

# Presidential Election in Germany

## 30<sup>th</sup> June 2010

**ANALYSIS**

1 month before  
the poll

**Surprise**

On 31<sup>st</sup> May last the President of the Federal Republic, Horst Köhler was the source of stupefaction when he announced that *"he was resigning immediately,"* an all time first in the country's history. Obviously moved, the person the Germans nickname *"Super Horst"* said that he had taken his decision after learning of the reactions to the interview he had given on the state radio station on 22<sup>nd</sup> May last on his return from Afghanistan and in which he justified the military engagement of 4,500 German soldiers in Afghanistan for economic reasons. *"In my opinion society as a whole is gradually beginning to accept that in the event of doubt and necessity military commitment can be necessary to protect our interests for example the freedom of trade links, by preventing instability in certain regions which would have negative effects on trade, our employment and our income,"* he declared.

These words shocked listeners because they do not reflect the government's official line which says that Germany's military engagement in Afghanistan is a contribution to the fight against international terrorism. *"The economic reasons are not a justification for the deployment of troops in Afghanistan,"* stressed Defence Minister Karl-Theodor zu Guttenberg. The reasons for his resignation mentioned by the Head of State did not convince the German political classes. Elected on 23<sup>rd</sup> May 2004 then re-elected five years later as Head of State, Horst Köhler is often seen as an atypical Head of State. In the name of respecting the Constitution the President of the Republic refused to sign certain laws notably on the privatisation of the aviation security sector in 2006. He qualified the financial markets as *"monsters"* – which he apologised for afterwards – and said that the initial period of the present government coalition led by Chancellor Angela Merkel which rallies the Christian Democratic Union (CDU/CSU) and the Liberal Democratic Party (FDP), as *"disappointing"*. *"We have witnessed growing discord between government action and the analysis that the Head of State made of the Greek crisis and of the euro. Horst Köhler could no longer fulfil his task*

*as he wanted and the new coalition which he himself supported is not undertaking the right policy in his opinion,"* said Frank Baasner, director of the Franco-German Institute (DFI) in Ludwigsburg.

*"I am most sorry. I believe that people in Germany are extremely sad. He was the President of the People,"* declared Chancellor Angela Merkel after the announcement of the Head of State's resignation. *"It is as if I had been struck by lightning,"* declared Deputy Chancellor and FDP leader Guido Westerwelle. *"I quite admire this gesture which does not lack elegance. There was no Köhler affair, no-one had asked him to resign. Undoubtedly we must see in his action the highest consideration in which he held his responsibility,"* stressed Henrik Uterwedde, Deputy Director of the DFI in Ludwigsburg.

This resignation comes at a bad time for Chancellor Angela Merkel. *"She finds herself in an almost desperate a situation as that of Chancellor Schröder (SPD) after the defeat of North Rhine Westphalia (22nd May 2005) when he then convened early elections,"* declared Nils Diedrich, a political scientist from the Free University of Berlin.

### The Candidates

For a time Ursula von der Leyen (CDU) had been considered to succeed Horst Köhler. With Angela Merkel's support the present Labour and Social Affairs Minister is extremely popular amongst the Germans but does not find unanimous agreement amongst the Conservatives and Catholics of the Christian Social Union (CSU), allied to the CDU since 1953 who are against the policy she undertook as Minister of the Family, the Elderly, Women and Youth (2005-2009). Angela Merkel had to give in to pressure on the part of the CDU executives likewise that from her government partner the FDP.

On 3<sup>rd</sup> June the Chancellor put forward the candidate chosen by the government coalition, Christian Wulff, Minister President of Lower Saxony since 2003. A rising CDU star he can be considered as both Angela Merkel's "*dauphin*" and adversary. Catholic and a representative of the liberal wing of the CDU, he is appreciated by both the FDP and the CSU.

Joachim Gauck, who undertook research in the archives of the former political police of the German Democratic Republic (RDA), the Stasi, will be the candidate for the Social Democratic Party (SPD) and the Greens. The Presidential Function

The Head of State is elected by the German Federal Assembly (Bundesversammlung) which comprises 1,224 members: 612 members of the Bundestag, the Lower Chamber of Parliament and an equal number of elected representatives from the 16 Länder, MPs from the regional parliaments and personalities from civil society. The election is undertaken by secret ballot according to an absolute majority in a first and then a second round. If none of the candidates achieves this majority (i.e. 613 votes) a third round is organised during which the person who rallies the greatest number of votes is elected.

The presidential post in Germany is mainly honorary: the Head of State is however a moral authority, since his role goes beyond the prerogatives he is granted by the Fundamental Law. Elected for five years the German President represents the country internationally. He concludes treaties with foreign States, accredits and receives diplomatic representatives. He is the guardian of the law and the Constitution, appoints and dismisses judges and high ranking federal civil servants, officers

and sub-officers. Finally he can dissolve the Bundestag in two precise instances: when the latter does not succeed in electing a Chancellor (i.e. if none of the candidates manages to rally the majority of votes of the MPs after three days - article 63 of the Constitution) or when a motion of confidence put forward by the Chancellor does not receive the approval of the majority of the Bundestag members (article 68). General elections have to be convened in the 60 days following dissolution (article 39). Three dissolutions have taken place: on 23<sup>rd</sup> September 1972, 6th January 1983 and on 21<sup>st</sup> July 2005, during the mandate of outgoing Head of State Horst Köhler.

Any candidate running for the presidential office has to be aged at least 40 and can only be re-elected once. According to the Constitution the President cannot belong either to the government nor a legislative body in the Federation (Bund) nor in one of the 16 Länder. He cannot undertake any other paid public (or private) function and he is not allowed to take part in the management or the board of a company with profit-making goals.

Since the two parties in the government coalition have a majority of around 20 votes in the Bundesversammlung, Christian Wulff should, unless there is another surprise, be elected as President of Germany on 30<sup>th</sup> June next.

Until then the interim will be ensured by the leader of the Upper Chamber of Parliament (Bundesrat), Jens Böhrnsen (SPD).

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