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The future of Germany's support to the Responsibility to Protect

Thus far, Germany's contribution to the Responsibility to Protect has mostly been limited to rhetorical support and has not involved concrete efforts to prevent mass atrocities. Though Germany's recent trend towards greater foreign policy engagement may not be motivated primarily by the protection of civilians, it nevertheless offers opportunities to strengthen Berlin's role in the implementation of R2P.

One morning in July 2015, Caroline Spreitzer, a 34-year-old mother of three in the German city of Passau, close to the Austrian border, looked out onto her driveway and saw seventeen Syrian refugees. After providing them with water and sandwiches, she called the police, as the refugees had requested. The police eventually arrived to pick them up for registration. The next day, Spreitzer wrote on her Facebook page that she "understood for the first time that we are seeing the beginning of a humanitarian catastrophe" (Coen & Sußebach 2015).

Since the summer of 2015, stories like Spreitzer's, which was reported in the German weekly *Die ZEIT*, have been multiplying. Prior to the refugee crisis, many Germans were able to view wars and atrocities unfolding in faraway places as being irrelevant to their lives. But the refugee crisis has overturned this perception. As aptly described by German Chancellor Angela Merkel, while speaking with unusual candour about foreign policy challenges in the fall of 2015: "In many regions, war and terror prevail. States disintegrate. For many years we have read about this. We have heard about it. We have seen it on TV. But we had not yet sufficiently understood that what happens in Aleppo and Mosul can affect Essen or Stuttgart. We have to face that now" (Vick & Shuster 2015).

Since the unprecedented influx of migrants to Germany in the summer and fall of 2015, every German politician, from Berlin to Bavaria, has stated that fighting the causes of migration flows is a key priority for Germany. Given that these causes have much to do with the atrocities and terror from which civilians are fleeing on a daily basis, one would expect German policymakers to pay more attention to the protection of civilians from mass atrocities. However, as I will argue in this essay, German foreign policy makers have

yet to translate their desire to take greater action into a stronger policy regarding the implementation of the Responsibility to Protect (R2P).

First, I will review the key tenants of the German position on the Responsibility to Protect over the last decade. Then, I will outline three areas in which increased German foreign policy activity will be likely: the strengthening of early warning and prevention tools; the instrument of military operations; and the engagement of emerging powers in crisis prevention and reaction. I will argue that the trends towards greater engagement in these areas are not caused primarily by the desire to increase the German contribution to R2P, and that they alone will not guarantee a stronger German policy on atrocity prevention. But if the German government adds a lens of atrocity prevention to its policies, and if German civil society pressures it to do so, these trends can provide an opportunity to strengthen Berlin's role in the implementation of R2P.

Past record shows weak German support for R2P implementation

Ever since world leaders endorsed the "responsibility to protect" people from genocide, war crimes, ethnic cleansing and crimes against humanity, Germany's support for the principle has been characterized more by a sense of duty than by enthusiasm. Despite the fact that Klaus Naumann, a retired German general, was part of the International Commission on Intervention and State Sovereignty (ICISS), which devised the concept of R2P in 2001, there was no policymaker in Germany closely following R2P's development or impact during its first few years. From 2005 to 2011, German policymakers treated the concept as a legal "norm in the making" that required German support at the level of the European Union and the United Nations, mostly in the sense of including the words "responsibility to protect" in statements and resolutions (see Brockmeier, Kurtz & Junk 2014: 448-49).

In 2011, Germany's controversial abstention on a resolution authorizing an intervention in Libya triggered greater debate on R2P in Germany. Mainstream newspapers published editorials on R2P's origin and purpose, and parties in the Bundestag voiced their support for R2P in party motions. In this context, German policymakers began to see R2P as not only an international law in the making, but also a moral principle and a practical commitment that needs operationalization. In the fall of 2012, the German Foreign Office named the deputy director of its UN division the "R2P focal point". However, successive focal points have mostly viewed themselves as the German representative at international focal point meetings organized by the Global Centre for the Responsibility to Protect. None of the German focal points have considered themselves responsible for

looking inward and examining how the German government could improve its coordination and improve its tools for atrocity prevention.

R2P and civilian crisis prevention

As R2P was not seen as a concept that needed translation into practical action, discussions on the German contribution to crisis prevention have been mostly separate from discussions on R2P. Despite this disconnect between conflict prevention and R2P, developments in the former have had implications for the implementation of R2P. When it comes to conflict or crisis prevention, German policymakers have pointed at the 2004 Action Plan on Civilian Crisis Prevention as progress towards greater preventive action. The Action Plan established a number of smaller institutions whose contributions have tended to be long-term and structural, such as the German Institute for Human Rights and the Center for International Peace Operations (the latter trains civilian personnel for deployment in peace operations). Over the last ten years, the German government has increased its funding to and support for rule-of-law initiatives and mediation work, and has strongly supported the functioning of the International Criminal Court. The Action Plan also created an Interministerial Steering Group (*Ressortkreis*) and an advisory board of civil society representatives on civilian crisis prevention. Nevertheless, the Action Plan has failed to significantly impact the policymaking of established ministries.

