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# Ecopolitics in Modern Germany: The Rebirth of the Green Party

Charlotte Streck\* +

## I. Introduction

On September 27, 1998, Germans voted Chancellor Helmut Kohl out of office, opening the way for a “red-green coalition”<sup>1</sup> under the leadership of the Social Democrat Gerhard Schröder. The landslide victory by Schröder’s Social Democrats may have been due less to their convincing program than to general weariness with Kohl. There was also widespread frustration with high unemployment and problems relating to reunification with Eastern Germany.

Nevertheless, the red-green coalition—never before tried in Germany—ushers in a new era in German politics. For the first time, green policies are likely to have a significant impact on political decisions as three of the new coalition government ministers are Green Party members. These changes in Germany may also influence the politics of other European countries, the European Union, and may impact international environmental policy.

This article provides an historical context and a political framework for evaluating the recent transformation of German ecopolitics. Section II begins with a short overview of the German political system, an electoral system that allows minor parties

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1. The phrase “red-green coalition” refers to the coalition between the Social Democrat Party and the Green Party that formed after the September 1998 elections.

greater say than in other systems. Section III summarizes the history of the German Green Party. Sections IV and V explore the situation of the Green Party before the September 1998 election and deal with the party's election platforms, specifically focusing on their environmental policies. The results of the landmark election in September 1998, the coalition negotiations, the coalition agreement<sup>2</sup> and the impact of green policies will be discussed in Section VI. The conclusion presents a critical discussion of the German transition toward "red-green government" and an analysis of its future.

## II. The Electoral System in Germany: Its Impact on Environmental Policy

The electoral success of green parties in Germany is dependent on the opportunity to achieve representation in parliamentary systems.<sup>3</sup> The relationship between the environmental movement and green, or other small parties, is much easier to develop in countries with proportional representation.<sup>4</sup> For that reason, it is important to look at the German political system to evaluate how it accommodates the interests of small parties.

The German electoral system is a mix between a winner-take-all system, similar to that in the United States and a proportional representation system.<sup>5</sup> The latter still dominates Germany's political system, determining the percentage of seats held by each party in the lower house of the German Parliament, the Bundestag.<sup>6</sup> Moreover, the system retains elements of the first-past-the-post system, because in every ward and electoral district, the winner

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2. AUFBRUCH UND ERNEUERUNG - DEUTSCHLANDS WEG INS 21. JAHRHUNDERT, KALITATIONSVEREINBARUNGEN ZWISCHEN DER SOZIALDEMOKRATISCHEN PARTEI DEUTSCHLANDS UND BÜNDNIS 90/DIE GRÜNEN (1998).

3. See Timothy Doyle and Doug McEachern, ENVIRONMENT AND POLITICS 122 (1998).

4. See Helmut Wiesenthal, REALISM IN GREEN POLITICS: SOCIAL MOVEMENT AND ECOLOGICAL REFORM IN GERMANY 196, 197 (1993).

5. The German electoral system, developed after World War II, combines advantages of both systems: the personal impact with direct contact between politicians and voters in the preferential voting system and proportional parliamentary representation for both major and minor parties.

6. Section 1 I Wahlgesetz. Der deutsche Bundestag besteht vorbehaltlich der sich aus diesem Gesetz ergebenden Abweichungen aus 656 Abgeordneten. Sie werden in allgemeiner, unmittelbarer, freier, gleicher und geheimer Wahl von den wahlberechtigten Deutschen nach den Grundsätzen einer mit der Personenwahl verbundenen Verhältniswahl gewählt. Section 1 II Von den Abgeordneten werden 328 nach Kreiswahlvorschlägen in den Wahlkreisen und die übrigen nach Landeswahlvorschlägen (Landeslisten) gewählt.

of the election will be a member of the Bundestag.<sup>7</sup>

Ballots require two votes; the first vote is for a candidate, while the second is for a political party.<sup>8</sup> With a direct victory in one electoral district, the candidate wins a seat in the Bundestag. Half of the 656 representatives<sup>9</sup> are voted into the parliament in this manner. The remaining seats in the Bundestag are distributed based on the proportion of votes for political parties above a certain minimum level; therefore, the second vote determines the political weight of the different parties.<sup>10</sup> If more candidates win seats with the first vote than the percentage allowed by the second vote, the number of representatives may be increased to allow them to participate. These extra representatives are known as Überhangmandate. The rest of the seats in the parliament are filled with candidates from the Landesliste, the party list. Whether a member of the Bundestag was elected by a direct vote or selected from the Landesliste is of no significance once the election is over. For a party to hold seats in the Bundestag, it must win either five percent of the vote or a direct victory in at least three electoral districts.

This electoral system is the same on the federal level and within Germany's 15 states.<sup>11</sup> The fact that any party which wins five percent of the vote<sup>12</sup> can enter the Bundestag or Landtag<sup>13</sup> is clearly favorable for minor parties (such as the Green Party), because even parties with a small and local reserve of voters have the chance for success. Moreover, these parties acquire initial experience on a local or state level and can gain nationwide public attention.

The five percent requirement has played a significant role in the history of the German Green Party. It provided an incentive to construct a party as an alliance of variously-oriented smaller

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7. Section 5 and 21 Wahlgesetz.

8. The first vote is referred to as the Erststimme; the second vote is known as the Zweitstimme.

9. Beginning with the 15th Bundestag in 2002, there will be only 598 seats in the Bundestag and no more than 299 electoral districts. 13. Gesetz zur Änderung des Wahlgesetzes vom 15.11.1996.

10. Sections 5 and 21 Wahlgesetz.

11. Germany has a federal system with 15 states, called Länder.

12. The five percent hurdle performs the function of preventing a multiplicity of powerless parties. It was introduced in German's political system after the disastrous experience of the Weimar Republic (1919-1933). Its downfall was among other reasons caused by a fragmentation of the Parliament due to the high number of political parties making a consensus nearly impossible.

13. State parliaments are called Landtage.

environmental groups.<sup>14</sup> The German Green Party first entered the political scene on a state level, then later advanced to participation at the federal level.

Finally, the German campaign finance system, known as Wahlkampfkostenerstattung,<sup>15</sup> clearly benefits small parties which cannot finance expensive endorsements on their own. All parties that take part in state or federal elections and receive at least 0.5 percent of the vote are awarded a certain sum of money for every vote. Federal financing system assists small parties, like the Green Party, to build up a network of party offices and campaign organizations despite the absence of donations from wealthy members.<sup>16</sup>

Since the election of the first post-war Parliament in 1949, Germany's political landscape has been dominated by two main parties, the Social Democrats (SPD)<sup>17</sup> and the Christian Democrats (CDU/CSU)<sup>18</sup>. The CDU limits its activities to the states outside Bavaria, whereas the CSU only runs in elections within Bavaria. In federal elections, these two sister parties act as a single entity. The Liberals (FDP)<sup>19</sup> are the oldest of the minor parties represented in the Bundestag.<sup>20</sup> These three parties dominated the German parliament until 1983 when the Green Party (Die Grünen) first won seats in the Bundestag. The most recent party to appear on the German political scene is the Party of Democratic Socialism (PDS),<sup>21</sup> which grew out of the Communist Party of the former East Germany (SED).<sup>22</sup>

As the German electoral system is structured,<sup>23</sup> it is nearly impossible for either of the two large parties to win an absolute majority in the Bundestag. The only way, consequently, for a large party to gain control of the parliament is to form a coalition with a minor partner. Smaller parties consequently play larger roles in these coalition governments than the actual number of seats they

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14. See Wiesenthal, *supra* note 4, at 196.

