

Germany's engagement in the resolution of the Syrian conflict

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German Tornado Recce aircraft have been engaged in reconnaissance operations over Syria since January 2016. In December 2015 the German government and parliament decided that up to 1,200 Bundeswehr soldiers would take part in the international coalition fighting Islamic State in Syria. This decision marks a new chapter in Germany's activity in the Middle East. The increasing destabilisation of the southern neighbourhood and the consequences this has for the EU and Germany have forced the German government to increase its level of engagement in the region. Even though Germany is a third-rate player in the Middle Eastern game, it is nonetheless ever more engaged politically and wants to be viewed as a neutral mediator between the competing actors in the region. It has also allocated more funds on regional development co-operation and humanitarian aid. Germany, whose attention has been directed towards Europe's eastern neighbourhood, is currently turning its attention to the South. The Middle East (and Africa) is taking on increasing significance in German foreign and security policy. This may affect NATO's eastern flank and the EU's eastern neighbourhood since part of Germany's instruments and funds may be redirected to the South.

The German military engagement...

In December 2015, the German government and parliament decided that their country would take part in the US-led international coalition's operation against Islamic State (IS) in Syria, including its engagement covering surveillance, aerial refuelling, command and escort of the French aircraft carrier. Germany's decision is of great political significance, however the German military contribution bears little military impact. It is much smaller than the French or British engagement, however larger than that of the Netherlands and Denmark (see Appendix 1). The German contribution includes: a type 122 Augsburg frigate (for combating submarines) to escort the French Charles de Gaulle aircraft carrier off the Syrian coast, six Tornado Recce aircraft for surveillance operations

in Syria, an Airbus 310 MRTT aircraft for aerial refuelling and participation of staff officers. In aggregate, the German government can send up to 1,200 soldiers to take part in the operation – in fact the Bundeswehr sent between 500 and 700 soldiers at the beginning of 2016, with the option to expand its contingent in the future. Following the vote in the Bundestag, the US Defence Secretary Ashton Carter appealed to EU member states, including Germany, to further increase their participation in the operation¹. At the present time there is no discussion in Germany regarding whether the Bundeswehr should strengthen its engagement. However, important voices have been heard stating that

¹ Kampf gegen IS: Deutsche Tornados sind den USA zu wenig, *Spiegel Online* 12 December 2015, <http://www.spiegel.de/politik/ausland/syrien-einsatz-usa-fordern-mehr-deutsches-engagement-gegen-is-a-1067385.html>

Germany needs to take part in the UN's stabilisation operation after a possible deal has been struck between the Assad regime and the opposition². German soldiers have also been present in Iraq since January 2014. Up to 100 soldiers are stationed in Iraqi Kurdistan, supplying weapons and military equipment (including rifles, Milan anti-tank missiles and launchers) and training Peshmerga troops. In January 2016, the German government decided to increase the number of instructors to 150.

Germany's decision to take part in the operation in Syria is of great political significance, but its military contribution bears little military impact.

Germany's decision to take part in the operation in Syria is of great political significance – it is proof of the country's solidarity with its most important partner in Europe – France – and of the West's unity. Since Germany (and the United Kingdom) has joined the US-led international coalition engaged in the operation in Syria, this provides a kind of legitimacy for the West's military activity in this region. Until recently Germany did not want to be engaged in the international coalition's operations against Islamic State in Syria. It refrained from being engaged not only because of its conviction that air strikes would contribute little to resolving the conflict and a reluctance to participate in operations of this kind, but also because of the unclear legal grounds for the international coalition's operations in Syria. However, the Paris terrorist attacks have radically changed the international situation. After France's appeal for military assistance in combating IS – addressed above all to the United Kingdom and Germany – the German government could not use

the excuse that it is stepping up its militarily engagement in Africa. Since the ostracism Germany faced following its refusal to participate in the intervention in Libya in 2011, the German government has stuck to the principle that it will take part, at least symbolically, in operations initiated by its largest European allies. The German public are divided concerning this decision – 49% of respondents support it, and 46% believe it is wrong³.

