

The Responsibility To Protect (R2P) Polish And German Perspectives

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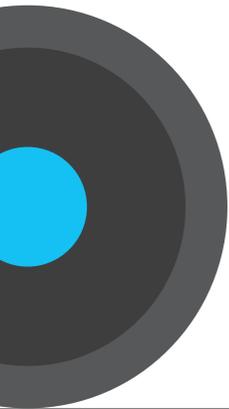
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The report was prepared by **Dr. Bartłomiej Nowak**, who was an executive director of the Center for International Relations (2010-2013). Currently he is a Fellow at the Transatlantic Academy in Washington. For the purpose of this report, anonymous interviews with officials, policy advisors and independent analyst were conducted in Berlin and Warsaw in May and June of 2013.

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Executive Summary

- Both Germany and Poland claim their support for the Responsibility to Protect (R2P). But Germany is much more active in promoting R2P both on the international and national levels, while Poland assumes it is more the role of the European Union, which appropriately represents Polish view.
- The presence of the R2P in the political discourse is in decline both in Germany and Poland. The countries are primarily looking at a potential crisis situation from the angle of their own national interest. There is also a growing influence of public opinion on the decision-making which concerns potential foreign involvement.
- Both public opinion and the political elites in Germany and Poland are getting more and more sceptical on possible foreign deployments, though in each country for different reasons. Despite the fact that both armies undergo fast modernization, and in the case of Germany the deployability of troops is even higher than in the past, it is unlikely that in the future it will result in strengthening the exercise of the R2P by the world community. The military intervention is rather excluded, even if it is authorized by the UN Security Council. Therefore both Germany and Poland stress the first two pillars of the R2P which involve non-military actions.
- Both in Germany and Poland the “culture of military restraint” is on the rise. In Germany it is deeply rooted in its historical context and in comparison to the end of 90s Germans returned to their former attitudes. In Poland it is deeply rooted in its growing disappointment of security situation in Europe, where in the age of austerity measures NATO is weakened and the EU is absent.
- Though the R2P was agreed on by international community in 2005, there is still a poor recognition on the level of UN member states when it comes to its practical application. Germany and Poland are no exception to this. The clearest example was in the case of intervention in Libya, where the principles of intervention were unclear both for Germany and Poland and political elites were very suspicious. There is a strong need for a wide promotion of R2P principles in each country.

Introduction

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The ongoing events in Syria remind us the devils of the past century. One of the most prominent former German foreign policy officials, Wolfgang Ischinger called the situation in Syria an “absolute borderline case”. Every day six thousand refugees escape from Syria, a number that has been growing in a way not seen since the genocide in Ruanda. While almost a decade ago we – as an international community – acknowledged our responsibility to protect (R2P) populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, if a state in question is unable or unwilling to protect its own people, today the voices arguing for practical application of R2P doctrine are considered as being not too realistic on the political level. The calls such as that of Timothy Garton Ash who wrote: “We must do something! (...) If politicians were capable of managing with political causes of Syrian tragedy, it would be much more valuable than the efforts of all humanitarian organizations of the world”¹, are not simply barely audible, but rather they shoot in the dark. The red lines set by President Barack Obama and concerning the possible use of chemical weapons by the Assad’s regime are being crossed and the world is just watching the events compassionately.

Some would say in this context that we are losing the moral ground. Others would say that this situation is simply a reflection of a shift in global power and the fact that the West is no

longer capable of enforcing its own meaning of sovereignty. The R2P implies the shift of sovereignty that is not necessarily fully recognizable by some of the emerging powers. In fact, the interpretation is rather different. Neither the West is capable nor willing to exercise the R2P to its complete extent. Understandably, it stops short of military engagement. Using force should always be the last resort and only when all other options are clearly exhausted. It will always bear controversies. But from the point of view of dictators, they could only change their behaviour if a threat from international community is credible. If even a limited use of force in defence of people is excluded per se, the situation on the ground may change into a war of attrition, which gets more and more obvious today in the case of Syria. And we are exactly at this point.

Today the R2P concept is in danger because of many reasons. It risks stopping at its first two pillars. Obviously, there are no doubts that conflict prevention, mediation, and the humanitarian assistance, are much better options than the military engagement, where there are only bad and worse choices. The latest application of R2P in Libya was an exceptional case in this context. But some countries have learnt their lesson, that a no-fly zone can be quickly removed with a regime change, therefore they must do everything to avoid legalizing similar situation in the future. And they perfectly understand the importance

of legalized international action for the West. Therefore today the authorization of the use of force by the United Nation’s Security Council is unlikely, whatever the case. But the action which would be out of the UN framework, “illegal but legitimate” – a phrase used by Kofi Annan in accordance to the intervention in Kosovo – would trigger so many divisions among the western alliance, that it would effectively inhibit its capacity to act.

The complexity of Syria’s case would indeed suggest cautiousness. Tony Blair in his famous Chicago speech on the doctrine of international community asked five major questions which policy-makers should examine if they consider the issue of intervention²:

- Are we sure of our case?
- Have we exhausted all diplomatic options?
- Are there military operations we can sensibly and prudently undertake?
- Are we prepared for the long-term?
- Do we have national interest involved?

Pondering on the possible military engagement in Syria, at least two, if not three questions must be answered negatively. But in cases of Ruanda and Kosovo, the answer would not be distinctly positive either.

Despite the fact, that it was commonly accepted at the UN 2005 anniversary summit, the R2P doctrine still bears controversies among nations and the cases will rarely be sufficiently clear not only to obtain unanimous United Nation’s Security Council authorisation, but even for Western countries to agree that they should engage with more than just civilian means. It was also clearly exemplified by the fate of the resolution on Libya and the following military action, in which the smallest ever number of NATO member countries took part.

The aim of this report is primarily to raise awareness of the real meaning of the concept of the Responsibility to Protect. In the opinion of a panel of eminent persons, chaired by Madeleine Albright and Richard Williamson, even in the US the concept is little known, frequently misunderstood, and it has “neither attracted widespread notice within Congress nor entered the public consciousness in a meaningful way”³. In Poland and Germany the situation is similar.