15. This program provides a refund of electoral campaign costs to candidates.

16. See Wiesenthal, *supra* note 4, at 197.

17. The full name of the SPD is the Sozialdemokratische Partei Deutschlands.

18. The full name of the Christian Democratic Party is the Christlich-Demokratische Union/Christlich-Soziale Union.

19. The full name of the FDP is the Freie Demokratische Partei.

20. The FDP was formed in 1948.

21. The full name of the PDS is the Partei des demokratischen Sozialismus. The PDS appeared in the first elections after the fall of the Berlin Wall in 1990.

22. The Communist Party of East Germany's full name is the Sozialistische Einheitspartei Deutschlands.

23. See Wahlgesetz, *supra* note 6.

hold would indicate. In order to reach a compromise, the large parties are forced to give more voice to their minor partners.

The FDP, a minor member of the ruling coalition from 1969 to 1998, is a good example of the impact that smaller parties can have on German politics. The Liberal Party first joined the ruling coalition in 1969 with the Social Democrats under Willy Brand, the first Social Democrat federal chancellor. When Helmut Kohl became chancellor in 1982, the FDP left the coalition with the Social Democrats to form a coalition with the Christian Democrats. This CDU/CSU-FDP coalition remained in power until the elections in 1998.

### III. The History and Evolution of the Green Party in Germany

The German Green Party emerged from the environmentalist movement born in the late 1960s that spread during the 1970s when ecological ideas gained worldwide attention. From this beginning, the German Green Party, (and indeed the European environmental movement) was divided between the more traditional nature conservation movement that reached back to the nineteenth century and the political ecology and anti-nuclear movements.<sup>24</sup> The political ecology and anti-nuclear movements had a strong urban focus and were interested in more than the traditional nature preservation movements. Both had the features of a wide post-materialistic, post-industrialist movement, criticizing growth, science, and technology. Unlike the environmental movement in the United States, which began as a wilderness preservation movement supported by apolitical individuals,<sup>25</sup> the European ecological movement had a strong political focus from the beginning.

In the Germany of the 1950s and 1960s, there was a deep belief in economic growth at any cost. With this focus on economic recovery after the World War II, Germany became a world economic power with full employment in less than one generation. This enormously successful industrial growth was characteristic of an extraordinarily uncritical, narrow capitalist world view. During this period of growth, any expression of socialism and Marxism was strongly repressed. Memories of the National Socialist (Nazi) past were treated as taboo, and few attempted to come to terms with the

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24. See Robert Rohrschneider, PUBLIC OPINION TOWARD ENVIRONMENTAL GROUPS IN WESTERN EUROPE: ONE MOVEMENT OR TWO?, *Social Science Quarterly*, 72(2): 252-255 (1991).

25. See Doyle and McEachern, *supra* note 3, at 69.

past.<sup>26</sup>

In 1968, a period of student revolution began, producing a wide spectrum of new leftist student movements. Present-day liberal German society grew out of this period of student activism. In Germany during the late 1960s, a large number of citizens' initiative groups were formed to address social issues such as peace, the environment, women's rights, and civil rights. Although thematically similar, the groups acted in isolation from each other during the early years.<sup>27</sup>

With the anti-nuclear campaign, however, these groups coalesced into one movement. Nuclear facilities were seen as the very embodiment of social-economic development gone wrong.<sup>28</sup> Organizations consolidated and individual groups began to collaborate on a regional and national basis in the anti-nuclear movement. As a result, these groups emerged as significant political actors on the international scene.

Although not based on a single ideology, the anti-nuclear movement was based on certain political principles. Formed by a variety of small special-interest groups, the anti-nuclear movement helped develop the principles of grass roots democracy.<sup>29</sup> Besides ecology, the groups focused on such social ideals as participatory democracy, social justice, and non-violence.<sup>30</sup>

From 1977 onward, green and other alternative party lists appeared out of this network to challenge the established political parties and compete against them in elections.<sup>31</sup> In 1979, about 500 representatives of these different federal parties, groups, and organizations constituted the alliance, Die Grünen, with the immediate purpose of electing representatives to the European Parliament. In the same year, in the state of Breme, a Green party surpassed the five percent threshold, gaining four seats in the state

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26. See Wiesenthal, *supra* note 4, at 193.

27. See Thomas Scharf, *The German Greens: A Political Profile* 133 (1993), in INGOLF BLUEHDORN, FRANK KRAUSE AND THOMAS SCHARF, *THE GREEN AGENDA* (1993).

28. See HELMUNT LIPPELT, *THE GERMAN CASE: DIE GRÜNEN - SHORT HISTORY-BASIC IDEAS*, PAPER PRESENTED TO THE CONFERENCE ON ECOLOGICAL MOVEMENTS AND SUSTAINED DEVELOPMENT IN LATIN AMERICA AND EUROPE, INSTITUTE FOR LATIN AMERICAN STUDIES, UNIVERSITY OF LONDON, 2 (1991).

29. See *id.* at 2.

30. See Doyle and McEachern, *supra* note 3, at 113.

31. See generally Norbert Franck, *GRÜNE CHRONIK, ARCHIV DER GRÜNEN*, (1997) and Joachim Raschke, *DIE GRÜNEN: WIE SIE WURDEN, WAS SIE SIND*, 894, 895 (1993).

parliament.

On January 13, 1980, the European alliance of the green activists formally launched Die Grünen, the national West German Green Party. Concerns about parliamentary representation, in particular the recognition of the five percent threshold rule, forced a degree of cooperation between the different groups comprising the newly-formed Green Party. This cooperation led to positive electoral results. Support for the ecological and peace movements grew in the early 1980s. Consequently, in 1983, the Green Party won 5.6 percent of the vote in national elections. The Green Party gained 27 seats in the Bundestag. They were also represented in nine out of eleven state parliaments.

