

207th Session of the 16th German Bundestag on March 4th 2009
Question time (abstract of minutes) concerning Nato and the right to demonstrate

(...)

Vice president Dr. Hermann Otto Solms (FDP):

Thank you very much, Mrs. Undersecretary of state. Now to the Department of Foreign Affairs. The minister of state Dr. Gernot Erler is at the disposal to answer the questions. Questions no. 16 and 17 will be answered written. Now we step to question 18 of associate Wolfgang Gehrcke, who is present:

"Which attitude takes the Federal Government concerning Barack Obama's demand to raise the number of stationed soldiers in Afghanistan?"

Please, Minister of State.

Dr. h.c. Gernot Erler (SPD), Minister of State at the Department of Foreign Affairs: "Thank you very much, Mr. President. Associate Wolfgang Gehrcke, my answer is as follows: The US-Government led by Barack Obama has not yet pronounced any concrete demands to the Federal Government to increase the number of stationed soldiers in Afghanistan.

At the NATO, there is actually being discussed a military build-up to protect this year's presidency elections. The Federal Government together with the partners in the North region of Afghanistan proved at an early stage the requirements and initiated the accurate planning.

Vice-president Dr. Hermann Otto Solms:

Further questions? - Mr. Gehrcke.

Wolfgang Gehrcke (DIE LINKE):

Minister of State, at the committee we have already had the opportunity to talk about these questions. I would like to inquire: The upcoming NATO summit has not only a huge relevance due to its 60 years' history. In my opinion, 60 years is too much, but that is my conviction. Is the Federal Government willing to present a government declaration about the political and strategic questions the Government wants to pose at the NATO summit?

Dr. h.c. Gernot Erler, Minister of State at the Department of Foreign Affairs:

Associate Gehrcke, this question leads far away from Afghanistan. But I would like to tell you that we obviously prepare very concretely for the NATO summit; not only because it is being realised in Germany, but also because we take the task of developing a new NATO strategic concept after 60 years, given the actual challenges, very seriously. You can be sure that we will also work out the content for the formulation of this mandate in time.

Vice-president Dr. Hermann Otto Solms:

Second question? - Please.

Wolfgang Gehrcke (DIE LINKE):

Minister of State, this is not so far away of Afghanistan at all; because the central point of the NATO summit will be the new strategic concept and Afghanistan. That's why, in my opinion, it has to be asked decided, so that the Federal Government points out its position publicly here in parliament, which has a co-determination right. So I will ask you again: Are there actually thoughts on the Governments part, about putting questions into debate as for example the ending of the stationing of US-american nuclear weapons in Germany, the first-use doctrine or the abolition of the collective self-defence case?

Dr. h.c. Gernot Erler, Minister of State at the Department of Foreign Affairs:

Associate, once again: Of course, Afghanistan will also be on the order of the day. But you self have pointed out, that the strategic concept is an expanded arrangement. I can only tell you that you are the sovereign, you are assemblyman and you can point questions to the Federal Government at any time, for example about the concept, what you did not do this question time. You can ask the Federal Government to point out its position in this parliament. I am sure, the Government will respond to this request.

Vice-president Dr. Hermann Otto Solms:

Thank you, Minister of State. Then we will step to the division of the Federal Ministry of the Interior. To answer the questions, Secretary of State Peter Altmaier is at the disposal. Question 19, posed by associate Gehrcke: Is the

Federal Government willing to support the demonstrators' right to point out their protests against the policy of the NATO both promptly and closely to the summit in Baden-Baden and Strasbourg?