The government's decision concerning the Bundeswehr's participation in military activity in Syria has given rise to reservations of a legal nature in Germany and can be contested at the Federal Constitutional Court as unconstitutional. At present, the German government provides the following legal grounds for its participation in the international coalition in Syria: (1) article 51 of the UN Charter which permits military support to be offered to France and Iraq as part of their right to individual and collective self-defence; (2) resolution 2249 of the UN Security Council of 20 November 2015 which appeals to the UN member states to combat Islamic State; and (3) obligations with regard to France under the 'mutual assistance and support clause' (article 42.7 of the Treaty on European Union – TEU). Such legal grounds are criticised, and not only in Germany. Islamic State is not a *de jure* state entity. Furthermore, actions taken by France and other countries in Syria in response to the terrorist attacks of 13 November 2015 are often evaluated as exceeding the right to self-defence and the provisions under article 51 of the UN Charter. Meanwhile, resolution 2249, due an objection from Russia, fails to provide clear authorisation for military intervention. In turn, France's invoking of article 42.7 of the TEU which concerns military aggression (instead of article 222 of the Treaty on the Functioning of the European Union concerning terrorist attacks, among other options)

² Volker Perthes, Eine Lösung für Syrien, *Handelsblatt*, 21 September 2015, http://www.swp-berlin.org/de/publikationen/produkt-detail/article/eine_loesung_fuer_syrien.html

³ Deutsche über Anti-IS-Einsatz und Flüchtlingspolitik gespalten, 11 December 2015, *Reuters Deutschland*, <http://de.reuters.com/article/domesticNews/idDEKBN0TU-0XE20151211>

is viewed by some as groundless. Furthermore, support to France is provided on bilateral terms and not through the EU, and therefore the EU cannot be treated as a collective security system on the grounds of the aforementioned clause, which would have provided legal grounds for the Bundeswehr to be used in compliance with the German Basic Law⁴.

...and political engagement

For Germany – pursuant to the constant paradigm of the German security policy – military engagement in combating IS is of secondary importance when compared to finding a political solution to the civil war in Syria, one effect of which is the expansion of IS. This results from the belief that military intervention alone will not lead to combating IS and will not resolve the Syrian conflict, which involves not only the Assad regime and the opposition groupings but also regional players (Saudi Arabia, Iran and Turkey) and global players (the USA and Russia). Therefore, Germany has appealed for a peaceful resolution to the conflict to be developed through negotiations, with all the major actors being engaged. Germany's ministers of foreign affairs and defence have presented political strategies for fighting Islamic State and resolving the conflict in Syria⁵. By emphasising the weight of political solutions they also aim to reduce the German public's scepticism about their country's participation in the military operation in Syria.

For the time being, Germany is a third-rate actor in the Middle East. It has limited possibilities

of having a real impact on the politics of this region dominated by Saudi-Iranian and Turkish-Iranian rivalry and where the largest players, the USA and Russia, are trying to enforce their own interests. However, Germany has been developing its diplomatic activity. Germany and sixteen other states are the founding members of the International Syria Support Group (ISSG), which began development of the outline of a peace plan for Syria from October 2015 during negotiations in Vienna, which was approved by the UN Security Council in December 2015 (Appendix 2). The German Minister of Foreign Affairs Frank-Walter Steinmeier made a number of visits to the region (including to Saudi Arabia and Iran,) before the talks in Vien-

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na in October 2015 as well as in February 2016 German representatives are also present in UN structures engaged in resolving the conflict in Syria. Towards the end of September 2015, Volker Perthes, director of the German Institute for International and Security Affairs (SWP), became the chairman of one of the four working groups (the military, security and counter-terrorism working group) which report to Staffan de Mistura, the UN special envoy to Syria.

Germany has ramped up its humanitarian aid and development co-operation for the entire region. Since the beginning of the civil war in Syria, Germany has been the third largest donor of humanitarian aid for refugees in the Middle East. Germany earmarked US\$1.228 billion for this purpose between 2012 and 2015⁶.