The Green Party inherited two important principles from the anti-nuclear movement: pluralism and grass-roots democracy, or Basisdemokratie.<sup>32</sup> Grass-roots democracy requires that political decisions be made at the lowest, most democratically accountable level by the people who are directly affected by the issue. To support the principle of pluralism, the party disapproved of the pursuit of individual power.<sup>33</sup> Therefore, no parliamentary representative was allowed to hold office within the party; term limits were placed on parliamentary representation and party office; and a system of rotation that initially limited sitting representatives to two years in the Bundestag was established. Party meetings were open to the public and party representatives were bound by members' decisions to a particular course of action.<sup>34</sup> The emphasis on a grass-roots decentralized party was a reaction to the strict party structure in West Germany at that time. The Greens felt that the traditional parties were closed to new ideas and unable to face new problems, in part because of their party structure.<sup>35</sup>

The pressure to be an anti-party party<sup>36</sup> led to many creative, and sometimes destructive, tensions within the party. Perhaps the most important debate within the Green Party throughout the 1980s was whether the Greens should participate in government. The realistic wing of the party, the Realos, desired to work within the existing political rules, including experimenting with coalitions with the Social Democrats. The fundamentalist wing, the Fundis, on the

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32. See Lippelt, *supra* note 28 at 3.

33. See *id.* at 4.

34. This aspect of party reform was known as the imperative mandate.

35. See William E. Coleman, *A RHETORIC OF THE PEOPLE: THE GERMAN GREENS AND THE NEW POLITICS* 39 (1993).

36. Petra Kelly used the expression of an "anti-party party."



other hand, involved themselves in more radical declarations, rejecting all forms of cooperation with established parties.

Although the Greens sought to provide a radical alternative to established parties, over time they became integrated in the daily work of Parliament and in the whole democratic process. The Realo wing began to gain control and increasingly looked for ways to translate green policies into politics.<sup>37</sup> In 1985, the first red-green coalition was formed in the state of Hesse. Joschka Fischer became the state's environmental minister<sup>38</sup> and the first Green member of a state cabinet. Fundamentalism started to lose support when the option of red-green coalitions began to appear viable in more states.<sup>39</sup>

By the 1987 elections, the Greens' popularity had again increased and they won 8.3 percent of the votes and 48 seats in the Bundestag. In the late 1980s and the 1990s, the Greens formed alliances with the Social Democrats in the governments of Bremen, Berlin, Saxony-Anhalt, Schleswig-Holstein, Hamburg, and Nordrhein-Westfalia. The last alliance was formed in 1995 and was seen, in part, as a testing ground for a similar alliance at the federal level.<sup>40</sup>

The West German Greens lost all their seats in parliament during the 1990 elections for the first unified Bundestag,<sup>41</sup> after supporting the unpopular idea for two democratic Germanys rather than one unified one.<sup>42</sup> The Greens feared that a unified Germany would be too powerful in Europe and would damage its relationship with other European nations. West German Greens preferred two separated modest Germanys. Its East German allies, the Die Grünen/Bündnis 90 (Alliance 90) won eight seats in the Bundestag by winning six percent of the East German vote.<sup>43</sup>

After the disastrous elections of 1990, the West German Greens reacted with self-criticism and used the opportunity to reform the party structure. They realized that the concept of a pure

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37. See Lippelt, *supra* note 28 at 5.

38. The German term for environmental minister is Umweltminister.

39. See Wiesenthal, *supra* note 4, at 212.

40. THE ECONOMIST, 6, (45/1995).

41. The Green Party only received 4.8 percent of Western German votes, falling short of the five percent needed to claim a seat in the Bundestag.

42. See Lippelt, *supra* note 28, at 6.

43. The 1990 elections were held under special conditions; for a party to gain a seat in the Bundestag, it was enough to pass the five percent threshold in either West Germany or East Germany.

alternative party had not worked at the electoral level.<sup>44</sup> The West German Greens decided that the only way to win elections for the long term was with strong individual leaders and a more coordinated policy agenda. The idea of the imperative mandate, the rotation of party elites, and the separation of party functions were resulting in internal party chaos. During the spring of 1991, the party's constitution was reformed at a national delegate's conference. Compulsory rotation and the incompatibility rule were abolished. The steering body of the party was reshaped to allow it to take more responsibility; it was also given the right to direct the policy making body of the party.

These party reforms, with a shift towards the organization of a traditional party, were the beginning of a new ideological image. With this reform, the party began moving away from its more radical fundamentalist ideas. The majority of the party was weary of the radical ideas and at the same time was attracted by the opportunities presented by participation in government. While moderate Fundis showed willingness to team up with pragmatists, prominent radical ecologists and eco-socialists such as Jutta Ditfurth, Rainer Trampert and Thomas Ebermann, left the Greens during this time.<sup>45</sup>

In 1993, the West German Greens merged with their eastern partner to form the new party, Bündnis 90/Die Grünen.<sup>46</sup> This fusion and party reforms proved effective. In the 1994 European elections, the Greens staged a comeback, winning 10.1 percent of the vote. In the federal elections held later in 1993, they received 7.3 percent of the votes and 49 seats in the Bundestag. It seemed that the party had recovered from its crisis of the early 1990s by regaining seats in the Bundestag and winning significant victories in Germany's largest two states.<sup>47</sup>

Nevertheless, the Greens' re-establishment in the former West Germany may be offset by the continuing problems the Bündnis 90/Die Grünen have faced in the former East Germany. The party has never managed to gain a foothold there. In state elections in 1998, they lost their parliamentary representation in Saxony-Anhalt,

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44. See Lippelt, *supra* note 28, at 6.

45. See Wiesenthal, *supra* note 4 at 212.

46. See Raschke, *supra* note 31, at 894-5. See Lippelt, *supra* note 28, at 3.

47. In 1995, the Green Party won ten percent of the votes cast in Nordrhein-Westfalia; in 1996, they earned 12.1 percent of the votes in Baden-Wuerttemberg.

their last representation in any state of former East Germany.<sup>48</sup> The divide between East and West in terms of the Greens' electoral potential may be attributed to several factors. First, the social group supporting the Greens in the West—urban, well-educated liberals—is still missing in large areas of the east and will take some time to emerge. Second, the environmental movement in the East was not based on the 1968 student movement and the anti-nuclear roots of the Green Party in the West. As such, green politics in the East cannot draw on the same constituency and legacy as green politics in the West.

In the last 18 years, the appearance of the Green Party has influenced policies and public opinion to a remarkable extent. Environmental issues generally are accepted as an important part of the political agenda. Other major parties have adopted parts of the green program. The political debate has become more open and tolerant of unusual views. Furthermore, the Greens transformed the political spectrum, especially the left and right wings of the big parties and particularly the SPD, which now had a new rival to its left.<sup>49</sup>

The emergence of the Green Party has transformed the agenda and style of political debates in Germany. But today, the Greens want not only to influence politics indirectly, but also to play an active role in German government. Bündnis 90/Die Grünen is today a stable part of German political structure. In recent years, since many fundamentalists left the party, the Greens have shown a willingness to forge alliances with the Social Democrats. More and more, the central steering body of the Green party continues to gain power, not only on a state level, but on a federal level as well.