Germany and the use of force

German policymakers have been largely reluctant when it comes to making military contributions and supporting UN peacekeeping with police forces and civilian experts. Over the past twenty years, German troops have been deployed to Bosnia, Kosovo and – for more than ten years now – Afghanistan, among other places. The debates on these interventions consistently reveal Germany's uneasy relationship with the use of force.

This was powerfully demonstrated on 17 March 2011, when Germany, a non-permanent member of the UN Security Council at the time, abstained on Resolution 1973, which authorized military intervention in Libya. The resolution was a milestone for the Responsibility to Protect: for the first time, the Security Council authorized the use of military force against a functioning state with the explicit goal of protecting civilians. While France and Britain argued forcefully for military intervention, German policymakers and the German public were sceptical of the mission's chances of success. Guido Westerwelle, German Foreign Minister at the time, was an especial proponent of a German "culture of military restraint" (Auswärtiges Amt 2011).

Just two days before the passage of Resolution 1973, German policymakers felt that their position had support from United States officials who argued that a no-fly zone would make a difference on the ground. But the US administration changed course on 15 March, supporting "all necessary measures" to protect civilians in Libya. The 36 hours remaining until the vote were not enough time for German policymakers to consult with members of the Bundestag. Unlike policymakers in Paris or London, they had to obtain strong support from parliament in order to get involved in a military intervention. As I argue in another essay, the reaction of German parliamentarians and the public debate in Germany after the intervention suggest that the government might have voted yes, had it been given more time to deliberate with the Bundestag: even though most parliamentarians shared the German government's reluctance to approve of the use of military force, the majority of them would have preferred not to isolate Germany so blatantly from its main international allies. Even if the German government had voted "yes" on the resolution, however, it still would likely have refused to participate with its own force in the intervention (Brockmeier 2013), given the widely shared scepticism in Germany towards the use of force.

The German public supported this preference for non-intervention. According to a poll published in the German magazine *Stern* on 16 March 2011, the day before the vote on Resolution 1973, 88 per cent of Germans opposed involving their country's troops in an intervention in Libya (Stern 2011).

The lacklustre support of the German public and government for the implementation of R2P has been linked to relatively low pressure from society at large and to relatively little civil society advocacy on atrocity prevention. The only advocacy organization working specifically on atrocity prevention is a small and mostly volunteer-based NGO called Genocide Alert.[1] In contrast to the US, Germany does not have larger campaigns pressuring the government to take action on particular country cases or to improve its tools of atrocity prevention.

Three trends that could benefit German R2P policy

Until 2014, this description of German foreign policy engagement and R2P would have ended here. In the last two years, however, there has been a significant increase in Berlin's involvement in world affairs. During the Munich Security Conference in early 2014, President Joachim Gauck, Foreign Minister Frank-Walter Steinmeier and Defence Minister Ursula von der Leyen urged Germany to take greater global responsibility. They

1 The author was a board member of Genocide Alert from 2010 to 2015. More information on Genocide Alert's work can be found at www.genocide-alert.de.

could not have predicted the crises soon to follow that would force Berlin to heed their call. The escalation of international crises – from the Ukraine conflict and the rise of the Islamic State (ISIS), to Syria and the influx of refugees to Europe – has compelled German politicians to take greater action.

Polls show that Germans support this approach. For example, the Center for Military History and Social Sciences of the German Armed Forces found in late 2015 that 66 per cent of Germans supported actively addressing the "problems, crises and conflicts" of the world – the highest number recorded since the centre's first polls in 2000 (Wiegold 2015).

In an unfortunate paradox, though genocide and mass atrocities, including those perpetrated by ISIS, are an important reason for the high number of refugees coming to Germany, R2P and the protection of civilians have yet to play an important role in discussions on increasing German foreign and security policy engagement. The lack of focus on the fate of civilians and the absence of specific tools of atrocity prevention could very well continue over the next few years. But I believe there are three trends in German foreign policy that could benefit R2P – some of them simply as side effects of reforms implemented by the government, and others only on the condition that policymakers and civil society make a concerted effort to use the opportunity posed by these trends.

