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Caught between Kosovo and Iraq: Understanding Germany's Abstention on Libya

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By Felix Berenskoetter.

The German decision to abstain from voting on the UN Security Council Resolution 1973 authorizing a no-fly zone over Libya puzzled many observers and was heavily criticized by some. The German government has been accused of irresponsible and inconsistent behaviour, abandoning Western consensus, and of having 'failed the test' of leadership. Such criticism has been voiced abroad ([mainly from](#) Western countries supporting the resolution) and domestically (by, for instance, Klaus Naumann and [Joschka Fischer](#)). Accompanied by an air of moral superiority and/or a sense of embarrassment, the critics [tend to explain](#) the German decision with a misplaced pacifist reflex, poor strategic thinking and a weak and clumsy Foreign Minister. And, of course, with a short-sighted and an inward-looking government concerned mainly about public opinion (the parties of the governing coalition had been trailing in polls for state elections which took place a week after the UN vote).



My aim is not to defend the German decision. But criticism sometimes says more about those voicing it than about their target, and so I think it is important to take a step back and consider the strategic thinking behind the abstention. And then, it seems to me, the government's position does not appear unreasonable at all.

Let's begin with the facts: [Resolution 1973](#) authorizes the enforcement of a no-fly zone over Libya with the aim of protecting civilians "with all necessary measures". It was clear to everyone involved that this would entail the use of military force. Furthermore, Germany's decision to abstain, as communicated by the German government, did neither imply [neutrality](#) nor was it meant to obstruct the mission. It can be interpreted as a constructive abstention as it exists in the EU's decision-making procedure for CSDP missions and also in NATO's 'silent procedure'. Furthermore, it is misleading to attribute this stance to an incompetent Foreign Minister, as Guido Westerwelle took the decision in consultation with the Chancellor and the Minister of Defence. As such, it was also Angela Merkel's decision. This is important, as Merkel is generally considered an experienced leader who uses a low-profile but consistent approach to pursue of German interests, informed by careful, calculated and, yes, strategic thinking. Finally, the German government has been relatively clear in explaining its position. While sharing the goal of Resolution 1973, it argued that voting in support would bind Germany into a risky mission with unintended consequences. That prospect Merkel and her Ministers wanted to avoid.

Now, one could view this stance as a repetition of Germany's refusal to participate in the 2003 war against Iraq. And, indeed, there are many parallels. For instance, there is the familiar attempt to [portray](#) Germany as an outlier who is acting irresponsibly and isolated from the international community. While it is not surprising to find this frame amongst those leading the mission and amongst domestic pundits concerned about German standing in the world, it does not hold much water. Most obviously, the BRIC countries hardly amount to a small share of the 'international community'; the real issue is, of course, that Germany is not supposed to be in 'that camp'. Yet even if we look at Germany's position among NATO members the picture is mixed. Tellingly, and in contrast to the Iraq episode, there has been no fallout with the US. Indeed, the two countries are closer in their position than it may seem; until the day before the UN vote the Obama administration [was sceptical](#) about military intervention and it has since withdrawn its planes from the operation. Within Europe, also, support for the intervention was by no means unanimous; many countries stood back and silently shared the German position.

Like during the Iraq debate, the German government shared the goal of regime change, that is, it agrees that it is desirable to end Gaddafi's reign in Libya. Yet while it supports [all kinds](#) of civilian measures towards that end, including sanctions, it does not consider military intervention as the appropriate instrument. The reason is not merely pacifism. Then as now, the German government remains unconvinced that the events in Libya pose an immediate threat to international peace and security. Indeed, such a claim is not easy to make even for those leading the intervention. Although some commentators tried to revive the triangular logic of 'Tyrant-Terror-WMDs' used so effectively (and misleadingly) by Bush and Blair in 2003, the argument that intervention is necessary to fight terrorism and disarm a dictator is even less plausible now. After all, for the past five years or so Western governments considered the Gaddafi regime a useful partner in fighting terrorism and [sold it](#) plenty of arms.

But times change, and now Western governments are concerned about human security/rights in Libya. The situation appears to be a classic case of the 'R2P' logic: Gaddafi is a bad sovereign who is killing his own people (Resolution 1973 speaks of possible crimes against humanity) and in order to protect Libyan civilians the establishment of a no-fly-zone, including the use of military force against the forces of the regime, is necessary. Given that Germany was willing to intervene in Kosovo in 1999 under a similar logic (even without UN resolution), why abstain now? Have Germans forgotten their vow to allow 'no more genocide'? It will be difficult to have German officials admit as much in public, but there are doubts as to whether the moral case is as straightforward. Without downplaying the fact that civilians are being killed in Libya, as they are elsewhere, the term genocide has not been invoked so far, and for good reason. The scenario of a massacre in Benghazi, central to the sense of urgency to pass the UN resolution, remains a scenario. One could say this is only thanks to the intervention, but [how do we know](#)? Certainly the rebels have learned to play the R2P tune to their advantage. The murkiness of the moral case is particularly visible in the European care for refugees. Like in the Kosovo episode, we are confronted with the image of displaced people streaming into the EU. But then as now, justifying military intervention with the need to protect refugees is full of hypocrisy. Rather than driven by a responsibility to protect, European policy primarily rests on the fear of Europe being [overrun](#) by brown people (in the case of North Africa). Thus, governments had cooperated with a Gaddafi regime rigorously preventing migration flows northwards. Now they try and create the conditions for people to be happy to stay where they are by dropping bombs?