#### IV. The Green Party in 1998: From Politics to Politicians

In the last four years, Green politics and politicians have ceased to be a persistent provocation for the other parties. The Green Party has become an established party. Although the Greens now perform their daily parliamentary work without causing trouble, they also do it with much less excitement. While it is seen as a sign of maturity, which could one day even make the Greens

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48. The states located in the former East Germany include: Mecklenburg West-Pomerania, Saxony-Anhalt, Saxony, Thuringa, and Brandenburg.

49. See Wiesenthal, *supra* note 4, at 200.

partners of the CDU/CSU,<sup>50</sup> many of the traditional Green supporters are disappointed by the integration of the former alternative party into the mainstream political picture of Germany. Many still identify with the Greens' role as an anti-party, an outside provocateur working to change, rather than join, traditional politics.<sup>51</sup> For many, the role of political provocateur—confronting the status quo—was the heart of green politics and the German Green Party.

Beyond the criticism and defection of the radical greens, the Green Party still has other special problems and challenges. It has never received more than seven to eight percent of the vote in federal elections.<sup>52</sup> At the same time, the Greens as a reform party are under constant pressure to offer political reforms.<sup>53</sup> Traditionally, green values have not been materially oriented. But, keeping an idealistic focus becomes tremendously difficult when political debate centers on economic problem, such as unemployment and declining social standards.

The Greens' platform now addresses many social and economic issues, not just environmental ones. For many Germans, however, the Greens are still perceived as a single-issue political party. This image may have been accurate in the past, when Green politics focused principally on environmental issues.<sup>54</sup> But critics overlook the developments of the past few years and the effort made by the Greens to present a more comprehensive agenda. Participating in an increasing number of state governments, the Greens developed experience and expertise in a wide variety of fields.

The willingness to participate in the federal cabinet and the decision to run a campaign with the goal of a red-green government were passed at a party conference in Kassel at the end of 1997. The offer of party leader Joschka Fischer to lead the party in a red-green government was answered with a standing ovation, indicative of the party's understanding that tensions and disagreements among various factions should not stand in the way of exercising power at the federal level. This new unity strengthens the party's ability to

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50. Chancellor Kohl announced the possibility of a coalition between the CDU/CSU and the Green Party several weeks before the September 1998 elections.

51. See Jane Kramer, *The Once and Future Chancellor*, THE NEW YORKER, 69 (September 14, 1998).

52. The Green Party has achieved greater victories in several of the German states.

53. See Raschke, *supra* note 31, at 875.

54. See Oliver Tolmein, ÖKOREPUBLIK DEUTSCHLAND, 21 (1986).

act and to interact in most states. The clear leadership of two individuals rather than a large and diffuse group of politicians makes the formulation of party policy and goals easier. For certain issues, a compromise must be found only between Joschka Fischer, representative of the Realo wing, and Jürgen Trittin, representative of the Fundi wing, to gain subsequent support from the whole party. However, the way to September 1998 election was a rocky one. It was not clear until several weeks before the election whether the Greens could win the necessary five percent of the vote.

At the Green Party party rally in Magdeburg in March 1998, the conference of the delegates passed the election program for the federal elections; this became known as the Magdeburger Program.<sup>55</sup> The program prompted wide debate among the German public. Three major stumbling blocks were the demands: to triple the price of gas; to impose a speed limit on German freeways; and to reduce industrialized societies' production and consumption of luxury items.<sup>56</sup> These three controversial demands did not provide an effective way to open an electoral campaign. After the publication of the Magdeburger Program, the Greens' ratings quickly fell below the five percent threshold. Consequently, the party called a second party congress that modified the former program, mainly lowering the goals and demands. As a result, the Greens published a second moderated and toned down program, the Vierjahres-Program.<sup>57</sup>

In addressing these two documents,<sup>58</sup> the following discussion will pay particular attention to ecological policies.

#### A. *The Magdeburger Program*

In the Magdeburger Program, environmental issues came first, before economic and financial considerations. The basis of all environmental politics of the Greens is a restructuring of the economy in an ecologically-sound manner. According to this program, the protection of the environment takes priority, even in

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55. Programm zur Bundestagswahl passed by the 10. Ordentlichen Bundesdelegiertenkonferenz in Magdeburg. See GRÜN IST DER WECHSEL, PROGRAMM ZUR BUNDESTAGSWAHL 98, BÜNDNIS 90/DIE GRÜNEN (1998).

56. These demands had been a long-standing part of the Greens agenda. See Coleman, *supra* note 35, at 63.

57. Vierjahresprogramm zur Bundestagswahl passed by the Länderrat, June 7, 1998. See NEUE MEHRHEITEN NUR MIT UNS, VIERJAHRESPROGRAMM ZUR BUNDESTAGSWAHL 98, BÜNDNIS 90/DIE GRÜNEN, (1998).

58. The Magdeburger and the Vierjahres program.

times of economic hardship.<sup>59</sup>

Ecological tax reform was a primary issue on the Green agenda in 1998. Bündnis 90/Die Grünen saw it as a first step towards sustainable social development and the reduction of the consumption of resources. Like in Sweden or Denmark, two other countries being lead by green tax reform, the Greens want to tax the price of natural resources. The price of all consumable resources should reflect the real ecological price of their consumption.<sup>60</sup> With the yield from these eco-taxes, the cost of the labor force should be reduced. The Greens also want to reduce the high labor costs of employees that must be paid by employers. These include social security, pension schemes, and unemployment insurance, which have reached an extraordinary level in Germany. According to the Magdeburger Program, transferring taxes from human labor to taxes on natural resources and making enterprises more efficient will boost the economy and lower unemployment. The program, thus, viewed environmental policy as enhancing, rather than restricting, economic performance.<sup>61</sup>

The Greens want to alter behavior, and, at the same time, adopt a green tax reform that could create and protect jobs.<sup>62</sup> According to the Magdeburger Program, the ecological tax reform will be based on: the introduction of an energy tax; an increase of fuel tax; the introduction of a heavy freight rate for trucks; and a reduction in ecologically harmful subsidies for polluting industries and agriculture. The yield from these measures will be directed to reducing the costs of social insurance, changing traffic politics (especially the extension of the railway system), and adopting radical changes in energy policies.<sup>63</sup>

The reform program has a ten-year objective. According to the Greens, within ten years, all households will save costs, provided that energy saving measures are taken. Under the proposed ecological tax reform and in an effort to further social economic justice goals, lower income households would be charged less, especially in the first years of the reform. Those who are unemployed and hence cannot profit from the reduction of the labor costs will be compensated. Likewise, during an adjustment period, energy-intensive industries will receive adjustment subsidies that will

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59. See GRUN 1ST DER WECHSEL, *supra* note 55.

60. See *id.* at 14.

61. See *id.* at 14.

62. See *id.* at 14.

63. See *id.*

decrease over the time. The high price for natural resources will promote the development of energy-saving technologies, such as wind, solar, and geothermal energy, modern traffic systems for railways and buses, the 3-liter-car,<sup>64</sup> new construction materials, long-lasting products, and new services. Taxes are designated to serve as catalysts for a renewed industry and to help create new jobs.

