



The Responsibility to Protect and Germany's 2013 Election

The Responsibility to Protect (RtoP) or "Schutzverantwortung" has made significant inroads in terms of cementing itself on the German domestic political scene. With the elections just ten days away, how do the major parties plan to deal with the principle? How does it figure, if at all, in their policy platforms? What can we expect from the major parties regarding their support for RtoP for 2013 and beyond? This brief provides answers to these questions for an English-speaking audience.

The Political Parties of Germany

Germany has five major political parties likely to win a significant percentage of the vote on 22nd September 2013.

- The **Christian Democrat Union (CDU)** along with its sister party, the Christian Social Union (CSU), is the country's main conservative party and picked up 33.8% of the vote in the 2009 election.
- The **Free Democratic Party (FDP)** is a classical liberal party and the junior partner in the current ruling coalition with the CDU/CSU, having received 14.6% of the vote in 2009.
- **Alliance '90/The Greens** (Bündnis 90/Die Grünen), formed in 1993 from the merger of the two political parties following the end of the Cold War, is Germany's green party and typically sits on the centre left of the political spectrum but does not always permit such easy categorisation. It represents a perhaps more pragmatic and centrist line than many Green parties and 2009 saw its biggest election success to date with 10.7% of the ballot.
- The **Social Democratic Party** of Germany (SPD) is a traditional centre-left party with its roots in, and much of its support coming from, the labour movement. It is presently the largest opposition party having picked up 23.0% of the vote at the last federal election.
- The **Left Party (Die Linke)** is a recent amalgamation (since 2007) of a breakaway left wing faction of the SPD

and the post-communist ruling left wing party of East Germany. It is an outright left party and received 11.9% of the ballot in 2009.

The Christian Democratic Union (CDU)

The CDU has not had much to say on RtoP, which is unfortunate considering its position as the senior partner in the current ruling coalition. There is no explicit mention of the concept in its 2013-2017 policy platform and it seems reluctant to take a leadership role on the issue, both domestically and internationally. The party tends to take a more indirect approach, implicitly touching on notions including human rights and political freedom as well as the prevention of genocide and crimes against humanity.

The lack of a firm party position on the issue has not stopped certain individual party members voicing opinions on the matter. In a speech entitled "Criteria for Foreign Missions" in 2011, Roderich Kiesewetter, a CDU politician and former *Bundeswehr* general staff officer remarked that if the Responsibility to Protect were a decisive criterion for participation in foreign missions, intervention would be required everywhere that massive human rights violations occur. This points to a cautious and sceptical approach to the application of the principle as a guiding principle of foreign policy and perhaps also to an attitude that only sees RtoP through a narrow military lens.

The most promising position from an individual member is perhaps that of Defence Minister Thomas de Maizière. In a



February 2013 speech entitled "Taking International Responsibility: Germany's Role in the World Today", de Maizière made it clear that he saw Germany's international responsibility as entailing a Responsibility to Protect, that political solutions were not always sufficient for achieving this end and that Germany had to work with the UN on military missions involving the maintenance of peace. He thanked the Greens for elevating the issue for discussion in the parliament and seemed supportive of their proposal that guiding principles be established for *Bundeswehr* missions. He also outlined four such potential guidelines himself, all of which seemed to arise from RtoP principles. Perhaps the only caveat from this speech was his interpretation of RtoP as a "right to intervention" - an attitude that may strike some as more reminiscent of humanitarian intervention doctrine.

Positions and opinions of certain individual members notwithstanding, the CDU has yet to state a clear party position on the issue. As the senior coalition partner in the present government, it has dealt with RtoP issues as they have arisen on the international stage (e.g. during the Libya crisis) but has not taken a leadership role. At present, it does not seem to be a party priority.

The Liberal Democrats (FDP)

The junior partner in the current ruling coalition has been a little more proactive on the matter, even including a brief mention of RtoP in its policy platform, *Bürgerprogramm 2013*, p.88:

"We want a further strengthening of the international criminal jurisdiction such as, for example, strengthening of the International Criminal Court. Under the auspices of the United Nations, we want to define and further develop the human rights notion of 'Responsibility to Protect'. Under the pillars "to prevent, to react and to rebuild", the strengthening of prevention should be of particular importance."