Europeans, in principle, support the emerging global protection norm as it reflects their own fundamental values, which are enshrined in the basic treaties of the EU. But while doing so, they “disagree on the consequences of R2P for European security culture, and (...) they emphasize those aspects of the global human security/R2P agenda, that reflect their own traditions, outlooks and interests”⁴. Germany and Poland will be playing increasingly important role in a crisis-driven EU while the position of France and Great Britain may diminish in time. It already had enormous consequences when these four nations drifted apart on the Libya intervention. The Polish-German cooperation in terms of the R2P will be of great importance for the future position of the whole EU, if there is such. No doubt that the US and Europe must cooperate. But despite having created the so-called European External Action Service – a would-be EU’s diplomacy - Europe still suffers from the lack of common strategy on almost all difficult foreign policy issues. And as we see, the practical application of the R2P is one of the most difficult.

The report assumes that there is a growing interdependence between Polish and German policy choices, a fact well described recently⁵. Therefore it does matter how these two countries regard the problem, what is behind their policies and what is the wider political context in which they rationalise their thinking. But interdependence does not have to imply similar views and patterns of engagement. The report then asks, what the preconditions and determinants for common stance are, and what can be improved to make actions more coherent.

What is the Responsibility to Protect (R2P)?

The idea of the Responsibility to Protect (R2P) was holistically introduced for the first time in 2001 in a report of International Commission on Intervention and State Sovereignty⁶ (ICISS). It invented a completely new way of thinking about the previous “humanitarian intervention” concept, as it shifted the debate from a very disputable “right to intervene”, towards responsibility of states to protect people who are under the serious risk. It meant also the shift of the notion of sovereignty – from the old Westphalian concept of ‘control’ towards ‘responsibility’. The relevant perspective changed from the perspective of interveners into the perspective of those who are in need for support. The ICISS Report states⁷:

Core principles of the R2P in the 2001 ICISS Report

1. BASIC PRINCIPLES

- State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

2. FOUNDATIONS

The foundations of the responsibility to protect, as a guiding principle for the international community of states lie in:

- Obligations inherent in the concept of sovereignty;
- The responsibility of the Security Council, under article 24 of the UN Charter, for the maintenance of international peace and security;
- Specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;
- The developing practice of states, regional organizations and the Security Council itself.

3. ELEMENTS

The responsibility to protect embraces three specific responsibilities:

- *The responsibility to prevent*: to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.

- *The responsibility to react:* to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- *The responsibility to rebuild:* to provide, particularly after a military intervention, full assistance with recovery, reconstruction, and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

4. PRIORITIES.

- Prevention is the single most important dimension of the responsibility to protect: prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it.
- The exercise of the responsibility to both prevent and react should always involve less intrusive and coercive measures being considered before more coercive and intrusive ones are applied.

In a very short period of time the assumptions of ICISS report came into life, as the 2005 UN World Summit in its final document accepted their fundamentals. It states⁸:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise the responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their

populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and assist those which are under stress before crises and conflicts break out.

Despite some very clear statements, the essence of the R2P is often badly understood among politicians and public opinion, as it partly derives from previous controversial “humanitarian intervention” doctrine. Using this analogy by G. W. Bush administration to oust Saddam Hussein has caused undeniable damage to the development of the R2P concept, which was unhappily taking place during the war of Iraq. Thus the 2005 summit outcome should be read in context and we should not overestimate its real meaning. Furthermore, Russia, China and three non-permanent members of the UN Security Council (Algeria, Philippines, and Brazil) primarily insisted that the World Summit had just committed the General Assembly to further discussions on the R2P, not to its imple-

mentation. Taking into account later controversies, it is worth to remind that the R2P is reinforcing, but not undermining national sovereignty. It does not impose any new legal obligations on governments. Neither it opens the case in which states could legitimately intervene in another country without UN Security Council authorization, nor does it create a new base for international decision-making. But we should not also underestimate what we have agreed on. As Alex Bellamy argues, “R2P is not about to die. Indeed it is not even on life-support. Instead, R2P has become critical to the way in which the international community perceives and responds to crises relating to genocide, war crimes, ethnic cleansing and crimes against humanity”⁹. It is rather facing the ‘risk of relevance’ – the challenge how to combine the principles that we believe in and that we agreed on with the reality in which we live in.

Since its 2005 inception until the events in Libya, the R2P principle at the United Nations was invoked twice, in the cases of Darfur and Côte d’Ivoire. However, the Libya resolution 1973 was a milestone, as for the first time in history the UN Security Council had authorised the use of force against the UN member state for human protection purposes. It resulted in the regime change. From that time, the UN referred to the R2P much more often than previously, although the authorization of the use of force has

never been repeated. But the use of force got the main criticism when one referred to the R2P concept.

There is a clear need to specify what the R2P is and what it is not. As Albright and Williamson remind us, “many from the steps that can be taken to prevent conflicts from arising are less controversial than the short menu of bad options that full-blown emergencies often present”¹⁰.

The R2P concept consists of three interwoven pillars:

- The responsibility of every state to protect its own people from the above mentioned crimes;
- The responsibility of international community to help states in fulfilling their obligation;
- The responsibility of international community to undertake collective action, in compliance with the UN Charter and with an authorisation of the UN Security Council if needed, in case that the state is explicitly unable or unwilling to fulfil its responsibility¹¹.

The assumption of this report is that the R2P concept is still evolving and it is up to the UN member states what shape it will take. For example, in the summer of 2008 the crisis in Burma posed a new challenge to the R2P doctrine. The cyclone Nargis caused humanitarian crisis, but the autocratic regime (junta) obstructed the delivery of international aid. Even the Pope Benedict XVI was calling for international intervention in a clear case that state was unwilling or unable to protect its own population against the effect of humanitarian crisis, irrespective of whether this crisis was natural or man-made. However, any action in the UN Security Council was strongly resisted by China.