The automobile is one of the most urgent environmental problems for the German Greens. Automobile-related environmental damage includes air-pollution with acidic substances like SO<sub>2</sub> or NO<sub>2</sub>, or CO<sub>2</sub> emissions which are connected with global climate change, and also pollution of soil, groundwater, and of the sea due to ocean drilling. Therefore, a reduction of traffic is one of Green Party's most important goals.<sup>65</sup> Changing individuals' attitudes towards the car represents more than a reform in politics; it signals a change in the core values of industrialized societies. Such an about-face in traffic politics would favor railroads, buses, car-sharing systems, cyclists, and pedestrians. Public transportation systems would be supported as environmentally-friendly alternatives to mass use of the private automobile. According to the green program, traffic would also be reduced with urban planning measures, which bring business and living areas closer to one another. The fuel taxes are scheduled to be increased corresponding to the ecological damage caused by cars. Starting in 1998, fuel taxes should increase by 0.5 DM/liter and increase 0.3 DM/liter thereafter until it reaches 5 DM/liter<sup>66</sup> by the year 2009.<sup>67</sup>

The Greens assert that other car taxes that do not take driving distances into account will be abolished, as they do not have any desired environmental effect. The increase in the gas tax would provide a shift to public transportation, be an incentive for buying low pollution cars, and accelerate the development of the 3-liter-car.

Furthermore, the Magdeburger Program also targets the reduction of air traffic, especially on short-distance flights that can be covered by railways. The green program calls for the abolition of the exemption of the petroleum tax for aircraft, and demands that landing and departure fees should be related to the amount of pollution emitted by aircraft. Green plans also call for redesigning

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64. The 3-liter car aims to get one hundred kilometers out of every three liters of gas.

65. See GRUN 1ST DER WECHSEL, *supra* note 55, at 17.

66. This is approximately equal to \$12 (U.S. dollars) per gallon.

67. See GRUN 1ST DER WECHSEL, *supra* 55, at 17.

the rail system, including an expansion of all local, regional, and national communication lines. The goal is to eventually transfer all freight transportation to rail. A step in this direction would be a heavy freight tax for all truck traffic. Shipping will be considered environmentally sound by the Greens only if the ships are adapted to the rivers and not vice-versa.<sup>68</sup>

Bündnis 90/Die Grünen will use the money previously spent on highway construction for safe regional networks like bike lanes and new rail systems to reduce traffic in urban centers. The traffic in urban centers would be reduced. According to the Green program, a speed limit of 100 kilometers per hour<sup>69</sup> on freeways, 80 kilometers per hour on highways, and 30 kilometers per hour in urban areas would be introduced.<sup>70</sup>

The effective reduction of emissions is a main priority of the Greens' national energy program. The struggle against climate change is based first on saving energy and increasing energy efficiency. All energy prices would be raised in the frame of the ecological tax reform when a primary energy tax on fossil fuels and electricity will be introduced. Coal burning is viewed by the Greens as only a transition technology. The Greens aim to dismiss coal subsidies and finally stop them by 2010. In doing so, nuclear energy will not be considered as an alternative. According to traditional green policy, all nuclear power plants should be closed immediately.<sup>71</sup> The Magdeburger Program also calls for increased support for research and development of solar and wind power.

Genetically-altered food is another important issue in Green politics. The Green Party discourages and has proposed banning all genetic engineering technologies in agriculture and food production. The Greens are concerned that genetically-altered organisms could be introduced into the environment with disastrous results. On that basis, they oppose the development and release of genetically-transformed material to the environment maintaining that such products can constitute "genetic pollution of the environment."<sup>72</sup> As long as genetic engineering continues, the Greens' policies require strict controls and full labeling requirements on genetically-altered products. Bündnis 90/Die Grünen are also very critical of

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68. *See id.* at 20-21.

69. This is approximately equal to 62.5 miles per hour.

70. *See GRÜN IST DER WEHSEL, BÜNDNIS 90/DIE GRÜNEN, supra* note 55, at 19.

71. *See id.* at 23.

72. *See id.* at 28.



applying genetic engineering to medicine; they reject all cloning of animals and the manipulation of animal genomes.

According to the green program, waste must be curtailed significantly. Waste politics<sup>73</sup> must above all be based on the avoidance of waste production. According to the Greens, industries must be responsible for the recycling of their products and enterprises have the obligation to take back used products. The Magdeburger Program condemns the incineration of household and industrial waste. The solution is to increase the reuse of packaging and returnable containers. Greens want to further introduce a fee for all hazardous and toxic substances. Finally, the Greens want to make certain that the cleanup of all contaminated soils, especially of abandoned hazardous waste disposal sites, will be guaranteed.<sup>74</sup>

*B. The Vierjahresprogram: A More Moderate Green Party Agenda*

In June 1998, after a nationwide debate about the Magdeburger Program and facing the challenge of September elections, the Greens reshaped their political agenda. The debate arose partly from structural problems common to any green party.

As a party whose political agenda is concerned mainly with ecological issues, the Greens are confronted with special problems. First, ecological time and parliamentary time are not the same. It is a major drawback for the Greens, as a future-oriented party, that the parliamentary process does not work as a principle-based search for solutions to future problems.<sup>75</sup> Second, ecological problems are no longer one of the primary concerns of German voters. The ecological restructuring of the economy is on hold and idealistic issues like environmentalism are presently not very popular. This is compounded by the fact that ecological restructuring as proposed by Bündnis 90/Die Grünen involves renouncing, to a degree, many of the luxuries that are associated with a first-world nation, such as driving and flying. It is not easy to convince the German public that ecological issues are still important in times when the public's main interest is focused on solving Germany's economic problems.

Only a short time after publishing the Magdeburger Program, it became obvious that the Greens would lose many supporters if they kept the course they had taken with this program. They

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73. *Id.* at 28-30.

74. *Id.* at 30.

75. *See* Raschke, *supra* note 31, at 883.

subsequently published a new document, the Vierjahresprogram. In the introduction of this new document, the Greens explained their shift by asserting that fierce discussion over the Magdeburger Program demonstrated “that a long-term calculated model would be understood as a negative social message. That was a wrong symbol for the right thing: the ecological social tax reform.”<sup>76</sup>

In the Vierjahresprogram, environmental issues were no longer placed above economic challenges. The battle against unemployment, not historically a green issue, was the primary focus of the new agenda. This shift came when the party realized that economic problems would not only be the first issue concerning the people, but also the first one addressed in coalition talks with the SPD.

In terms of Green policy goals, the Vierjahresprogramm was intentionally much more vague than the Magdeburger Program. Concrete numbers describing the proposed gas tax increase were removed. The new program stated that taxes on kerosene should be introduced only within an European law.<sup>77</sup> The “immediate” shutdown of all nuclear power plants became the “fastest possible” shutdown and there was no discussion of the need to end coal subsidies within the next 12 years.<sup>78</sup>

The Vierjahresprogramm succeeded in its goal of attracting moderate voters. As the concrete demands of the Greens were transformed into more general goals, public support for the Greens increased. At the 1998 elections, the Bündnis 90/Die Grünen received 6.7 percent of the vote nationwide. It was not a glorious victory, but the victory did provide a solid base. Combined with the success of a strong and powerful SPD, it provided the seed for the first red-green federal government in Germany’s history.