⁴ Syrien-Einsatz der Bundeswehr: Eine Klage vor dem Bundesverfassungsgericht hatte gute Chancen, 3 December 2015, *Spiegel Online*, <http://www.spiegel.de/politik/deutschland/bundeswehr-einsatz-in-syrien-klage-vor-dem-bvg-haette-gute-chancen-a-1065895.html>

⁵ Ursula von der Leyen, Sechs-Punkte-Plan gegen ISIS, *Bild*, 30 November 2015, <http://www.bild.de/politik/inland/verteidigungsministerin/ursula-von-der-leyen-erklaert-ihren-6-punkte-plan-zur-bekaempfung-des-is-43598488.bild.html>, Frank-Walter Steinmeier, 'Ein politisches Konzept gegen ISIS', *Berliner Zeitung*, 9 December 2015, http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Interviews/2015/151209-BM_FR.html

⁶ Financial Tracking Service (FTS), Donor funding 2012 to 2015, 29 December 2015, https://fts.unocha.org/pageloader.aspx?page=search-reporting_display&CQ=c-q260115191009dOLEaWyOry

Within this timeframe larger sums were offered only by the US (US\$4.644 billion) and British (US\$1.547 billion) governments. German humanitarian aid is focused above all on supporting the countries which share a border with Syria (especially Iraq, Jordan, Lebanon and Turkey) – including the construction of temporary infrastructure (camps, water and sewage grids, sanitary facilities), medical supplies to the Red Crescent and training and equipment offered to rescue services. The Federal Agency for Technical Relief (Technisches Hilfswerk) is one of the most important actors engaged in German humanitarian aid in the region. Germany is also one of the main donors to the World Food Programme (WFP), the UN agency tasked with providing food assistance in refugee camps across the region; it has allocated a total of US\$1.2 billion for this purpose since 2011 (larger contributions were made by the USA, the United Kingdom and Canada)⁷.

Since the Arab Spring in 2010, the Federal Ministry for Economic Co-operation and Development (BMZ) has intensified the development of its co-operation with four countries in the Middle East (Lebanon, Jordan, Yemen and Palestine; co-operation with Syria was suspended in 2011). Germany has most frequently engaged in projects with Jordan (603 million euros in 2012–2015), Yemen (103 million euros in 2013) and Lebanon (275 million euros in 2012–2015). The overriding goals of this co-operation include the political stabilisation of both regions, the improvement of economic conditions in these countries and limiting the influx of immigrants and refugees to Europe and Germany⁸. Germany has also promised to increase the volume of its co-operation with Turkey from

37 million euros in 2015 to 52 million euros in 2016 (a significant part of the funds will be allocated to support the communes located adjacent to the Syrian border where refugees have found shelter). The BMZ's projects are supplemented with special programmes of the Ministry of Foreign Affairs (*Transformation-partnerschaften*). In 2011, the Ministry of For-

Germany views itself as a neutral mediator in the development of political solutions.

ign Affairs launched a programme supporting democratic transformation in Egypt, Tunisia, Morocco, Libya, Jordan and Yemen. During the Syria Donors Conference in February 2016 Germany will also present the idea for setting up an international programme for creating half a million jobs for Syrian refugees in Jordan, Lebanon and Turkey⁹.

Germany in the Middle East

The ongoing destabilisation of the EU's southern neighbourhood as well as its direct and indirect consequences for the EU and Germany (refugees and illegal immigrants, terrorism) have forced Germany to strengthen its engagement in the Middle East. This will result in the region's significance increasing in German foreign and security policy. However, this does not mean that Germany has a coherent political strategy for unpredictable Middle East affairs. Germany views itself rather as a neutral mediator in the process of developing political solutions and maintaining channels of communications between competing actors. Germany is one of the few Western countries to have maintained

⁷ World Food Programme, Contributions to WFP: Comparative Figures and Five-Year Aggregate Ranking from 2011 to 2015, 27 December 2015, <http://documents.wfp.org/stellent/groups/public/documents/research/wfp232961.pdf>