The R2P is not a panacea. Not only the events in Syria, but also in the Democratic Republic of Kongo and in Sri Lanka that show us that in the worst cases there are no easy options. Therefore, a raising awareness of the R2P is the only way to diminish the chances of a recurrence of a highway to hell.

The R2P and German security policy

Germany declares its firm commitment to the R2P principles. It is a member of the *Group of Friends on Responsibility to Protect*, an informal group of states, which aims to advance the R2P principles in international politics and is very active for example in the United Nations. In 2012 Germany directly funded the office of two Special Representatives for the Prevention of Genocide and the Responsibility to Protect. It is also promoting the R2P at the European level, especially in the EU Council. At the national level the German government has established an intra-ministerial working group for civil crisis prevention and early warning and an adjunct advisory council. Furthermore, it is currently establishing R2P national focal points aimed at more coherent governmental actions in the future. German think-tanks and NGO’s are actively monitoring the situation of the R2P in the world and they discuss further R2P detailed improvements.

The more trouble appears when we describe the strategic situation concerning the R2P and German involvement in the world. Thomas Kleine-Brockhoff and Hans W. Maull describe it as “an adolescent hegemonic leader with an underdeveloped strategic culture”¹². The trouble is when such a creature is – using the words of Timothy Garton Ash – an “indispensable power” in Europe¹³ – a term usually attributed to the US role in the global politics. To understand the essence of these statements, one has to go through the

German complicated security policy choices that it had to face in its newest history.

German security policy after the Cold War has been mainly driven by the scepticism towards militarism and the rejection of the role of ideologies in security policy choices¹⁴. Among the basic norms which at that time became deeply rooted in the political culture of Germany were avoidance of unilateral action on the international stage (*Nie wieder Alleingang*) or rejection to undertake distinctly German way (*Nie wieder Sonderweg*), and the principle of avoidance of war and aggression (*Nie wieder Krieg*). Germany was defining itself as a civilian power engulfed by the “culture of military restraint”¹⁵. It meant support for enhancement of international law that should govern the relations between states. The resort to force was forbidden¹⁶. In exchange for lack of military engagement, Germany was willing to undertake additional financial burden for civilian parts of the venture – the so called “checkbook diplomacy”. This attitude reflected Germany’s historical experience, but it has started to evolve with the ongoing changes in European and transatlantic security structures. As sticking to the obligations of the Western alliance became an issue of German credibility, the role of Bundeswehr and the attitude towards the use of force were also to evolve. Its legitimacy was relying on territorial defence, the projection of military force and “out of area” operations were considered as im-

possible, and the deterrence was a key word. But it soon became apparent that multilateralism and antimilitarism in certain situations can be mutually exclusive. Although the Federal Constitutional Court reinterpreted the German Constitution in 1994 in a way that allowed Bundeswehr to participate in foreign engagements, it took ten years for the Bundestag to approve a new bill on that. The assumption was that every military engagement must have the largest possible political consensus. In result, German parliament co-decides with the government on that issue.

The further milestones for German security policy were the decisions taken by the government of Gerhard Schroeder and the coalition of SPD-Greens. First, it was international intervention in Kosovo – illegal but legitimate – where the driving motive in German discourse was primarily moral and Germany has crossed the Rubicon. Second, it was intervention in Afghanistan, which was a direct repercussion of 11.09 terrorist attack on the United States and thus the primary motive was alliance’s commitment. And third, it was the Iraq war, in which Germany (together with France) strongly opposed the US decision on the intervention; furthermore the criticism of the US became the subject of political campaign during parliamentary election in Germany. Kosovo and Afghanistan were proclaimed a way towards so-called “normalisation”. Germany should become the normal power and player in international politics and

not just distinguish itself by providing civilian aid. It meant a “de-tabooization” of force and that Germany was more willing and capable of undertaking wider international responsibility. Then, from German perspective, the divisive war in Iraq has even contributed to the notion of “normalisation”. Although it had undeniably devastating consequences for transatlantic alliance, and bore many controversies in Germany, it added the factor of assertiveness to German foreign policy.

Without a doubt, Germany as a player in world politics was coming of age and it set a new standard for understanding its own “normalisation”¹⁷. However, the political consensus for that course was very fragile, and the political criteria of Bundeswehr’s engagement in military operations were not specified and rethought. “Unlimited solidarity” with the US ally proclaimed by chancellor Schröder in case of Afghanistan, in fact became reversed in case of Iraq, as he admitted that under no circumstances Germany would join the intervening coalition, even if the action were authorized by the UN Security Council. For many observers, this statement was in clear contradiction with *Nie wieder Sonderweg* and could mean the beginning of a new German way. After all, the US did not expect that Germany would join the coalition, but at least that it will behave passively.

Nevertheless, the Bundeswehr involvement in Afghanistan was a big step forward for Germany’s military culture. Afghanistan, in contradiction to Iraq, was understood as a just case. However, the criteria for the involvement of troops were not specified. *The White Paper: German Security Policy and the Future of Bundeswehr*, which was published in 2006, refers to the R2P just in the following point¹⁸:

“The international law doctrine of the Responsibility to Protect has developed as a result of the lessons learned from the intervention in Kosovo 1999. Even if the states that have adopted this doctrine are probably still not in the majority, the debate about the Responsibility to Protect is increasingly impacting on the ways of thinking in western countries. In the long term, this will affect the mandating of international peace missions by the United Nations Security Council as legitimating under international law is crucial especially when military force is used. Germany accepts its share of the responsibility to strive for world peace and international security within the framework of the United Nations. As the third-largest contributor in monetary terms after the USA and Japan, Germany currently shoulders just under nine percent of the UN budget and of the budgets for international peace missions and additionally makes obligatory and voluntary payments to sub-organizations and special organizations”.