#### V. The Impact of the September 1998 Election on German Green Politics

The Social Democrats were the real winners of the 1998 elections, defeating Chancellor Kohl’s Christian Democrats. Gaining forty-one percent of the vote, up from 36.4 percent in the last election in 1994, it was the most decisive victory ever over the Christian Democrats.<sup>79</sup> The CDU plunged from 41.4 percent in

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76. See NEUE MEHRHEITEN NUR MIT UNS, VIERJAHRESPROGRAMM ZUR BUNDESTAGSWAHL 98, BÜNDNIS 90/DIE GRÜNEN, 3 (1998).

77. See *id.* at 9.

78. See *id.* at 9.

79. Roger Cohen, *German Voters End An Era, Reject Kohl After 16 Years and Pick A Social Democrat*, NEW YORK TIMES, A1, A10, (September 28, 1998).

1994 to 35 percent.<sup>80</sup> The FDP took 6.3 percent, down slightly from its 1994 showing of 6.9 percent.<sup>81</sup> The PDS gained from its 1994 position, taking 5.1 percent of the vote.<sup>82</sup> Bündnis 90/Die Grünen won 6.7 percent of the vote, losing some support from its 1994 election total of 7.3 percent.<sup>83</sup> Translated into parliamentary seats, there are 298 seats held by the SPD, 245 by the CDU/CSU, 47 by Bündnis 90/Die Grünen, 44 by the FDP, and 35 by the PDS.

In spite of the victory, in order to reach an absolute majority, the Social Democrats had to find a coalition partner. Despite other options, such as a grand coalition between CDU/CSU and the SPD discussed before the elections, the left wing parties' majority in the Bundestag was so distinct that a red-green coalition was considered likely from the beginning. Moreover, representatives of the CDU/CSU dismissed the possibility of a grand coalition, saying that the electorate had clearly voted for a red-green government.

On September 28, 1998, the board of the Social Democrats decided to negotiate with the Greens for the formation of a common government. Schröder described the negotiations with the Greens as the logical consequence of the election results.

Initially, the Greens seemed both concerned, even frightened, and encouraged by the election results. After eighteen years as an opposition party protesting against the establishment, the command to build a government meant new challenges. It will be a Reifeprüfung,<sup>84</sup> a "test of the party's maturity." The Greens knew that the agreement with the Social Democrats would involve political compromises, compelling the party to give up some of the Greens' core positions.<sup>85</sup> Furthermore, the coalition between the SPD and Bündnis 90/Die Grünen has yet to gain the confidence of Germany's business community, which remains skeptical about the new red-green government.

The Greens' first participation in the federal cabinet means a major change in the democratic majority. It also means there are huge expectations for this governmental newcomer. Far more than an established party, the Green Party is under pressure to carry forward reforms. The Green Party represents interests and expect-

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80. *See id.*

81. *See id.*

82. *See id.*

83. *See id.*

84. "Ein deutscher Machtwechsel," *die tageszeitung*, 3 (Sept. 29, 1998).

85. "Schröder will zügige Verhandlungen mit den Grünen CDU wählt am 7. November den Nachfolger Kohls," *Frankfurter Allgemeine*, 7 (Sept. 29, 1998).

tations that were not considered in the past, and many will look to the Greens to effect change within the German political system. It is difficult, however, to obtain sweeping changes in German politics. The picture of a strong state is no longer an appropriate image. Politics is more caught up in a network of lobbying, as well as national and international commitments.<sup>86</sup> In a highly-developed democracy, radical change doesn't happen suddenly. The inertia of lobbies and unions is enormous. The result is that Bündnis 90/Die Grünen must be careful about promising too much change, and realize that their electorate is expecting more than the party may be politically capable of delivering.

#### VI. The Coalition Agreement Between the Social Democrats and the Greens

Under the German Grundgesetz (the Basic Law),<sup>87</sup> the Bundestag must meet within thirty days of the vote to elect a chancellor by a majority. Gerhard Schröder, the new chancellor, started the coalition negotiations immediately after the elections. He wanted to have all ministerial appointments agreed upon, and a program for the coalition government in place by the end of October. Joschka Fischer said that his party was determined to find the basis for a "solid commitment for four years" with the Social Democrats, and suggested that realism and a spirit of compromise would guide the negotiations on a coalition.<sup>88</sup>

The core document and program for such a coalition government is the Koalitionsvereinbarung, the coalition agreement between the parties forming the new government. The legal significance of this document is a controversial subject within German legal literature.<sup>89</sup> Considered by some as a constitutional contract,<sup>90</sup> by others as an administrative contract<sup>91</sup> and by others as just a regular contract,<sup>92</sup> this debate is without practical consequences as the content of the contract cannot be enforced in the

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86. See Raschke, *supra* note 31, at 884.

87. The Basic Law has served as West Germany's constitution since 1948.

88. Roger Cohen, *Germany's Shift East*, NEW YORK TIMES, A1, A6 (Sept. 29, 1998).

89. See CHRISTOPH DEGENHART, STAATSRECHT I, Rnr. 428 (1991).

90. See Theodor Maunz, GÜNTER DÜRING, GRUNDGESETZ KOMMENTAR, Art. 65, Rnr. 18 (1958 -).

91. "Öffentlich-rechtlicher Vertrag", BGHZ 29, 187 ff. BGHZ is the Entscheidungen des Bundesgerichtshofs in Zivilsachen (the holdings of the Federal Supreme Court in civil matters).

92. See Peter Badura, STAATSRECHT, E 92 (1986).

German courts. The coalition agreement is more a political document than it is an enforceable legal document. If unresolved problems emerge, the coalition will fail and a new majority must be established.<sup>93</sup>

*A. The Cabinet of the Red-Green Coalition Government*

One of the main difficulties in coalition negotiations is the formation of the government, and the decisions about which cabinet positions will be held by which party. According to the SDP/Green coalition agreement, the Greens have filled the post of foreign minister and deputy chancellor,<sup>94</sup> a post that is generally given to the junior coalition partner. As the current foreign minister, Joschka Fischer becomes the first Green politician to occupy a key position in a cabinet. The Greens also filled the ministerial positions of environmental minister and health minister.<sup>95</sup> The post of environmental minister, a critical position for Bündnis 90/Die Grünen, was filled by Jürgen Trittin. Andrea Fischer was named health minister, a position that had never before been held by the Greens. The fact that the German Greens hold the top position at three ministries rather than one, and that one of the positions is a top-level cabinet position, distinguishes the German Greens from other European green parties.<sup>96</sup>

Considering the fact that foreign relations is one of the Greens' biggest areas of internal conflict, it will be interesting to see the party builds a new and stable green foreign policy. In the past, the Greens called for a review of Germany's NATO membership and opposed the participation of German soldiers in international military engagements. The Fundi wing of the party insisted on the pacifistic roots of the party and refused to support all military actions and NATO membership. On the other hand, the Realo wing has been more moderate and supported Germany's NATO membership and the participation of German soldiers on some occasions in military actions. Joschka Fischer, as one of the most pragmatic Greens, has been influential in steering the majority of the Greens away from demands for withdrawal from NATO.