⁸ Auswärtiges Amt, Naher und Mittlerer Osten. Transformationspartnerschaften, 24 June 2015, http://www.auswaertiges-amt.de/DE/Aussenpolitik/RegionaleSchwerpunkte/NaherMittlererOsten/Transformationspartnerschaften/150624_TransfPartnerschaften_node.html

⁹ Ishaan Tharoor, Germany has a new plan for Syrian refugees: Give them jobs, not sanctuary, *The Washington Post*, 27.01.2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/01/27/germany-has-a-new-plan-for-syrian-refugees-give-them-jobs-not-sanctuary/>

good political and economic relations with Iran (which supports Bashar al-Assad's regime), the Arab states of the Persian Gulf (which want the Assad regime to be overthrown and Iranian influence in the region to weaken) and Turkey (which wants the Assad regime to be abolished without strengthening of Syrian Kurds).

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Iran has been Germany's traditional partner with which it has been building a network of political, economic and cultural contacts since the early 1950s. For Germany, the end of Iran's international isolation offers a greater chance for the conflict in Syria to be resolved owing to Teheran's direct participation in the peace talks. This also offers the opportunity for good German-Iranian relations to be rebuilt. The German deputy chancellor, Sigmar Gabriel, was the first politician from a large Western state to visit Iran (accompanied by a large delegation of representatives of German business circles) after the deal on the Iranian nuclear programme was signed. It has been estimated that trade volume with Iran, once the sanctions are lifted, may increase fourfold (from only 2.5 billion euros in 2014)¹⁰. Given its oil reserves and the influence the House of Saud has in the Middle East, Saudi Arabia in the recent past was treated by the West and Germany as a strategic partner, necessary for maintaining stability and equilibrium in the region. It has been among the 20 largest importers of German arms and military equip-

¹⁰ Iranreise des Sigmar Gabriel, *Handelsblatt*, 19 July 2015, <http://www.handelsblatt.com/politik/international/iranreise-des-sigmar-gabriel-iran-empfaengt-die-deutsche-wirtschaft/12075998.html>

ment. The economic aspect of relations has also been gaining significance. In 2014, Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, Oman and Bahrain, taken together, were Germany's third largest non-European export market (after the USA and China), worth 26.65 billion euros¹¹. Due to the Saudi government's controversial moves in domestic and foreign policy, Germany no longer refers to Saudi Arabia as its 'strategic partner', and the German intelligence service BND has warned in media leaks of the growing destabilising influence of the House of Saud in the Middle East. However, Saudi Arabia will remain an important partner for Germany (and the West), since the alternative can only be another failed state¹².

Germany defines Turkey as the key state for resolving the conflict in Syria. However, it has been very critical about the actions taken by the Turkish government against Kurds as part of the pre-election struggle there. In August 2015, Germany decided to withdraw its Patriot air defence system battery from NATO's operation in Turkey¹³. Germany's present approach to Turkey is linked above all to the migration crisis and putting pressure on Ankara to lessen the wave of migrants coming from Syria and the neighbouring countries to Germany. One proof of Berlin's determination to co-operate with Ankara was the spectacular visit by Chancellor Angela Merkel to Turkey in October 2015 (which was criticised in Germany) in the final period of Turkey's turbulent parliamentary campaign. Further proof was provided by the first German-Turkish intergovernmental consultations that took place in January 2016.

¹¹ Rafał Bajczuk, Germany is strengthening its links with Arab countries, *OSW Analyses*, 18 March 2015, <http://www.osw.waw.pl/en/publikacje/analyses/2015-03-18/germany-strengthening-its-links-arab-countries>

¹² Steven Geyer, Debatte um einen strategischen Partner, *Frankfurter Rundschau*, 4 January 2016, <http://www.fr-online.de/politik/deutsche-aussenpolitik-debatte-um-einen-strategischen-partner,1472596,33059078.html>

¹³ Justyna Gotkowska, Niemcy i USA wycofują Patrioty z Turcji, *OSW Analyses*, 26 August 2015, <http://www.osw.waw.pl/pl/publikacje/analizy/2015-08-26/niemcy-i-usa-wycofuja-patrioty-z-turcji>

