissolving parliament and opening the way for early elections in September 2005, which resulted in the formation of a SPD/CDU grand coalition for only the second time in the history of the Federal Republic. The 2005 national election was notable for other reasons as well. First, Chancellor Schröder utilized another vote of confidence, this time not to enforce parliamentary discipline as he had in 2001, but to force an early election. Second, the election outcome produced a situation where the traditional pattern of government formation, with one of the two major parties forming a coalition with one of the smaller parties (FDP or Greens), was numerically unworkable because of the poor electoral showing of the

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<sup>314</sup> "Mehr Soldaten am Hindukush," *Der Spiegel*, July 11, 2005.

large parties and the realities of a parliamentary system that now included five political parties. Changes in the party landscape that had to do with continued voter volatility, prolonged decline of party identification, and the rising numbers of independent voters all contributed to the development of a party system characterized by more uncertainty in its electoral outcomes than ever before.<sup>315</sup>

The impetus that led Schröder to engineer the fall of his government in order to call early elections was the SPD's electoral losses in eleven state elections and the defection of a group of left-wing members and trade unionists—first by establishing their own party and then merging with the PDS to form the Left Party (*die Linke*)—that had taken a serious toll inside and outside the party.<sup>316</sup> Schröder and the SPD leader Franz Münterfering announced the Chancellor would utilize the vote of confidence to call for an early election on the grounds that he no longer retained the support of a majority within parliament to continue governing.<sup>317</sup> On July 1, 2005, Schröder introduced the vote of confidence and, having urged SPD members to abstain, lost the vote by 296 to 151. Schröder's political maneuver survived a court challenge, and the election was set for September 15, 2005.<sup>318</sup>

Shockingly the initial twenty-point lead held by Angela Merkel, the CDU's chancellor candidate, had almost dissipated by election night, in part because Schröder was able to deflect attention from the government's highly unpopular

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<sup>315</sup> For a discussion of these issues, see David P. Conradt, "The Tipping Point: The 2005 Election and the De-consolidation of the German Party System?" *German Politics and Society*, Issue 78, vol. 24, no. 1, Spring 2006: 11–26.

<sup>316</sup> Erich Langenbacher, "Introduction: The Drama of 2005 and the Future of German Politics," *German Politics and Society*, Issue 78, vol. 24, no. 1, Spring 2006: 1–3.

<sup>317</sup> Clayton Clemons and Thomas Saalfeld, "Introduction," *German Politics*, 15, no. 4, Special Issue: The German General Election of 2005, December 2006: 336.

<sup>318</sup> Werner Reutter, "Yet Another Coup d'État in Germany? Schröder's Vote of Confidence and Parliamentary Government in Germany," *German Politics*, 15, 3, September 2006: 302–310.

economic reforms by focusing on social issues and the SPD's role as defender of Germany's social welfare system.<sup>319</sup> It was another closely contested race; the CDU/CSU received 35.2 percent of the vote and the SPD 34.2 percent, which meant that German voters had rejected the Red-Green coalition but had not given the CDU/CSU a clear mandate and enough votes to form a new government with their desired partner, the FDP. The performance of the smaller parties—the Greens stayed relatively stable, the FDP and PDS registering gains—meant that numerically, neither of the two large parties were capable of forming a traditional coalition consisting of one major party (CDU/CSU, SPD) and one smaller party (FDP or Greens).<sup>320</sup> The eventual outcome was a reluctant agreement between the CDU/CSU and SPD to form a grand coalition. Negotiations began in October and by November there was a sitting government led by the CDU's Angela Merkel, with Frank-Walter Steinmeier, the former director of the Chancellery, as the vice-chancellor and new foreign minister.

While the reality of a new grand coalition government had a decided impact on party political dynamics, it did not greatly affect the outcome of the votes for extending the ISAF and OEF missions. At this point the elite consensus on Afghanistan still held, and the grand coalition's comfortable majority in parliament meant the vote in favor of extending the ISAF mission and expanding the troop levels easily passed on September 28, 2005, on a vote of 535–14 –4. However, the vote to

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<sup>319</sup> Hans Rattinger and Zoltan Juhasz, "Die Bundestagswahl 2005: Neue Machtkonstellation trotz Stabilität der politischen Lager," *Aktuelle Analysen*, 41 (Munich: Hanns Seidel Stiftung, 2006): 6–7; Matthias Jung and Andrea Wolf, "Der Wählerwille erzwingt die große Koalition," *Wahlanalyse 2005, Aus Politik und Zeitgeschichte*, 51-52/2005, December 19, 2005: 3–18.

<sup>320</sup> See German Election Result 2005, [http://de.wikipedia.org/wiki/swahl\\_2005](http://de.wikipedia.org/wiki/swahl_2005).

extend the OEF mission (by a vote of 519–67–3) reflected the beginning of a decline in parliamentary support for OEF.<sup>321</sup>

One other event in 2005 was of particular note. The 1994 German Federal Constitutional Court decision on out-of-area operations had ruled on the constitutionality of German participation but added that it was incumbent on the Bundestag to create a statute to codify the practice that was shaped by the Court decision on out-of-area missions.<sup>322</sup> The process of constructing this set of guidelines had taken more than ten years, and there were still disagreements between the various parties with regard to its draft. However, by 2005 it was the view of most Bundestag members that the draft before them was one that most members could live with, and so on March 24, 2005, the Parliamentary Participation Act became law.<sup>323</sup>

The Act reiterated the principle requirement that the federal government must obtain prior consent from parliament for “the deployment of armed forces abroad.” The Bundestag was particularly concerned with preserving its parliamentary prerogatives and with clarifying its right to recall troops.<sup>324</sup> The Act thus regulates the form and extent of Germany’s participation in missions abroad. Extensions of mandates for missions like Afghanistan, when the use of armed force is anticipated, are usually limited to twelve months, although this rule evolved out of parliamentary practice and is not a legal requirement. The parliamentary procedure calls for the government to submit the motion to the Bundestag when, after the first reading, it is

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<sup>321</sup> For ISAF, see Deutscher Bundestag, Plenarprotokoll15/187, September 28, 2005, 17585; for OEF, see Deutscher Bundestag, Plenarprotokoll 16/2, November 8, 2005, 57.

<sup>322</sup> See “Urteil Bundesverfassungsgericht vom 12.07.1994,” available at: <http://www.asfrab.de/print/urteil-bverfg-1271994-2-bve-392.html>.

<sup>323</sup> Interview in Berlin, November 10, 2009.

<sup>324</sup> See for example a legislative draft of the Parliamentary Participation Act submitted by the SPD and Green party fractions, March 23, 2004: Deutscher Bundestag, Drucksache 15/2743, March 23, 2004, 1.



sent to the appropriate committees for evaluation and then returned to the Plenary for the second reading and the final vote. The Act also provides a more simplified procedure if the essentials of the mandate have not changed. Approval is automatically extended for one year unless a parliamentary fraction or a minimum of 5 percent of all members of the Bundestag request a formal adoption of the resolution. Since the Left Party has been in the Bundestag, it has demanded the more formal adoption procedure for every out-of-area mission and extension.

Finally, the Act outlines the mission specifications that the government-drafted motion must contain: the mission's mandate and its legal foundation, its territorial boundaries, number of troops and their operational capabilities, the mission's duration, and the expected cost and source of funding.<sup>325</sup> The government is expected to submit a motion that is sufficiently detailed and precise in order for the Bundestag to give its "informed consent." The Bundestag's power is restrained by the fact that it cannot initiate its own draft motions, nor can it alter the details laid out in the government's motion. Thus it is incumbent on the government to draft the details and operational parameters of the mission and on parliament to approve or reject.

#### 2006: External Pressure Mounts

Debates surrounding the extension of the ISAF mandate were accompanied by increasing apprehension about the deteriorating situation on the ground, concerns about "overstretch" in the Bundeswehr, and a leaked government report detailing the

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<sup>325</sup> See German Federal Ministry of Defense, "Einsatz im Auftrag des Parlaments," February 6, 2008, available at: [http://www.bmvg.de/portal/a/bmvg/de/sicherheitspolitik/einsatz\\_fuer\\_den\\_frieden/einsaetze\\_der\\_grundlagen?yw\\_contentURL=/C1256F1200608B1B/N26ZXABB902INFODE/content.jsp](http://www.bmvg.de/portal/a/bmvg/de/sicherheitspolitik/einsatz_fuer_den_frieden/einsaetze_der_grundlagen?yw_contentURL=/C1256F1200608B1B/N26ZXABB902INFODE/content.jsp).

increasingly precarious state of security in the country that only intensified the lawmakers' scrutiny of the government's actions.

Again, external events were pressing down on the German government and endangering the fragile consensus on Germany's out-of-area missions in Afghanistan. This time it was a discussion of whether Germans would send troops to assist the NATO forces in southern Afghanistan, by far the most unstable and dangerous part of Afghanistan. A defense report, leaked two days before the final vote on the ISAF mission in the Bundestag, held that the government was considering sending troops to the south, but Defense Minister Franz-Josef Jung strongly denied this was the case.<sup>326</sup> Despite the fact that every political party (again, with the exception of the Left Party, which has opposed every Bundeswehr deployment) had expressed its doubts about the mission's viability, and despite a growing feeling both in the public and the elite that Germany should reduce its out-of-area commitments, the ISAF extension was passed on September 28, 2006, with a vote of 492–71 –9.<sup>327</sup> Support for the OEF, however, was more precarious. Already in October the opposition Green party had signaled its intent, for the first time, not to vote for the extension because it viewed American actions in Afghanistan endangering the success of the ISAF mission in northern Afghanistan.<sup>328</sup> Again, the final vote in the Bundestag—436 in favor and 101 against, with 26 abstentions—showed the accelerating decline in support of the OEF deployment.<sup>329</sup>

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<sup>326</sup> “Germany Approves Afghanistan Mandate Despite Concerns,” Deutsche Welle, September 28, 2006.

<sup>327</sup> Deutscher Bundestag, *Plenarprotokoll* 16/54, September 28, 2006, 5226; “Germany Starts Rethinking its Foreign Deployments, Deutsche Welle, October 31, 2006.

<sup>328</sup> Eckart Lohse and Markus Wehner, “Auslandseinsätze; Risse in die Heimatfront,” FAZ-net, October 29, 2006.

<sup>329</sup> Deutscher Bundestag, *Plenarprotokoll*, 16/64, November 10, 2006, 6331.

By this time, German recalcitrance in terms of its contributions and willingness to move outside of its narrowly defined confines in northern Afghanistan were straining its relationship with its NATO allies. Reports surfaced that the German government had refused allied requests for military assistance on two occasions. Whether or not these reports were true, Germany was under pressure to resolve this question. At the November 28–29, NATO summit in Riga, Canada, which had taken a far greater and disproportionate share of the risks and casualties than most NATO allies, was angered by the German reluctance to assist other allied forces and threatened to pull out of Afghanistan if other members did not do their fair share.<sup>330</sup> In the end, the German government did agree to deploy forces outside of their northern zone to come to the aid of allied forces, but only in emergency situations.

### 2007: Political Battles

In early February 2007, arguably in response to the pressures in NATO to escalate their efforts in Afghanistan, the German government agreed to deploy for a six-month period an additional five hundred support personnel and six Tornado aircraft to conduct air reconnaissance and surveillance/monitoring for the ISAF mission in Afghanistan.<sup>331</sup> The aircraft would be responsible for monitoring the entire country for ISAF, though not for OEF. The motion outlined several parameters: ISAF operational plans do not include an exchange of reconnaissance information to OEF; information would be exchanged only if the information is critical to an ISAF mission or to protect ISAF forces; and most importantly, the Tornado aircraft would not be

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<sup>330</sup> “Germany’s Non-Combat Caveats to be Reviewed by NATO,” Deutsche Welle, November 28, 2006.

<sup>331</sup> “Berlin agrees to send Tornado Jets to Afghanistan,” Spiegel-online, February 7, 2007.

used for “close air support.”<sup>332</sup> The aircraft were being tasked only to support ISAF operations and help prevent civilian casualties.

Not surprisingly, the debate in the Bundestag on the Tornado deployment was heated. The SPD-CDU coalition’s motion received majority support and was approved on March 9, 2007 by a vote of 408:169:4. It was one of the most divided votes in the Bundestag on a German military mission abroad, with more than one-third of the SPD parliamentary fraction members voting against the mandate.<sup>333</sup> The Left Party promptly filed a legal complaint against the government. On July 3, however, the German Federal Constitutional Court rejected the Left Party’s lawsuit, ruling that the government’s decision to send Tornado aircraft did not in fact violate any constitutive rights held by the Bundestag.<sup>334</sup>

The lawsuit was just one external manifestation of the opposition to the Afghanistan missions both among the political parties and the public at large. Public acceptance of Germany’s military engagement in Afghanistan continued to decline, with a poll in the spring of 2007 revealing that 57 percent of those surveyed wanted a complete withdrawal of all German armed forces in Afghanistan, while only 36 percent favored some form of continued engagement.<sup>335</sup> At this stage, elite opinion was catching up to public opinion. While no other party would support the Left Party’s call for an immediate withdrawal from all deployments, the consensus on Afghanistan had fractured. Though the CDU made clear that it wanted to stay the

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<sup>332</sup> Deutscher Bundestag, *Antrag der Bundesregierung*, Drucksache 16/4298, February 8, 2007, 1–3.

<sup>333</sup> Deutscher Bundestag, *Plenarprotokoll* 16/86, March 9, 2007, 8688; Andreas Cremer, “German lawmakers are considering scaling back the country’s military commitment to the U.S.-led war on terrorism in Afghanistan,” *Bloomberg*, June 29, 2007.

<sup>334</sup> See ruling of the Federal Constitutional Court at:

<http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg07-072.html>.

<sup>335</sup> “High Court Rules German Spy Planes Allowed in Afghanistan,” July 5, 2007, at:

<http://www.defencetalk.com/high-court-rules-german-spy-planes-allowed-in-afghanistan-12510/html>.

course, opposition in the SPD to the OEF mission was rising. The continuing difficulties in Afghanistan were beginning to shift support among the SPD rank and file, and eventually, in the party leadership. Though the Afghanistan operations still found support among many members, close to one third of all SPD parliamentarians had voted against the Tornado motion. By mid-summer the leadership of the SPD parliamentary fraction announced its decision to begin drafting a motion to withdraw from the OEF mandate.<sup>336</sup>

Discontent was fueled by several factors. In May, three German soldiers had been killed in Afghanistan in the first targeted suicide bombing against the German military forces. Germans everywhere were deeply shaken, and the incident moved the SPD to demand an end to Germany's involvement in OEF. Germans had begun to see the growing number of attacks on German soldiers in Afghanistan as the consequence of being too closely associated with the overly aggressive counterterrorism operations of the United States.<sup>337</sup>

Furthermore, intra-party dissent was driven by the feeling that the SPD had drifted too far from its self-identity as a party of peace and non-violence. The further partitioning of the left of the German political spectrum brought about by the establishment of the PDS, WASG, and their merger into the Left Party had made the SPD more vulnerable to defections from its left wing. Continued electoral losses had shown the party's weakened ability to draw and retain voters.

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<sup>336</sup> Cremer, June 29, 2007.

<sup>337</sup> Annette Blettner and Thomas Wiegold, "Nach dem tödlichen Anschlag auf deutsche Soldaten in Afghanistan wird der Ruf nach einem Strategiewechsel lauter: Die Truppe soll sich nicht mehr an der Terroristenjagd beteiligen," *Focus Magazin*, May 26, 2007.