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93. The FDP left the coalition with the SDP in 1982, forming a new government with the CDU/CSU.

94. Aussenminister.

95. Gesundheitsminister.

96. In the three other European governments, Green parties participate. But in Italy, France, and Finland, there is only one Green minister, and none occupies a key position.

Nevertheless, the appointment of a Green foreign minister and deputy chancellor is a landmark development in German policies. Coming from the post-war generation formed by the 1968 leftist protests, Fischer may introduce new views into foreign policies. Fischer has emphasized that "German policies have to remain predictable" and should retain close cooperation with Western partners.<sup>97</sup> One way in which Green foreign policy may be different, is its focus on environmental problems. As Fischer told the German weekly newspaper, *DIE ZEIT*, environmental issues will become "more and more a 'core subject' for foreign politics."<sup>98</sup>

The Environmental Minister Jürgen Trittin, coming from the moderate Fundi wing of the German Greens, fills a critical gap in Green politics. The environmental minister will have to defend environmental interests against business and financial interests. It is certain that Trittin will fight this battle with more commitment than did his predecessor, under Chancellor Kohl, Angela Merkel.

Andrea Fischer has to complete the difficult task of developing a convincing social and health policy. In past years, her CSU predecessor, Horst Seehofer, pushed through a highly controversial health policy; the new health minister must now decide to what extent she will undo or continue with this reform effort. Health politics is not a classic green battlefield and it will be a challenge for a Green politician to find a convincing green position in this issue.

#### *B. The Political Agenda of the Red-Green Coalition*

The Social Democrats had the dominant position in the coalition talks because their share of the votes surged in the elections, while the Greens share fell slightly. The result is that the Social Democrats have six times the electorate of the Greens. Both the Greens and the Social Democrats have a core of issues that are the common denominator of the new government. The parties agree on the need to defend Europe's welfare system and both support minimum social and ecological standards against the deregulation agenda launched by former U.S. President Ronald Reagan and former British Prime Minister Margaret Thatcher.

The controversial points were in the details. The SPD, with a more conservative electorate, was not willing to take high risks, so its position always formed the borderline for each Green reform concept. As a result, the coalition negotiations were an "exercise in

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97. See Cohen, *supra* note 88, at A1, A6.

98. *Die Zeit*, 3 (Nov.12,1998).

realism”<sup>99</sup> for the Greens.

The results were presented on October 17, 1998, along with the coalition agreement. The following section will analyze this agreement between the Social Democrats and Bündnis 90/Die Grünen with particular attention to the environmental issues championed by the Green Party.

1. *Ecological Tax Reform*—The ecological tax reform proposed by the coalition is introduced in Chapter I.3 of the coalition agreement.<sup>100</sup> As in the program proposed by the Greens, the yields from this ecological tax reform is slated to reduce the labor costs and the reform will take place in stages. In the first year, gas taxes will increase only 0.06 DM/liter, not;<sup>101</sup> while fuel oil, gas taxes and electricity taxes will be increased only slightly.<sup>102</sup> Energy intensive industries will be excluded from this first step. Renewable energy will receive governmental subsidies and will not be taxed. Further steps will only be formulated after Germany assumes the presidency of the Council of the European Union in 1999. Future energy policies will take into account the economic situation and the development of the price of the energy markets. The yield of these taxes should allow social insurance costs to be reduced one percent.

The coalition’s ecological tax reform remains far behind the Greens’ Magdeburger Program.<sup>103</sup> The proposed .06 DM/Liter increase is unlikely to cause a noticeable switch to alternative transportation. Chancellor Schröder has close connections to the car industry, and is not eager to take on this powerful German industry by significantly raising the price of gas.<sup>104</sup>

Another problem with the coalition’s tax reform is the favorable treatment of all businesses and high-energy industries. The latter are excluded from the new rates and all other businesses will pay a lower rate. This should avoid any negative effect on the German economy in the international marketplace due to higher

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99. “Vorán in kleinen Schritten,” *Der Spiegel*, 22, 25 (Oct. 19, 1998).

100. Section I.3, Senkung der Lohnnebenkosten durch eine ökologische Steuer- und Abgabenreform.

101. This figure is approximately equal to \$0.15 (U.S. dollars) per gallon.

102. Proposed increases were as follows: fuel oil taxes by 0.04 DM/liter; gas taxes by 0.32 DM/kWh; and electricity taxes by 0.2 DM/kWh.

103. The Greens wanted to raise fuel costs to 5 DM/liter.

104. Before being elected as Chancellor, Gerhard Schröder was the Governor (Ministerpräsident) of Lower Saxony. In Lower Saxony, the car industry is especially powerful with Volkswagen’s headquarters in Wolfsburg.

energy costs, but it will not be beneficial for the environment.

In the weeks following the presentation of the coalition agreement, criticism came from many different corners. The business lobbies lamented about how much they will be affected by price increases, while environmental organizations criticized the reform for not going far enough. The German Institute for Economic Research (DIW)<sup>105</sup> has argued that the reforms were not strict enough. According to DIW, the tax reform plans are a step in the right direction, but further steps have to be formulated to provide industry and business with the security and incentive to make additional investments. DIW maintains that only with a long-term perspective can German industry's attitude toward ecological technology could be restructured. According to DIW, by increasing the prices for their consumption, natural resources could be conserved significantly.<sup>106</sup>

Even if the tangible effects of the tax reform are minimal, it is by no means superfluous. It at least marks the development of a new way of thinking.<sup>107</sup> These small tax reforms may be considered as a precursor of future success.

2. *Traffic Politics*—In Section I.4, the coalition agreement emphasizes that increased investment in transportation is necessary. Where it is possible, a large amount of this investment should be used to move traffic from the street and the air to the rails and to the rivers. As with tax reform efforts, the investment will be adjusted in increments. The German government will propose a tax on aircraft gas on the European level. The coalition agreement ensures that the German automobile, railroad, and air industries will be further promoted.

Essentially, the coalition agreement did not shift the direction of the German transportation policy. The new policies will improve the railroads more than those of the Kohl government did, but they will not harm the automobile industry. It is not certain whether a reduction in emissions is possible. Neither a speed limit nor a heavy freight tax will be introduced. Whether investment in railways will really bring a move towards more rail traffic remains to be seen.

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105. The German name is Deutsches Institut für Wirtschaftsforschung.

106. "Die Ökosteuer soll doch zum 1. Januar kommen Lafontaine und Trittin weitgehend einig," *Frankfurter Allgemeine*, 1, 21 (1.10.1998).