Better early warning, coordination on early response and stronger mediation efforts

In 2014, the German Foreign Office conducted a year-long review process, publicly and internally, that ended with a clear call for greater engagement in early warning and prevention. Consequently, the Foreign Office created a new directorate-general on "Crisis prevention, stabilization and post-conflict reconstruction". The directorate features a new division dedicated to "early warning and scenario planning", a division for crisis prevention and a division that is responsible for R2P, among other areas. Reflecting a trend towards greater engagement in foreign policy, the Foreign Office's budget was increased by € 700 million, or 18 per cent, in 2015 (Braun 2015).

Given this new unit and political will in the Foreign Office, the German government will likely become better at predicting crises before they escalate. It is also likely to work towards more systematic ways of ensuring that information is acted upon and brought to a higher level of decision-making, and of mobilizing a response from the foreign office and the government as a whole. These developments would not be driven primarily by the German government's desire to prevent mass atrocities. But they would have the potential to do just that, if the government integrates into its new systems an understanding of

the risk factors for mass atrocities. So far, the German government has not treated "atrocity prevention" as a separate category from "conflict prevention". This means that there is a danger of overlooking the organized character of mass atrocities that can also occur outside of armed conflict (Hofmann 2013: 8). But as the responsibility for R2P has moved into this stabilization directorate that is more operational, there is a chance that the Foreign Office will increasingly treat atrocity prevention as a separate category and translate R2P into more concrete prevention projects. In this regard, Germany and its European partners could learn from the more systematic efforts in early prevention that the US has been conducting through the Atrocities Prevention Board since 2015.

The German government has also been seeking to improve the tools available when responding to warnings. For example, it has stepped up its engagement in preventive diplomacy in recent years. Parallel to its leadership role in the Ukraine crisis and its participation in the Iran negotiations, the German Foreign Office has been mediating between Libyan leaders and has even organized a high-level conference in Berlin on conflict mediation. There is a realistic possibility that Germany will push for initiatives on preventive diplomacy and mediation during its next term as a non-permanent member of the Security Council in 2019-2020.

Better early warning and early preventive diplomacy efforts will never be enough. It is important to note, for example, that early warning or attention was unlikely to change the course of the Syrian crisis. But this is no reason not to invest further in the prevention of future crises – something that the German government has come to realize.

Making military contributions to the protection of civilians

Over the past two years, there has been a trend of increased German military contributions. In 2014, the German government armed the Kurdish Peshmerga fighting ISIS, marking the government's first arms delivery to an active conflict party since the end of the Cold War. Germany has been training around 4,000 of the Kurdish fighters in the use of German weapons. After the Paris terror attacks in November 2015, the Bundestag waved through a German contribution of 1,200 soldiers in the international campaign against ISIS in Syria. A majority of Germans (58 per cent) supported this military contribution (infratest dimap 2015). That fall, the German government also announced that it would dispatch up to 600 soldiers to the UN peacekeeping mission in Mali. This would nearly triple German participation in peacekeeping, which was thus far limited to contributions to the UN Interim Force in Lebanon and to a few soldiers each in South Sudan, Darfur and Liberia, among other places.

These military contributions are borne out of a logic of alliance and antiterrorism. The German government presents its participation in Mali not as a contribution to strengthening the UN peacekeeping system and the protection of civilians, but as a contribution to the fight against terrorism. Similarly, the government sent troops to Syria because France, as an ally, requested help in its fight against ISIS.

Nevertheless, these contributions demonstrate the increased willingness of German politicians to consider military force as a foreign policy tool as well as greater support by the German public for such contributions. In May 2014, a survey by the Koerber Foundation found not only that 87 per cent of Germans would support the use of military force if there was a direct threat to peace and security in Europe, but also that 82 per cent would support the use of force "to prevent acts of genocide" (Koerber Foundation 2014).

German policymakers could build on this trend to strengthen the German contribution to UN peacekeeping. While they have many flaws, UN peace operations in places like South Sudan, the Central African Republic or the Democratic Republic of the Congo play a key role in protecting civilians from atrocity crimes. By contributing more personnel, modern technology and air assets to more peacekeeping missions, Germany and other European countries could contribute to the protection of civilians and help prevent a return to conflict and atrocities in troubled nations.

On a more conceptual level, the German military and its European partners should start thinking about the tactical and operational requirements of interventions that aim to protect civilians. A possible model is the US army's handbook on "mass atrocity response operations" (MAROs), which works through operational scenarios aimed at the protection of civilians. The handbook was based on the assumption that such interventions bring specific tactical, operational and moral challenges, and thus require specific preparation. Thinking ahead with a stronger focus on preventing atrocities would require Germany and Europe to start planning for such scenarios. The process of developing a new white paper on security policy in 2016 offers a unique opportunity for German policymakers to plan for a stronger role of the German armed forces in peacekeeping and to examine the operational challenges of protecting civilians.