Disagreements within the SPD also made coalition dynamics more complicated as well, and CDU leaders looked on uneasily, interpreting the Tornado debate as a sign of the SPD's shift to the left which could have a very detrimental impact on the effectiveness and even longevity of the grand coalition.<sup>338</sup> However, whatever the concerns of the party leadership, the primary source of opposition to OEF was the growing conviction that the American anti-terrorist strategy undermined ISAF and its attempts to gain the trust of the local population. The conclusion: Germany must end its participation in OEF.<sup>339</sup>

As an opposition party, the Green party's views on out-of-area operations had already shifted with the party's decision to vote against the OEF mission in 2006. Not surprisingly, members of the party fraction opposed the Tornado decision and demanded a full review of the government's recommendation. The Green party also continued to call for a withdrawal from the OEF mission, though it remained committed to the ISAF mission because of its reconstruction and development work.

Thus, many Bundestag members had come to believe that Germany should get out of the business of prosecuting the Afghanistan part of the war on terrorism and stick to its reconstruction efforts, but they still faced the question of what to do with the extensions of all three Afghanistan mandates in the fall. The coalition government was committed to all three missions but the votes would be complicated, especially if the SPD leadership did not hold its parliamentary fraction together to get the support that the grand coalition government required.

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<sup>338</sup> "Afghanistan Divides Germany's Social Democrats," Spiegel-online, March 20, 2007; "German Social Democrats pep up leadership in struggle with poor polls, leftist competition," *Associated Press Worldstream*, May 21, 2007.

<sup>339</sup> Helmut Soltenberg, "Heftiger Streit um Afghanistan Einsatz," *ddp Basisdienst*, May 28, 2007.

The process of extending the mandates began, as usual, with the passing of a UN Security Council resolution on September 19, “on the situation in Afghanistan.”<sup>340</sup> On the same day the German government took the next step by submitting a motion to renew ISAF, though Chancellor Merkel was clear that the German government rejected the NATO General Secretary’s request to send additional German troops to participate in operations in southern Afghanistan.<sup>341</sup>

Importantly, the government had also decided to merge the Tornado deployment into the ISAF mandate, rather than keeping them separate. This had the effect of pulling in some SPD members who had voted against the Tornado mandate in the spring but who felt obligated to vote for the combined mandate because of the ISAF component, while at the same time leading a sizeable number of Greens to consider voting against the combined mandate because of the inclusion of the Tornado contingent.<sup>342</sup> In fact, the Green Party rank and file had defied the party leadership by voting to either vote no or abstain, in large part because of the linkage in the mandate to the Tornado deployment.

Despite the strong criticism in the debate leading up to the vote, the mandate was approved by a comfortable majority (454–79–48), with the CDU/CSU and SPD coalition parties and the FDP voting in favor of the mandate, with most of the Greens abstaining. As usual, the Left Party voted against the extension. The vote was important to the German government because it sent a message to its allies that the

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<sup>340</sup> United Nations Security Council Resolution 1776 (2007), 5744th meeting, September 19, 2007.

<sup>341</sup> Paul Belkin, “German Foreign and Security Policy: Trends and Transatlantic Implications,” *Congressional Research Service Report*, 7-500, RL34199, May 20, 2009.

<sup>342</sup> Veit Medick, “Linke unter Beschluss; der Bundestag hat mit großer Mehrheit den Einsatz der Bundeswehr in Afghanistan, einschließlich Tornado-Einsatz, um ein Jahr verlängert,” *Tageszeitung*, October 12, 2007.

grand coalition was still able to garner support for the Afghanistan mission despite opposition in parliament and in the public.<sup>343</sup> There was enough momentum still to pass the motion on OEF in November, though the vote distribution (413–145–15) showed the effects of the intra-party debates over the past few months.

### 2008: Abandoning OEF

By 2008, it was clear from the political dynamics in the previous months that support for OEF had evaporated. Continued pressure by Germany's NATO allies made the discussions on Germany's contributions to the efforts in Afghanistan difficult and strained. Again, in February 2008, the government had rejected a formal U.S. request to send German troops to assist other forces in the turbulent south.<sup>344</sup> This was closely followed by an announcement that the government had agreed to a NATO request to send 200 soldiers to replace the Norwegian Quick Reaction Force that was scheduled to leave in the summer. On the surface, this appeared to be somewhat contradictory, but the German soldiers—the first combat unit sent to Afghanistan—were to be involved only in reconstruction projects around Kabul and would leave its northern perimeter only if it was requested that German troops come to the aid of other ISAF troops elsewhere. Defense Minister Jung was at pains to add that in the two years the Norwegians were stationed there, this had happened only once.<sup>345</sup>

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<sup>343</sup> Nicholas Kulish, "Germany to Keep Troops in Afghanistan," *New York Times*, October 13, 2007.

<sup>344</sup> Craig Whitlock, "Germany Rebuffs U.S. On Troops in Afghanistan," *Washington Post*, February 2, 2008; "NATO will mehr deutsche Soldaten in Afghanistan," FAZ.net, February 2, 2008.

<sup>345</sup> "NATO bittet um deutsche Kampftruppe," *Süddeutsche Zeitung*, January 29, 2008; "Germany Agrees to Expanded Military Role in Afghanistan," *Deutsche Welle*, February 6, 2008;



As the top government and party fraction leaders in the coalition met to begin outlining the extension of the ISAF mandate that was scheduled for the fall, the key issues the coalition government faced revolved around raising the troop limit, how to handle potential fallout dealing with Germany's refusal to bend to NATO pressures to move German troops to the south, and the question of extending the OEF mission. For the Defense Ministry, the simple fact that Germany had agreed to deploy an additional Quick Reaction Force argued for increasing Germany's troop presence in Afghanistan.<sup>346</sup> With the government's comfortable parliamentary majority, this issue could be managed, but sending troops to southern Afghanistan remained a "non-starter" for the German leadership. Media reports that the Merkel government was discussing a plan to request an additional 1,000 troops prompted SPD party leader Kurt Beck to claim such stories were "premature."<sup>347</sup> Germany's level of contribution to the Afghanistan forces was broached at the NATO summit in early April 2008. Again, the Canadian government threatened to withdraw its troops by 2009 if it did not see a renewed commitment by other NATO members in terms of troops and materiel. The United States, France, and Germany responded with pledges to increase their troop levels, with Germany pledging an additional 1,000 soldiers, which would require changes in the structure of the mandate and thus approval from the Bundestag

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<sup>346</sup> "Merkel stands firm on German refusal to deploy to southern Afghanistan," *International Herald Tribune*, February 18, 2008; "Mandat wird aufgestockt," *Tageszeitung*, February 19, 2008; "Afghanistan-Mandat der Bundeswehr: Nebelkerzen für den Koalitionsfrieden," *Der Spiegel*, February 19, 2008; for an interview with Canada's Defense Minister, Peter MacKay, see "Afghanistan-Einsatz: 'Deutschland kann mehr leisten,'" *Spiegel-online*, March 26, 2008.

<sup>347</sup> *taz*, "Mandat wird aufgestockt," February 19, 2008.

since the 2007 ISAF mandated an upper limit of 3,000 soldiers. This meant that the number of German armed forces in Afghanistan would be set at 3,500.<sup>348</sup>

At this point, German officials had concluded that the government would no longer support the German contribution to the OEF in Afghanistan, though it had committed itself to contributing maritime forces to support ATALANTA, the OEF mission on the Horn of Africa. The Merkel government successfully steered the ISAF mission through its extension but finally withheld its support of the OEF mandate, ending the participation of German forces in NATO-led counterterrorism efforts in Afghanistan. After the UN Security Council passed its resolution renewing its support of ISAF on September 22, 2008, the German government submitted its motion to renew ISAF but with a request that the mandate be extended fourteen months in order to prevent the vote in 2009 from falling within the time frame of the 2009 federal election campaign. The Bundestag passed the extension on October 16, 2008, on a vote of 442–96–32.<sup>349</sup>

The motion submitted to the Bundestag stated that in the future, the Federal Republic would no longer participate in the OEF mission on Afghan territory because of the shift in emphasis of the government's efforts there to ISAF. This ended the activities of the German Special Forces in Afghanistan. Thus, on November 13, 2008, the Bundestag approved of the abbreviated OEF mission by a vote of 428–130–18.<sup>350</sup> The decision eliminated one of the major sources of contention within the governing and party elite and between the German government and its international allies.

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<sup>348</sup> *Spiegel-online*, February 7, 2008; Craig Whitlock, "Germany to Send More Troops to Afghanistan," *Washington Post*, June 25, 2008.

<sup>349</sup> Deutscher Bundestag, *Plenarprotokoll*, 16/183, October 16, 2008, 19514.

<sup>350</sup> Deutscher Bundestag, *Antrag der Bundesregierung*, 16/10720, October 29, 2008; Deutscher Bundestag, *Plenarprotokoll*, 16/187, November 13, 2008. 19514.

Vote Distribution 2001–2008

A summary of the vote distribution reveals the diverging support between the OEF and ISAF missions. Table 1 lays out the Bundestag’s vote distribution by party on the OEF mission.

VOTE DATE	VOTE	SPD	CDU/CSU	GREEN PARTY	FDP	PDS	LINKE	NON-AFFIL
2001-11-16	336:326:0	Y: 293 N: 0 A: 0	Y: 0 N: 242 A: 0	Y: 43 N: 4 A: 0	Y: 0 N: 43 A: 0	Y: 0 N: 36 A: 0		
2002-11-15	573:11:5	Y: 249 N: 0 A: 0	Y: 233 N: 4 A: 4	Y: 52 N: 2 A: 1	Y: 39 N: 3 A: 0			N: 2
2003-11-14	540:41:5	Y: 246 N: 0 A: 0	Y: 238 N: 2 A: 1	Y: 52 N: 2 A: 1	Y: 3 N: 35 A: 3			Y: 1 N: 2
2004-11-12	550:10:0	Y: 235 N: 0 A: 0	Y: 225 N: 4 A: 0	Y: 51 N: 2 A: 0	Y: 39 N: 2 A: 0			N: 2
2005-11-08	519:67:3	Y: 209 N: 1 A: 1	Y: 214 N: 3 A: 1	Y: 41 N: 6 A: 1	Y: 55 N: 3 A: 0		Y: 0 N: 54 A: 0	
2006-11-10	436:101:26	Y: 187 N: 13 A: 3	Y: 203 N: 8 A: 2	Y: 0 N: 30 A: 17	Y: 46 N: 4 A: 4		Y: 0 N: 45 A: 0	N: 1
2007-11-15	413:145:15	Y: 160 N: 42 A: 5	Y: 202 N: 3 A: 4	Y: 0 N: 47 A: 0	Y: 51 N: 2 A: 6		Y: 0 N: 49 A: 0	N: 2
2008-11-13	428:130:8	Y: 173 N: 25 A: 4	Y: 205 N: 3 A: 2	Y: 0 N: 51 A: 0	Y: 50 N: 2 A: 2		Y: 0 N: 47 A: 0	N: 2

**Table 1: Vote Distribution in Bundestag for OEF Mission 2001-2008**

Source: Table based on German parliamentary records, which are listed in Appendix C.

OEF was the more controversial of the two Afghanistan missions because of its mandate to aggressively pursue suspected terrorists and because the German contribution included a small contingent of Special Forces. The transition from a

commitment to assist in fighting insurgents in the emotional aftermath of the September 11 attacks to growing opposition as the mission and violence dragged on is seen in the vote distribution in the German Bundestag from 2001–2008. The table reflects shifting political assessments about the efficacy of the aggressive tactics of the U.S.-led OEF troops as the conflict lengthened and the violence and numbers of civilian casualties continued to climb. In October 2008, the German federal cabinet declined to extend the mandate for participation in OEF in Afghanistan, essentially ending Germany's role in OEF in that country.<sup>351</sup>

The most important vote was the initial vote on the SPD-Green government's motion to participate in OEF in 2001. Although Table 1 shows the vote of SPD parliamentarians was unanimous, the vote conceals the party's internal challenge to Schröder's authority and his use of the vote of confidence as a plebiscite on the future of his government. Subsequent votes on the mandate's extension show that the SPD leadership managed to retain a fairly high degree of support for the mission, but it is evident that by 2006, when the violence in Afghanistan intensified, the support of SPD parliamentary members began to decline. By 2007, nearly a quarter (23 percent) of members either voted against or abstained on the vote for a further extension of the mandate.<sup>352</sup>

As the SPD's coalition partner, the Greens maintained strong majority support for the OEF mission, with no more than 5 to 8 percent voting against or abstaining.

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<sup>351</sup> Deutscher Bundestag, "Beschlussempfehlung und Bericht," 16/10894, November 11, 2008, 1; "Parliament Extends German Troops' Anti-terror Mandate," DW-Online, November 13, 2008.

<sup>352</sup> It is revealing to note that once the SPD loses the September 2009 election and is sent into opposition, the voting pattern changes as well. In December 2009, all of the 128 SPD members and 67 Green members of the Bundestag voted against extending the OEF mandate. All of the CDU/CSU and FDP coalition party member (except two CDU/CSU parliamentarians) voted in favor. See German Bundestag, *Plenarprotokoll* 17/9, December 3, 2009, 711.

Once the Greens become an opposition party in 2005, however, the voting pattern begins to shift. The dramatic reversal of the vote distribution in 2006 and through 2007–2008, when no Green parliamentarian voted in favor of the OEF mission (though there were abstentions), must be at least partly linked to the fact that Green party members no longer were under coalition pressure to continue to support the mission.

The 2001 vote also posed a dilemma for the conservative CDU/CSU party. Ultimately, even though it favored sending troops to Afghanistan, party members voted against the government's motion because of the vote of confidence. From 2002 on, support for the Afghanistan mission remained strong, averaging about 95 percent support of CDU/CSU members. The voting pattern of the FDP was more variable than other parliamentary fraction parties. It, too, opposed Schröder's linking the vote of confidence to Afghanistan in November 2001 and voted against the motion. In 2002, a majority of FDP Bundestag members voted in favor of extending the OEF mission extension yet reversed its vote in 2003 and then returned to a position of support in 2004. From 2005 onward, parliamentary fraction support remained constant. The variance appears to reflect FDP opposition to various attempts at expanding some aspect of the OEF mission, such as the pressure in 2003 to expand the German mandate beyond the initial geographical confines of the city of Kabul without first determining the constitutionality of such an action. From 2005–2008, however, the FDP showed more stable support for the OEF mission, albeit with a higher degree of no votes and abstentions.

The parties of the far left—the PDS from 2001–2002 and the Left Party from 2005–2008—consistently voted as a block against all out-of-area missions since both parties viewed growing German participation in such missions as a militarization of German foreign policy. The voting distribution in Table 2 shows different patterns of support between the OEF and ISAF missions.

VOTE DATE	VOTE	SPD	CDU/CSU	GREEN PARTY	FDP	PDS	LINKE	NON-AFFIL
2001-12-22	538:35:8	Y: 257 N: 1 A: 2	Y:210 N: 2 A: 1	Y: 39 N: 0 A: 4	Y: 32 N: 1 A: 0	Y: 0 N: 30 A: 1		N: 1
2002-06-14	496:38:5	Y: 266 N: 0 A: 1	Y:169 N: 2 A: 4	Y: 34 N: 3 A: 0	Y: 27 N: 2 A: 0	Y: 0 N: 30 A: 0		N: 1
2002-12-20	565:9:2	Y: 248 N: 0 A: 0	Y: 223 N: 6 A: 2	Y: 54 N: 0 A: 0	Y: 40 N: 1 A: 0	n/a		N: 2
2003-10-24	531:57:5	Y: 248 N: 0 A: 0	Y: 230 N:10 A: 3	Y: 52 N: 0 A: 2	Y: 1 N: 45 A: 0	n/a		N: 2
2004-09-30	509:48:3	Y: 240 N: 0 A: 0	Y: 214 N: 8 A: 1	Y: 52 N: 0 A: 2	Y: 3 N: 38 A: 0	n/a		N: 2
2005-09-28	535:14:4	Y: 230 N: 1 A: 1	Y: 219 N: 3 A: 0	Y: 47 N: 2 A: 2	Y: 39 N: 5 A: 1	n/a		N: 3
2006-09-28	492:71:9	Y: 199 N: 7 A: 4	Y: 199 N: 4 A: 1	Y: 42 N: 7 A: 1	Y: 52 N: 3 A: 3		Y: 0 N: 49 A: 0	N: 1
2007-10-12	454:79:48	Y: 202 N: 13 A: 13	Y: 187 N: 4 A: 3	Y: 15 N: 7 A: 28	Y: 50 N: 3 A: 4		Y: 0 N: 51 A: 0	N: 1
2008-10-16	442:96:32	Y: 180 N: 20 A: 5	Y: 201 N: 5 A: 4	Y: 15 N: 11 A: 23	Y: 46 N: 6 A: 0		Y: 0 N: 52 A: 0	N: 2

**Table 2: Vote Distribution in Bundestag for ISAF Mission 2001-2008**

Source: Table based on German parliamentary records, which are listed in Appendix C.

