Germany and its Military Involvement in the Kosovo Crisis: The End of Civilian Power?*

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Abstract:

The concept of civilian power assumes that a civilizing process takes place in international relations. This process is typical of the development of the formulation and implementation of universally binding principles which regulate relations among states, establish a monopoly on the legitimate use of force on the international level, try to minimize violence, promote the development of democratic political structures of participation and attempt to reduce economic and social differences. Germany is thought to be one of two typical civilian powers (the other one is Japan). German participation in the NATO 1999 war against Yugoslavia cannot be simply interpreted as the end of German policy based on the civilian power concept because many features of civilian power were present in the German foreign policy dealing with the Kosovo crisis. On the other hand the main problem is that simultaneously German participation in war against Yugoslavia does not allow us simply to accept Maull's conclusion that there was no deviation from the political strategy of a civilian power. As a result, this event is a challenge for proponents of the civilian power concept because it has shown the weaknesses of this concept and the necessity to make it more precise. Unfortunately, proponents of the civilian power concept have not taken up this challenge yet. The prevailing explanation seems to be unsatisfactory.

Key words: civilian power, Germany, Kosovo

1. Introduction

Proponents of civilian power theory assume that a civilizing process is taking place in international relations. This process is supposed to be similar to past development which occurred on the level of nation states. This study aims to answer the question whether rising German participation in military operations abroad and especially German involvement in the 1999 NATO war against Yugoslavia is possible to interpret as a deviation from the policy typical of civilian power.[1]

One should keep in mind that on one hand, Germany is thought to be a typical civilian power. On the other hand, many authors argue that Germany is leaving the path typical of

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civilian power. As Thomas U. Berger concludes *"many see these developments as evidence that Germany once again is becoming a normal nation, in other words a state that acts in moderate Realist fashion, pursuing its own national interests through non-military tools when it can, but perfectly willing to force when necessary"*. (Berger 2002: 176) In this respect, Kerry Longhurst speaks about breaking old taboos and shifting the restrictive German approach towards using military force although the continuity with the past still prevails (Longhurst 2004: 137). Martin Wagener refers to the normalization of German foreign and security policy as the participation in military crisis management operations became quite usual under the Red-Green Coalition's administration (Wagener 2004). In this regard, Wagener asks the question, what can actually be regarded as "normal", the German policy of restraint or the regular use of military force as a tool of foreign and security policy?[2] According to Wagener, the notion of "normalization" can be understood as pursuing national interests defined by maximizing the profit for the state (Wagener 2004: 1–2).

Nevertheless, if this study concludes that German foreign and security policy has deviated from typical civilian power policies due to German participation in the 1999 NATO war against Yugoslavia, that conclusion might be interpreted as a serious challenge to the relevance of the civilian power concept. If it is true, the concept of civilian power is in danger, because the typical civilian power, Germany, changes its foreign policy and therefore it is questionable if a civilizing process is really occurring in international relations as the proponents of the civilian power concept conclude.[3]

In the first part of this study, the civilian power concept will be briefly introduced, and afterwards, the paper will focus mainly on the analysis of the Kosovo case. German involvement in the 1999 NATO war against Yugoslavia seems to be the most controversial political step with respect to the civilian power concept, and, therefore, it is necessary to pay some attention to it in the second part of the study. The next part of the study tries to answer the question if German participation in the 1999 NATO war against Yugoslavia really means the end of Germany as a civilian power. Finally, the study deals with Maull's perception of German involvement in the Kosovo crisis.

2. The Concept of Civilian Power and the Use of Military Force

The concept of civilian power is often used in the literature which analyzes German and Japanese foreign and security policies.[4] Several authors have dealt with its elaboration and application, the most prominent are Hanns W. Maull (Maull 2000), Sebastian Harnisch (Harnisch 1997a; 1997b; 2001), Knut Kirste (Kirste 1998) and Dieter Senghaas (Senghaas 1994). The theoretical roots of the concept of civilian power go back to the 1930s. The concept of civilian power relates to the name and works of Norbert Elias, a sociologist who drew up an evolutionary sociological theory about the civilising process (Elias 1997a; 1997b). With respect to this concept, Marco Overhaus says that *"analysts have employed the Civilian Power concept in two different, yet complementary ways. On the one hand, it has been used as an analytical tool to describe and explain national foreign policy strategies in general and German foreign policy behavior after World War II in particular. On the other hand, it also has a very strong normative dimension…."* (Overhause 2004: 552–553)

Elaborating the theoretical concept of "civilian power" on the basis of Elias's ideas, the team led by Hanns W. Maull came up with the following list of roles that are – and should be – played by civilian powers in the system of international relations. In general, a civilian power is expected to support global participation through collective efforts oriented to partnership build-up, and be ready to assume responsibility in the area of international relations, but it is not expected to claim exclusive leadership there. A civilian power prefers acting in accordance with the principles of partnership understood as norms regulating international relations; it refrains from acting unilaterally. Furthermore, civilian powers seek prosperity, social justice and democratic stability. Their foreign policies respect the principle of the primary importance of democratic and socially sensitive domestic policies. They promote the transformation of international relations on the basis of the "division of labour" coupled with a partial transfer of sovereignty, and they forgo acting autonomously. They further seek to strengthen such international institutions as the UN or OCSE. A civilian power views different national interests as mutually interconnected and promotes a cooperative approach to dealing with global problems. Its foreign policies are based on such values as respect for human rights and international law, and these values also serve as the starting point for the definition of its national interests. It further upholds the principle that political problems should be dealt with through negotiation, compromise and mediation. Material conflicts are perceived as positive-sum games that can be resolved through mutually advantageous compromises. A civilian power seeks to deal with problems within the framework of existing institutions and regimes and is ready to actively support collective sanctions imposed on those who breach international norms. Last but not least, a civilian power puts emphasis on collective security, which means that it considers any threat to use force, let alone its actual use, unacceptable unless it is legitimised and collectively implemented by the international community. (Frenkler, Harnisch, Kirste, Maull and Wallraf 1997: 26–29; cf. Kirste 1998: 54–57)