107. "Vorán in kleinen Schritten," *Der Spiegel*, 25 (10.19.1998).



3. *Energy Politics*—The Social Democrats and the Greens agreed on a retreat from nuclear energy, disagreeing only on a concrete timetable and the legal mechanisms. While the Greens wanted to get out of all nuclear business as soon as possible, the SPD wanted to take more time. The Green idea was to pass a retreat law, whereas the SPD looked for more gradual phase out of nuclear facilities.

According to the coalition negotiations,<sup>108</sup> the retreat will be gradual, and no immediate shutdowns will occur. An agreement to stop the use of nuclear power in Germany will be developed over the course of the next four years. First, the legislation on nuclear energy will be reformed from its current position, supporting all peaceful nuclear uses, towards legislation advocating the end of all nuclear energy projects.<sup>109</sup> Then, the government will invite the nuclear industry for talks to consider strategies for discontinuing the use of nuclear energy. These negotiations should result in a compromise for withdrawing from nuclear power. This compromise will be used to avoid lawsuits and liability problems between the state and the operators of nuclear power plants. If there is no success after one year, the coalition will regulate the withdrawal by law. This settlement implies no set terms fixing the date when the last power plant must be closed and does not meet the goals that the Greens had hoped to achieve. Therefore, neither the Green base nor the environmental groups were pleased by the compromise between both parties. On the other hand, only a few years ago, the resolution to get out of all nuclear energy would have been revolutionary. The compromise, therefore, should not be underrated. It will be important to see the outcome of the negotiations with the nuclear industry and how faithfully the compromise will be followed.

Finally, the red-green compromise has not proposed any changes for the coal sector. Jobs in the coal mining industry will still be protected. The agreement makes no mention of an end to coal subsidies, most likely because miners are traditional Social Democrat voters.

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108. Section IV.3. AUFBRUCH UND ERNEUERUNG - DEUTSCHLANDS WEG INS 21. JAHRHUNDERT, KOALITIONSVEREINBARUNGEN ZWISCHEN DER SOZIALDEMOKRATISCHEN PARTEI DEUTSCHLANDS UND BÜNDNIS 90 / DIE GRÜNEN (1998).

109. This would entail reforming the Atomgesetz, adopted in 1957.

4. *Genetic Engineering*—The Social Democrats are far less reluctant about the application and promotion of genetic engineering. The SPD believes that the benefits from this modern technology greatly outweigh the risks. The Greens, on the other hand, consider there to be significant risks in the cloning and manipulation of DNA, making it likely that this subject will always be a controversial one.

The Greens want to make sure that the protection of human beings and of nature take priority in the application of genetic technology, while the SPD plans to develop this technology's potential. The Green negotiators wanted to impose a moratorium on all field experiments, whereas the SPD wanted to permit field experiments with genetically-altered material, as long as they are accompanied by a scientific monitoring of long-term consequences. The Greens propose restrictions on the manipulation of genetic materials even for antibiotics, while the Social Democrats are satisfied that research and testing can minimize the potential negative effects of genetic engineering.<sup>110</sup>

In most of the debates surrounding genetic engineering, the SPD prevailed. The new government will promote responsible exploration of genetic engineering methods.<sup>111</sup> Field experiments and releases of genetically-modified organisms will still be possible, only requiring the SPD-proposed monitoring. The Greens' demand for the full labeling of genetically-manipulated food products is reflected in the coalition's position that supports the labeling of products that have not been manipulated. The German government will push for appropriate safety rules formulated in the International Biosafety Protocol. Research into the ethics of genetic manipulation in humans will be a focal point.

Although these formulations are considered by many Greens to be meager concessions, they do provide increased political recognition of the environmental and safety issues related to genetic engineering. This recognition might have an impact on future legislation and lawsuits.

5. *Waste Treatment*—In waste politics, the SPD again prevailed. A special fee for hazardous and toxic substances will not be introduced; the economic results will have to be reached by means

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110. "Grüne und SPD uneins über den Umgang mit der Gentechnik," *Frankfurter Allgemeine*, 1 (10.17.1998).

111. See ERNEUERUNG, *supra* note 108, at Section IV.3.

of indirect and voluntary measures. Both parties agreed to promote environmental issues in waste treatment. They also want to reform the hazardous side of risk management in order to clean up contaminated soils.

#### VI. Conclusion: Placing the Greens in the Political Spectrum

The *New York Times* has characterized the recently formed German red-green government as a "radical departure" for new politics.<sup>112</sup> It is not clear that this assessment is correct. In many respects, the politics of the new coalition seem neither revolutionary or risky. The SPD, as "Volkspartei," does not want to experiment for fear that it may lose support. Moreover, the new chancellor is known to be especially industry and business friendly and may be unwilling to confront the business lobby more than that is actually necessary. The Greens, therefore, were forced to become realistic, more realistic than ever before. The party had to compromise many of their basic positions; the Greens must now find a way to stay true to their voters. This will be a challenging task, considering that the Greens are a party representing a special group of convictions, rather than a special group of voters. Many Green Party supporters are disappointed by the new party pragmatism and may switch to the PDS, which is the only left-wing party in opposition.

On the other hand, green politics may find support from voters who supported the FDP in the past. The chance of the Green Party to be part of the government and to make governmental decisions therefore, will answer the question of where in the political spectrum the Greens are located.

It is not yet certain if the Bundestag in the future can be divided into left and right wings. Even when the order of the seats suggests such an assessment, the classic labeling of the parties probably will not adequately describe the complex political ideas being promoted by very different parties.

Therefore, the future of the Greens is uncertain. Only after four years, when the current government has been completed, can an evaluation of their development be completed. In any case, the Green Party in Germany will not be the same as it was when it approached the election in 1998. With its new cabinet, it is likely that Germany will move "from an essentially conservative nation"

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112. See Roger Cohen, *German Voters End An Era, Reject Kohl After 16 Years and Pick A Social Democrat*, NEW YORK TIMES, A1, A10 (September 28, 1998).

to a "cautiously experimental one."<sup>113</sup> Germany will be more open to new politics and will be characterized by an open political debate. There is challenge and danger at the same time with the confrontation of risky and experimental Green politics with cautious Social Democrat politics. It may result in a new creative and visionary politics or the coalition may break if it is not able to address the tension between both parties.

Still only a few years ago, a Green foreign minister and deputy chancellor would have been unimaginable for most of the Germans. Now a Green politician will be Germany's ambassador abroad, which may change Germany's image in the world. As the German philosopher, Hans Magnus Enzensberger recently observed, "The time of easy to label ideological boxes and drawers, has long since passed."<sup>114</sup> A new period of political fluidity is now beginning in Germany.

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113. See Cohen, *supra* note 88, at A6.

114. Hans Magnus Enzensberger, "Man kennt sich, man duzt sich," *Der Spiegel*, 22, 29, (10.12.98).