The ISAF mission was designed to assist the nascent Afghan government in its efforts to build a stable and secure environment in the country and to provide reconstruction and development assistance. Its emphasis on reconstruction and development made

the decision to contribute troops to the international force politically more palatable to many German policymakers.

Contrary to the OEF mission, SPD support for ISAF was quite strong. During the time when the SPD was a coalition party, support was nearly unanimous. Support declined slightly in 2007, to about 88 percent of voting members, but it remained at very high levels. During the Green Party's tenure as a coalition party from 2001–2005, support for ISAF remained high, but in 2006 the voting pattern began to shift, with a slightly greater number voting no or abstaining. Again, the situation on the ground in Afghanistan—the growing violence and civilian casualties and the intensification of the military-combat dimensions of the conflict—led to decline in support for the mission. In 2007 and 2008, less than a third (30–31 percent) of all Green Bundestag members voted to extend the ISAF mission, with “no” votes increasing from 14 to 22 percent of members.<sup>353</sup>

As with the OEF mission, the CDU/CSU remained a strong and consistent supporter of the ISAF mission throughout the period in question. With regard to the FDP, the voting pattern is again more variable because of the parliamentary fraction's opposition to extending the geographical footprint of the German troops beyond the city of Kabul. Finally, members of the PDS and its successor, the Left Party, voted unanimously against the ISAF mission.

In part the overall pattern of the vote distribution for the OEF and ISAF missions in Afghanistan reflects the foreign policy consensus that has existed with regard to the acceptance of Germany's expanded international security role. However,

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<sup>353</sup> By 2009, only 8 of the 64 Green Bundestag members—12 percent—voted in favor of the extension. See Deutscher Bundestag, *Plenarprotokoll 17/9*, December 3, 2009, 690.

by 2008 there were signs that the consensus had begun to fray. The growing instability and violence on the ground as a consequence of a resurgent Taliban led the international troops to shift more weight to counterinsurgency tactics. This change to a more security-driven focus to the Afghanistan missions, and pressures for the German government to increase its military commitments, particularly in southern Afghanistan where the fighting was most intense, heightened the political opposition back home. The difficulty for the German political elite was not just a skeptical public. The emphasis on offensive operations ran up against some of the fundamental norms and principles that have shaped the foreign and security policy since the establishment of the Federal Republic. The German government thus attempted to downplay the OEF mission, with its emphasis on counterterrorism, while supporting the civilian reconstruction mandate of the ISAF mission. The vote distribution between OEF and ISAF reflects this difference in support among members of the Bundestag.

### Summary

The Afghanistan case reveals a number of broad patterns. Above all, the study highlights the interaction between international and domestic political variables in shaping the dynamics of the decision-making process and the parameters of deployment policies. The German government never actively pursued a course of action unless it had been initiated at the international level first. This reflects the views at the elite level (and, indeed, the Constitutional Court's judgment) that Germany's commitment to multilateralism means that any out-of-area mission must



have the approval of the international community and be consistent with international legal norms. Nevertheless, the case study also shows the extent to which external events and the deterioration of the security situation in Afghanistan placed increasing demands on NATO and, of course, on Germany's operational commitments. The German government's response throughout the period of study was designed to calibrate the balance between these alliance obligations and the growing domestic opposition to German involvement in Afghanistan.

No German government is immune to public opinion on questions of military force, but the case study also illustrates that while the "culture of restraint" regarding the use of military forces remains firmly in place, the overriding concerns of the governing coalitions were focused on German interests at the international level and the potential impact out-of-area decisions might have on its role and status within NATO and the international community. In a larger sense, then, the Afghanistan case study demonstrates that German government officials are less driven by public opinion as they are driven by their perception of where Germany's interests lie. The growing rejection of the OEF mission and the emphasis placed on the ISAF mission of reconstruction and development—for example, the application of soft power rather than hard power—reflects the development of a set of principles of security and conflict resolution markedly different than the security doctrine introduced in 2002 by the Bush administration. The statements of government officials—going back to Chancellor Schröder's statements after September 11—and the language of the various government motions and conceptual papers on the Afghanistan conflict mirror these principles.

More specifically, however, the Afghanistan case highlights the degree to which actors in the decision-making process utilize formal and informal instruments to shape policy preferences. It is this interaction between actors and institutional structures and practices that will be the focus of the next chapter, as the Afghanistan case is described and analyzed in reference to the stated hypotheses and the decision-making framework that shape the parameters within which policymakers pursue policy objectives.

## Chapter 7: Findings and Discussion

### *Introduction*

The scholarly debate on the development of post-unification German foreign policy has emphasized its continuity rather than its change in the post–Cold War era. Nevertheless, one of the most significant changes in German foreign policy has been the participation of German armed forces in out-of-area operations across the globe, which prior to 1990 was considered unconstitutional. Within two decades, Germany has become a major troop contributor. A central goal of this study has been the examination of how decisions regarding out-of-area operations are made, what factors influence those decisions, and which factors are determinant in shaping policy preferences and outcomes. Such an examination is all the more relevant since a study of the theoretical literature reveals the absence of any sustained research on Germany foreign policy decision making since the unification of the country in 1990.

To address this theoretical and empirical gap, the study began its investigation by setting the research question within a foreign policy analysis framework, arguably the more relevant theoretical approach with which to address the study’s research objective, rooted as it is in determining dynamics of decision making at the state level. Two hypotheses were advanced, an agency-driven hypothesis designed to examine whether or not the power of the chancellor as chief executive is more influential in shaping the trajectory of decision outcomes, and a structure-driven

hypothesis focused on determining the level of influence of coalition politics and, specifically, the role of the junior partner in affecting policy preferences.

In terms of methodology, a case study analysis was applied to the Afghanistan out-of-area mission, which was chosen for several reasons. Since the initial decision in 2001 to deploy German armed forces in Afghanistan, the government continues to extend the mandate. For the purposes of analysis, then, there is not a single decision but, rather, a series of decisions over a longer period of time in which patterns of influence would be more detectable. The period 2001–2008 was chosen because it incorporated important elements; it begins in 2001 with Germany accepting a role in both Afghanistan missions—Operation Enduring Freedom (OEF) and the International Security Assistance Force (ISAF)—and ends in 2008, when the German government withdrew its participation from OEF, thus affording an examination of acceptance and ultimately of withdrawal from part of the Afghanistan operation.

Furthermore, the time period encapsulates two different types of governing coalitions: the Social Democratic Party (SPD) and the Green Party coalition, and the grand coalition between the Social Democrats and the conservative Christian Democrats (CDU/CSU). This would permit observations about what kind of coalitional dynamics played a role in shifting policy preferences. Finally, the decision to participate in the Afghanistan mission was a later case in the (only twenty-year) period of German participation in out-of-area operations, which arguably would be more desirable in order to assess institutional changes as they developed over the course of the period in question.

Primary source data included: interviews with government officials, policy experts, members of parliament, academic researchers, and journalists; and government and parliamentary speeches and documents. A questionnaire was developed and utilized in the structured interviews to gather data on the hypotheses and the decision-making framework. This chapter makes extensive use of the data collected in the interviews in order to confirm, disconfirm, or otherwise add to our understanding of what is known about the decision-making process and the Afghanistan case study (presented in earlier chapters) in order to begin outlining a general framework of analysis for German foreign policy decision making. Secondary data included data searches (e.g., Lexis-Nexis, German newspapers), policy evaluations from U.S. and German research institutions, and an extensive literature review in German and English.

The chapter's findings and discussion sections address a key element in the study. A foreign policy analysis approach identifies individual actors as the core factor in decision-making dynamics. Human agency is certainly a key factor, but human agency also creates institutional structures—organizations, rules, practices, and norms—within which individual actors function and which shape the direction and outcome of policy decisions. The study seeks to supplement the FPA literature by examining and highlighting the ways in which institutional organizations and structures—practices, procedures, rules, and norms—also affect the decision-making process.

The “Findings” section will address the two intertwined variables in the decision-making process. The role of the chancellor will be examined to determine

the validity of the presidentialization thesis and the chancellor's power relationship relative to other major foreign policy actors in the decision-making process. The chapter will then turn to the structure side of the foreign policy analysis equation to determine the validity of the second hypothesis relating to coalition politics and the relative weight of the coalition junior partner in the decision-making process. To maintain the flow of the argument, the "Findings" section of each variable will be followed by a short discussion segment that will analyze the findings for the variable in question. This evaluation section will be followed by a larger "Discussion" section that will set the analysis of the two hypotheses within the context of the decision-making process, integrating the theoretical implications of the findings from the case study and interviews and beginning the process of building a framework for analyzing German foreign policy decision making regarding out-of-area operations.

### *Hypothesis 1: Chancellorial Power*

#### *Findings*

At its core the presidentialization thesis argues that structural factors in modern democracies have eroded the more "collective" forms of politics, such as those found in parliamentary democracies. The effects of this process can be seen in the growth of executive power with a concurrent decline in parliamentary control over the executive, the growing importance of leaders in the electoral process, and the ability of the executive to bypass party constraints and, using more plebiscitary techniques, appeal directly to the mass public. According to the thesis, these indicators are what make politics in modern democracies more presidential in practice

without, however, an accompanying change in the formal institutional structures of governance (regime type).<sup>354</sup>

The study's first hypothesis is based on this expectation of growing executive power at the expense of other major political actors in foreign policy decision making, that is, that the federal chancellor exhibits greater capacity to determine policy direction or outcome and increasing independence from other actors or his or her own party. The hypothesis was applied to decision making regarding the deployment of German armed forces to Afghanistan by examining two explanatory variables outlined in the presidentialization thesis: the presence of structural changes in the executive that favored the chancellor; and the accumulated power of the chief executive over the legislative—and by inference over his or her party. This enhanced decision-making role would be observable via such factors as the use of formal and informal instruments, establishment of rules, practices, and precedence, timing of decisions, or the framing of the policy issue.

Based on the examination of foreign policy decision making in the Afghanistan case and interviews with German officials, there was little evidence to support the presidential thesis. The chancellor has not escaped the constraints of party control or the influence of other major policy actors, nor are structural changes to the decision-making process that shift the balance of power to the chancellor's side apparent.

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<sup>354</sup> Thomas Poguntke and Paul Webb, "The Presidentialization of Politics in Democratic Societies: A Framework for Analysis," eds. Thomas Poguntke and Paul Webb, *The Presidentialization of Politics. A Comparative Study of Modern Democracies* (Oxford: Oxford University Press, 2005), 4–6.

## Variable 1: Structural Changes

With regard to the first variable, that of structural changes in the core executive, findings showed that while at several points in time structural reforms had been debated and presented, they were not implemented. The reasons for this touch on precisely the issue of the balance of power within the executive and between the executive and parliament. Officials and experts recognized the need for a more efficient and flexible decision-making apparatus, but so far there has been little movement in addressing the problems inherent in the present decision-making process.

Reform efforts in the executive have focused on two recommendations: building a German “National Security Council” or reviving the existing Federal Security Council (*Bundessicherheitsrat*, or BSR) which was established as a permanent executive committee in 1955 to oversee all military and international security matters referred to it, particularly arms control and nuclear policy. The BSR meets at the behest of the chancellor. It can forward recommendations to the full cabinet, but it cannot make binding decisions in areas where the constitution or existing laws gives that competence to another constitutional body—such as in the case of the in out-of-area operations.<sup>355</sup> The BSR gradually lost its function as a collective decision-making body on security policy as nuclear issues receded in importance after the end of the Cold War, though it is still the central deliberative body for issues relating to arms exports.

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<sup>355</sup> Lothar Rühl, “Security Policy: National Structures and Multilateral Integration,” in *Germany’s New Foreign Policy. Decision-Making in an Interdependent World*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndmills, Basingstoke, UK: Palgrave, 2001), 105–106; Deutscher Bundestag, Wissenschaftliche Dienste, *Aktueller Begriff*, “Der Bundessicherheitsrat,” 22/08 (May 9, 2008): 1–2.



The reform issue emerged more publicly in 1998 in the coalition agreement of the newly elected SPD-Green coalition, which stated that the new government intended to revive the BSR's role as the coordinating body for German security issues.<sup>356</sup> The argument at the time was that German decision making on security matters needed a stronger and more centrally organized body in the Chancellery that could coordinate all aspects of security policy—strategic, economic, political—and that the BSR as an executive committee in the Chancellery could be expanded to meet this need.<sup>357</sup>

Nevertheless very little reform actually occurred, although the BSR met in the wake of the September 11 attacks and in December 2001 to discuss the Afghanistan ISAF mandate. The issue continued to percolate below the surface within the parties and in parliament, as seen in the November 13, 2002 parliamentary record. In response to an official request for information from a member as to whether the government intended to reform the BSR, the state minister in the Foreign Office stated that “[T]he federal government sees no need for action in this regard.”<sup>358</sup>

In 2002 a more detailed paper was published under the auspices of the government-funded *Stiftung Wissenschaft und Politik* (German Institute for International and Security Affairs) arguing again for the need for sweeping reform of German security decision-making institutions because the new “normality” of Germany contributing to crisis intervention missions was no longer in sync with

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<sup>356</sup> SPD-Green coalition agreement, 1998, foreign policy excerpts reprinted at: <http://www.friedenskooperative.de/themen/lobby-02.htm>.

<sup>357</sup> Lothar Rühl, “Sicherheitspolitik: Nationale Strukturen und Multilaterale Verflechtung,” in *Deutschland's neue Aussenpolitik. Institutionen und Ressourcen*, eds. Karl Kaiser and Hanns Maull (München: Oldenbourg Verlag, 1998), 99.

<sup>358</sup> Deutscher Bundestag, *Plenarprotokoll* 15/9, November 13, 2002, 428.

existing institutional procedures. In Goldilocks-style fashion, the paper argued that an American-styled National Security Council was the “too large” solution for Germany’s reform needs and ran up against too many constitutional impediments, and the suggestion of reforming an existing ministerial department (though which ministry was never clearly stated) was “too small” a solution and would run up against the principle of ministerial autonomy. The “just right” solution was a reform of the BSR, though this solution also was susceptible to the pitfalls of bureaucratic tugs of war between the Chancellery and Foreign Office. The solution lay not in establishing a “supra-ministerial coordinating body,” but a BSR that functioned as an “inter-ministerial networking body.”<sup>359</sup>

This argument for a German-style National Security Council or reform of the BSR remained in play, though again there appeared to be no political support for reform. In a speech on January 13, 2006, the president of the Federal Academy for Security Policy, Rudolf Georg Adam, laid out the reasons why such calls for structural reform remained unanswered. For one, the strength of ministerial autonomy and the corresponding weakness of the chancellor to dictate policy to his ministers meant that in practice, government policy decisions are “pre-configured” in informal decision-making bodies where the chancellor can apply more authority and thus influence in his or her role as party leader.<sup>360</sup> Since it appears that the informal

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<sup>359</sup> Cord Meier-Klodt, “Einsatzbereit in der Krise?” *Entscheidungsstrukturen deutscher Sicherheitspolitik unter Reformdruck*, *Gesellschaft, Wirtschaft Politik*, 2 (2003): 209–214; for a more extensive discussion see Meier-Klodt, “Einsatzbereit in der Krise? Entscheidungsstrukturen der deutschen Sicherheitspolitik auf dem Prüfstand,” *SWP-Studie*, 2002/S 34 (Berlin: Stiftung Wissenschaft und Politik, 2002).