Civilian powers do not exclude force as the toll of international politics. This interpretation of civilian power concept is not well founded. On grounds of the civilian power concept, as it is was elaborated by the authors mentioned above, it is possible to assume that use of the military by civilian power is characterized by the following attributes: military force is the ultimate means of solving a conflict after the exhaustion of all non-military possibilities; civilian power plays an active role in solving the crisis and military devices serve as a support to non-military devices; military operations absolutely comply with international law; military operations aim at supporting and defending human rights; civilian powers while using military force strive to reduce damages and losses not only on one's own side but also on the opponent's side, military action takes place in a multinational framework (with the possible exception of self defence) and military power is not a tool of a unilateral policy. (More details in Kříž 2007)

When examining whether the German military engagement in the 1999 NATO war against Yugoslavia is compatible with policy expected from a civilian power, it is essential to establish whether these attributes characterizing the use of military force were present in German security policy with respect to the Kosovo crisis.

3. Germany and the Kosovo Crisis

3.1 The Evolution of German Military Operations after Unification

It was characteristic of German security policy after unification that, having exhausted all available non-military tools, it was more ready to resort to the use of military force when dealing with the security problems of the contemporary world. The "militarization" of German security policy, in the sense of employing military force as a tool of foreign and security policy, resulted in the growth in the number of German soldiers deployed abroad.

The predominant form of German military engagement abroad are NATO and European Union military crisis management operations, supplemented with operations taking place as part of the war against international terrorism fought upon the states' right of individual or collective self-defence and UN peacekeeping operations. Military force was used as the final solution; they were military operations conforming to international law, military force was used as part of a wide range of crisis management tools. Such military operations, at least in a broader conception, protected human rights in the world; military force was not used inadequately and the actions took place in a multinational framework and did not express German unilateral policy. The German military operation "out of area," with the exception of participation in the war against Yugoslavia in 1999, fell within the policy expected from a civilian power, as all the attributes of a civilian power military operation can be identified here (Kříž 2006b). Hans W. Maull holds a similar opinion, concluding that *"... nowhere has Germany substantively departed from its earlier commitment to military multilateralism and institutionalization (never alone), from justification of force in terms of shared norms (such as alliance solidarity or prevention of mass murder) rather than national interests, and from its skepticism toward the utility of force in solving political problems."*[5] (Maull 2006a: 274) Thus it maintained continuity with the "Bonn" Republic which, in comparison with a classical power, accepted many self-restrictions in using military force as a tool of foreign and security policy.[6]

In defiance of Maul's attitude, the general compliance with restrictions typical of civilian power was exceeded by German military participation in the NATO air operation against Yugoslavia in 1999 (Allied Force). Therefore it seems necessary to look at this case in more detail because examples which are not fully in accordance with expectations derived from theory are – from some points of view – more important for our research than others.

Applied to the German military engagement in operation Allied Force, the above criteria allow us to draw the conclusion that the air-campaign waged against Yugoslavia from March to June 1999 was not in conformity with civilian power policy in at least two respects: insufficient international legitimacy and excessive (from the point of view of the "civilian power" concept) use of force coupled with a lack of efforts to minimize enemy casualties. In what follows we shall take a closer look at the justification of the above conclusion.

3.2 Arguments in Favour of the Thesis that German Participation in the 1999 War against Yugoslavia was not in Agreement with Civilian Power Policy

First and foremost, the German engagement in operation Allied Force failed to meet the most important condition for the use of military force by a civilian power, namely conformity with international law.

The majority opinion in literature supports the thesis that the air-campaign against Yugoslavia was illegal from the point of view of international law. This opinion is based on the following argument. The key document regulating the use of force is undoubtedly the UN Charter, which assumes the transfer of the rights of individual states to use force to the Security Council, and orders all states to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.[1]Threre are only two exceptions from the above rule – self-defence under article 51 of the Charter, and the authorization to use force in the case of a threat to international peace and security under articles 42 and 53 of the same document.

Since none of the above articles apply to the case of the NATO air-campaign against Yugoslavia, the numerous critics of that campaign are quite justified in drawing the conclusion that the operation had no support in the UN Charter, and, consequently, no support in international law. (cf. Trzeciak 2003: 40; Blumenwitz 1999: 27–30; Wolf 1999: 3; Wedgwood 1999: 834−836; Hänsel and Stobbe 2002: 87–109)

The prevalent interpretation of international law made by legal experts against the background of the Kosovo crisis implies that any operation (not necessarily a military one) undertaken without the authorization of the UN Security council – and that includes even those operations that are directed against regimes guilty of acts of oppression or ethnic cleansing – is in contradiction with the UN Charter and therefore illegal. It is a political consequence of that interpretation that if a permanent member of the Security Council with the right of veto, or its close ally, decides to perpetrate such acts on its territory; it cannot be prevented in any way (conforming to that prevailing interpretation) from doing so.

Even though there had been previous Security Council resolutions (1160, 1199, 1203) describing the situation in Kosovo as a threat to international peace and security, they had not in themselves provided enough legitimacy from the point of view of international law to start a military action. On the other hand, these resolutions can at least be used to show that the military operations of the Alliance cannot be interpreted as an entirely unjustified attack on an innocent member of the international community. Therefore, by taking part in these military operations, Germany did not behave like an ideal civilian power.