In a later paper that attempted to open a discussion on German security strategy, the CDU-CSU did not decide to refer to the problem under what conditions the Bundeswehr should undertake intervention in other countries if there is imminent threat of genocide, ethnic cleansing, or crimes against humanity. There is no reference to the R2P, and, according to the paper, each decision would be taken case-by-case taking into account national interest and multilateral commitments. In case of weak states, which create today one of the biggest challenges for world’s security, the paper just states, that:

“It is imperative that we support weak states first and foremost with development assistance (...) Together with our partners we must make a concerted effort to increase our prevention capabilities in order to pre-empt conflicts and crises and be in a position, to offer solutions for stabilization, that take into consideration, cultural and religious issues”¹⁹.

AS some commentators stated, the omission of “hard power” issue in the paper was meaningful²⁰. But one must also admit, that the paper stresses, that the Bundeswehr must be prepared to act quickly, even far abroad, therefore there is a need to amend the rules of Bundestag engagement in decision making process on the deployment of troops, which was a divisive point between CDU/CSU and SPD. Further-

more, it underlines the responsibility of politicians to prepare society for the possibility that the army sometimes will have to be deployed for the long-term. The good side of the story is that it sees the problem. The bad side is not only that no follow up ensued and the gap between words and deeds persisted. Rather the reality went in another direction.

The reform of Bundeswehr in 2011 suspended conscription, drastically reduced the number of troops from 241 to 185 thousands, and made the army professional. It is directed towards strengthening its capacity for intervention as the number of deployable soldiers increases from 7 to 10 thousands. But one has to admit, that it does not necessarily mean undertaking more burden and more foreign deployments within the framework of international community. First, a very frequent opinion in Germany is that the army reform was in reality driven simply by budgetary cuts and it was missing a wider strategic context. The reform was done in a hurry, and the cuts were implemented without reasonable adjustment. Second, the capabilities for multilateral action, whether in the framework of NATO or the EU, were not necessarily strengthened. Paradoxically, **the more troops are now prepared to undertake foreign military mission, the less likely it gets that the deployment will happen.** German Minister of Defence, Thomas de Maizière, explained in his speech to Bundestag: “Germany needs its armed forces

ready and capable of conducting operations. It needs an army that in terms of quality of equipment and training is suitable to the status and importance of Germany in the world. (...) However, it does not mean that we would send more soldiers into the foreign missions. I declare it within the context of currently held debates: we will always take sovereign decisions in which operations we would take part and in which we will not”²¹. De Maizière sets four criteria for any involvement in future foreign missions²²:

- Existence of the exit strategy;
- Whether the stated goal is attainable
- What are the financial burdens and how many lives (soldiers) we may lose?
- Alliance obligations (at the forth place)

One has to admit, that the above criteria will rarely be fulfilled if the crisis situation occurs. It is getting clear now in Germany that the country’s self-interest would be of utmost importance when it comes to decision-making on Bundeswehr’s participation in foreign missions undertaken by international community. Although when president Horst Köhler straightforwardly referred to the defence of German economic interests during Bundeswehr’s foreign missions, which caused political turmoil resulting in president’s resignation from the of-

fice, he rather revealed the mainstream thinking then went against the grain. Karl Theodor zu Guttenberg, the then minister of defence, openly advocated for Bundeswehr engagement in the action against the pirates on the sea in order to secure Germany’s economic interests, which could be hurt when the trade routes are in danger²³. Today, minister Westerwelle admits without hesitation: “of course, we also use the military to look after our own interests. Claiming anything to the contrary would be naive”²⁴ – a clear contradiction to the past, when Germany insisted, that its soldiers should not be deployed primarily to defend German interests. One of Polish experts comments that “in NATO and the EU, within the discussion on closer military cooperation, Germany probably will not be ready to take part in the development of cooperation, which can potentially result in creation of a permanent dependence between partners for the purpose of use of capabilities in the foreign missions”²⁵.

Furthermore, today in Germany the concept of civilian power is again on the rise in political discourse and in real decisions. For example, although Germany is the fourth largest financial contributor to UN peace missions, its staff deployment in international operations is very low. Ulrich Speck openly described this process: “frustrated by the Afghan war and empowered by a growing sense of its own weight, Germany

is once again finding comfort in the pacifism (...) Now, as the balance of power has shifted within the EU, France and Britain must justify their calls for action. The risk is that Europe becomes more German in foreign policy terms, increasingly adopting Berlin’s passivity”²⁶. He catches exactly the point on the influence of Afghan war on German security policy. James D. Binde-nagel was perfectly right when he wrote: “the decision making on Afghanistan will determine German military stance for the next 20 years”²⁷. **In Afghanistan Germany lost the belief that successful state building is possible in such remote areas.** After all, the West is withdrawing because of its failure. But no official in Germany would admit it. On the contrary, in German political discourse there is a clear tendency to overestimate the real involvement in Afghanistan and the usefulness of the lessons learned. On one hand there is the fact that the number of German troops was meaningful and it was the third largest NATO troop contingent. But on the other, which is very often forgotten, the mandate of German mission was very limited as it could not undertake any combat roles. This fact has not only strongly complicated fulfilment of tasks by the International Security Assistance Force (ISAF). Additionally, it confused public opinion of what German soldiers are precisely doing. Admittance, that they are at war, became a public taboo. The Kunduz 2009 NATO air-strike against the Taliban who had hijacked two

fuels trucks, which supposedly were to be used against German troops, touched the nerve of the debate as German government and military staff started to discuss whether they are at war or not. As in 2010 the mission term had to be extended with the approval of Bundestag, the bill passed through due to the fact that it was maximizing the engagement to civilian reconstruction efforts and minimizing the aspect of combat operations. German newspaper *Der Spiegel* pictured it in this way: “Germany has been criticized for using police training methods suited to conditions in European cities rather than needs in Afghanistan. (...) US forces conduct practical training for the Afghan army in real combat situations which falls outside the German mandate. This reluctance to use military force diminishes the continental European contributions to common strategy and joint operations and reduces their participatory strategic decision-making role”²⁸.