<sup>360</sup> Rudolf Georg Adam, “Fortentwicklung der deutschen Sicherheitsstruktur—Ein nationaler Sicherheitsrat als strukturelle Lösung?” Speech given in Berlin at a conference sponsored by the German Council on Foreign Relations and the Federal Academy for Security Policy, January 13, 2006, 5–6.

decision making via such bodies favors the chancellor and not other actors, the chancellery has little incentive to agree to reforms.<sup>361</sup>

Another issue cited was the fact that since 1961, the office of chancellor has been held by the larger coalition party and the office of foreign minister by the junior coalition partner. This traditional distribution within the federal cabinet results in foreign and security matters—and decision making—being constantly infused with party political competition and personal ambitions.<sup>362</sup> For Adam, there were three reform options: the establishment of a new coordinating body in the Chancellery (the “National Security Council” option); the reconstruction of the BSR; or the “revolutionary” option of amending the German constitution.<sup>363</sup> Implementing any reform would depend on whether the major actors in the decision-making process would accept the reallocation to and concentration of power in the executive, which seemed unlikely.

Adam implied in his paper that reform might only be possible in a political environment where power is more evenly distributed in a government coalition—such as in a grand coalition, but reform was just as unobtainable under the SPD-CDU/CSU grand coalition (2005–2009) as it was with the SPD-Green coalition government between 1998 and 2005. With the publication of a policy paper in 2008, the CDU/CSU tried once again to push for reform of Germany’s foreign and security decision-making apparatus, and again the issue was rejected out of hand, this time by their coalition partner, the SPD. The proposal to transform the BSR into a German National Security Council was seen by the SPD leadership as a ploy by the Merkel

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<sup>361</sup> Interviews on November 16, 23, 2009.

<sup>362</sup> Interview on November 6, 2009.

<sup>363</sup> Adam, 8–11.

government to take power away from the Foreign Office, which the SPD controlled.<sup>364</sup> Furthermore, the CDU/CSU's recommendation would require the establishment of a "national security advisor" based in the chancellery who would assume responsibility for critical policy areas previously held by the foreign minister. In fact, this was suggested in the 1990s under Chancellor Helmut Kohl, who had wanted to give his close advisor, Horst Teltschik, a security portfolio, but Foreign Minister Hans-Dietrich Genscher made sure the reform went nowhere.<sup>365</sup>

Thus, competition between the Chancellery and Foreign Office lies at the heart of the tension inside the executive. The competition, however, need not be zero-sum; in one example, Chancellor Schröder simply added a European department to the Chancellery that mirrored the EU-based competences housed in the Foreign Office.<sup>366</sup> The problems related to personal rivalries was addressed in a more recent reform proposal that argued for breaking this postwar tradition by keeping the Chancellery and the Foreign Office under one political party, in part because the foreign minister's influence is already diluted by the chancellor's ability to co-opt issues by declaring them a top policy priority on his or her agenda (*Chefsache*) and because of the growing number of veto players in the foreign policymaking establishment. Not surprisingly, this reform also has not met with much support.<sup>367</sup>

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<sup>364</sup> Interviews on November 16, 23, 2009; "Union will robustere Sicherheitspolitik," *Tagesspiegel*, May 4, 2008; "German Minister Resists Merkel Plan for New Foreign Policy Body," *Deutsche Welle*, May 5, 2008.

<sup>365</sup> William E. Paterson, "The Chancellor and Foreign Policy," in *Adenauer to Kohl. The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 136.

<sup>366</sup> Interviews on November 6, 16, 2009.

<sup>367</sup> Fritjof von Nordenskjöld, "Alle Macht dem Kanzler. Plädoyer für eine effizientere aussenpolitische Struktur der Bundesregierung," *Internationale Politik*, September/October 2009, 92–95; interviews on November 11, 16, 2009.

Worth mentioning here are the proposals that examined reform prospects relating to out-of-area operations from the legislative angle. The concerns raised were related to worries that more foreign policy decisions are being decided at the international level and thus diluting the Bundestag's *Parlamentsvorbehalt*, or parliamentary prerogatives, and to concerns related to the need for speedy decision making should a crisis arise. The most frequently discussed proposal was to establish a new "mission committee" tasked with deciding on all out-of-area missions. The new committee would concentrate in one body the hitherto decentralized work in various other Bundestag committees and would prepare, monitor, and evaluate every deployment.<sup>368</sup>

Most government officials acknowledged the current process is cumbersome, inefficient, and slow, but the proposal to centralize all decision making on military missions—that is, a committee that would decide *for* the Bundestag—was considered "ridiculous" and as one official bluntly put it, "pure theory."<sup>369</sup> For one, the concentration of decision making in a parliamentary committee would not be tolerated by other major veto players. Furthermore, from the perspective of the parliamentarians themselves, the notion was unworkable because it would shift the responsibility for such "life and death" decisions away from each individual member of parliament onto the shoulders of a small group of members. As one official explained, no Bundestag member would want to be a member of a committee that would force him or her to take responsibility for a decision that went terribly wrong

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<sup>368</sup> Timo Noetzel and Benjamin Schreer, "Vernetzte Kontrolle: Zur Zukunft des Parlamentsvorbehalt," in *Auslandseinsätze der Bundeswehr. Leitfragen, Entscheidungsspielräume und Lehren*, ed. Stefan Mair (Berlin: Stiftung Wissenschaft und Politik, September 2007), 35–42; interview on November 23, 2009.

<sup>369</sup> Interviews on November 10, 16, 2009.

and where the political repercussions were high; either the whole Bundestag decides whether German troops are sent, or no one decides. To change the current process would be seen as a decline of parliamentarism. Other critics see the issue from a different angle and argue that reforms should not expand the control of the Bundestag because this system already has deleterious effects on Germany's alliance relations; NATO decisions often are held up because the German government must wait for the Bundestag's input or decision on a mission.<sup>370</sup> Finally, proposals to change the Parliamentary Participation Act or relinquish the twelve-month mandate period also were unworkable for similar reasons that went to the heart of the parliament's constitutive right to monitor out-of-area deployments.<sup>371</sup>

Thus, while there is a recognized need for institutional reform of the decision-making process relating to Germany's military deployments, there has been little success in implementing reforms because they would strike directly at the power arrangements among major foreign policy actors and within the coalition itself. The fear that reforms will dilute one's influence in the decision-making process is a powerful disincentive.

#### Variable 2: Executive-Legislative Relations

With regard to the second variable dealing with the power balance in executive-legislative relations, there is no clear evidence that in the case of Afghanistan, chancellorial decisions have come at the expense of parliament, nor is it clear that the chancellor's exercise of power has been based on growing independence

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<sup>370</sup> Interviews on November 10, 16, 18, 2009.

<sup>371</sup> Interview on November 10, 2009; see argument in Timo Noetzel and Benjamin Schreer, "Parliamentary Control of the Bundeswehr," *SWP Comments* 4, (February 2007): 1-4.

from his or her own party. The key test would have been the initial November 2001 decision to contribute troops to the anti-terrorism efforts (OEF) immediately after September 11. However, Chancellor Schröder was not capable of drawing together a parliamentary majority from within his coalition, given the narrow margin the government held and the dissent within his own party and in the Green Party on the question of sending German troops to Afghanistan.

Schröder got the outcome he desired, but his use of the vote of confidence to pass the mandate was not an act taken from a position of strength. Rather, it was the weakness of his hold on the SPD that forced him to tie the Afghanistan mandate to the vote of confidence in order to reassert party discipline and thus his control over the SPD. Furthermore, the chancellor agreed to some concessions, such as the inclusion of the supplemental protocol that attached national restrictions, or caveats, to the mandate, and signaled his willingness to meet the Greens half way on other domestic policies that the Greens were keen to adapt.<sup>372</sup>

This series of events can be contrasted with the vote on the ISAF mandate a month later, in December 2001, when Germany threw its political and diplomatic weight behind the mission (e.g., hosting the Bonn Conference), which was to support the nascent Afghan government and ensure a stable and secure environment for the reconstruction of the country. There was broad consensus and support for this “soft power” approach and reflected a core political choice to cordon off the “bad” OEF mission, with its counterterrorism mandate and use of special forces to seek out and

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<sup>372</sup> Herbert Döring and Christoph Hönnige, “Vote of Confidence Procedure and Gesetzgebungsnotstand: Two Toothless Tigers of Governmental Agenda Control,” *German Politics*, 15, 1 (March 2006): 20.

destroy targets, from the “good” ISAF mission that was more politically palatable and “sellable” to the public as a humanitarian and reconstruction mission.<sup>373</sup>

Further examination reveals other cases of compromise between the government and parliament that show how institutional structures define the parameters of decision making. The Schröder government’s efforts to extend the ISAF mandate in 2003 ran into trouble once it reached the Bundestag’s Foreign Affairs Committee. Whether this was an instance of an oversight or lack of judgment by the executive, or an attempt to build into the language of the mandate a degree of flexibility to respond to future events on the ground, the result was the refusal by committee members to accept the government’s motion. The government acquiesced in drafting a *Protokollnotiz* as the condition for the committee’s acceptance of the mandate extension.

The third instance occurred in early 2007 under the SPD and CDU/CSU grand coalition government—again, another effort to keep a balance between alliance concerns and domestic political constraints on the use of military forces. Pressed by its NATO allies to do more in Afghanistan, the government submitted a new motion to send an additional number of forces and Tornado aircraft to Afghanistan. The chancellor got what he wanted, but in the context of growing violence and civilian deaths on the ground, the Bundestag pressured the government to agree to restrictions on the use of the Tornado aircraft.<sup>374</sup>

Furthermore, in the interviews conducted with government officials, policy experts, and parliamentarians, respondents consistently supported the case study’s

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<sup>373</sup> Interviews on November 6, 16, 2009.

<sup>374</sup> Interviews on November 16, 18, 2009.



findings regarding the constraints placed on the chancellor in foreign policy decision making. An overwhelming number of those subjects who took a position on the presidentialization thesis rejected it. Most officials did not accept the notion that the chancellor now has fewer constraints on his or her power. Many were troubled by the term itself because to them the use of the word “presidentialization” implied a shift in the structure of the German political system toward a more Americanized system, an inference they were unwilling to accept. The following statements were made by subjects interviewed in Berlin—government officials, policy experts, and academic researchers in November 2009:

- “I see no structural changes that would indicate an increase in chancellorial power . . . the chancellor doesn’t need these structural changes, he has the power to set policy direction (*Richtlinienkompetenz*).”
- There is “no real change in the system.”
- “There is no presidentialization and increase in chancellorial power, except perhaps in the sense of a ‘bully pulpit’ . . . plus, he has the *Richtlinienkompetenz*. Ministries cannot agitate against the chancellor, and both ministries and chancellor must defer to the Bundestag because it votes for the missions. . . .”
- “Our federalist system cannot produce a true presidentialized system, especially not in a coalition system. Efforts at presidentialization won’t succeed because they challenge the political balance between coalition partners. . . .”
- “The chancellor always had an influential role in foreign policy”
- “We have a strong central government but without ‘presidential’ characteristics, because Germany has a parliamentary army. Thus the parliamentary prerogative (*Parlamentsvorbehalt*) is very strong.”<sup>375</sup>

The reaction of the German officials and policy experts shows that the term itself is problematic. Despite Webb and Poguntke’s argument that the term “presidentialization” is different than “presidentialism” and that no structural changes in regime type have occurred, the respondents took the term to mean that the German

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<sup>375</sup> Interviews on November 6, 11, 12, 16, 18, 2009.

federalist system was becoming more like the American system of government. This presents a problem for theorists. The reaction of respondents was so consistent that it raises questions about the use of the term itself—apart from the issue of its empirical robustness—since it detracts from asking legitimate questions of what precisely can be said about chancellorial power and decision making in the German system of government.

*Discussion: Hypothesis 1*

The above findings show no significant support for the presidentialization thesis. There was little evidence of structural changes that reinforced and expanded chancellorial power, and while the chancellor has constitutional and procedural instruments that give the chancellor a dominant role to play in the foreign policy arena, there are other constitutional and institutional factors that continue to constrain chancellorial power and shape the parameters of policy choices.<sup>376</sup> One study that questions the relevance of the presidentialization thesis to Germany is Ludger Helms' survey of twelve indicators that other analyses have linked to presidentializing trends. Helms determined that only three indicators were robust enough to be used to compare presidential and parliamentary systems: presidentialization in executive leadership (chancellors affected outcomes of elections), structural changes within the core executive, and executive–legislative relations (growing gap between executive and parliamentary party fractions). Applying these variables to the German political system showed no evidence of presidentialization—that is, no growing concentration

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<sup>376</sup> Paterson, "Chancellor," 127–128.

of power in the person of the chancellor. With regard to the last two variables, those of structural changes within the core executive and changes in executive-legislative relations, the present study confirms the findings in Helms' analysis.

With regard to the third variable Helms tested, that of whether the chancellor affects electoral outcomes, Clemens and Saalfeld's study of the 2005 federal election concluded that while the "alleged personalization and individualization of campaigns may have begun to alter the nature of election competition, . . . these changes seem to happen within and through the parties rather than in opposition to them."<sup>377</sup> Thus, the chancellor's room for maneuver remains limited because of factors inherent in the German political system: the reality of coalition governments, the need for good relations with the parliamentary parties, and the diffusion of political power in the German federalist system of government.<sup>378</sup>

Finally, Torben Lütjen and Franz Walter point to what other scholars have emphasized as the critical variables that shape chancellorial power: the strength of the German party system. They describe Chancellor Schröder as having given his tenure in office a "quasi-presidential veneer"—for example, cultivating himself as the "media chancellor" and public distancing himself from his own party—but high popularity ratings do not necessarily secure parliamentary majorities. Schröder's attempts to circumvent the party by shifting some of the decision making into ad hoc bodies and commissions with outside experts shut out parliamentary input and

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<sup>377</sup>Clayton Clemens and Thomas Saalfeld, "Introduction," *German Politics*, special issue on 2005 German election, 15, no. 4 (December 2006): 342.

<sup>378</sup>Ludger Helms, "The Presidentialization of Political Leadership: British Notions and German Observations," *The Political Quarterly*, 76, no. 3: 434–437.

isolated him from the party.<sup>379</sup> Since poor policymaking would more directly affect their own prospects for reelection, parliamentarians were less willing to go along with policies that carried high political risks, such as deploying German military forces. When Schröder needed parliamentary support for the November 2001 Afghanistan vote, it was not forthcoming—hence his use of the vote of confidence.

Where does this lead the chancellor? Existing studies, supported by interviews undertaken for this study, emphasize that the chancellor has an array of formal and informal tools that obviate any serious need for structural reform aimed at enhancing the power of the chancellor. The chief executive's room for maneuver and ultimate success in policymaking depends on the chancellor's ability to utilize the instruments of authority and the institutional organizations (Chancellery) and structures (rules, procedures, norms) available within this larger federalist system of governance.<sup>380</sup> As Stephen Padgett writes: "The authority of the chancellor depends upon his capacity to operationalise his constitutional responsibility for 'general policy guidelines,' coordinating ministerial interests and activities, prioritizing, and fashioning a sense of collective purpose."<sup>381</sup>

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<sup>379</sup> Torben Lütjen and Franz Walter, "Die präsidiale Kanzlerschaft," *Blätter für deutsche und internationale Politik*, 45, no. 23 (2000): 1309–1310.

<sup>380</sup> Roland Sturm, "The Chancellor and the Executive," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 89–90; Gordon Smith, "The Changing Parameters of the Chancellorship," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 178–192.

<sup>381</sup> Padgett, "Introduction," 4.