In addition, looking at the March – June 1999 military operations from the point of view of the civilian power concept, it is doubtful whether the way in which they were conducted met the requirement of the minimization of violence. By refusing to deploy ground forces *a priori*, which was motivated by the desire to minimize its own casualties, NATO forwent the strategy of keeping its adversary in uncertainty. This afforded Yugoslavian security forces the opportunity to deploy their units in a way that was optimally adjusted to the anticipated mode of attack, which apparently made possible their prolonged resistance and thus postponed the end of the war.

The United States desired in the first place to protect the lives of its own soldiers that, after all, were being risked for the interests of European countries. Since the desire to minimize one's own casualties is a motive that is expected to be present in any responsible government, the American approach to the military operation is understandable. Nevertheless, with respect to the enemy soldiers' lives, nothing in the way the air-bombing campaign was conducted suggests that minimizing unnecessary enemy casualties – a requirement that can be derived from the concept of civilian power – was among the Americans and Alliance objectives.

Last but not least, the air raids sought to cause maximum possible damage to Yugoslavian infrastructure used in peacetime for civilian purposes (bridges, roads, state offices, airports, power plants etc), a fact which also appears to be a rather controversial objective when viewed from the perspective of the concept of civilian power. The operational objective was probably to cause so much harm that it would outweigh any possible benefit Yugoslavia could derive from keeping Kosovo, and to demoralize the Yugoslavian population, and thus to break its will to resist. Even though these objectives are controversial when judged by the standards for the conduct of a civilian power in war, they are quite legitimate and unexceptional from the point of view of war law and the customs of war. There is little doubt that the infrastructure that was bombed in Yugoslavia could also be used for military purposes, and therefore it was a legitimate target for Allied military operations. The above criticism of the NATO military campaign is only relevant when thinking about the problem within the framework of the civilian power concept. A closer analysis of the whole air-campaign shows that the allies tried to minimize the loss of civilian life (more Kříž 2006c).

3.3 Arguments in Favour of the Thesis that German participation in 1999 War Against Yugoslavia was in Agreement with Civilian Power Policy

On the other hand, the appraisal of the compliance of German security and foreign policy with the policy typical of civilian power cannot be comprehensive without taking into account other relevant aspects. Thus, it seems necessary to look into the German debate devoted to the Kosovo crisis and to analyse whether this debate took place in the way which is typical of civilian power. In addition, we should focus on the issue of whether, in the process of finding a solution to the Kosovo crisis, Germany played roles typical of civilian power. In general, we should look into the question if other features typical of civilian power were present in German foreign policy with respect to the solution of the Kosovo crisis.

When appraising German engagement in the campaign, we should take into consideration the fact that before the start of the air attacks Germany had tried to resolve the crisis through diplomatic means (Longhurst 2004: 72). Also, considering the role of Germany in the war, we should note that one could hardly speak of independent German policies in connection with Kosovo at that time, since all that Germany was doing was simply part of the wider process of the international community's efforts to resolve the crisis through international organizations (UN, NATO, OSCE) and contact groups (USA, Russia, Great Britain, France, Italy and Germany). Germany was also very active in the Rambouillet process in the spring of 1999. When trying to push through its own views concerning the optimal way to resolve the crisis at these forums, Germany had to manoeuvre in the rather narrow space afforded to it by other countries. (cf. Hänsel and Stobbe 2002: 6) There were two leitmotivs of German Kosovo policy at that time: first, to keep Russia in the negotiations about a peaceful solution to the crisis, as Russia was generally believed to have some influence on Belgrade; and second, to strengthen the position of the moderate wing of the Kosovar Albanians around Ibrahim Rugova – a group that was gradually losing its influence in favour of the radicals in the KLA.

There were many obstacles and problems standing in the way of the idea of German participation in the air-attacks against Yugoslavia – historical reminiscences, problems at the level of domestic politics, legal obstacles, and some problems at the level of international politics.

That is also why the whole issue was so hotly debated by German politicians in the Bundestag. The topics of these debates included both the question of how to best resolve the Kosovo crisis, and the possibility of German participation in a military operation against Milosevic's Yugoslavia. Between spring 1999 and spring 2000, nine debates, one extensive discussion and sixteen short interpellations in which the government had to answer questions took place in the Bundestag (Kommission Internationale Politik beim SPD-Parteivorstand 2001: 2). The topics were also intensively discussed by German intellectuals of all kinds – from journalists and writers to historians, political scientists, Slavists and other scholars and experts.

The German discussion was strongly polarized between those who were and were not opposed to the war; the debate was very passionate, often slipping into personal attacks. The side opposed to the war was apparently a mixture combining surviving remnants of the "peace movement" with the war criminals responsible for the violent break-up of Yugoslavia. The slogan of those favouring military action was "Prevent another Auschwitz!," which would suggest moral motives prevailing over national interests as defined in the concepts of realism or neo-realism. As for the media in Germany, they tended to side with the Albanians, while the Serbs were more or less demonised in their reports. (For more on this, see Savarese 2000). Naturally, the issue of German participation in the war against Yugoslavia brought to the surface various historical reminiscences from the period of the Second World War, including the bombing of Belgrade and brutal occupation of Yugoslavia by Nazi Germany. Two opposing and competing lessons to be drawn from the Nazi past with respect to the question of potential German involvement in the Kosovo crisis emerged in German society. According to one view based on a radically pacifist interpretation of history, held that in light of what Germany had perpetrated in the past, it had no moral right to take part in similar military operations in Kosovo in Autumn 1998. The other view held that not despite, but exactly because of past experience, Germany should not stand by with arms folded in the face of the threat of genocide in Kosovo. This general view was held for instance by Jürgen Habermas, Günther Grass and Hans Magnus Enzensberger. (Berger 2002: 187–188)