Florian Toncar, deputy chairman of the FDP parliamentary group, certainly stands out from his colleagues on the issue. In 2009, he wrote that in memory of Kosovo and Rwanda, it was the duty of the international community to protect people from unscrupulous governments. He further remarked that he hoped RtoP established itself in the international system of human rights protection but cautioned that military intervention should only be considered as a measure of last resort in extreme emergencies. The extent to which such an attitude is commonplace amongst FDP colleagues is hard to gauge but the topic at least comes up in the parliamentary group enough to warrant its inclusion in the party's policy platform.

The current Foreign Minister, Guido Westerwelle, is one of the most prominent FDP politicians in Germany. He appears to be somewhat of an RtoP sceptic, remarking in a 2012 interview that some of the commentary on the Responsibility to Protect civilians would have been unthinkable for him five years ago and that there is certainly a strand of "neo-hawk" thinking in the debate in Germany concerning military interventions. Westerwelle was also Foreign Minister when Germany, as a non-permanent member of the UNSC in 2011/12, opted to abstain on UNSC Resolution 1973 concerning Libya in 2011.

The FDP seems to support a generic strengthening of international institutions to deal with international problems. Wanting Germany to be a good international citizen, it supports the notions of human rights, international application of criminal law, etc. but does not make RtoP a major part of its foreign policy platform. Its focus lies on prevention, indicating an unspoken cautious attitude towards violations of sovereignty and military applications of RtoP. However, the explicit mention of



the concept in its election platform is certainly a positive sign.

The Greens (Bündnis 90/Die Grünen)

The Greens have no doubt taken the lead on RtoP in Germany. To this end, they have devoted almost four pages of their 2013 policy platform document to the theme under the heading "A World of Peace and the Responsibility to Protect". Whilst accepting that such a world must ultimately be reached politically, their conception of RtoP recognises that military force may sometimes be a necessary emergency measure to halt genocide. This followed on from the discussion at the party conference in November 2012, where the topic of Responsibility to Protect was given considerable attention and a resulting 10-page resolution was published.

Further to the extended clarification and discussion of their own party position in the lead up to the election, the Greens have sought to have the matter debated in greater detail at a federal level. This culminated in the submission of a motion to the Bundestag on 9th May 2012 entitled "Developing and Effectively Implementing the Responsibility to Protect". The title of the submission indicates the broad support the norm receives from the Greens; support further defended and examined in the motion itself. It also contains 28 recommendations to achieve the goal of developing and implementing the Responsibility to Protect, a notable one of which called for the establishment of an institutional mechanism like that of the Atrocity Prevention Board in the United States.

It is worth noting that the Greens do not yet see RtoP as customary international law but note the gradual, progressive establishment of a common law standard. Their conception of RtoP is

broad and includes the possibility of the use of military force in emergency cases.

The Greens have dealt extensively with the issue in various media both through their own party mechanisms, as well as through the furthering of debate at the federal level – most notably in the Bundestag. They have shown themselves to be the most active supporters of RtoP on the German political landscape.

The Social Democrats (SPD)

The SPD, currently Germany's largest opposition party, has taken a similar line to the Greens, although it has not dealt with the issue as prominently and thoroughly.

The SPD has included a somewhat cautious mention of RtoP in its election policy document *Regierungsprogramm 2013-2017*, p. 113:

"We stand for a strengthening of the United Nations system. We want to put the United Nations, with its universal membership and legitimacy, at the centre of political globalisation. We support the reform of the United Nations into a powerful and efficient organisation. In terms of social democratic peace politics, we want to commit ourselves to the strengthening of crisis and conflict prevention and the protection of human rights. The principle of Responsibility to Protect must primarily focus on civilian measures."

Prior to this, it had introduced a motion into the Bundestag entitled "Further Developing the International Responsibility to Protect" on 29th February 2012. The document ran a little over three pages and lacked the thoroughness and depth of the motion from the Greens that would follow less than three months later. It began by tracing the historical progress of the norm, citing the massacres in Rwanda and Srebrenica as the historical impetuses for its codification over the last decade. The motion ended with a call to the German government to define



RtoP as a focus for instruments of German development cooperation and for a show of leadership on the issue at the regional and international levels, thereby ensuring the concept gained a higher degree of acceptance.