Peter Altmaier (CDU), parliament Secretary of State at the Ministry of the Interior:

Thank you very much, Mr. President. Mr. Associate Gehrcke, as you may know, the Federal Government obviously acts on the assumption that citizens can make use of their constitutional right to demonstrate and the right of assembly. But I have to add the following: As you as a member of this parliament possibly know: Due to the federalism reform of 2008, the legislation competence has shifted to the federal states. This means, that the federal states are now responsible both for the legislation and as for the legal execution process. Hence, it is task of the federal states to lay the foundations for an effective realisation of the right to demonstrate and the right to assembly. The decision, in which ways and with which priorities these constitution postulates have to be fulfilled at the demonstrations in the federal state of Baden-Württemberg is hence incumbent on the federal state of Baden-Württemberg. I assume, that there, as well as in the other federal states, procedures are taken in accordance to the Basic Constitutional law and bailment. So far as you referred to the assemblies in Strasbourg I have to add that obviously, those are not under responsibility of the German right of assembly; in fact it is up to the French administration to decide about the legitimacy of demonstrations due French right.

Vice-president Dr. Hermann Otto Solms:

Another question from associate Gehrcke: (Hans-Christian Ströbele [BÜNDNIS 90/DIE GRÜNEN]: What is about the bridge? Silke Stokar von Neuforn [BÜNDNIS 90/DIE GRÜNEN]: Are you also going to demonstrate?)

Wolfgang Gehrcke (DIE LINKE):

Are you speaking to me? I will. I don't know if the Secretary of State will demonstrate, too; but that is not the question. I have another starting point. The legal circumstances are clear. The Federal government should have a substantial interest to show within this NATO summit- also in cooperation with France- that there is openness and that there is the wish that those who want to, are able to assemble peaceful, meaning without violence, and that this is not out of the city, but on the spot. A declaration by the government, that not only the right of assembly of the NATO will be respected but that also the right of the demonstrators, the right to demonstrate, will be respected, would not miss effectiveness. I ask you if you are willing to make such a declaration for public.

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

If you ask such a question, associate Gehrcke, then you should have clues that the use of right to demonstrate and the right of assembly is not assured. The government has great confidence in the responsible administration of the federal state of Baden-Württemberg due to its operating experiences concerning those important substantial rights over decades. Hence, we have neither instructions nor advices or explanations to give; we rather expect that the right to demonstrate and the right of assembly of the citizens will be respected.

Vice-president Dr. Hermann Otto Solms:

Another question from associate Gehrcke:

Wolfgang Gehrcke (DIE LINKE):

It is exactly the evidence and the sorrows that made me ask these questions. I have heard that in Baden-Baden will be installed .red zones. , zones who shall stay demonstration-free and that the bridge from Kehl to Strasbourg will be blocked as well as that the mass passenger transport will be shut down for three days. A difficult climate will be created. That is why I emphasize that you relax the situation by making such a declaration and that you don't contribute to an escalation, to reciprocal aggression.

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

Associate Gehrcke, due to the information that have been presented to the federal government, there has been a careful weighing between the right to demonstrate and the necessity of closing for example the bridge you have mentioned, for a special, temporary period if an event takes place there. I will get to the point later, answering the question of your associate Höger. By the way, such a closure has happened in former instances also and happens currently. I cannot see any limitation of the right to demonstrate and the right of assembly.

Vice-president Dr. Hermann Otto Solms:

A further question asks associate Da delen from the fraction Die Linke.

Sevim Da delen (DIE LINKE):

Dear Mr. Altmaier, the European Union and the Federal Government pointed out the value of freedom of movement within the European Union. How behaves the government concerning that the Schengen Agreement will be suspended in this case, which means that the border between Kehl and Strasbourg will be closed? Is this the picture of freedom of movement that the Federal Government, France and hence the European Union wants to draw for its citizens?

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

Associate Da delen, you are totally right that due to the Schengen Agreement as well as due to the efforts of the Federal Government and further governments, freedom of movement of millions of European citizens has been expanded extra ordinarily. The last expansion is just a little more than one year ago; at that time, controls at the borders to the new member states of the European Union have been suspended basically, with exception of Bulgaria, Romania and Cyprus. This all has been a great success for the freedom of movement in Europe. As you are at the disposal to discuss about this in the committee of the Interior, you know as well as I do, that the Schengen Agreement consists of the possibility to re-establish boarder controls temporarily. This is used scarcely, but from time to time. We had such a situation for example at the soccer world cup as well as at the G8 summit in Heiligendamm. This has contributed to improve the non-violent process of demonstrations and rallies substantially. How far in this case this possibility is being used has to be decided considering the situation locally. But this is not extraordinary in any case, and it would not be the first time to do so.