## Hypothesis 2: Coalition Politics

### Findings

The considerations outlined above lead directly to the study's findings related to the second hypothesis: the role of coalition politics in the decision-making process. Germany's parliamentary system of government produces a coalition-style cabinet government, where governing coalitions are almost always the rule. This means that while authority is concentrated in the chancellor, power is dispersed among many actors, producing a high number of veto players active in the decision-making process who possess diverging goals and interests. The result of this coalition government structure is that the junior coalition partner can at times retain a disproportional degree of influence, with potential consequences for policy outcomes. The second hypothesis sought to determine the conditions under which the junior partner can affect policy preferences—that is, if there is a high degree of dissent on a policy issue in the coalition, how successful can the junior coalition partner be in shaping policy direction and outcome and/or extract concessions from the major coalition partner? The conditions under which the junior partner was able to affect policy preferences depended on several factors: the distribution of power within the coalition (degree of equality in coalition, allocation of ministries); divergence of ideological positions of the parties; types of strategies applied to influence outcomes; and the degree of internal division.<sup>382</sup>

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<sup>382</sup> Juliet Kaarbo, "Power and Influence in Foreign Policy Decision-Making: The Role of the Junior Coalition Partners in German and Israeli Foreign Policy," *International Studies Quarterly* 40 (1996): 502; Juliet Kaarbo, "Coalition Cabinet Decision-Making: Institutional and Psychological Factors," *International Studies Review*, 10, (2008): 57–86; Joe D. Hagan, *Political Opposition and Foreign Policy in Comparative Perspective* (Boulder, CO: Lynne Rienner, 1993), 27–30.

Generally, the examination of foreign policy decision making regarding the Afghanistan deployments shows the importance of coalition politics in shaping policy. In the critical decision stage on the first Afghanistan vote in November 2001, where the degree of dissent between the junior partner, the Green Party, and the major coalition partner, the SPD, was high, the Green Party leadership did not show great success in shaping policy preferences vis-à-vis their larger coalition partner. For one, there were deep internal party divisions on the issue of German participation in out-of-area operations, both in the Green party and in the SPD, particularly within the rank and file. Secondly, the Greens were not an equal partner in the coalition. They were inexperienced in governing, which may have contributed to the fact that the Green Party failed to secure its share of important ministries during the coalition negotiations.<sup>383</sup> More importantly, the Greens were a liability at the polls—that is, their position within the coalition had been seriously weakened by a long string of electoral losses since 1998. This asymmetry of power was especially evident during the decision-making process on the first Afghanistan mandate for OEF in November 2001. The Green Party's weakness had placed it at a distinct disadvantage vis-à-vis the Social Democrats; that the SPD was willing and capable of building an alternative coalition government with the liberal FDP should the Greens refuse to support the motion further emphasized the asymmetrical power relationship within the coalition. This meant that in terms of strategy, for example, the Greens could not apply pressure by threatening to pull out of the coalition since the threat carried little weight, and so

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<sup>383</sup> Ludger Helms, "The Changing Chancellorship: Resources and Constraints Revisited," *German Politics*, 10, no. 2 (August 2001): 157.

the leadership chose for the most part to accept the SPD's position on supporting the Afghanistan deployment.

In this situation the size of the government's parliamentary majority was critical: the SPD-Green coalition possessed only a sixteen vote majority, and thirty-five SPD and Green members had announced their intent to vote against the motion. Part of the reason why the use of the vote of confidence was so precarious in light of the government's very narrow parliamentary majority is that the motion must be carried by a qualified majority of all members entitled to vote, which means that any abstentions automatically count against the chancellor.<sup>384</sup> Schröder thus had to secure an affirmative vote from almost every member of his coalition.

Both Chancellor Schröder and Foreign Minister Joschka Fischer understood the need for Germany to contribute to the international response to the September 11 attacks; gambling that the dissidents in both parties would not risk bringing down the government on this issue, Schröder was able to enforce party discipline and coalition unity and pass the motion at the expense of his junior coalition partner. The vote on the first Afghanistan mission shows there are circumstances in which having a formal parliamentary majority may not be enough, if the vote margin is narrow and the opposition deep.<sup>385</sup>

Despite the fact that the Green Party was not able to sway the ultimate outcome of the vote, the leadership was able to extract some concessions in the form of a supplemental protocol that Schröder was willing to accept. The *Protokollnotiz* set

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<sup>384</sup> Döring and Hönnige, 22.

<sup>385</sup> Interviews on November 9, 10, 12, 1999; for Bundestag statistics, see: [http://de.wikipedia.org/wiki/Bundestagswahl\\_2005](http://de.wikipedia.org/wiki/Bundestagswahl_2005). To place this in perspective, the grand coalition between the SPD and CDU/CSU retained a more than comfortable parliamentary majority of well over one hundred seats.

up parameters that conferred at least some measure of parliamentary control over the mission's operational profile, which placated most of the dissenters but failed to satisfy other rank and file Green supporters who accused the party leadership of selling out and damaging the party's reputation as a "peace party." Thus internal party dissent was attenuated through a bargaining process with the SPD and by allowing four of the eight remaining Green Party dissenters to vote no on the motion as a symbolic signal of continued opposition—all carefully calibrated to secure the parliamentary majority the coalition required, as it did with two votes to spare. Support for the Afghanistan mission was maintained by both party leaderships while the Red-Green coalition was in power. However, once the Greens were in the opposition and freed of their coalitional obligations, the rank and file defied their party leadership and voted against the extension of the mandates.

Results from the interviews held with government officials and foreign policy experts closely paralleled these observations. For a government, the key to effective policymaking in a parliamentary democracy is the maintenance of its parliamentary majority.<sup>386</sup> This requires building a consensus both within and between the coalition parties. The importance of a parliamentary majority is underscored in the November 2001 OEF vote; as one respondent described it, Schröder knew he didn't have a parliamentary majority to pass the mission mandate, but he knew he had a majority if he used the vote of confidence as the vehicle to secure its passage.<sup>387</sup>

To summarize, every chancellor requires the cooperation of his or her coalition partner, particularly on such a sensitive policy issue as military

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<sup>386</sup> Interviews on November 10, 16, 2009.

<sup>387</sup> Interview on November 9, 2009.



deployments. Consensus is endangered when policy positions and policy agendas diverge too much. The degree to which junior partners can push against the major partner's policy preferences depends not only on "foreign policy realities," such as alliance commitments, but on the size of the coalition government's parliamentary majority and such variables as party and coalition unity and the power distribution within the coalition.<sup>388</sup> Thus, junior coalition partners are important because "every consensus decision ties everyone to the lowest common denominator."<sup>389</sup> This is the cost of a coalition government, but while building consensus contributes to the legitimacy of the process, it does not necessarily make the process more efficient.<sup>390</sup>

#### Discussion: Hypothesis 2

Helms, in his work on executive-party relations, summarizes the conclusions in this study on the role of the junior coalition partners quite well:

As to the chancellor's policy-leadership capacities in the core executive and the parliamentary arena, the political weight of the junior partner within a given coalition government and the relationship between the government and the leadership of the majority *Fraktionen* in the Bundestag may be considered variables enjoying a particularly large amount of explanatory power.<sup>391</sup>

The examination of the Afghanistan case study and interviews with government officials and policy experts confirmed, as Kaarbo's research showed, that the junior coalition partner can be an important influence on the shape of policy decisions, but that the ability of the junior coalition partner to affect decisions on out-

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<sup>388</sup> Interviews on November 10, 16, 18, 2009.

<sup>389</sup> Interview on November 11, 2009.

<sup>390</sup> Interview on November 18, 2009.

<sup>391</sup> Helms, "Chief Executive," 160.

of-area operations depended on a number of factors relevant to the context of the decision-making process: whether the junior partner was treated as an equal partner in the proceedings; the distribution of ministries; the ideological position of the parties; internal party cohesion; and what strategy was attempted by the junior coalition partner to influence decision outcomes (bargaining, procedural manipulation, threat to exit coalition).<sup>392</sup> The study revealed important contextual factors that shaped the Greens' policy choices: alliance obligations that committed Germany to sending German armed forces to Afghanistan in the wake of September 11; the relatively weak standing of the Greens in the coalition; the ability (and apparent willingness) of the SPD to dissolve the Red-Green coalition and replace the Greens with the FDP as the new junior coalition partner; the ability of the chancellor to apply a procedural tool (vote of confidence) to enforce compliance; and, finally, the Green Party's own political ambitions.

Perhaps the most important observation to emerge from an examination of the Afghanistan out-of-area case is the need to highlight the role of the Bundestag in the decision-making process. Generally, the Bundestag is seen as having little influence in foreign policy, and so the role of the Bundestag in foreign policy is rarely addressed. While the formal aspects of parliament's involvement are in fact quite limited, there are two foreign policy areas in which the Bundestag is a central player: in decisions concerning out-of-area operations and all matters relating to European

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<sup>392</sup> Juliet Kaarbo, "Power and Influence in Foreign Policy Decision-Making: The Role of the Junior Coalition Partners in German and Israeli Foreign Policy," *International Studies Quarterly* 40 (1996): 502; Juliet Kaarbo and Jeffrey S. Lantis, "The 'Greening' of German Foreign Policy in the Iraq Case: Conditions of Junior Party Influence in Governing Coalitions," *Acta Politica*, 38 (September 2003): 202; Joe D. Hagan, *Political Opposition and Foreign Policy in Comparative Perspective* (Boulder, CO: Lynne Rienner, 1993), 27–30.

policy.<sup>393</sup> Arguably, these are critical policy arenas that feed into Germany's role in NATO, its security relationship with the United States, and its role in the EU. Thus, an evaluation of the decision-making process regarding German military missions must focus on how the Bundestag affects the deliberative process on these policies.

In particular, the case study underscored the need to emphasize informal processes of decision making, rather than formal institutional structures. For example, one of the few studies to take up the question of the Bundestag's role in foreign policy focused on the legal instruments Bundestag members can apply to influence foreign policy decisions. The study argued that parliamentarians rarely used these instruments to seek influence in decision outcomes and thus concluded that the Bundestag's influence on foreign policy was marginal. The study is marred by several methodological problems, not least of which is its failure to mention the issue of informal decision making and the Bundestag's role in determining Germany's participation in out-of-area operations.<sup>394</sup>

Case study interviews with government officials underscored the importance of these informal decision-making dynamics. One interview respondent agreed that the Bundestag does not utilize many of the formal instruments it possesses but argued that it was not necessary for Bundestag members to use such tools except as a last resort. Institutional and normative factors commit the government and parliamentary parties to a process of bargaining, cooperation, information-sharing, and compromise. Bundestag members expect cooperation from the government and so do not invoke

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<sup>393</sup> For one of the few cited chapters on the subject, see Joachim Krause, "The Role of the Bundestag in German Foreign Policy," in *Germany's New Foreign Policy*, eds. Wolf-Dieter Eberwein and Karl Kaiser (Houndmills, Basingstoke, UK: Palgrave, 2001), 157–172.

<sup>394</sup> James Ryan Anderson, "Parliamentary Control and Foreign Policy in Germany," *German Politics and Society*, Issue 64, vol. 20, no. 3 (Fall 2002), 1–14.

procedural rules or other pressures if they can get what they want through informal bargaining. In the end, the Bundestag is an important actor because on the question of out-of-area operations it is co-determinant, and this co-determination is reflected in the informal process of decision-making.<sup>395</sup>

The Afghanistan case showed that the Bundestag possesses a number of institutional structures—rules, practices, and procedures—that allow it to influence policy outcomes. Thus just as the chancellor has factors that enable and constrain his or her ability to shape policy so, too, does the institutional setting reveal a set of variables that enable and constrain parliamentary action. Some of these instruments, such as the extension period for mandates, are not a legal prescription but established practice; others, such as the *Protokollnotiz*, are more formalized tools that are applied in the course of the bargaining process between government and parliament in determining the parameters of out-of-area missions.

The variable of ideological positions of the party cited by Kaarbo was not as relevant in the case of the Red-Green coalition, since the two parties were quite close (both identify themselves as “peace parties,” for example), but this did not guarantee that policymaking on sending German troops abroad would remain free of conflict, particularly because both parties faced left-wing opposition to sending troops to Afghanistan. Greater ideological differences between the SPD and CDU/CSU generally mattered more in the grand coalition, but the elite consensus on foreign policy and on German out-of-area missions was maintained throughout its tenure, albeit with increasing difficulty. It is instructive to note that when the Greens went

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<sup>395</sup> Interviews on November 10, 12, 2009.

into opposition in 2005 and the SPD followed in 2009, both parties abandoned the guise of consensus on German out-of-area operations.

Based on the Afghanistan study, two variables appear particularly relevant: the degree of internal party conflict—for example, whether there is a significant gap between the party leadership and its rank and file; and the size of the parliamentary majority the coalition government possesses. Securing a parliamentary majority, as Stephen Padgett pointed out, is the sine qua non of a parliamentary government.<sup>396</sup> This, more than anything, seems to shape the parameters of policy deliberations. “Do we have a majority?” is one of the first questions raised in the decision-making process on deploying German armed forces abroad, and it is one of the questions party and government leaders continue to raise as they work to ensure passage of the motion.

In summary, the Afghanistan case supports previous studies that emphasize the importance of internal dynamics of coalition politics. The Green Party leadership could not significantly affect the SPD’s decision to send troops to Afghanistan, but the narrow size of the parliamentary majority gave it the possibility of bargaining around the edges of the mandate to assert a degree of control over German forces.

#### *Discussion: Constructing a Framework for Analysis*

The findings from the two hypotheses reveal important information about the role of actors and structures in foreign policy decision making. Historical and constitutional factors as well as a broad array of bureaucratic and institutional instruments enable the chancellor to move policy toward a defined objective, while

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<sup>396</sup> Padgett, “Introduction,” 4.

the diffusion of political power in the German political system constrains the chancellor from dominating the decision-making process. The central constraints on chancellorial power are embedded within the structures of Germany's parliamentary democracy: the dependence of the chief executive on his or her own party; the importance of political parties as mediators between the executive and legislative branches; the central role of parliamentary party fractions in the decision-making process; and the constraints of coalition politics on a chancellor's room for maneuverability.<sup>397</sup>

The question to which the study now turns is how these results fit into a larger framework for analyzing German foreign policy decision making. As noted, very few studies of German foreign policy address the question of how such important decisions as sending German armed forces abroad are formulated. Therefore, the next step in this study is to place the findings from Afghanistan case into a broader framework of analysis that documents the process by which foreign policy decision making on out-of-area operations are made, paying close attention to how institutional structures both enable and constrain the actors who function inside the parameters of the decision-making process: how does the chancellor utilize his or her position to push desired policies? What is the impact of party competition, particularly between coalition partners? What are the consequences of the constitutional and legally defined division of power between actors (executive,

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<sup>397</sup> Stephen Padgett, "Introduction: Chancellors and the Chancellorship," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 3–8; Stephen Padgett, "The Chancellor and his Party," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington, D.C.: Georgetown University Press, 1994), 44; Paterson, 128; Smith, "Changing Parameters," 192; Karl-Rudolf Korte and Manuel Fröhlich, *Politik und Regieren in Deutschland* (Paderborn:Verlag Ferdinand Schöningh, 2004), 93–95.

legislative, bureaucratic)? And where are the points in the decision-making process at which decision outcomes are most affected?

The framework for analyzing out-of-area decisions incorporates an understanding of the relationship between domestic and international variables and the interaction of factors at several levels of analysis. Most particularly, the case study reveals two important dimensions of the process: the relationship between formal and informal institutional structures, and at which stage of the process the decision outcome can be most influenced by actors and events.

A close examination of the process reveals that there are two major phases of decision making in which policy can be shaped. The first phase is the phase prior to the formal vote in the federal cabinet in which the chancellor and the chancellery play the pivotal role. The second important phase of decision-making occurs once the government's motion has been sent to the Bundestag's Foreign Affairs Committee. Although committee members cannot alter the government's motion, they can redefine certain parameters of the mission through the application of various institutional structures—rules, procedures, and parliamentary practices. Given the relatively few studies on the topic, the following section is based to a large extent on information extracted from the case study and interviews of government officials, policy experts, and policy practitioners.