The SPD exhibits clearly defined support for the principle of Responsibility to Protect and its correct application through UN procedures. It is perhaps a little wary of explicitly defining how it sees the military application of RtoP and its election platform calls for an interpretation focusing on civilian measures. It supports discussion on the way forward for the norm at both the German and international levels, as well as the further development of the concept.

The Left Party (Die Linke)

Die Linke stands firmly opposed to the principle and has, perhaps for this reason, not included any reference to RtoP in its election programme. It tends to take a strictly pacifist line regarding international relations and sees such discussions through a classical left-wing lens of international class struggle and the assertion of power and will by the strong on the weak. This has severely limited its contribution to further discussion of the concept at the domestic level, let alone implementation of it on the international stage.

Indicative of the party's attitude was Wolfgang Gehrcke's contribution to the debate on intervention in Libya in 2011 where he twice emphatically repeated: "No war for oil! No military support for either side!". The proposed alternative was a mediation process between the two aggrieved sides, something he suggested Germany put forward to the UN Security Council. Although there may be some internal discussion between traditionalists and reformists in Die Linke, it is unlikely that this essential view of foreign military missions, even

those sanctioned by the UN under Chapter VII, will change. Die Linke has not offered an alternative proposal of how to protect endangered peoples from mass atrocities when all civil measures have been exhausted.

Despite perhaps some support for certain types of international missions aimed at protecting civilians that do not involve the use of force, Die Linke typically opposes RtoP as it stands. It sees the principle, at best, as a misguided protection mechanism that will only lead to the proliferation of war; and at worst, as a wolf-in-sheep's-clothing form of neo-imperialism.



Post-Election Coalitions

It is highly unlikely that any party will secure enough of the vote to form government itself, which makes a coalition almost certain. There are essentially four plausible configurations, usually discussed in Germany according to the colours of the respective parties:

The Grand Coalition (CDU/SPD)

An alliance of Germany's two biggest parties, the CDU and the SPD, is shaping up as one of the two more likely combinations. If the makeup were to follow that of the 2005 coalition, Angela Merkel would remain Chancellor and the cabinet seats would be split equally between the two parties. However, given that the CDU would likely be the senior coalition partner (compared to 2005 when both parties won roughly equal portions of the ballot), it is more likely that the cabinet seats would be CDU dominated.

A coalition naturally provides an opportunity for either party to influence the direction of the Federal Government. Barring a significant change in its policy, the CDU is unlikely to progress the debate on RtoP on either the domestic or international levels. Given the fact that, until now, a clear party position is yet to be established, RtoP is unlikely to be pushed from its side should a grand coalition form.

The SPD has certainly clarified its position on RtoP more thoroughly but also seems timid in talking about anything more than vague civilian measures of protection. Notwithstanding its motion in the Bundestag calling for further development of the principle, it is unlikely it would be a high priority in a grand coalition government. There would likely be more pressing areas over

which to debate and compromise with the CDU and an emerging and controversial foreign policy norm is unlikely to be given much priority.

In the unlikely event that the CDU themselves were to take a more supportive stance, the SPD would most probably not oppose it. On the other hand, if the SPD were to promote RtoP themselves and the CDU rejected the idea, it would be unlikely that the SPD would push the issue without CDU cooperation. This essentially means that RtoP under such a political arrangement would progress as far as the CDU advanced it or allowed it to be advanced.

The Christian Liberal Coalition (CDU/FDP)

A continuation of the present arrangement between the CDU and the FDP is the other most likely configuration. If this were to happen, the CDU would bring an increased share of the vote compared to 2009 (about 40%, up from 33.8%) and the FDP would bring a decreased share of the ballot from its 2009 results (about 5-6% compared to 14.6% in 2009).

As the junior coalition partner in the present government, the FDP has fewer ministers in the cabinet than the CDU. As its haul of the ballot will almost certainly decrease, it would have less influence on any coalition in which it finds itself. Although the FDP has included a brief mention of RtoP in its policy document, it is unlikely to give the promotion of the principle much priority given its likely precarious post election position.