Vice-president Dr. Hermann Otto Solms:

Thank you very much. I will read question 19 from Associate Inge Höger:

Does the Federal Government aim to advocate that the Europabrücke/Europe Bridge (E 52/B 28) on Saturday, 4th of April 2009, will not be closed ensuring that the right to participate in the international main demonstration against the NATO summit in Strasbourg will not be restricted for demonstrators from Germany?

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

This is a question that fits seamless in this context. That is why I also have to tell you, that the fix-to-fix path for announced demonstrations and eventually posed obligations are in the responsibility of the realising federal state and thereby in Baden-Württemberg's responsibility. In case that there will happen a border-crossing protest march, which means the crossing of the border from Germany to Strasbourg, there is additionally an agreement with the French prefecture required. The Ministry of the Interior has no evidence that the Europabrücke (Europe Bridge) will be closed principally because of strategic reasons. An exception is only the temporary closure on the morning of April 4th of 2009 due to security reasons. Let me say the following: During the top of the agenda – this is the crossing of the gangway *des deux Rives* – the hosting countries Germany and France have to assure the security of the international states guests from over 30 delegations. To this, the access to the bridge will be controlled among other things temporarily. After this event, which is supposed to happen from 9 until 10.30 a.m., demonstrations will be able to cross the Europabrücke (Europe Bridge), even though due to the mentioned reasons time-delayed.

Vice-president Dr. Hermann Otto Solms:

Do you have further questions?

Inge Höger (DIE LINKE):

Yes, I have another question. On April 4th there is supposed to drive a special train from Nordrhein-Westfalen to Kehl; the persons want to connect with the Demonstration march that crosses the Europabrücke. Those who want to charter the train has been told by the *Bahn* (Railway) that the chartered train would be stopped in Appenweier – that is 16 kilometres before Kehl – and that it would not be allowed to drive further. Do you know something about it and will you in terms of the right to demonstrate, advocate so that the train can stop in Kehl?

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

This information is admittedly new for me. But I will look for further information and report to you, should the situation arise.

Vice-president Dr. Hermann Otto Solms:

Do you have further questions, Mrs. Höger?

Inge Höger (DIE LINKE):

No – I thank you and I hope to hear from you again.

Vicepresidente Dr. Hermann Otto Solms:

Thank you. Have you further questions to this point? – Please, Mr. Ströbele.

(Silke Stokar von Neuform [B90/DIE GRÜNEN]: He asks, if he can take the bike!! - From CDU/CSU: But don't let it be stolen!)

Hans-Christian Ströbele (B90/DIE GRÜNEN):

Thank you, Mr. President. – I don't ask if i can take my bike but I ask you: Who is, in your opinion, responsible for the bridge, Germany or France?

Peter Altmaier, parliament Secretary of State at the Ministry of the Interior:

That depends of the run of the borders in this area.

(Hans-Christian Ströbele [BÜNDNIS 90/DIE GRÜNEN]: That's it!)

Associate Ströbele, as we dispose in this area of about several hundred kilometres of border, you might let me off for not being able to tell you for each bridge whether the border is at the beginning, the end or in the middle of the bridge. But I am convinced that the official administrations, in Strasbourg as well as in Kehl, are well informed about this point.

Additionally, it is my perception, that over the last years, we have elaborated a culture of cooperation between the security administrations from both sides of the borders, which in most cases exceeds the official expectations which permit to arrange and to inform mutually. I have great confidence that this will work also in Kehl and Strasbourg, because this area is since a lot of years a symbolic area for the German French friendship and the European integration.

(Hans-Christian Ströbele [BÜNDNIS 90/DIE GRÜNEN]: Perhaps you can supply us with the answer concerning the bridge later!)

- Gladly.

(...)