Here, of course, the humanitarian argument overlaps with a broader geostrategic rationale for intervention, namely the wish to support the 'Arab spring'. Just like the protest movements sweeping away authoritarian regimes in Central and Eastern Europe at the end of the Cold War, now we are witnessing a transformative dynamic in the Arab world which sees oppressed populations overthrowing dictators in their quest for 'freedom'. In this scenario, Libya appears as just another falling domino, following Tunisia and Egypt, and Western intervention assures a place on the right side of history. Now, let's assume the German government saw the regional dynamic and understood its historical importance (after all, Merkel would not be where she is without the protest movements in Central and Eastern Europe). Still we can see how four factors made it wary of intervening militarily and formed the key motive for the abstention: The concern of getting entrapped in a mission-creep.

First, officials in Berlin were aware of one important parallel between 1989 and 2011, namely that on both occasions Western governments were taken by surprise. Having grown comfortable with the status quo, they did not understand the societies behind the regimes they dealt with. Indeed, practitioners will have to admit that when Resolution 1973 was passed, Libya beyond Gaddafi was largely unfamiliar terrain. The only thing that was visible was that Libya did not appear to be 'another Tunisia/Egypt': The resistance movement was neither as broad and encompassing as it had been in those countries nor was it primarily civilian. Instead, it reflected long standing tribal divisions and quickly showed the willingness to take up arms on both sides. There was a risk of becoming entangled in a civil war one did not understand.

Second, it was apparent from the start that the Obama administration was not willing to lead another military intervention in an Arab country, certainly not in the long term. While the Arab League gave its blessing, the burden would be carried by Europeans. This idea seemed to appeal to France and the UK, eager to lead the 'good war' also for domestic reasons (to divert attention from internal problems and low popularity) and to regain international status (including to 'make forget' ties to authoritarian rulers in the region whose departure they now celebrate). Driven by a sense of urgency, those two countries showed little interest in consultation and cooperation that would divert them from the chosen path, all the while the US was working on getting NATO involved to offload the main responsibility onto Europeans. Without the US, however, Germany would have to take on a bigger role in the intervention and would most likely have clashed with France and the UK over how to conduct the mission.

Third, one does not need to read Clausewitz to know that military engagement unfolds its own, unpredictable dynamic. The German government understood that the goal amongst those pushing for intervention was not merely to protect civilians but regime change and, thus, that military force would be used to support the rebels. Resolution 1973 is sufficiently vague to allow the interpretation that civilians are only safe once Gaddafi is gone. Yet officials in Berlin could see that regime change might be difficult to achieve through a 'no-fly-zone' and that letting go of this goal would be equally difficult, making a more robust invasion a possibility (as was the case with Iraq). Apart from the dangers this entails, the subsequent responsibility to build peace could easily turn into another expensive and draining multi-year commitment.

Fourth, the argument that supporting the UN resolution would still have allowed Germany to stand back is unrealistic. Supporting a resolution only to then refuse investing in its implementation would rightly be criticized as irresponsible. What is more, the German government would have been legally bound to the cause: In 1993 the Constitutional Court ruled that solidarity within an alliance (*Bündnisolidarität*) must be upheld even if this risks violating Basic Law principles later on. And the German experience in Afghanistan had vividly displayed the danger of getting caught in a mission out of solidarity whose agenda is set by others, only to be accused of not doing enough and branded a bad ally.

For these reasons, which include concerns about personnel overstretch and costs (let's not forget, military operations are very expensive), the Merkel government decided to forego another adventure. This decision does not appear short-sighted and inward-looking to me. I also am not convinced that it poses a problem for either the people in Libya or for German standing in the world. To be sure, there is a risk now for Germany to be perceived as unwilling to support the 'Arab Spring'. And there also is the somewhat peculiar but nevertheless persistent view that the German abstention [damaged](#) European unity/the EU. This the government must deal with. Already it is trying to compensate for the abstention by taking over important AWACS flights in Afghanistan and by working on launching a humanitarian mission for Libya through the EU. It is in the latter setting where Germany could regain its credibility and show leadership, not the least because going through the EU would benefit both sides: If there is an actor which remained largely invisible in the 'Arab Spring' and should worry about its reputation it is the EU. Not only is there little evidence that the Barcelona process and 15 years of 'democracy promotion' have contributed in any way to the current dynamics in North Africa. Tellingly, the first reaction coming from Brussels since the protests began has been the mobilization of the EU's border protection agency, [FRONTEX](#). If Germany can turn this into a productive neighbourhood policy worthy of the name, the abstention will soon be forgotten.

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