Supporting dialogue on the Responsibility while Protecting

A third trend that might be beneficial to the German contribution to R2P is increased engagement with emerging powers. In early 2012, Berlin published a strategy paper on increasing German engagement with new global powers, including Brazil, India and South Africa (Auswärtiges Amt 2012). The German government has since been emphasizing the

importance of including emerging powers in debates on world order and strengthening relations with them. (See also the essay by Kinzelbach and Mohan elsewhere in this volume.)

An area where this trend of greater engagement with emerging powers could translate into stronger German support for R2P is the discussions on the Brazilian proposal of Responsibility while Protecting (RwP). Brazil proposed the idea in late 2011, frustrated with how the Libya intervention had turned into regime change with no checks by the UN Security Council, the body that had authorized the use of force in the first place. Wanting to be on the same side as its European allies shortly after the abstention on the Libya vote, Germany joined France and Britain in their scepticism of RwP. A few months later, however, Berlin changed course. Upon reviewing the Brazilian proposal in detail, senior diplomats in Berlin realized that many of the ideas aligned with German positions and that rejecting RwP would contradict the spirit of the recently published strategy paper calling for greater engagement with countries like Brazil (Brockmeier, Kurtz & Junk 2014). But Germany's conciliatory approach came too late, and RwP fell off of the agenda.

Open support from countries like Germany would have helped the Brazilians keep the discussions on RwP alive. Four years later, this remains an area in which German foreign policy makers could take on a leadership role and build on increased public support for the nation's engagement abroad. RwP focused on two areas that are of continued interest to Germany: the criteria for the use of force to protect civilians, and the creation of accountability mechanisms for the use of force.

Given the controversies surrounding Resolution 1973, it is unlikely that the Security Council will ever again pass a resolution to protect civilians with "all necessary means" without installing checks or regulations that give the Council more control over an intervention. If Germany has a serious interest in furthering discussions on R2P, it could help restart these discussions in New York. In light of its campaign for another term as a non-permanent member of the Security Council, Germany has the possibility of making a real contribution to the international discussions on R2P by working with Brazil and other partners to discuss what monitoring and reporting systems for states implementing UN-mandated missions could look like (Benner et al. 2015).

Conclusion: Germany should help R2P work in practice

It is telling that Caroline Spreitzer's Facebook post heralded "the beginning" of a humanitarian catastrophe. The fact is, when the Syrians arrived on her driveway, the humanitarian catastrophe in Syria had been going on for four years. Not surprisingly, many Germans

realize the extent of a catastrophe only when it is reported in the media – or when refugees show up at their doorsteps. But the government can set up systems and use foreign policy tools to improve its response before crises reach the stage of landing on the evening news.

In recent years, a multitude of international crises have compelled Germany towards a foreign policy of far greater engagement. This engagement will likely continue to increase. While it is unlikely to be motivated primarily by the desire to protect civilians, the trends towards better early warning and preventive diplomacy, more military contributions and stronger engagement with emerging powers provide an opportunity to increase the German contribution to R2P. German policymakers and civil society should push for adding the lens of atrocity prevention to this intensified foreign policy engagement. This could mean, firstly, making sure that new early warning tools in the Foreign Office include indicators that are specific to mass atrocities. Second, the German white paper on security policy in 2016 could be used as an opportunity to plan for future military contributions to peacekeeping – with the motivation of not only fighting terrorism, but also supporting the protection of civilians. Third, in the context of its efforts to strengthen global order and engage with emerging powers, Germany could support an initiative to revive discussions on key aspects of the Brazilian proposal of Responsibility while Protecting. The likelihood of implementation of these policy reforms depends, naturally, on the level of political sensitivity. The rather bureaucratic reform of adding atrocity prevention indicators to the Foreign Office's early warning tools is very likely to be implemented. In contrast, politically more sensitive plans to increase German contributions to protection of civilians through peacekeeping or debates with emerging powers are unlikely to happen without political pressure by civil society organizations. International and national human rights NGOs should therefore call on the German government to make the protection of civilians a priority in its foreign policy making. They should pressure both parliamentarians and government officials to understand the protection of civilians as a national interest in itself – not just as a by-product of the increased use of diplomatic or military tools to fight terrorism or show solidarity to allies. To increase public pressure on the government, national advocacy organizations can help by furthering public discourse on Germany's role in preventing conflict and atrocities: the refugee crisis means that more Germans are ready to learn about and debate the tools available to the government to protect civilians.

In a recent essay reviewing the first ten years of the Responsibility to Protect, former R2P Special Advisor Edward Luck wrote: "the world needs R2P or, more accurately, an R2P that works in practice" (Luck 2015: 501). Germany's role in the world has changed dramatically in the past two decades and grown significantly in the past few years alone. Germans now have an increased responsibility to make R2P work in practice.