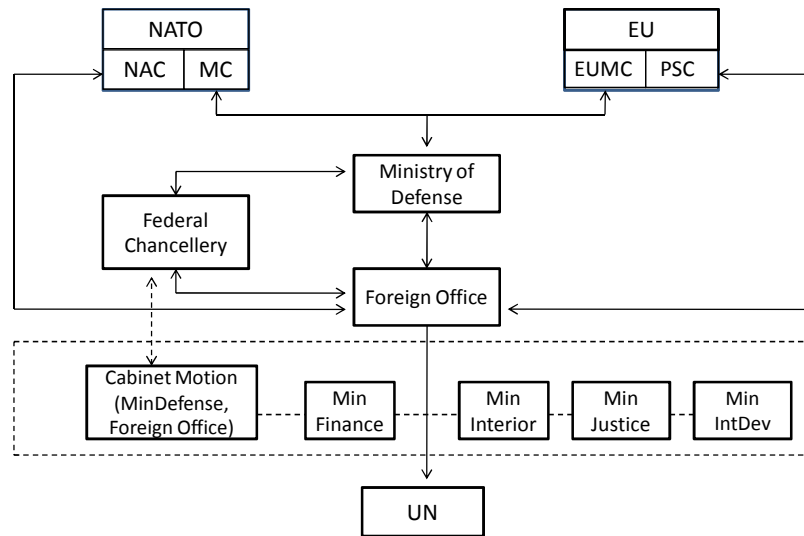
#### Phase One: External Pressures and Executive Action

Most studies of German policymaking tend to begin their exploration of the decision-making process at the point at which a formal request for assistance arrives in Berlin. In the formal process, the government responds by evaluating the request

and drafting a motion to support the deployment of German armed forces. The motion is taken up and voted on by the federal cabinet and then forwarded to the president of the Bundestag. After the first reading in the plenary the motion is passed on to the Foreign Affairs committee. With other parliamentary committees advising (e.g., Defense, Finance, Development, Interior), the Foreign Affairs Committee produces a report and returns it to the plenary with the committee's recommendation on the government's motion. After the parliamentary debate in the second reading, the motion is brought to a vote.

However, German officials and experts with knowledge of the foreign policy process on out-of-area operations almost always began their discussion by observing that the formal process matters much less than the informal decision-making process, which is set in motion at the international level prior to any official government determination or action on out-of-area missions. Some international event or impulse occurs and is serious enough to warrant the attention and ultimately the engagement of an international institution, such as the UN or NATO, which determines that some response requiring the deployment of military forces is required. In the case of NATO, the security institution sends an official request to the German government asking for contributions to the mission. Figure 7 shows the interaction between the external and domestic components of the decision-making process.





**Figure 7: German Government Coordination of Missions**

Source: based on *House of Lords, Select Committee on the Constitution, "Waging war: Parliament's role and responsibility,"* 15<sup>th</sup> Report of Session 2005-2006, Volume II: Evidence, HL Paper 236-II, published by the Authority of the House of Lords, London, 27 July 2006, 226.

The initial impulse is external, and the formal request to the German government is preceded by intense informal diplomacy in these external security institutions in an effort to balance alliance concerns with domestic political constraints. The maneuvering becomes a game of setting markers to negotiate Germany's level of contribution until it becomes clear that what will be requested of the German government is precisely what the government has agreed to commit. According to government officials, the worst outcome would be a situation in which a publicly stated request for contributions must be publicly denied, since the political repercussions are then difficult to control.<sup>398</sup>

<sup>398</sup> Interview on November 16, 2009.

Once the request is officially received by the Chancellery, the phase of developing the contours of the mandate expands under the supervision of the Chancellery and in close coordination with the relevant ministries and coalition and parliamentary party leaders. The thread that runs through this phase, and the subsequent phase in which the Bundestag's parliamentary committees process the government's motion, hinges on the question of the government's parliamentary majority. But as interview respondents stressed, what is important is not simply whether the coalition government has a parliamentary majority, but the size of the parliamentary majority.<sup>399</sup> The smaller the number of votes that constitutes the majority, the more difficult it can be to reach consensus, particularly if there is a great deal of internal party dissent and intra-coalition conflict.

In this phase of informal decision making, when the executive and the administrative/bureaucratic actors determine the operational contours of the mandate, the most critical interaction is between the executive and the parliamentary party fractions, which support the cabinet members.<sup>400</sup> The Chancellery works closely with party officials—party fraction leaders, the party executive committee, foreign policy experts—and it is the fraction leaders who must deliver the votes. “Do we have a majority?” is the question that drives the dynamics in these informal meetings.

One interview respondent argued that those observers who believe the Bundestag is not influential tend to focus on the formal aspects of decision making while ignoring important feedback loops and informal-level contacts. The informal decision-making process is composed of a dense network of feedback loops, of

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<sup>399</sup> Interview on November 23, 2009.

<sup>400</sup> Interview on November 16, 2009.

formal and informal mechanisms of information exchange and coordination: a Foreign Office representative sits in on parliamentary working groups; state ministers are in close contact with party leaders; and a Chancellery representative participates in ministerial meetings and in fraction discussions. Finally, often overlooked are the informal working meetings (*Arbeitssitzungen*) that function at all levels.

Feedback loops are important because the development of the mandate must be constantly reviewed to gauge whether it is politically defensible. The chancellor and Chancellery work closely with federal ministers and their respective staff—state ministers, state secretaries, heads of divisions, and directors of departments in a bottom-up process. The Ministry of Defense is the lead ministry in discussions with NATO and the EU (the Foreign Office liaises with the UN) and is primarily responsible for defining the operational parameters of the mission. The political parameters are decided by the Chancellery in close coordination with the Foreign Ministry, which is the lead ministry and coordinates the inter-ministerial process. Drafts of the motion are distributed widely in order to assure that the motion has the level of detail to fulfill the government’s obligation to provide parliament with detailed information and to avoid any legal challenges to the mission.<sup>401</sup>

The need for consensus drives the informal decision-making process. The motion on an out-of-area mission will not be placed onto the federal cabinet’s agenda for a vote until there is consensus within the coalition government. Importantly, the chancellor speaks to the chairs of all of the parliamentary party fractions, including the parties in opposition. This is perhaps unusual, but some interview respondents also spoke of a “normative commitment” to seek as broad a consensus as possible on

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<sup>401</sup> Interviews on November 10, 11, 16,

military issues, which means the active engagement and, whenever possible, the approval of the opposition parties.<sup>402</sup> This could be seen merely as a means to co-opt other political actors in order to minimize political opposition, but government officials also argued that it is tied to the need for consensus-building in German politics and in particular to sensitivities relating to Germany's past military aggression. The process must be transparent and, at least for the government, produce a motion whose language is sufficiently detailed that it can prove unassailable, both in terms of parliamentary pressure to produce a *Protokollnotiz* or a legal challenge in the Federal Constitutional Court.<sup>403</sup> Thus, everything must be taken into account in the informal process in determining the government's position: parliamentary majority, internal party cohesion, public opinion, and normative considerations (culture of restraint, humanitarian issues).

### Phase Two: Parliamentary Deliberation and Party Action

In the decision-making process, phase two is dominated by dynamics within the Bundestag and begins once the government's motion is forwarded to the parliamentary committees. The Foreign Affairs Committee, as the lead committee, is responsible for the drafting of the final report and recommendation on the proposed government motion on the out-of-area mission (*Beschlussempfehlung und Bericht*), while other committees function in an advisory capacity and submit their

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<sup>402</sup> Interview on November 12, 2009.

<sup>403</sup> Interview on November 11, 2009. This has been done with some regularity with regard to out-of-area missions. In terms of judicial or constitutional review, there is no prohibition in German law in applying the principle of judicial review to foreign policy issues—unlike the United States, where “political questions” or an “act of state” are not subject to judicial review. The Constitutional Court has emphasized the importance of the Bundeswehr as a “parliamentary army,” but it does exercise “judicial self-restraint” in foreign policy, and its rulings acknowledge the primacy of executive prerogatives in foreign policy and have permitted the government a wide margin of maneuverability. See “House of Lords,” 41–42.

recommendations to the Foreign Affairs Committee. The government's motion is rarely altered and it is carried almost verbatim into the committee's final document.<sup>404</sup> It is in this evaluative committee process where the Bundestag can alter the conditions around the government motion. The 1994 Constitutional Court decision placed the German parliament as the final arbiter concerning the deployment of German armed forces, but there are other instruments that provide the Bundestag with a great deal of influence on shaping out-of-area decisions:

*Parliamentary Participation Act.* The Parliamentary Participation Act of March 2005 (*Parlamentsbeteiligungsgesetz*) is the vehicle by which the Bundestag defines the form and dimensions of out-of-area missions and codifies the requirements set out by the 1994 Constitutional Court ruling. The Act states that any "deployment of armed forces abroad," regardless of the type of deployment, requires the consent of parliament and provides for two types of consent procedures: a standard procedure by which the government submits a motion which then must be voted on by the full plenary in a simple majority vote; and a simplified procedure by which consent is granted if there is no parliamentary move to activate a full debate within seven days after notification.<sup>405</sup> Importantly, the Parliamentary Participation Act also requires the government to provide information on a number of mission parameters: the international legal foundation for the mandate; the defined territorial

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<sup>404</sup> Interview on November 18, 2009.

<sup>405</sup> Parliamentary Participation Act, available at: <http://www.bundestag.de/bundestag/ausschuesse17/a12/auslandseinsaetze/parlamentsbeteiligungsgesetz.html>.

limits; the operational mandate; operational details (troop limits, capabilities to be deployed, duration), and the cost and source of funds for the mission.<sup>406</sup>

*Twelve-month extension period.* As one respondent explained, the twelve-month period by which missions are normally extended is a “self-constraint,”<sup>407</sup> not a legal requirement. In the 1990s, when German officials struggled with how to manage out-of-area missions, the concern was focused on setting up a system to maintain ongoing reviews and reappraisals of operations, with the Bundestag providing some kind of counterweight to the government. Setting a time limit on the mandate, rather than leaving the mandate open-ended, was a way to assure active parliamentary involvement at regular intervals. Setting up an annual evaluation of the mandates was a political decision that has become standard practice, and it is the norm with Afghanistan.<sup>408</sup>

Given that some missions are not as controversial as others, there have been a number of proposals to streamline the process, but this has been difficult if not impossible to achieve in the current political environment. One suggestion has been to bundle the non-controversial missions (e.g., humanitarian assistance) and pass several at one time. The Parliamentary Participation Act, as noted, allows for a simplified consent procedure. However, every parliamentary party fraction has the right to debate each mission individually, and the Left party has taken advantage of its parliamentary prerogatives by demanding a full plenary debate on every mission and extension. Thus, in terms of the decision-making process in parliament, a mission

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<sup>406</sup> House of Lords, Select Committee on the Constitution, “Waging war: Parliament’s role and responsibility,” Volume II: Evidence, HL-236-II, July 27, 2006, 31–32, with an English translation of the Parliamentary Participation Act found on pages 44–46.

<sup>407</sup> Interview on November 9, 2009.

<sup>408</sup> Interview on November 11, 2009.

to send five military advisors or a small medical unit must be taken through the same formal standard procedure as the Afghanistan mission. Proposals to change the Parliamentary Participation Act to permit a more streamlined decision-making process have been rejected, and there appears to be no interest in pursuing such reforms, at least in the near future.

*Protokollnotizen*. Another institutional tool applied in the out-of-area decision-making process is the use of *Protokollnotizen*—supplemental protocols attached to the mandates that appear in the final report of the Foreign Affairs Committee. The supplemental clause is utilized in the Foreign Affairs Committee to rectify the shortcomings of a government-submitted motion and defines certain parameters or requirements of the mandate. The “take it or leave it” aspect of parliamentary consent on out-of-area operations has been criticized as watering down parliamentary prerogatives in the decision-making process, but the use of the supplemental protocol is seen as a way to counteract the restricted nature of the “take it or leave it” vote and keeps the parliament directly involved in the decision-making process.<sup>409</sup> The use of *Protokollnotizen* in the Afghanistan case shows this: the *Protokollnotizen* laid out conditions under which the Bundestag would review the extension or mandate; they committed the government to submit regular reports on the status of the missions; and they obligated the Defense Minister to refrain from acting in a given situation if strong misgivings were voiced by the leadership of the Foreign Affairs Committee.

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<sup>409</sup> House of Lords, 34–35; see also the legal/constitutional argument about the use of *Protokollnotizen*, which was introduced because some believed that the “take it or leave it” prohibition was an unconstitutional restriction on parliamentary rights and prerogatives. See “House of Lords,” 58.

*Caveats.* One of the most controversial aspects of Germany's participation in military missions abroad is the subject of caveats, or national restrictions. Each national contingent in Afghanistan has an officer that holds the "red cards" or instructions that the national government has provided that restrict that nation's troops from participating in certain kinds of missions. Every NATO member has caveats; there are approximately 50–80 caveats that constrain NATO commanders in Afghanistan. Nevertheless, to the puzzlement of German officials, Germany often is singled out for its use of caveats.<sup>410</sup>

To complicate matters further, there are also written as well as unwritten caveats. In any NATO deployment, each member state defines the scope of its contributions, and it is standard procedure for member states to provide notice of official restrictions it places on a deployment. It is also common for member states to withhold information on other caveats that they do not wish to provide to the multilateral organization in command of the mission. Commanders only become aware of these unofficial caveats when events occur that force member states to acknowledge them.<sup>411</sup>

In the German decision-making process, the need for consensus on out-of-area operations drives the issue of caveats. In the decision-making process there are two different kinds of caveats: those set by parliament and those set by the government.

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<sup>410</sup> In fact, Auerswald and Saideman preface their discussion of German caveats with the title, "Germany: the Poster Child of Caveats." See David P. Auerswald and Stephen M. Saideman, "NATO at War: Understanding the Challenges of Caveats in Afghanistan," paper presented at the Annual Meeting of the American Political Science Association in Toronto, Canada, September 2-5, 2009, 1, 21–26. See also Stephen M. Saideman and David P. Auerswald, "Comparing Caveats: Understanding the Sources of National Restrictions upon NATO's Mission in Afghanistan," *International Studies Quarterly* Vol. 56, No. 1 (March 2012): TBA.

<sup>411</sup> *Ibid.*, 6–7.



For the Bundestag, the caveats are embedded in the *Protokollnotizen*.<sup>412</sup> In the Afghanistan case, several caveats were placed in the *Protokollnotiz* that placed restrictions on the mission: one in the OEF mission mandate in November 2001 (regular reports and consultation required; soldiers remain under German command), and another in the ISAF mission in October 2003 (e.g., prohibition on participation in drug interdiction). Other caveats were integrated into the text of the motions during the informal preparatory phase at the executive-ministerial level (e.g., the Ministry of Defense): caveats that restricted German troop movements to northern Afghanistan, which was later amended (because of allied pressures) to allow German soldiers to deploy anywhere in the country to help NATO allies in emergency situations; and the caveats relating to the Tornado deployments in 2007 that prohibited any exchange of information between OEF and ISAF and the use of German Tornado aircraft for any “close air support” operations. Nevertheless, the strongest caveat that still holds is that German troops will not engage in offensive combat operations.<sup>413</sup>

The Chancellery is concerned with drafting a motion that will fulfill a number of criteria. It must retain enough flexibility to conduct efficient operations but yet be able to respond to changes on the ground; it must be detailed and transparent enough to avoid any efforts by the Foreign Affairs Committee to attach a supplemental protocol; and it must be acceptable enough to reduce the possibility of a party fraction challenging the motion by filing suit in the Constitutional Court. The Chancellery is also concerned that any motion or extension be defined in a way that minimizes

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<sup>412</sup> Interviews on November 9, 10, 12, 2009.