Other cases were no exception to generally reluctant behaviour. In Syria Germany strongly pursues the concept of civilian and non-military engagement. It is one of the largest donors in humanitarian aid, spending more than 120 million EUR, in technical assistance on the areas that are under the rebels control; in helping opposition to organize itself and in acceptance of Syrian refugee (5 thousand until June 2013). It approved also sending Patriot air defence missiles to Turkey, with assistance of up to 400 troops, as a part of NATO mission that aims to

prevent violence from spilling over from across Syrian border.

But the discussion on Syria in Germany is specific. Guido Westerwelle warned Assad regime, that if it uses chemical weapons, it would be “disastrous crossing of the line. (...) We must do everything to ensure that this scenario doesn’t happen and that chemical weapons do not fall into the wrong hands”²⁹. Characteristically, it was the driving argument for German support not to lift the embargo on arms delivery to Syria. Germany argued, that the solution of crisis must be primarily political and that the potential European military engagement would trigger too many unforeseen side-effects. Although this is true, that political solution is a must and that there is a risk that the weapons fall in Jihadists hands and it is disputable who the Syrian rebels really are. But the lack of recognition of who really fights in Syria, should not replace the more fundamental questions. There is no direct causation between lifting arms embargo and potential Europe’s military engagement. Even former chancellor Gerhard Schröder, who has been fighting heavy political battles to engage Germany militarily in Kosovo and Afghanistan wars, in reference to the situation in Syria is using this simplified argument today as if it were really principal³⁰.

One could wonder what is behind this position. Whether it is a policy strategy, lack of policy strategy or simply strategy of non-intervention. The third option seems to be the most likely. After all there are much heavier arguments at hand, which were not necessarily present in German discourse. First, the risk of escalation of conflict arising from arming rebels would have to go simultaneously with diplomatic efforts for de-escalation, which is contradictory and cannot work simultaneously. Second as Lakhdar Brahimi put it, there is a danger of “Somalisation” – “the collapse of the state and the emergence of warlords, militias and fighting groups”³¹. Julien Barnes-Dacey and Daniel Levy underline in their excellent analysis, that “it is, after all, a conflict fought by Syrians; until enough Syrians want to stop fighting, there is a limit to the progress that can be made”³². Third, a political solution must not miss a wider regional context. It should involve both talks with Iran and with the Assad’s supporters. Until now, there is no practical idea in Germany what the right course of action is. The simple call for Assad to step down is not yet a strategy. Nor is the German’s constant call for action on the level of UN Security Council – it is easy to call when there is certainty that Russia and China would veto anything bolder. Rather than that, the more telling fact is that in mid-2012 Germany was not represented at the ministerial talks on the crisis, which took place in Geneva.

The SPD party was against lifting embargo, the CDU/CSU was rather against although some politicians, like for example Philipp Missfelder, fraction’s spokesperson on foreign policy, at one point in time were even supportive. Both CDU/CSU, SPD, and FDP nervously reacted to the suggestions of French president Hollande, that he considers military option. But the most determined position was expressed by foreign minister Westerwelle, who ultimately prevailed and defined the government’s stance. He is a sharp opponent of any military engagements. There is even a popular joke, that if minister Westerwelle were woken up in the middle of the night, his first words would be: “No military engagement!” Westerwelle’s stance both in previous cases of Libya intervention and the mission to Lebanon (United Nations Interim Force in Lebanon – UNIFIL) was very firm. When being asked if there are any principles, under which Germany would involve its troops, he mentions that “the most important principle is culture of military restraint. This means that we prefer political and diplomatic solutions”³³. Then he links it to a long-lasting Germany’s historical experience. But in fact he is not miles away from chancellor Schröder, who already during his tenure had realised that “Germany could only lead in Europe in the way that porcupines mate. (...) Very carefully”³⁴. It is worth remembering, that the “culture of military restraint”, formulated in the mid 1990s by then

foreign minister Klaus Kinkel, should not become a synonym for a policy of “morally inflated absenteeism” – as historian Heinrich August Winkler described it³⁵.

Greens, due to the historical ‘Kosovo turnaround’ that they made, are today more willing to argue for military involvement based on humanitarian principle. Jürgen Trittin, one of the party leaders, was an audible advocate for German commitment in Mali. Daniel Cohn-Bendit, not surprisingly, was criticizing the government’s policy naming Mr. Westerwelle a “cheap pacifist” and stating that “Germany wants the pacifist dividend, but it wants others to do the dirty work”.

There is a strong point in that statement. There is a growing conviction that the contradiction between Germany’s economic strength and its political and military self-doubt is getting ever bigger. German president, Joachim Gauck, who is known as a very outspoken person, has criticized his country for tendency of “not wanting to know” and called for a more positive attitude towards military missions abroad. Interestingly, he linked the comeback to the “culture of military restraint” not – as it is usually being done – to historical experience, but to “happiness – seeking society”³⁶.

In this context mitigating the gap between values and foreign policy practice is getting more and more difficult in Germany. Lars Brozus, citing the example of Kosovo, where Germany demonstrated a large-scale and long-term contribution to the R2P situation, explains the inconsistency and selectivity in German foreign policy by the fact that its choices are shaped more by regional preferences, than by objective requirements³⁷. But this is only part of the problem. Today, the public opinion became highly influential in policy choices and politicians started to justify their actions using that perspective. When President Horst Köhler argued in favour of the intervention in the Democratic Republic of Congo, stating that “if we are serious about the values we all stand for, the Europeans must be prepared to provide soldiers to put a stop to these murders”, in public opinion it was widely attributed to President’s personal attachment to African issues, not necessarily to the real policy.

Thomas de Maizère observed: “It happened so that politicians involved in defence issues were suspected of always being too quick rather than too slow to deploy soldiers, while the politicians involved in human rights issues warned against doing so. Since the genocide in Ruanda, which the global community watched without doing a thing, I have seen the front-line positions reversed. Human rights activists prefer to deploy soldiers more quickly rather than more slowly,

while the military call out ‘Hey there, be careful!’”. Asked where he personally stands in this debate, de Maizère replies: “One should never send soldiers on a mission based on just good will and good intent. Unfortunately, that can mean one has to stand by and watch human rights abuses take place”³⁸. A heavy price to pay.