The Bundeswehr's operations in Syria and Iraq, even though their extent is limited, open up a new chapter in the foreign engagement of Germany's armed forces. Germany's intensified military presence in the Middle East will shift Germany's focus from NATO's eastern flank to its southern one. The Bundeswehr's participation in operations in the Middle East is small when compared to that of France or the United Kingdom. However, this is still a novelty in German security policy. Over the past twenty years the Bundeswehr was deployed mainly in the Western Balkans and Afghanistan. In 2016 the operation in Syria will be Germany's largest foreign mission in terms of the number of soldiers deployed (up to 1,200). Furthermore, it expands the range of possible Bundeswehr deployments abroad to include military support for UN member states which are not in fact Germany's allies, such as Iraq. It is also important not to forget the arms and military equipment supplies and the presence of German military

instructors in northern Iraq (up to 150 soldiers) – this mission broke the unwritten rule that Germany does not supply weapons to regions affected by a military conflict. The Bundeswehr may also continue its military engagement in Syria in future through participation in a possible UN stabilisation operation once the civil war there is over. With the aim of halting the destabilisation of the southern neighbourhood, Germany has also been expanding its military engagement in Africa. It is present in Mali (up to 650 soldiers in the UN's MINUSMA stabilisation mission and up to 350 German soldiers in the EU's training mission EUTM Mali) and most probably in Libya/Tunisia (with 150 to 200 Bundeswehr soldiers training the Libyan armed forces in Tunisia)¹⁴.

¹⁴ Von der Leyen: Bundeswehr-Einsatz möglich, *Deutschlandfunk*, 18 January 2016, http://www.deutschlandfunk.de/libyen-von-der-leyen-bundeswehr-einsatz-moeglich.447.de.html?drn:news_id=570717

APPENDIX 1

Actions taken by the international coalition against Islamic State (IS) in Iraq and Syria

In August 2014, the USA launched surveillance operations and air strikes on IS targets in Iraq, and in September 2014 it extended the operation to Syria, naming it 'Operation Inherent Resolve'. In the next few months, the United Kingdom, France, the Netherlands, Australia, Jordan, Canada, Belgium and Denmark joined the US-led operation in Iraq (Belgium and Denmark withdrew their aircraft in autumn 2015 due to personnel shortages and technical and financial problems). The Arab states of the Persian Gulf – the United Arab Emirates, Bahrain, Saudi Arabia, Qatar and Jordan – took part in the first air raids on targets in Syria alongside US forces. However, the participation of these Arab countries in the operation in Syria was to a great extent symbolic, and – with the exception of Jordan – they no longer participate in the air strikes. Canada, Turkey, France, Australia and the United Kingdom joined the airstrikes on IS targets in Syria in 2015, with the Netherlands joining in February 2016. The US share in the operation over Iraq and Syria is incomparably larger than that of all other coalition members. **Since 2014, the USA and other countries have also been engaged in training Kurdish and Iraqi forces in Iraq** – in the Kurdistan Region (Finland, the United Kingdom, Germany, Hungary, Italy, the Netherlands, Norway and Sweden), in Anbar province

(Denmark) and in Baghdad province (the USA, Australia, Spain, New Zealand, the United Kingdom, Portugal, Belgium, France, Italy and Norway). The European countries' training contingents consist of 100 to 200 soldiers. The USA (the CIA and the Pentagon) are also engaged in training Syrian opposition units in Syria and Turkey. Additionally, **US and British special forces units** are conducting operations against Islamic State militants in Syria and Iraq.

As regards the European allies, **France** was the first country to join the USA in bombing IS targets in Iraq in September 2014. French aircraft began reconnaissance and bombardment flights also over Syria in September 2015. After the Paris terrorist attacks, France's contribution to the operation – a total of around 3,500 soldiers – includes a maritime and air contingent: the Charles de Gaulle aircraft carrier with an escort group of ships (including four French), 18 Rafale aircraft in the naval version, six Rafale aircraft in the land-based version, six Mirage aircraft in the 2000-D and 2000-N versions, eight SEM assault aircraft and two early warning E2C Hawkeye aircraft¹.