The Bundestag debate on the issue was very animated. It was typical of the German debate on Kosovo that German participation in ground operations was refused both by some left-wing and right-wing politicians (Berger 2002: 188–189). In the end, the government proposal met with almost universal support among the politicians of CDU/CSU and FDP. It was necessary, according to Kinkel, *"to prevent further violence by the threat of force"* (Deutscher Bundestag 1998). Among other motives that were easy to notice was fear of the political isolation of Germany and the desire not to discredit Germany's foreign policy under the new leadership. Also, moral arguments were used repeatedly to appeal to the necessity of resisting evil. (cf. Longhurst 2004: 71)

On the other hand, many social democrats and Bündnis90/Grünen deputies only agreed with numerous reservations, and some of them were even outright against it. The stenographic record of the debate and of the objections raised by some left-wing deputies shows that the social democrats and Bündnis90/Grünen deputies were divided over the issue. This is not surprising in view of these parties' policies in the mid-1990s opposing the tendency towards greater international military engagement for Germany, and the radically pacifist roots of part of Bündnis90/Grünen. PDS was principally opposed to the "aggressive politics of NATO and American imperialists". The Democratic Socialism Party deputies expressed understanding

for Milosevic's Kosovo policy, often equating the violence perpetrated by the KLA with the behaviour of the whole Albanian population in Kosovo, as if the KLA was the main – or even the only – representative of that population's interests in Kosovo (Deutscher Bundestag 1998). On the other hand, it has to be admitted that the deputies of that party managed to catch in their contributions to the parliamentary debate the principal weakness of the requirement of the German government, namely the disagreement between the proposed military action and international law. Besides, their criticism of the ineffective Kosovo policies of the West since 1989 was largely justified. Nevertheless, the result of the vote that followed was unambiguous: 500 were for the government proposal, 62 were against, and 18 abstained from voting. (More Ryjáček 2008: 135–141)

Political parties also argued about Russian engagement. While leftist deputies often argued by invoking the need to get Russia more engaged in the search for solutions to the crisis, the Christian Democrats were rather sceptical of these views. Another interesting aspect of the whole parliamentary debate which said a lot about some of the motives behind German attitudes on the crisis was the frequently occurring argument that warned of increased numbers of refugees coming to Germany if the conflict were to escalate. Gerhard Schröder, too, argued along similar lines. The fact that Germany could not interfere in other countries where human rights were violated was not a reason, according to him, not to interfere in Kosovo (Deutscher Bundestag 1998). The parliamentary debate reflected fairly accurately the whole public debate in Germany and its ambivalent attitude toward the idea of attempting a military solution to the crisis.

The most difficult problem complicating the search for an effective solution to the Kosovo crisis was that launching an air-bombing campaign was a rather controversial idea from the point of view of international law. Political elites in Germany tried to avoid using the word "war" even though, given the character of the conflict, its use would have been factually appropriate. The reason for that avoidance was that German law forbids offensive war, and, according to many critics of the NATO air-bombing campaign, that operation, indeed, had many features of an offensive war. The Party of Democratic Socialism even filed a formal complaint at the Constitutional Court against Germany's participation in the operation. On March 25, 1999, the Constitutional Court rejected the complaint as unfounded. But, as noted by Dieter Blumenwitz, the UN Charter is not the only document of international law setting limits on the use of military power by Germany. There are also limitations based on the Helsinki Final Act and the "Two-Plus-Four" agreement. Another important factor influencing the German discussion of Kosovo was German law explicitly prohibiting (e.g. by article 26 of the Basic Law) waging a war of aggression. (Blumenwitz 1999: 23) Kerry Longhurst rightly notes that the political attitudes of Schröder and Fischer to the Kosovo crisis were diametrically different from the policies they had pursued at beginning of the 1990s (Longhurst 2004: 70). Christian Hacke even describes the policies of the German government as politics of abandoning its own programmatic principles (Hacke 1999: 48). On the other hand, there is no doubt that the decision taken by a part of the German left – leftist radicals, antimilitarists and pacifists – to support the war against Yugoslavia caused much less polarization of German society than there would have been otherwise – if the war had been waged under a non-left government. The Kosovo war was initiated by American, British and German left-side political elites and therefore the "peace movement" was not able to mobilize its supporters in the Cold War mannery.

As regards the air bombing operation itself, Germany participated with 14 Tornado aircraft adapted for radio-electronic warfare.[7] In the course of the whole operation, German pilots flew about 500 sorties. It was the first time in the history of the Federal Republic Germany that German pilots directly took part in a combat operation. As for German participation in the humanitarian operation that took place parallel with the air raids and whose purpose was to provide assistance to refugees, Germany contributed about 3,100 soldiers placed in Macedonia and Albania (Bundesministerium der Verteidigung 2007: 17).