Today Germany plays the politics of ambiguity. It can be best pictured with some small nuances. For example, during the mission in Mali, where Germany sent two Transall cargo planes available to assist France during the intervention, Berlin ruled out transporting French troops or munitions. Germany refuses foreign interventions and does not support lifting arms embargo on Syria, but in the same time it is the third world’s exporter of arms, including sales to such countries as Saudi Arabia or Iran, who could easily re-export it. What if through that way German weapons go in the wrong hands? Some experts call it “German dishonest foreign policy”³⁹.

On one hand both Westerwelle and de Maizère state that “we cannot always let the others take on the missions”. Both say, that “ownership comes with obligations, and solidarity is a basic principle of international politics as well. That means that those who have more also bear more responsibility, militarily as well”. But when being asked about the possible deployment to

Libya and Syria, they both state that these are similar cases and “we will not be involved”⁴⁰. Sometimes they play a good and a bad cop game, when one minister supports the mission, while other explains Germany’s reluctance. One keeps proclaiming Germany’s commitment to principles, while the others make sure that the principle will never be applied. One of interviewed diplomats said: “I admit that for our friends in other countries it is difficult to understand why we first draw the red line and then claim exceptions for ourselves”⁴¹. Indeed, it could lead to the conclusion that Germany likes to introduce itself as a peace-loving power while it leaves all the dirty stuff to the others. The result is that – as German experts admit – “everyone has stopped believing that German deliberations could end in anything other than NO”⁴². This attitude has been criticised not only by France and Great Britain. It bears also controversies within the Germany foreign policy elites. For example Wolfgang Ischinger states: “the bitter lesson of the Bosnian war is that the policy of not delivering weapons to either side neither curbs nor curtails the conflict. (...) All we have done so far is lay a foundation for ensuring that we have no friends in post-Assad Syria. If the West supplies arms itself, it has more chance of influencing how they are used”. He also refers to the R2P and that we should protect the Syrian population in a strategic interest of Germany and the West⁴³.

The earlier Libya case witnessed that the politics of ambiguity and dodging, can change the art of diplomacy into a diplomatic failure. During the voting on 1973 United Nations Security Council Resolution, which authorized the use of force in Libya, the world received the message that Germany abstained alongside China and Russia. But more important, it was the only Western country voting that way.

There are two interpretations of this situation, which are present in German discourse. The first, that it was just a cause and mistake⁴⁴, miscalculation, the wrong ad hoc judgment made in a period of intense confusion. Germany could have decided differently if there were no need on rapid decision-making which arose from the imminent threat to Benghazi and if the US policy choices were more consistent. So, one should not overestimate the meaning of this decision. Diplomats obviously deny that version.

The second, quite opposite version, is that no mistake happened, and that the abstention in UN Security Council fully reflected German policy preferences. This version is much more likely. Germany was so determined to avoid military action, that it even withdrew its warship, which was part of NATO's "Active Endeavour" action on the Mediterranean Sea. At every price it wanted to avoid any imaginable situation that had a potential to spill over. During the vote on the UNSC Libya resolution, Germany was

afraid that the support for the resolution would politically oblige the supportive countries to join in case of military intervention in Libya. In fact there is no automatic link, but voting 'Yes' would imply at least a promise of involvement.

But in the case of Libya, the reaction of some German government politicians went simply far beyond policy of non-intervention. It has even undermined the basic motives that were clearly stated in the UNSC resolution. Thomas de Maizière said at the public broadcaster ZDF: "Could the fact that we are suddenly intervening now have something to do with oil? We can't get rid of all the dictators in the world with an international military mission". The minister of development, Dirk Niebel, was also publicly sharing this view.

In the first reaction, the leaders of the opposition party, SPD, Frank Walter-Steinmaier and Sigmar Gabriel, confirmed that Germany UNSC vote was justifiable. Later they admitted that the isolation of Germany was a mistake. The harshest criticism came from former foreign minister, Joschka Fischer, who said that "Germany has lost its credibility. (...) It turned the idea of common foreign policy of the EU into a farce"⁴⁵. Fischer observed, that the abstention in case of China and Russia meant *de facto* that they supported the action. In this context Germany's abstention looked even worse. But Fischer did not have a chance to turn the mainstream think-

ing in Germany. In later German discourse, one of the main charges towards the UNSC Libya resolution was that its primary aim to protect civilians from mass atrocities soon changed into a regime change⁴⁶. It is a paradox that the same set of arguments was used both in Russia and China.

The 2012 UN discussion on the R2P confirmed, that the German abstention on Libya resolution was not coincidental, and that Germany is very sceptical towards the third pillar of the R2P. German Ambassador to the UN stated: "Germany remains concerned about the prevailing narrow focus on the third pillar. The discussion of NATO's military action in implementation of Security Council Resolution 1973 has unnecessarily further contributed to a reduced awareness of pillars one and two. Let me therefore again stress that we remain committed to the application of the R2P as a holistic concept that merges prevention and response"⁴⁷.

The R2P and Poland's security policy

22 ●

Poland also declares its full support towards the R2P principles, although in comparison with Germany it is definitely less active in promoting the R2P both on international and national levels. This year, the presidential National Security Bureau introduced the *White Paper on National Security*, which does not even refer to the R2P idea and the challenges set by its practical implications. The works on setting up R2P national focal points or on an improvement of intra-ministerial system of coordination are in their infancy. Poland assumes that within such themes as the R2P it is appropriately represented by the European Union and it fully complies to the EU statements. Only if the EU member states are in disagreement, Poland would present its own position⁴⁸.

Therefore in comparison to Germany, Polish contribution to the debates on the R2P is rather modest – a strange fact taking into account that less than a decade ago Poland was extremely active in promoting the UN and international law reforms and it even introduced *The New Political Act for the United Nations*. Furthermore, similarly to Germany, Polish politics on the R2P is ambiguous and it is deeply rooted in the wider context of its own security policy. It is undergoing the same renationalization process as in the case of Germany, although there are no easy comparisons of these two cases. Nonetheless, they may have similar results.

