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The dispute over the Bundeswehr's participation in the NATO-led intervention in Libya

A debate on the participation of the Bundeswehr soldiers in the NATO-led operation in Libya is taking place in Germany. What has given rise to the strongest criticism is the decision on the engagement of German soldiers without consulting the Bundestag, which was revealed on 19 August. The parliamentary club of the Green Party is planning to contest this decision at the Constitutional Court.

After Germany abstained from voting on resolution 1973 of the UN Security Council, it is officially not participating in the intervention in Libya. However, in response to an enquiry made by Hans-Christian Strobele, an MP representing the Green Party, the German Ministry of Defence declared that 11 Bundeswehr soldiers had taken part in setting NATO air raid targets at the NATO command staff in Italy, which was established upon commencement of the operation. The government took the decision without consulting parliament or informing public opinion. According to the Green Party, this was a breach of the regulations of the law concerning parliament's participation in decisions on the Bundeswehr's engagement in foreign missions. The law provides that consent from the Bundestag is required in the cases when German soldiers take part in military operations and also when they work at military staffs specially created for the needs of a given operation. The planned complaint to the Constitutional Court will be the second one to have been brought by the Green Party in connection with the intervention in Libya. Already in August this year the Green Party contested the participation of the Luftwaffe in the evacuation of 132 Europeans from Libya in February this year.

It cannot be ruled out that the Constitutional Court will grant the complaint, as it happened in 2008, when it found that the lack of consultations concerning the Bundeswehr's participation in the surveillance flights over Turkey during the Iraq war in 2003 was an infringement upon the Bundestag's rights. <zawil>