<sup>413</sup> Auerswald and Saideman, 22–23; interviews on November 9, 12, 2009; Paul Belkin and Vince Morelli, “NATO in Afghanistan: A Test of the Transatlantic Alliance,” *CRS Report for Congress*, December 3, 2009, 23.

potential public opposition—for example, reducing the “military” aspects of a mandate and emphasizing the reconstruction and development role of the German forces.<sup>414</sup> The government assesses the political mood in the Bundestag first; if there is reason to believe the vote will be problematic, then the Ministry of Defense, in close coordination with the Chancellery and Foreign Office, may insert caveats into the motion because at times it is precisely the inclusion of a caveat that can be the decisive political criterion determining whether or not a parliamentary party fraction will vote for the motion.<sup>415</sup>

In terms of the actual impact of these institutional tools of decision making, several points can be made. First, while the simplified procedure exists, it is rarely invoked because the opposition Left party continues to insist on a full debate for every extension. Thus, the Bundestag is almost permanently engaged in debating out of area operations. Every year the mandates have to be re-negotiated, which means the decisions are always vulnerable to election cycles, political maneuverings, and to the politics of the moment. As one official put it, the question most often asked in the decision-making process is not what is operationally necessary but what is politically feasible. Other officials argued that the slow and cumbersome process of a full procedural vote means that Germany’s NATO allies are held hostage to the dynamics of German domestic politics.<sup>416</sup>

Secondly, the *Protokollnotizen* and caveats have a direct impact on the ability of the Bundeswehr and ultimately NATO to successfully implement its mandate on

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<sup>414</sup> Paul Belkin, “German Foreign and Security Policy: Trends and Transatlantic Implications,” *CRS Report for Congress*, RL34199, October 3, 2007, 16.

<sup>415</sup> Interviews on November 11, 18, 2009.

<sup>416</sup> Interviews on November 9, 16, 18, 2009.

the ground in Afghanistan. Caveats have been a great source of conflict because the restrictions make it difficult for NATO commanders who need flexibility in deploying the troops at their command.<sup>417</sup> The problems associated with implementing some kind of structural reform in the decision-making process are difficult to resolve. Tightly centralized decision making can lead to inefficiencies and delays; for example, Foreign Office representatives have restricted decision-making authority on the ground in Afghanistan, so their requests must be sent to Berlin and then up the bureaucratic chain of command.<sup>418</sup>

### Summary

The Afghanistan case study has shown the weakness of the presidentialization thesis, particularly in the German case. It has reinforced conclusions in studies that emphasize the relevance of coalition politics and the role of the junior coalition partner in the decision-making process. It highlights the importance of the Bundestag as an actor in the foreign policy decision-making process related to out-of-area missions. Finally, it begins the process of constructing a framework for analyzing foreign policy decision making by highlighting an array of institutional structures—bureaucratic organizations, rules, practices, and procedures—that shape the policy outcome. Sometimes these outcomes reflect political compromises that make the implementation of policy difficult, but the ad hoc, incremental approach to sending German troops abroad appears to be the pattern that will hold for the foreseeable future.

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<sup>417</sup> Belkin and Morelli, 10–11.

<sup>418</sup> Interview on November 9, 2009.

### Limitations of Study

Several limitations must be noted. First of all, the study focuses on middle-range theory and thus cannot contribute directly to the larger discussion of the nature of German foreign policy or the continued relevance of Germany as a civilian power. Nevertheless it sheds light on the reasons why German policymakers and diplomats negotiate one set of parameters rather than another.

Second, this study focused on institutional structures in which actors are embedded, so while it does not delve deeply into patterns of actor behavior, it does help illuminate the institutional structures that shaped the decision-making environment in which actors make decisions. Thus, the study should be seen as a supplement to FPA studies that focus on individual decision making and constructivist analyses of the constitutive nature of policy environments.

Third, to properly construct a more robust framework for analyzing the patterns of German foreign policy decision making, more case studies are needed. Does it matter, for example, whether the mission is NATO-led rather than UN or EU-led? In addition, a more longitudinal study of decision making over time would provide insights into the development of the institutional structures that have shaped the decision-making process. A decision-making study of the first out-of-area mission in Bosnia in the early 1990s—prior to the Constitutional Court’s decision in 1994—and the Kosovo mission in the late 1990s—when Germany sent troops without a UN mandate—would be important earlier case studies.

Because of the specific role of the Bundestag in the decision-making process on out-of-area operations, the critical observations about the role of the Bundestag are

not applicable to the entire spectrum of foreign policy decisions. The other policy arena in which the Bundestag plays a significant role is European policy, which increasingly covers a vast array of policy issues.<sup>419</sup> Such observations as arise from this case study of the formal and informal mechanisms of decision making would be germane to those issues in which the Bundestag does have constitutive powers. Nevertheless, the case study provides insights about the German foreign policy decision-making process that contribute to a greater understanding of the general course of decision making regardless of the issue area.

### Significance of Study

Thus the study's significance lies in its effort to begin the process of constructing a general framework for analysis of post-unification German foreign policy decision making. The study contributes insights relevant to the ongoing debate on structure and process in foreign policy analysis and to the institutional structures that shape the context within which decisions are made. It provides a much-needed update to our current understanding of the German foreign policy decision-making process and the interaction of actors and structures within it. In addition, the case study of out-of-area operations touches on one of the most significant changes in German foreign policy—a policy that remains controversial and that exemplifies the countervailing pressures between external demands and domestic political constraints.

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<sup>419</sup> Stephen Collins' study of German EU enlargement policy is one example. See Stephen D. Collins, *German Policy-Making and Eastern Enlargement of the EU During the Kohl Era* (Manchester: Manchester University Press, 2002).

One important contribution is the explanation of the role the German Parliament plays in out-of-area operations, which is rarely included in discussions about decisions relating to German military contributions. Many studies have sought to understand the political tensions and requirements of security operations on the demand side, but there are political pressures and constraints that shape the outcome of political processes at the supply end as well. The context of the decisions that determine the contours of out-of-area contributions at that level are equally important in terms of providing a more complete picture of policy outcomes, and they can shed light on at least some of the reasons why decisions do not necessarily translate into better policy implementation on the ground.

## Chapter 8: Conclusion

Prior to the unification of the country in 1990, the government of the Federal Republic of Germany held that sending German armed forces to participate in peacekeeping operations was unconstitutional. Within a span of two decades, and following a landmark ruling by the country's Federal Constitutional Court in 1994, Germany has become a supplier of security with over 7,000 troops participating in a dozen operations around the globe. Most of its armed forces—nearly 5,000—serve in Afghanistan, where German troops have been deployed since 2001.<sup>420</sup>

Germany's role in out-of-area operations has not been without its critics outside of and within Germany, as the case study of Afghanistan shows. Domestically, the Afghanistan mission has generated controversy and opposition. A “culture of restraint” that in German society engenders a deep skepticism about the use of military force as a political instrument and the gradual worsening of the security environment in Afghanistan—increasing violence with escalating civilian casualties—has led to strong public opposition and calls to end Germany's military engagement there. German leaders of most political parties have accepted a greater role for Germany in the international system and in peacekeeping operations, but they

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<sup>420</sup> See Ministry of Defense deployment statistics at: [http://www.bmvg.de/portal/a/bmvg/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLd4k3Ng40AcmB2CZu5vqRcMGglFR9X4\\_83FR9b\\_0A\\_YLciHJHR0VFALJNrlo!/delta/base64xml/L2dJQSEvUUt3QS80SVVFLzZfRF8zM1E0?yw\\_contentURL=%2FC1256F1200608B1B%2FW264VFT2439INFODE%2Fcontent.jsp](http://www.bmvg.de/portal/a/bmvg/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4k3Ng40AcmB2CZu5vqRcMGglFR9X4_83FR9b_0A_YLciHJHR0VFALJNrlo!/delta/base64xml/L2dJQSEvUUt3QS80SVVFLzZfRF8zM1E0?yw_contentURL=%2FC1256F1200608B1B%2FW264VFT2439INFODE%2Fcontent.jsp).

remain unwilling to commit German troops to participate in operations in which armed force is actively projected against an enemy.

The German government's attempts to balance rising allied expectations of Germany's role in Afghanistan and domestic political limitations on what is politically feasible have had consequences for the NATO mission on the ground. German critics charge that the NATO decision-making process itself is held hostage to the Bundestag's cumbersome and lengthy process of consent. The political necessity of restricting certain components of Germany's military role in Afghanistan, as this case study revealed, has had negative consequences in NATO and in the prosecution of Germany's mandate in northern Afghanistan. Germany's NATO allies have been extremely critical of the caveats placed on German forces by the German government because the flexibility NATO commanders need to respond to events on the ground is reduced by such restrictions. Furthermore, that German officials in Afghanistan must often wait until Berlin authorizes requests can create problems when quick action is required. Finally, inter-ministerial coordination remains problematic and thus implementation correspondingly poor. And yet, as many officials interviewed for this study pointed out, the German government remains committed to the country's role as a contributor to military missions abroad.

The German foreign policy elite's continued support of a German contribution to out-of-area operations in the face of public opposition reveals a number of things. First of all, Germany remains committed to the NATO alliance and to its international obligations despite the unease that Germany's new security role creates among Germans. It also implies that more often than not, public opinion is an intervening



rather than a determining variable in foreign policy decision making, though German politicians and officials remain sensitive to public opinion and are constantly assessing the political environment to anticipate how the public might react.

Even so, the hesitation of the German elite to expand Germany's security role in Afghanistan is not just about the elite's sensitivity to public opinion, but about characteristic principles that guide German foreign and security policy—its commitment to multilateralism and to “never going it alone,” and its emphasis on the non-military aspects of security and defense policy. The emphasis placed on the civilian reconstruction and development mandate of the International Security Assistance Force (ISAF) rather than the robust counterterrorism mandate of Operation Enduring Freedom (OEF) reflects this distinct emphasis in Germany's security approach. While NATO officials, particularly U.S. officials, criticize Germany for the restrictions it imposes on its troops, German officials have criticized U.S. officials for focusing too much on the military aspects of conflict reduction in Afghanistan.

More than anything else, perhaps, the study shows that the Bundeswehr is a “parliamentary army.” The German parliament's role in foreign policy is not significant—except for out-of-area operations. Thus, any observations of German military missions must acknowledge that the executive and legislative branches of the German political system are co-determinants of out-of-area policies, and both can place restrictions or caveats on operational details. The decision-making process outlined in the Afghanistan case also shows how the operational parameters can be affected by parliamentary participation; the established practice of extending

mandates for missions like Afghanistan for only twelve months, for example, means such decisions are constantly vulnerable to political maneuvering, electoral cycles, or to events on the ground that may have a negative impact on the shape of the mandate itself.

This leads us to ask new questions about the nature of the overall decision-making process itself regarding out of area operations. What shapes the outer parameters within which actors operate and make decisions? Arguably, in the area in which German foreign and security policy changed the most—that is, in Germany’s decision to participate in out-of-area operations—one would expect to find some changes in the way in which the decision-making process had to adjust to the changed circumstances. However, a review of the literature on German foreign policy decision making revealed a startling lack of information regarding the nature of post-unification German policy decision making. Indeed, as was shown, much of the literature of Germany in the post–Cold War era has been concerned with IR-level studies that vacillated between neo-realist expectations of a resurgent German nationalist state propelled by a renewed sense of power and interests to constructivist rejoinders of the continuity of Germany as a civilian power and of its norm-driven foreign policy.

As relevant as these structurally-based analyses are, a state level, foreign policy analysis approach is more effective in addressing questions about the factors that determine the course of foreign policy decision making on out-of-area operations. Given the absence of a sustained research effort on this topic, this study stepped in to begin the process of examining decision making in order to determine, first, what

factors influence the course of decision making and then to place these factors in a decision-making framework of analysis to gain a better understanding of foreign policy decision making in the German context.

Furthermore, the study argued that while FPA emphasizes the centrality of actors in the decision-making process, too little attention has been given to the institutional structures—organizations, procedures, norms, and practices—within which individual actors function and which shape the direction and outcome of policy decisions. Thus, the study has contributed to the literature on foreign policy analysis by examining the ways in which actors utilize institutional structures to influence the course of policy decision making. Hypotheses that tested both agency—whether or not the chancellor has expanded power to influence policy decisions—and structure—in what ways coalitional dynamics between the major and junior coalition partners affect policy decisions—were applied to the case of Germany’s military operation in Afghanistan. Results from the case study were placed within a larger framework of analysis for foreign policy decision making.

The study produced a number of insights. The interaction between internal and external pressures is important, since the impact of international pressures on the decision-making process is felt through informal communications and negotiations at the international level before the formal decision-making process involving the chancellor and the Bundestag begins. Thus, a discussion of German policy deliberations must emphasize the informal dynamics of decision making both at the international level as well as the informal bargaining and consensus-building that shape policy outcomes, integrating these dynamics with the more formal aspects

shaping the decision-making process. Within these decision dynamics, one of the most important drivers is whether or not the coalition government has a parliamentary majority to pass the mission mandate in the Bundestag, but that possession of a numerical majority may not be enough if a situation arises in which internal coalition dissent is great and the size of the parliamentary majority is small.

Secondly, contrary to some theoretical arguments, the German chancellor has a great deal of influence over setting the foreign policy agenda, but chancellorial powers remain restrained by a number of constitutional/legal and institutional constraints. How effective the chancellor can be in the policymaking process depends primarily on the chancellor's ability to utilize the instruments available to successfully drive the process, the relationship to his or her own party, and the leadership qualities the chancellor possesses.

Thirdly, political parties also hold a central role in Germany's parliamentary democracy, and coalition politics are an important influence in policy decision making. The chancellor relies heavily on the parliamentary party fraction in the Bundestag to push through his or her policy agenda, particularly when the issue is so divisive—as in the case of out-of-area operations. When the degree of policy disagreement between coalition partners is great, policy resolution is difficult, even when the overall nature of party political philosophies are not that different, as was the case between the Social Democrats (SPD) and the Greens.

The study showed that the resolution of differences on the deployment of German troops can occur in the decision dynamics in the Bundestag—that is, that the German Bundestag is a key actor and decision maker with regard to sending German

armed forces abroad. The needs of *Staatsraison* and Germany's alliance commitments carried by the federal government into the decision-making process are not necessarily in alignment with the political views represented in the Bundestag, but actors at the governmental and parliamentary levels do possess institutional mechanisms that can be applied in order to formulate a policy consensus that can forge a parliamentary majority that will support the continued participation of Germany troops in out-of-area operations.

### *Future Research*

The study's findings suggest several avenues for future research. First of all, it is clear that the construction of a framework for analyzing foreign policy decision making requires additional case studies in order to more fully examine the process in which decisions are made. The value of examining out-of-area operations lies in the opportunity the issue provides for assessing a discrete "before and after" case, since it was only after the country united that it took up the role of contributing armed forces to out-of-area operations. Before the 1994 Constitutional Court decision the executive prerogative was more pronounced; afterwards the balance shifted to a co-determination between the chief executive and the parliament. Bosnia and Kosovo are important cases in the 1990s. Other cases deserving mention would be Macedonia in 2001 and the Congo in 2006, both of which are missions led by the EU, rather than the UN or NATO. It would be worth examining whether any differences in the decision-making process emerge, depending on which institutional actor holds the mandate. For example, one respondent noted that the further development of the EU's

security and defense policy (ESDP) would require more institutional reform in order to protect the Bundestag's decision-making authority in out-of-area questions and insisted that it must be involved at the very early stages of deliberation.<sup>421</sup>

Secondly, the current study focused on the chancellor as an important foreign policy actor, but more research on the decision-making dynamics within the executive is needed, particularly the relationship between various federal ministries. Interviews with German officials brought out the problems associated with inter-ministerial rivalries and differences in approaches. Bureaucratic entities develop their own institutional and bureaucratic cultures, and there is no doubt, for example, that given the militarily-defined role of the Ministry of Defense and the reconstruction-oriented role of the Ministry of Development, these two ministries would not necessarily share the same views about defining the parameters of Germany's out-of-area operations. Learning more about how these differences may affect the course of foreign policy decision making would shed more light about the process itself.