Radosław Sikorski does not make it easier for the R2P when he states that in Libya we can identify circumstances under which we should be actively involved in other's people conflict. But in the case of Syria, he does not see it and does not necessarily explain why. Furthermore, referring to Tony Blair's questions, he states that "we are not really closer to answering that"⁴⁹ though one may assume, that at least on the level of doctrine in fact we are. Sikorski admits that he is very sad that in Polish media there is very little on the situation in Syria, and regrets that "as the West we are completely helpless"⁵⁰. But he adds, similarly to the arguments of his German counterpart, that there are groups among Syrian opposition which are much more dangerous than today incumbents, so the picture is not clear.

Just recently Polish President Bronisław Komorowski stated: "We will decidedly abandon the overzealous expedition policy we incautiously adopted in 2007. Polish troops will no longer be hastily expedited to the world's antipodes"⁵¹. He mentioned that further involvement in foreign mission will only take place within the scope of Poland's "needs and possibilities". Furthermore, he stressed that the budgetary resources should not be spend on foreign missions, but on modernisation of the army aimed at territorial defence.

With the hindsight, Polish evolution of thought on foreign engagements is immense. Immediately after it had joined NATO in 1999 Poland became involved in Alliance first out-of-area humanitarian intervention in Kosovo. Two years later, Poland decided to engage in Afghanistan mission without hesitation. There were also no doubts that it should take part in the coalition to oust Saddam Husain and build democracy in Iraq. Non political opposition party challenged the sense of this war. But soon the tide has started turning. The accumulation of foreign interventions within a very short period of time and where Poland stands today on foreign military and civil involvement are miles away. In 2012 Transatlantic Trends, a public opinion poll which is done by the German Marshall Fund annually within the transatlantic community, only 42% of Poles agreed that the international community had the responsibility to protect civilians in other countries from violence. This was the lowest number polled out of all the countries⁵². One could wonder what are the sources of such a change?

The key factor for the evolution of Polish policy was undoubtedly the changing security role of the United States at the European continent. The end of 90s was characterized by the so-called 'unipolar moment'. It appeared that Europe was neither capable nor willing to tackle the challenges arising from two wars in for-

mer Yugoslavia. Without the US leadership, Europe would stay with its overambitious treaty declarations on common foreign and security policy (contained in the Treaty of Maastricht and the following treaties), but without courage for real action. The US was also a driving force for the first post-communist NATO enlargement, thus it had a huge dividend of trust among the CEE countries.

The reason for later decisions on involvement in Afghanistan and Iraq wars, was not simply the 'international interventionists' approach exercised by Polish political elites, but rather the attitude towards the United States as a major guarantor of European and Polish security plus the belief in reciprocity and solidarity in case there is a potential threat in the future. Additionally, there was just very limited trust to arising Common Foreign and Security Policy of the UE. It was treated as a pure challenger to the US security presence in Europe and as a French invention to give Europe more independence from the US.

Polish support towards foreign interventions was constantly diminishing in time simultaneously with the changing perception of the US. Poland has paid a heavy political price in Europe for the Iraq adventure as it stayed in the opposite corner to both Germany and France. But it soon appeared that the pri-

mary motives of US intervention were false. While the situation in Iraq was deteriorating, in Polish public opinion the notion of just war – the case of Afghanistan – and unjust war – the case of Iraq – has started to mix. Meanwhile, the departing G. W. Bush’s administration started to promote the idea of installing the missile shield on Polish and Czech territory, which aimed to alleviate the potential threat from the countries like Iran. Poland has enthusiastically offered its soil, paying again heavy political price in the EU. And again it was at odds with France and Germany. But the new administration of Barack Obama has almost cancelled the project without consultation with Poland in the first instance.

While Polish self-image was that of one of the main allies of the United States, it appears that in fact it is in a second or even in the third league. The unsolved issue of visas that were demanded on Poles has additionally hurt the US ‘soft power’. After all, Poland was a member of the EU Schengen area where no border checks exist, so the US rigid and costly procedures became considered as inexcusably embarrassing. The disappointed love with America was parallel with Polish Europeanization. It was finally sealed with an announcement of American pivot to Asia. Today, according to 2012 Transatlantic Trends, Poland saw the biggest drop of support towards the US leadership in world affairs – just for 38% of Polish respondents it would be desirable – and it had the second-lowest percent of

people who believe that the US and EU have common interests. Furthermore, only 45% of Poles considered NATO as being essential to the country’s security, which was one of the lowest levels among the countries pooled⁵³.

Poland is very critical towards NATO taking part in international missions. In diplomatic language it stresses that there is a need to find appropriate balance between NATO as a defence alliance and its out-of-area missions. Practically it means that NATO should most of all focus on defence of its own member states territory, consider situations from the perspective of article 5 of the Washington Treaty and stop thinking of being the world policeman.

Today Poland neither feels secure, nor does it feel threatened. But it has a strong conviction that NATO is not the same as it used to be. Americans want Europe to take responsibility for its own continent in a way that would allow them to focus on Asia. But Europeans are unwilling and not able to build a real Common Security and Defence Policy. Poland’s presidency in the EU Council of 2011, and its earlier efforts to reinvigorate the CSDP, witnessed painfully that the economic crisis in the Eurozone is today the main factor that derails any serious thinking about security policy. Furthermore, like the West we appeared impotent against the events in North Africa, which is in closest proximity to the EU borders. Nobody

foresaw it, we are just reacting to events, and we have no strategy to deal with that challenge.