If the CDU were to rule in the same coalition with an increased majority, we can probably expect business as usual on the RtoP front. Short of a policy change from the CDU that involved explicitly supporting the principle, RtoP is unlikely



to advance much at all under such a coalition. As in the grand coalition scenario, it would likely progress as far as the CDU advanced it or allowed it to be advanced.

The Red-Green Coalition (SPD/Greens)

An alliance with the Greens is certainly the most natural partnership for the SPD but it seems somewhat unlikely at this stage that the two parties will be able to muster enough votes between them to permit such an arrangement. An SPD/Greens coalition formed government for two terms between 1998 and 2005; the first time the Greens had been involved in a federal government.

This arrangement would undoubtedly be the most conducive to the promotion of RtoP. The Greens would almost certainly push for it to be part of a foreign policy platform that would also involve a broad push toward the strengthening of international institutions and international law in general. Unlike some other German parties, the Greens have not been coy in detailing the fact that RtoP may require military measures in emergency cases. Given the fact that both parties have submitted motions to the Bundestag calling for greater discussion and clarification of RtoP, we could expect to see rigorous debate at the very least, as well as a push for other parties, including the FDP and CDU, to adopt firm policy positions on the issue in the context of such debate.

The SPD has demonstrated slightly more restrained support for RtoP meaning that its promotion would probably be primarily pursued by the Greens. The SPD is unlikely to oppose debate on and promotion of the principle and may even welcome having a coalition partner that will assist in cementing RtoP at the centre of a foreign policy platform. There could be some disagreement over the extent to which RtoP involves civilian measures, military measures or both; but

the Greens and SPD are likely to be able to work together well to ensure RtoP plays a central role in foreign policy.

The Black-Green Coalition (CDU/Greens)

With the Greens likely to take the highest share of the vote out of the three minor parties, it is possible that the CDU will find themselves with no other viable coalition partner (assuming a Grand Coalition is deemed undesirable). Such a situation is possible, albeit unlikely, given that such a coalition has never been established federally and both parties have thus far come out against such a configuration.

This coalition could, surprisingly enough, be conducive for the promotion of RtoP. In such a coalition, the two sides would likely clash over many issues on which they have diametrically opposing views. RtoP is hard to categorise in the right/left spectrum; a point made clear by the opposition of Die Linke and the noncommittal stance of the CDU – two parties with otherwise wildly oppositional views. In this context, RtoP is perhaps an issue on which compromise would be more attainable.

Given that the CDU has not yet expressed a real policy position one way or the other, there may be considerable room for the Greens to influence the direction of RtoP in foreign policy. This will essentially hinge on whether the CDU has an opposition to the principle that has not yet come to light or whether it has simply failed to give it much policy consideration. The former situation would once again mean that RtoP would progress as far as the CDU advanced it or allowed it to be advanced; the latter would provide the Greens with a good opportunity to promote a holistic and rigorous approach to RtoP that is more akin to their own established platform.



Conclusion

A number of German political parties and prospective coalitions certainly provide hope for the promotion of RtoP on the political stage. The most promising progressions, until now, have come from the Greens and the Social Democrats, both of whom have submitted motions to the Bundestag to promote further development of RtoP from the German government. Die Linke is the only party that has made its opposition clear and this is unlikely to change in the foreseeable future. The FDP has also referenced the principle in its election platform, albeit with a focus on civilian measures. The CDU/CSU has been disappointing in its lack of promotion of (or opposition to) RtoP. As the senior partner in the current ruling coalition, a coalition that presided over Germany's tenure of a non-permanent UN Security Council seat from 2011-2012 in a time of upheaval across the Arab World, one would expect more leadership on the issue.

As the issue continues to advance on the international arena, Germany and its political parties have the option of being at the forefront of the discussion or watching as the debate is led by others. Its position as a major European power dictates that it should not be content with allowing the latter.

Genocide Alert is a human rights NGO based in Germany that works to prevent and punish mass atrocities through advocacy, awareness raising and research. On 12 September 2013 Genocide Alert published a ranking grading the programs of all major political parties in Germany according to each party's promises relating to human rights and mass atrocities prevention. The results (in German) can be found on www.schutzverantwortung.de, a site run by Genocide Alert which provides a platform for information and debate on RtoP in Germany. This brief was prepared by Roland Harris of Genocide Alert.

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