We can conclude that German policies were, in many respects, in agreement with the kind of policies expected of a civilian power because Germany sought to find a solution to the Kosovo crisis in a multinational framework in cooperation with its allies, and the arguments of the debate in Germany preceding the Kosovo operation appealed to the need to improve the humanitarian situation in Kosovo and prevent genocide. Abandoning the politics of looking for a special German way (Sonderweg) in favour of multilateral attitude – the ingrained attitude of the Bonn republic – Germany opted to conform to the consensus established among its allies, and became actively engaged in the military solution to the Kosovo crisis. Thus, German politics can be characterised as politics guided by the values preferred by civilian power. As Regina Karp summarises *"Berlin viewed military engagement in Kosovo as a way to avert return of barbarism to Europe, where almost a half-century of integration had been involved in overcoming the destructive forces of nationalism. The Kosovo case thus resonates well with German views on the civilizational role of rules and norms."* (Karp 2005: 73) Furthemore, Germany cannot be said to have unilaterally pursued its own power interests in Kosovo.[8] In general, German foreign policy with respect to the Kosovo crisis was mixed and (except for the cases mentioned above) characterized by the presence of many features typical of civilian power.

3.4 Hans W. Maull's Point of View[9]

The issue of German participation in military crisis management operations has been discussing among leading proponents of the civilian power concept. Hans Maull, who plays a key role in this discussion, refuses to interpret the foreign and security policy of Red-Green administrations with respect to Kosovo as a fundamental change of German foreign-political strategy due to the following reasons: it is a culmination of the trend that started in 1991; during the war in Kosovo, the German approach to this issue was formed by crimes that occurred there; Germany got involved in humanitarian aid to a great extent and devoted significant diplomatic efforts to settle the conflict; German military operations took place within the alliance as Germany realised that Germany's ability to shape the policy of its allies depended on its own ability and willingness to participate; Germany struggled intensely to reach a diplomatic solution to the crisis and looked for alternatives to war; the only deviation from the policy of civilian power was, according to Maull, the neglect of international law by several NATO members, including Germany, regarding the crisis in Kosovo, and German policy obviously did not take place within the intentions of a commercial state or the role of a traditional superpower (Maull 2000). Based on these arguments, Maull reached the following conclusion in analyzing the problem of the compatibility of German involvement in operation Allied Force with a civilian power policy: *"Moreover, even during the Kosovo War, German policies clearly corresponded quite closely to the ideal type of civilian power in the most important aspects.*

German attitudes and policies towards Kosovo were driven by concern about the atrocities there." (Maull 2000: 71–72). Later this scholar repeated his opinion and wrote: *"Even the country's participation in the NATO war against Serbia over Kosovo, without international legitimacy provided by a UN Security Council Resolution authorizing the use of force (an action that has been characterized as a 'coming of age' of the new Germany), represented in fact a mere modification of (West) Germany's traditional foreign policy role concept as a civilian power."* (Maull 2006b: 1)

Maull's conclusion is well founded with respect to German foreign-political strategy because one isolated case (Kosovo) can hardly be interpreted as a change of the whole strategy. On the other hand, his explanation of the compliance of German participation in the 1999 NATO war against Yugoslavia with the civilian power concept will only be acceptable to those who prefer respect for human rights to respect for international law. But in the concept of civilian power we still cannot find such a hierarchy of principles and values, as both human rights as well as international law (and others) are of the same importance and must all be respected in foreign and security policy if the country in question should assume the role of a civilian power in international relations. Therefore, it is necessary to reject Maul's conclusion. In an ideal case, a typical civilian power should not participate in such an action at all. It was not the war-like character for the first time in the German post-war era that represented a problem, but the violation of international law as well as the military strategy pursued by the Americans that did not really try to reduce casualties among Yugoslav combatants. The accordance of the American approach with the rules for waging a war, and relatively low civilian casualties in respect to the extent of the operation do not change anything about the conclusion.

The Kosovo crisis helped bring to the surface a weak point in the concept of civilian power that future theoretical research will have to address. The absence of a clear hierarchical ordering of values inherent in the concept of civilian power may in the future lead again to a situation in which some of the principles defining the security and foreign policy of civilian power will have to be sacrificed in order to avoid breaching others. By prohibiting the use of force without prior authorization by the Security Council even in cases of serious human rights violations, the currently prevalent interpretation of international law creates a potential dilemma for countries aspiring to abide by the rules of civilian power: they might find themselves in a situation in which they have to choose between breaching international law on the one hand, and standing passively by with arms folded while human rights are being abused on the other. A plausible scenario along these lines would be a situation in which armed action has to be taken against a permanent Security Council member. Maull knows this dilemma in real foreign and security policy because with respect to the German attitude towards the Kosovo crisis he concluded that *"in the former Yugoslavia Germany confronted a situation in which two core principles of its foreign-policy identity could no longer be reconciled: Berlin had to make a choice between them. It did so by choosing solidarity and the promotion of human rights over its desire to avoid the use of force"* (Maull 2000: 72). Unfortunately, proponents of the civilian power concept, Hans W. Maul in particular, did not use the results obtained from the available analyses of German behaviour in the Kosovo crisis to improve and deepen the civilian power concept. Instead, they were content to accept the easiest – and not very scientific – explanation that Kosovo was an exception resulting from the dilemma between promoting universal values and respecting international law.

4. Conclusion

At this stage of research, it would be difficult to defend a thesis that argues a discordance between Germen security policy and civilian power policy due to Germany's involvement in the NATO war against Yugoslavia.

Thinking of the Kosovo case one should keep in mind that political debate in Germany regarding Kosovo took place in a manner typical of civilian power and that Germany tried to find a solution in close cooperation with its NATO allies and the international community. In spite of the fact that this military action was not in accordance with international law and was a bit extensive, other civilian power features were present in German foreign and security policy regarding the Kosovo crisis. It is also important to stress that the Kosovo scenario, i.e. launching a military intervention that does not conform to international law, is not regarded as a precedent by German politicians. It is rather difficult to predict how German political elites would respond in a similar case if they had to again face the choice whether to respect international law and watch a massive violation of human rights in a relatively close geographic region, or to break international law and intervene militarily.