There is some kind of rationalism in Polish attitude, that in an era of uncertainty it has started to keep its assets close. Minister Sikorski states that “security must be ensured primarily by our own forces (...) we know that alliances can only be complementary factor to national defence capabilities”⁵⁴. Thus **taking the aim at territorial defence instead of “expeditionary adventures” will be predominant direction in the decade to come.** Some argue that Polish new direction is a simple reaction to the changes that has already happened in NATO⁵⁵. But this assumption wrongly mixes causes and results. The change in NATO arises from the changes of attitudes in member states policies, not the other way around. **If there is a strong need for undertaking international action, Poland, similarly to Germany although for different reasons, would be supportive mainly in its civilian part i.e. training judges, policemen, advising on transition and so on.**

As a result, Poland has completely withdrawn from UN peacekeeping missions. It is worth remembering that in the second half of 90s Poland was among the main contributors in the world, and between 1997 and 1999 it was even on the first place⁵⁶. The one reason is that Poland has focused its involvement on the missions of

regional organisations – NATO and the EU. The second is that both public opinion and political elite in Poland are getting more and more reluctant on sending troops abroad and they look at the motives of such interventions distrustfully. In this context in the case of Libya, Polish politicians took similar approach as some of their German colleagues. The Prime Minister Tusk, in an interview for five major newspapers in Europe, accused the countries which made the intervention of “European hypocrisy” when it comes to their motives⁵⁷. This lack of clarity of purposes of the intervention was reflected in political elites’ convictions. Only few referred to the R2P argument. They clearly stated that Poland did not have its national interest, they were afraid of capability-expectation gap which seemed to be too large for Poland. Last but not least, the parliamentary election in Poland was forthcoming. All three factors were very similar both for Poland and Germany.

Poland’s position was widely noticed in Europe especially taking into account the fact that earlier it created an image of a country that wants to advance Europe’s foreign and security policy. As some suggest, Polish lack of involvement could be a kind of manifest of what kind of NATO Poland does not want⁵⁸. In fact it could be one of the motives, though not one of the most important. The person involved in the decision-making process mentioned the two

crucial factors: “we first looked at Germany’s reaction. Then we looked what would be public opinion reaction to our potential joining the intervening coalition”⁵⁹.

Those who were critical in Poland did not express it publicly, so there was no wider discussion, unlike in Germany. But one of politicians stated: “Libya was a fatal error taking into consideration our credibility. After all, we could state that we fully supported the whole action, although physically we did not participate. But the message was totally different. Poland did not agree with the purpose of the intervention. I consider the words of Prime Minister Tusk as unacceptable”⁶⁰. One of high-level government officials stated: “we cannot for the second time allow such behaviour as in the case of Libya. Such a renationalization is not in our *raison d’état*. We should prove the minimum solidarity. We should be willing and capable to take care of a wider interest”⁶¹.

The wider interest is however much more difficult to approach in the era of “mediocracy”. The increasing influence of public opinion on decision-making concerning foreign deployments is visible both in Poland and Germany. During the presidential campaign of 2010 the then candidate Bronislaw Komorowski promised that he would withdraw the Polish ISAF contingent by 2012. He was not contested, but he was moving along a deadly ground for any future out-of-Europe deployments.

Conclusions

According to Gareth Evans, one of the fathers of the rise of the R2P doctrine, there are three main challenges that need to be addressed by the countries in order to successfully practice the R2P when the next cases occur⁶²:

- Conceptual challenge – to ensure that the scope and limits of the R2P are completely understood.
- Institutional preparedness – building the capacity on international and national level, which would ensure the physical capability

to undertake the range of needed actions: both prevention and reaction, diplomatic, economic, legal and military measures.

- Political preparedness – generating strategies for indispensable political will to take appropriate actions if there is a threat of a next R2P situation.
- This analysis implies, that both Germany and Poland respond to these challenges to a different extent. We can categorize it as follows:

Challenge	German response scale: • very weak • weak • moderate • good • very good	Polish response scale: • very weak • weak • moderate • good • very good
Conceptual understanding	Moderate ← the first two pillars of the R2P are overemphasised while there is little understanding for and willingness to improve the third pillar.	Weak ← little real engagement in conducting any R2P discussion. The experience of Iraq and Afghanistan’s “overstretch” still predominates and blurs the R2P principles.
Institutional preparedness	Good ← continuous incremental activity both on international level and within government’s structure; NGOs actively monitor and analyze the R2P developments.	Weak ← internationally too much conferral on the European Union; nationally, the government planning is on a very early stage; there is no NGO that regularly monitors the R2P developments.
Political preparedness	Weak ← the “culture of military restraint” and the comeback to past passivity are again predominant; positive is the political will to invest in the first two pillars of the R2P.	Weak/moderate ← the turn to self-interest and avoidance of “military adventurism”; more selectivity, but the rule of alliance solidarity is still lively and the interventions have never been politically contested.

Both Germany and Poland would benefit from stronger cooperation on addressing the R2P challenges mutually. Their overall political cooperation is better than ever, and they are always among the countries, that want to advance the EU security and defence policy. As witnessed on number of occasions, Poland and Germany look at each other's reactions carefully, which leads to interdependency in their policy choices. But although Poland would gain on the R2P institutional preparedness and conceptual understanding, at least of the first two pillars of the R2P, there is currently very little chance to reverse the negative trends as for political preparedness.

The presence of the R2P in the political discourse is in decline both in Germany and Poland. Both public opinion and the political elites in Germany and Poland are getting more and more sceptical on possible foreign deployments, though in each country for different reasons. Despite the fact, that both armies undergo fast modernization, it is unlikely that in the future it will result in strengthening the exercise of the R2P by the world community.

Assuming that though the moral argument does not have its timing in the moment of crisis of European unity, it is worth to refer again to the ICISS report:

“If we believe that all human beings are equally entitled to be protected from acts that shock the conscience of us all, then we must match rhetoric with reality, principle with practice. We cannot be content with reports and declarations. We must be prepared to act. We won't be able to live with ourselves if we do not”.

If the R2P situation occurs in the future on the European soil, we could assume that the practical exercise would work. But this kind of danger is unlikely. If the European countries are not willing and capable of taking responsibility at least for its neighbourhood, the risk of recurrence of tragic events and the ensuing threat of state failure may result in even worse consequences the security of Europe.

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