Thirdly, there is the role of the Bundestag in out-of-area decision making. One issue that emerged in the case study was the interaction between international and domestic variables in decision making as they related to the question of parliament's consent prerogative in out-of-area missions—the internationalization of foreign policy decision-making processes set against parliamentary rights. On the one hand, an argument can be made that decisions that increasingly are being made in international bodies reduce the Bundestag's constitutional prerogatives to decide whether or not Germany will participate in an out-of-area mission. Proponents of institutional reform of the decision-making process see this danger, but other officials

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<sup>421</sup> Interview in Berlin on November 10, 2009.

do not share this view of declining parliamentary control. Nevertheless, to place the theoretical discussion as a question of “national decision making” versus “international decision making” is too much of a simplification of what is a very complex interplay of forces that lies at the heart of the decision-making process.<sup>422</sup>

This issue raises a highly relevant policy question of how the inefficiencies in the decision-making can be addressed. Recognizing the need to reform the decision-making process, can reforms actually gain enough political support to be implemented? Short of structural reforms, what changes can be implemented in order to reduce the problems currently besetting the implementation of policies on the ground in Afghanistan? One aspect heard in the German debate is that of a “multilateral trap” in German foreign and security policy: the struggle of German leaders to define a clear strategic policy regarding out-of-area operations may be hindered by the perceived need to continue to show Germany’s commitment to multilateralism, which in effect creates a situation whereby the government says yes to all requests for German troop participation and then tempers its decision by inserting restrictions that make the decision more palatable to the elite and public alike but create problems on the ground.<sup>423</sup> What kind of a supplier of security will Germany be? Germany’s contributions will always remain within a multilateral context, and understanding the factors—and restrictions—that shape such decisions will remain relevant to any discussion of Germany’s role in international military operations, and to an understanding of the limits of international cooperation within the parameters of multilateral military operations.

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<sup>422</sup> Interviews in Berlin on November 10, 11, 12, 16, 2009.

<sup>423</sup> Interview in Berlin on November 9, 2009.

## Appendix A: ISAF and OEF-related Mandates 2001–2008

### ISAF

#### 2001

- United Nations Security Council
  - Resolution 1378 (November 14, 2001)
  - Resolution 1381 (December 6, 2001)
  - Resolution 1386 (December 20, 2001)
- German Government Motion of December 21, 2001 (No. 14/7930)
  - December 2001–June 2002 (1,200 soldiers)

#### 2002

- United Nations Security Council Resolution 1413 (May 23, 2002)
- German Government Motion of June 5, 2002 (No. 14/9246)
  - June 2002 to December 2002 (1,200 +200 soldiers)
- United Nations Security Council Resolution 1444 (November 27, 2003)
- German Government Motion of December 3, 2003 (No. 15/128)
  - December 2002–October 2003

#### 2003

- United Nations Security Council Resolution 1510 (October 13, 2003)
- German Government Motion of October 15, 2003 (No. 15/1700)
  - October 2003–October 2004 (2,250 soldiers)
  - Supplemental Amendment (*Protokollnotiz*) of Foreign Minister and Declaration of Defense Minister, October 22, 2003 (No. 15/1806)

#### 2004

- United Nations Security Council Resolution 1563 (September 17, 2004)
- German Government Motion of September 22, 2004 (No. 15/3710)
  - October 2004–September 2005 (2,250 soldiers)

#### 2005

- United Nations Security Council Resolution 1623 (September 13, 2005)
- German Government Motion of September 21, 2005 (No. 15/5996)
  - September 2005–September 2006 (3,000 soldiers)

#### 2006

- United Nations Security Council Resolution 1707 (September 12, 2006)
- German Government Motion of September 13, 2006 (No. 16/2573)
  - September 2006–September 2007 (3,000 soldiers)

#### 2007

- United Nations Security Council Resolution 1776 (September 19, 2007)
- German Government Motion of February 8, 2007 (No. 16/4298)
  - March 2007–October 2007 (+500 soldiers, 6 Tornado aircraft)
- German Government Motion of September 19, 2007 (No. 16/6460)
  - October 2007–October 2008 (3,500 soldiers)

#### 2008

- United Nations Security Council Resolution 1833 (September 22, 2008)
- German Government Motion of October 17, 2008 (No. 16/10473)
  - October 2008–December 2009 (3,500 soldiers)



## **OEF**

### **2001**

- United Nations Security Council
  - Resolution 1368 (September 12, 2001)
  - Resolution 1373 (September 28, 2001)
- German Government Motion of November 7, 2001 (No. 14/7296)
  - November 2001–November 2002 (3,900 soldiers)
  - Supplemental Amendment (*Protokollnotiz*) of Foreign Minister of November 14, 2001 (No. 14/7447)

### **2002**

- German Government Motion of November 6, 2002 (No. 15/37)
  - November 2002–November 2003 (3,900 soldiers)

### **2003**

- German Government Motion of November 5, 2003 (No. 15/1880)
  - November 2003–November 2004 (3,100 soldiers)

### **2004**

- German Government Motion of October 27, 2004 (No. 15/4032)
  - November 2004–November 2005 (3,100 soldiers)

### **2005**

- German Government Motion of November 3, 2005 (No. 16/26)
  - November 2005–November 2006 (2,800 soldiers)

### **2006**

- German Government Motion of October 25, 2006 (No. 16/3150)
  - November 2006–November 2007 (1,800 soldiers)

### **2007**

- German Government Motion of November 7, 2007 (No. 16/6939)
  - November 2007–November 2008 (1,400 soldiers)

### **2008**

- German Government Motion of October 29, 2008 (No. 16/10720)
  - declares OEF activities in Afghanistan will not be renewed

Source: Ministry of Defense: <http://www.bundeswehr-monitoring.de/einsaetze-ausland-dokumente.html>.

## Appendix B: Chronology of Events in Afghanistan 2001–2008

<b>2001</b>	
September 11	Terrorist attacks in the United States
September 12	United Nations Security Council (UNSC) passes Resolution 1368 condemning attacks
September 12	Chancellor Gerhard Schröder gives a speech pledging German support in fighting terrorism
September 28	UNSC passes Resolution 1373, which calls on member states to work together to suppress the threat of terrorism
October 2	NATO's invocation of Article 5 on September 12 is confirmed after an investigation proved that the terrorist actions in the United States had been conducted by Al-Qaeda, protected by the Taliban in Afghanistan
October 7	U.S. attack against the Taliban in Afghanistan begins
October 11	Chancellor Schröder in a speech before the German Bundestag assures the United States of Germany's "active solidarity" in fighting terrorism and makes reference to possible German participation in military operations
November 6	Bush administration sends request for assistance. Schröder meets with top party leadership, faction leaders, and with the cabinet regarding the request.
November 7	German government submits motion to Bundestag that outlines German intentions to contribute troops on basis of NATO Art. 5, UN charter Article 51, and UN resolutions 1368 and 1373. The following day, the motion is transferred to parliamentary committees for further discussion
November 8	Release of government statement of unlimited solidarity with the United States along with declaration of intention to deploy 3900 troops for OEF mission pursuant to government motion submitted on November 7, 2001. However, the German government continued to wait for the United Nations to pass a resolution mandating further action in order for the Bundestag to vote on the government's motion
November 13	Schröder, responding to growing dissent within his party and the coalition to sending German troops to Afghanistan, calls for a motion of confidence in his government and ties it to a vote of support for the Afghanistan mission—thus forcing SPD and Green members to choose between the survival of their coalition or the rejection of the mission
November 16	The vote of confidence in the German Bundestag passes with only two more votes than the simple majority required (336–326 –0),

	ensuring the survival of the Red-Green coalition and endorsing German participation in the OEF mission
November 24	The federal government announces that Germany will host the planned donor conference for Afghanistan
November 27– December 5	The Bonn Conference begins. The Bonn Agreement establishes an interim administration/government for Afghanistan. Annex 1, the “International Security Force,” states that the participants of “UN Talks on Afghanistan request the UNSC to consider authorizing the early deployment to Afghanistan of a UN mandated force.”
December 6	UNSC passes Resolution 1383 accepting the Bonn Agreement and noting its intention to act on it
December 6	Afghanistan Donor Conference begins, with questions raised as to how much Germany will commit and for what purposes
December 20	UNSC passes Resolution 1386 authorizing deployment of a multinational force in Kabul and surrounding area to help stabilize the country and create conditions for lasting peace. ISAF command is given to Great Britain
December 21	With UNSC Resolution 1386, providing the legal basis, the German government submits a motion to the Cabinet regarding proposing to send German armed forces to serve within the framework of ISAF. The mandate is set for a period of only six months (up to June 20). The motion carries in the Cabinet and is sent to the Bundestag
December 22	The motion is deferred to the parliamentary committees, and taken up by the Plenary. The motion passes with a vote of 538:35:8. Germany will now send 1,200 troops to Afghanistan. An extension must be voted on in June 2002
<b>2002</b>	
January 13	German troops arrive in Afghanistan and will be stationed in the north and central Kabul. The German government resists repeated requests by Karzai government for Germany to assume command of ISAF forces after the British leave in March.
March 6	First German casualties
March 15	Germany and the Afghan administration sign an agreement that German will assume the lead in police training efforts
March 16	German government outlines its reconstruction aid package
May 23	UNSC passes Resolution 1413 extending the ISAF mandate to December 20, 2002
June 5	German government submits motion to extend German participation in ISAF for another six months, until December 30, 2002. The Cabinet passes the motion and the Bundestag receives and defers the motion to its committees
June 14	Bundestag votes to extend ISAF mandate until December 30, 2002
August 28	NATO assumes command of ISAF forces. Germany has 2,000

	troops in Kabul
October 28	After much resistance, Germany agrees to take over as lead nation in ISAF as of February 2003. Defense Minister Peter Struck anticipates no resistance, but the UNSC must first extend the ISAF mandate before the Bundestag can vote on the motion
November 7	German government submits motion to extend OEF for twelve months until November 15, 2003. The motion is forwarded to parliamentary committees
November 15	Bundestag votes to extend OEF mandate another twelve months
November 27	UNSC Resolution 1444 extends ISAF mandate for one year
December 3	German government submits motion to extend German ISAF participation another year, until December 13, 2003. Because Germany will take over as lead nation (along with the Netherlands) February 2003, the motion includes a request to increase the German troop level to 2500 soldiers
December 20	Bundestag votes to extend ISAF mandate another twelve months. However, parliamentarians reject Afghan leader Karzai's request for Germany to expand its geographical reach, keeping restrictions on German troop movements
<b>2003</b>	
Feb. 10	Germany and Netherlands assume command of ISAF in Kabul on the basis of UNSCR 1444
Aug. 9	Summer finds the issue of extending the ISAF mandate beyond Kabul still simmering. The SPD now supports this, and the Ministry of Defense has sent a survey team to determine where Germany's expanded presence might be. However, on August 9, the FDP party brings files a suit in the Federal Constitutional Court arguing that that the court must legally clarify whether or not such an extension of the mandate is permissible. The suit is later dismissed.
Oct. 13	UNSC passes Resolution 1510 authorizing expansion of ISAF operations to include operations anywhere in Afghanistan
Oct. 15	German government submits motion to extend ISAF mandate another year and to expand Germany's geographical presence to Kunduz.
Oct. 24	Bundestag votes to extend ISAF mandate and the armed forces' geographical reach to Kunduz.
Nov. 15	Bundestag votes to extend OEF mandate for another year
<b>2004</b>	
Feb. 5	NATO Foreign Ministers meeting in Munich, where more support for stronger engagement in Afghanistan and more PRTs are discussed. The U.S. representatives argue for combining OEF and ISAF, which the German government opposes
Apr. 24	Germany and the Netherlands establish a second PRT in

	Feyzabad; since the German government views this as an extension of its presence in Kunduz mission, it argues that no new mandate is required.
June 28	NATO summit reveals ongoing difficulties in getting more troops and materiel to do the job
Sept. 17	UNSC passes resolution 1563
Sept. 23	German government passes motion to extend ISAF for one year
Sept. 30	German Bundestag votes to extend ISAF mandate for another year
Oct. 9	First ever elections in Afghanistan; Karzai is elected president
Oct. 27	German government votes to extend OEF mandate another year
Nov. 12	Bundestag votes to extend OEF mandate by vote of 509–48–3
<b>2005</b>	
Feb. 11	Results of NATO summit: Germany agrees to increase its contribution but not its troop level, which will remain at 2,250. Germany will take responsibility for all of northern Afghanistan. Germany also will establish an outpost in Mazar-i-Sharif but troops will be pulled out of Kabul to support this
Sept. 21	German government votes to extend ISAF mandate for another year but requests a troop increase to 3,000.
Sept. 28	German Bundestag votes in favor of extending ISAF mandate by vote of 535–14–4
Nov. 3	German government votes to extend OEF mandate for another twelve months; motion is sent to Bundestag
Nov. 8	German Bundestag votes to extend OEF but reduces troop level to 2,800. Vote is 519–67–3.
<b>2006</b>	
Sept. 12	UNSC adopts resolution 1707 “on the situation in Afghanistan”
Sept. 13	German government submits motion to extend ISAF mandate for twelve months
Sept. 28	German Bundestag votes to extend ISAF mandate, though there is increasing unease regarding the safety of German troops in light of deteriorating security situation and concerns regarding mission “overstretch” in the Bundeswehr
Nov. 28-29	NATO summit; Germany agrees to let its troops assist allied forces outside their zone in emergencies; Canada threatens to pull out of Afghanistan if other members continue to refuse to contribute more
<b>2007</b>	
Feb. 8	German government submits request for deployment of six Tornados for air reconnaissance and surveillance/monitoring in Afghanistan. The motion is clear that the Tornados will support the ISAF mandate only—no information is to be exchanged with OEF—and that aircraft will not be used for close air support

March 9	German Bundestag votes to accept government request to send six Tornados to Afghanistan, but the debate is heated. Opponents now charging that Germany is participating in a war and not just contributing to civilian reconstruction activities.
May 22	The political debate on extending OEF shows declining support. Most parties want out of OEF but continue to support the ISAF mandate
Sept. 19	UNSCR 1776 “on the situation in Afghanistan”
Sept. 19	German government votes to extend ISAF mandate for another twelve months and forwards the motion to the Bundestag
Oct. 12	German Bundestag votes in favor of extending ISAF mandate, but Chancellor Angela Merkel rejects NATO General Secretary’s request to send German troops to southern Afghanistan to participate in stabilization operations
Nov. 7	German government submits motion to Bundestag to renew OEF mandate for twelve months
Nov. 15	German Bundestag passes motion to extend OEF mandate by vote of 413–145–15
<b>2008</b>	
April 2-4	NATO summit in Bucharest; Canadian government again threatens to withdraw its forces by 2009 if other allies do not pledge an additional 1,000 combat troops. Its NATO allies respond accordingly: the United States pledges 5,000 troops, France another 720, and Germany an additional 1,000 troops.
June	Government says it will seek approval of Bundestag to increase troop levels by 1,000
Sept. 22	UNSCR 1833 extending support for Afghanistan operation
Oct. 7	German government votes to extend ISAF mandate (this time by fourteen months in order to prevent the debate on the extension from becoming mired in the federal election scheduled for September 2009)
Oct. 16	German Bundestag passes motion to extend ISAF mandate by vote of 442–96–32
Oct. 29	German government passes motion to renew OEF mandate, but the motion states that the Cabinet declines to renew German commitments to OEF in Afghanistan. Thus, while Germany retains troops in the OEF efforts on the Horn of Africa, it no longer participates in OEF operations in Afghanistan

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