Up until the war against Iraq, Germany expanded, at the request of its allies, its participation in various types of military crisis management operations. Concerning this policy, there were controversial disputes both among politicians and intellectuals; however, Germany always finally decided to get involved in the efforts of the international community to resolve the crises. A distinct "no" in the Iraqi cause enables us to define the limits of German willingness. Regina Karp concludes that *"Berlin will strenuously avoid military involvement in situations that can either be interpreted as an exercise of traditional power politics, such as the U.S. intervention in Iraq, or in instances where the use of force is considered an inappropriate or counterproductive alternative to diplomacy"* (Karp 2005: 74).

However, German participation in the war against Yugoslavia does not allow us to simply accept Maull's conclusion that there was no deviation from the political strategy of a civilian power. The detailed examination of the case of Kosovo, in which German policies deviated from expectations based on the concept of civilian power, revealed weak points in that concept itself. The expectations regarding the concept with respect to the behaviour of a civilian power may turn out to be mutually incompatible in some concrete situations. Thus, the requirement to act multilaterally and closely cooperate with one's allies when trying to find a solution limited the range of possibilities open to Germany in the case of the Kosovo crisis by making it difficult for that country not to participate in a military solution when its allies had decided on it. The requirement to protect human rights and prevent mass murder and genocide turned out to be incompatible with the requirement to respect international law. Future research should, therefore, undertake a deeper theoretical analysis of the whole concept of civilian power and remove the contradictions inherent in it, especially those parts dealing with roles that are typical of civilian power in international relations. The Kosovo case cannot be simply used as proof of the irrelevance of the civilian power concept. We should rather take it as a challenge to which we should respond by deepening and improving this concept.

Notes

1. The concept "war" will be used in connection with the 1999 NATO involvement in the Kosovo crisis.
2. Wagener claims that "Germany can be identified as normal only under the following conditions: firstly, if it disposes of capacities as well as the will to participate with its military forces in UN, OSN, NATO and European Union military operations in a way similar to Great Britain and France. Secondly, a real process of normalisation can be identified only if deployment of Bundeswehr takes place with respect to the long-term interests of the country." (Wagener 2004: 2–3).
3. It is necessary to stress that this paper does not have the ambition to look into all aspects of German foreign policy after unification. This study aims to analyze only the Kosovo case. Thus, if we conclude that German participation in the NATO war against Yugoslavia was in accordance with the policy expected of a civilian power, it does not automatically mean that Germany after unification really played all the roles that are typical of a civilian power. The conclusion would only mean (if reached at all) that the thesis about the end of Germany as a civilian power due to its participation in the Kosovo war was not well founded.
4. The concept "Zivilmachtkonzept" is used in German.
5. On the other hand, the author does not agree with Maull's view of the Kosovo case.
6. The lack of sources does not allow us to give a complex evaluation and interpretation of the German participation in the war against terrorism (operation Enduring Freedom), even though available sources of information indicate that it does not necessarily have to be a policy which contradicts the policy expected from a civilian power (More Kříž 2006b).
7. NATO realized more than 38 000 combat sorties in this operation (More Kříž 2006a: 124–127).
8. We should keep in mind that Kosovo is important for Germany neither militarily nor economically.
9. Undoubtedly, Hans W. Maull is the leading representative of "the Trier school". Therefore it is worth focusing on his attitude on this issue.

Literature

Ash, Timothy Garton. 1994. "Germanys Choice." *Foreign Affairs* 73, No. 4, 65–81.

Axt, Heinz-Jürgen. 1999. "Der Stabilitätspakt für Südosteuropa: politischer Aktionismus oder langfristig tragfähiges Konzept." In: *Krieg im Kosovo – was nun? Friedens- und Sicherheitspolitik nach der NATO-Intervention.* Ed. Christoph Rohloff. Duisburg: Gerhard-Mercator-Universität Duisburg, 67–82.

Bahr, Egon. 1998. Deutsche Interessen. Streitschrift zu Macht, Sicherheit und Außenpolitik. München: Karl Blessing Verlag.

Berger, Thomas U. 2002. "A Perfectly Normal Abnormality: German Foreign Policy after Kosovo and Afghanistan." *Japanese Journal of Political Science* 3, No. 2, 173–193.

Blumenwitz, Dieter. 1999. "Souveränität – Gewaltverbot – Menschenrechte – Eine völkerrechtliche Bestandsaufnahme nach Abschluss des nicht mandattierten NATO-Einsatzes in Ex-Jugoslawien." *Politische Studien* 50*,* No. 4, 19–40.

Boekle, Henning; Volker, Rittberger and Wagner, Wolfgang. 1999. *Normen und Außenpolitik: Konstruktivistische Außenpolitiktheorie.* Tübingen: Universität Tübingen.

Bundesministerium der Verteidigung. 2007. *Einsätze der Bundeswehr im Ausland.* Berlin: Bundesministerium der Verteidigung.

Busse, Nikolas. 2003. "Struggling with the Realities of World Politics: Transatlantic Relations Under Schröder and Fischer." *German Foreign Policy in Dialogue. A Quarterly E-Newsletter on German foreign Policy* 4, No. 9, 13–15.

Crawford, Timothy W. 2001/2002. "Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed." *Political Science Quarterly* 116, No. 4, 499–523.