The United Kingdom has been engaged in air strikes in Iraq and reconnaissance operations over Iraq and Syria since autumn 2014. In December 2015, it also began bombing targets in Syria. The British contribution (around 850 soldiers) following enlargement in December 2015 includes: ten Tornado GR-4 aircraft, six Eurofighter Typhoon aircraft and ten MQ-9 Reaper unmanned aerial vehicles, one Voyager aircraft for aerial refuelling, two Sentinel surveillance aircraft, one RC-135W Rivet Joint electronic surveillance aircraft, one AWACS surveillance aircraft, one 45 HMS Defender type destroyer (this was included in the team covering the French aircraft carrier), and one 23 type frigate. Smaller European allies: **Belgium, Denmark and the Netherlands** have also taken part in the US-led international coalition. The participation of Belgium and Denmark has so far been limited to bombing targets in Iraq. **The Netherlands** have been taking part in the operation in Iraq since October 2014, with a total of eight F-16 aircraft (250 soldiers) and decided to extend it over Syria in January 2016. **Denmark** sent a total of seven F-16 aircraft (around 140 soldiers) between October 2014 and October 2015. Due to personnel shortages, Denmark replaced its withdrawn F-16 aircraft with the deployment (in Iraq) of a mobile radar for monitoring the air space of Iraq and Syria in January 2016; it has also promised to send F-16 aircraft again at some point in the future. **Belgium** took part in air strikes in Iraq between October 2014 and July 2015 with its six F-16 aircraft and transport aircraft (around 120 soldiers), but it withdrew from the operation due to financial difficulties.

¹ See: Claire Mills, Ben Smith, Louisa Brooke-Hollande, ISIS/DAESH: the military response in Iraq and Syria, Briefing Paper No. 06995, House of Commons Library, 3 December 2015, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06995#fullreport>

APPENDIX 2

Syria peace talks

The peace talks aimed at ending the civil war in Syria and attempts to resolve the conflict between the Bashar al-Assad regime and the various opposition groupings by political means have been underway since 2011. The initiatives made so far (for example, by the Arab League, the Friends of Syria Group and special UN envoys Kofi Annan and Lakhdar Brahimi) have been unsuccessful partly due to disagreement between the main actors in the region (including Saudi Arabia and Iran) and the world powers engaged in the Middle East (the USA and Russia) over the end of the civil war and the future of Syria, including President Assad.

The breakthrough took place after the deal on the Iranian nuclear programme was signed in July 2015 (as part of P5+1 negotiations between the permanent members of the UN Security Council and Germany, the EU and Iran). Teheran was able to join the negotiations concerning the resolution of the Syrian conflict afterwards. The decisive meeting of seventeen countries, including Iran, took place in October 2015 in Vienna. The International Syria Support Group (ISSG) was established during the meeting - its members are: the Arab League, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom, the UN and the USA. The ISSG in a declaration developed during its two meetings in Vienna (on 30 October and 14 November 2015) points to concrete steps that need to be taken to end the civil war in Syria, including announcing a ceasefire, launching peace talks that will lead to the formation of a new government and an election being held within eighteen months of the declaration passing. These suggestions were repeated and supplemented in UN Security Council Resolution 2254 of 18 December 2015¹, which is expected to serve as a road map for the resolution of the conflict by political means². In this document, the Security Council clarifies that (1) the negotiations between the Syrian government and representatives of the opposition are expected to begin under the aegis of the United Nations in January 2016, (2) it recognises the ISSG as the central platform for helping the UN in its efforts to bring about a compromise concerning Syria; (3) a new inclusive and secular government should be formed in Syria within the next 6 months, and a new constitution should be passed and a free election under UN supervision should be held within another 18 months; (4) a ceasefire should be announced from the moment when the negotiations begin between the Syrian government and the opposition.

¹ The UN Security Council's attempts to pass the resolution in 2012 were blocked by Russia and China

² United Nations Security Council, Resolution 2254 (2015), 18 December 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2254%20%282015%29

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