Dau, Klaus. 2000. "Auslandseinsätze zwischen Politik und Verfassungsrecht." In: *Von Kambodscha bis Kosovo. Auslandseinsätze der Bundeswehr seit Ende des Kalten Krieges.* Ed. Peter Goebel. Frankfurt am Main/Bonn: Report Verlag, 21–31.

Deutscher Bundestag. 1998. *Plenarprotokoll 13/248*, 16 October 1998 (http://dip.bundestag.de/btp/13/13248.asc).

Eichler, Jan. 2000. "Evropská bezpečnost a stabilita po Kosovu." *Mezinárodní vztahy* 35*,* No. 4, 14–28.

Elias, Norbert. 1997a. Über den Prozeß der Zivilisation: soziogenetische und psychogenetische Untersuchungen. Erster Band, Wandlungen des Verhaltens in den weltlichen Oberschichten des Abendlandes. Frankfurt/Main: Suhrkamp.

Elias, Norbert 1997b. Über den Prozeß der Zivilisation: soziogenetische und psychogenetische Untersuchungen. Zweiter Band, Wandlungen der Gesellschaft Entwurf zu einer Theorie der Zivilisation. Frankfurt/Main: Suhrkamp.

Frenkler, Ulf; Harnisch, Sebastian; Kirste, Knut; Maull, Hanns W. and Wallraf, Wolfram. 1997. Deutsche, amerikanische und japanische Außenpolitikstr ategien 1985–1995. Ein vergleichende Untersuchung zu Zivilisierungsprozessen in der Triade. Schlussbericht und Ergebnisse. Working Paper. Trier: Universität Trier.

Gilch, Andreas. 2005. Das Parlamentsbeteiligungsgesetz. Die Auslandentsendung der Bundeswehr und deren verfahrensrechtliche Ausgestaltung. Inaugural-Dissertation. Würzburg: Bayerische Julius-Maximilians-Universität Würzburg.

Goebel, Peter, ed. 2000. Von Kambodscha bis Kosovo. Auslandseinsätze der Bundeswehr seit Ende des Kalten Krieges. Frankfurt am Main/Bonn: Report Verlag.

Gumpel, Werner. 1999. "Der Kosovo-Konflikt. Historische, politische, ethnische und wirtschaftliche Hintergründe." *Politische Studien* 50*,* No. 4, 7–18.

Hacke, Christian. 1999. "Deutschland und der Kosovo-konflikt." *Politische Studien* 50, No. 4, 48–59.

Hänsel, Heiko and Stobbe, Heinz-Günter. 2002. Die deutsche Debatte um den Kosovo Krieg: Schwerpunkte und Ergebnisse. Versuch einer Bilanz nach drei Jahren. Berlin: Heinrich Böll Stiftung.

Harnisch, Sebastian. 1997a. *After Hegemony – Do the New Civilian Powers survive their creator?* Working Paper. Trier: Universität Trier.

Harnisch, Sebastian. 1997b. Der Zivilmachtansatz ist keine Schönwettertheorie. Überlegungen zur methodischen und theoretischen Verortung. Working Paper. Trier: Universität Trier.

Harnisch, Sebastian and Brauner, Wolfgang. 2001. "The German Response to the September 11th Terrorist Attacks: A shift in the Domestic Political Debate and Party Politics?" *German Foreign Policy in Dialogue* 2, No. 5, 16–22.

Hladký, Ladislav. 1996. Bosna a Hercegovina. Historie nešťastné země. Brno: Doplněk.

Hladký, Ladislav. 2005. Bosenská otázka v 19. a 20. století. Brno: CDK.

Chomsky, Noam. 1999. *The New Military Humanism: Lessons form Kosovo.* Monroe: Common Courage Press.

Kamp, Karel Heinz. 2000. "Die Zukunft der Bundeswehr: Die Diskussion in der CDU/CSU." *Aus Politik und Zeitgeschichte*, No. B43, 29–33.

Karp, Regina. 2005–2006. "The New German Foreign Policy Consensus." *The Washington Quarterly* 29, No. 1, 61–82.

Keane, John. 2004. *Violence and Democracy.* Cambridge: Cambridge University Press.

Kirste, Knut. 1998. Rollentheorie und Außenpolitikanalyse. Die USA und Deutschland als Zivilmächte. Frankfurt am Main: Peter Lang Verlag.

Kommission Internationale Politik beim SPD-Parteivorstand. 2001. *Der Kosovo-Krieg und seine Lehren* (http://www.gernot-erler.de/cms/upload/Texte/KosovoLehren.pdf).

Königová, Lucie. 2001. "Teorie státní suverenity a praxe intervence." *Mezinárodní vztahy* 36, No. 3, 41–58.

Kříž, Zdeněk. 2006a. Adaptace Severoatlantické aliance na nové mezinárodní bezpečnostní prostředí. Aplikace přístupů konceptu kooperativní bezpečnosti. Brno: Mezinárodní politologický ústav.
Kříž, Zdeněk. 2006b. "German Involvement in the War against International Terrorism. End of Civilian Power?" *Středoevropské politické studie,* 2–3 (http://www.cepsr.com/dwnld/kri1.pdf).
Kříž, Zdeněk. 2006c. Konec Německa jako civilní mocnosti? Německé vojenské operace v zahraničí za vlád rudo-zelené koalice v letech 1998–2005. Habilitační práce. Brno: Masarykova univerzita.
Kříž, Zdeněk. 2007. "Teoretický koncept civilní mocnosti a použití vojenské síly." *Mezinárodní vztahy* 42, No. 2, 60–76.
Longhurstová, Kerry. 2001. "Na prahu dospělosti? Reforma německých ozbrojených sil." *Mezinárodní vztahy* 36, No. 2, 98–106.
Longhurst, Kerry. 2004. *Germany and the use of force.* New York: Manchester University Press.
Mandelbaum, Michael. 1999. "A Perfect Failure." *Foreign Affairs* 78, No. 5, 2–8.
Maull, Hanns W. 2000. "Germany and the Use of Force: Still a Civilian Power?" *Survival* 42, No. 2, 56–80.
Maull, Hanns W. 2006a. "Conclusion: Uncertain Power – German Foreign Policy into the Twenty-First Century." In: *Germany's Uncertain Power. Foreign Policy of the Berlin Republic.* Ed. Hanns W. Maull. New York: Palgrave Macmillan, 273–286.
Maull, Hanns W. 2006b. "Intruduction." In: *Germany's Uncertain Power. Foreign Policy of the Berlin Republic.* Ed. Hanns W. Maull. New York: Palgrave Macmillan, 1–12.
Meiers, Franz-Josef. 2005. "Zur Transformation der Bundeswehr." *Aus Politik und Zeitgeschichte* 53*,* No. 21, 15–22.
Meyer, Berthold. 2000. "Wehrpflicht und Bundeswehr-Reform." *Aus Politik und Zeitgeschichte* 48, No. B43, 34–38.
Naarden, Gregory L. and Locke, Jeffrey B. 2004. "Peacekeeping and Prosecutorial Policy: Lessons from Kosovo." *The American Journal of International Law* 98, No. 4, 727–743.
Norris, John 2005. *NATO, Russia and Kosovo.* Westport: Preager Publishers.
Nichols, Thomas M. 2005. "Anarchy and Order in the New Age of Prevention." *World Policy Journal* 22, No. 3, 1–23.
Ooyen, Robert van. 1999. "Krieg, Frieden und Grundgesetz. Verfassungspolitische Anmerkungen zur humanitären Intervention." In: *Krieg im Kosovo – was nun? Friedens- und Sicherheitspolitik nach der NATO-Intervention.* Ed. Christoph Rohloff. Duisburg: Gerhard-Mercator-Universität Duisburg, 83–88.
Oschlies, Wolf. 2004. "Das Scheitern der Befriedung. Fünf Jahre Nachkrieg im Kosovo." *Blätter für deutsche und internationale Politik* 49, No. 8, 965–974.
Overhaus, Marco. 2004. "In Search of a Post-Hegemonic Order: Germany, NATO and the European Security and Defence Policy." *German Politics* 13, No. 4, 551–568.
Overhaus, Marco. 2005. "German Foreign Policy and the Shadow of the Past." *SAIS Review* 25, No. 2, 27–41.
Reinhard, Meier-Walser, C. 1999. "Der Kosovo-Krieg im Spiegel der Feuilletons – Streiflichter der deutschen Intellektuellen-Diskussion." *Politische Studien* 50, No. 4, 90–99.
Rittberger, Volker. 1999. "Deutschlands Außenpolitik nach der Vereinigung. Zur Anwendbarkeit theoretischer Modelle der Außenpolitik: Machtstaat, Handelsstaat oder Zivilstaat?" In: *Friedenspolitik in und für Europa.* Ed. Wolfgang Bergem, Volker Ronge and Georg Weißeno. Opladen: Leske + Budrich, 83–110.
Rohloff, Christoph. 1999. "Krieg im Namen der Menschenrechte? Eine Bestandsaufnahme nach der NATO-Intervention im Kosovo." In: *Krieg im Kosovo – was nun? Friedens- und Sicherheitspolitik nach der NATO-Intervention.* Ed. Christoph Rohloff. Duisburg: Gerhard-Mercator-Universität Duisburg, 1–46.
Ryjáček, Jan. 2008. *Spolkový sněm a nasazení ozbrojených sil v zahraničí.* Disertační práce. Praha: Karlova univerzita.

Savarese, Rossella. 2000. "Infosuasion in European Newspapers. A Case Study on the War in Kosovo." *European Journal of Communication* 15, No. 3, 363–381.

Senghaas, Dieter. 1994. Wohin driftet die Welt? Über die Zukunft friedlicher Koexistenz. Frankfurt am Main: Suhrkamp Verlag.

Schleyová, Nicole and Busseová, Sabine. 2003. *Války USA. Kronika agresivního národa.* Praha: Brána.

Staack, Michael. 2005. "Außenpolitik und Bundeswehrreform." *Aus Politik und Zeitgeschichte* 53, No. 21, 32–38.

Thussu, Daya Kishan. 2000. "Legitimizing Humanitarian Intervention? CNN, NATO and the Kosovo Crisis." *European Journal of Communication* 15, No. 3, 345–361.

Toffler, Alvin and Tofflerová, Heidi. 2002. *Válka a antiválka. Jak porozumět dnešnímu globálnímu chaosu.* Praha: Dokořán.

Trzeciak, Sergiusz. 2003. Between Peacekeeping and Peace Enforcement: Does the NATO Intervention in Kosovo Provide a New Formula of Peace Operation? Final Report. NATO-EAPC Research Fellowship. Brussel.

Wagener, Martin. 2004. *Auf dem Weg zu einer "normalen" Macht? Die Entsendung deutscher Streitkräfte in der Ära Schröder.* Trierer Arbeitspapiere zur Internationalen Politik No. 8. Trier: Universität Trier.

Wedgwood, Ruth. 1999. "Anticipatory Humanitarian Intervention in Kosovo." *The American Journal of International Law* 93, No. 4, 834–841.

Zůna, Jaromír. 2002. *NATO operace na podporu míru.* Brno: Vojenská akademie v Brně.