

Information

from the Parliamentary Commissioner for the Armed Forces

Annual Report 2017 (59th Report)

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Foreword

When there are so many shortages, and they ever more seriously obstruct and inhibit how people go about their day-to-day duties, it is felt particularly painfully when, by contrast, there is one single area where there is too much, and that ‘too much’ just seems to keep on growing. Too much bureaucracy, too much external interference, too much diffusion of responsibility, too much reporting of issues as a means of evading responsibility for them, too much safety-first thinking – these are the complaints I hear in almost every discussion with servicewomen and men about the state of the Bundeswehr and *Innere Führung* (leadership development and civic education) today.

Complaints of this kind are not new. ‘The scarcity of resources has led to pressure for rationalisation that has strengthened the trend towards centralisation. ... Rationalisation and quantification have brought with them ever more detailed regimentation. This has led to a reduction in lower and middle-ranking commanders’ scope for action and discretion.’ These statements are taken from a report drawn up in 1979 by a commission on ‘leadership capability and decision-making responsibility in the armed forces’ established under the chairmanship of Ulrich de Maizière, the former Chief of Defence.

This creeping tendency towards the erosion of personal leadership responsibility has to be opposed both consciously and proactively over and over again. Otherwise, *Innere Führung* will be eroded as well. Good leadership builds on mutual trust. This has to grow, which takes time, personal presence, space for comradely discussion – and more holistic stewardship of resources by senior officers and commanders.

In response to a question about what is really driving the tendency to ever more minute regimentation in the Bundeswehr, one high-ranking active officer gave me a remarkable answer: he said, ‘Fear and laziness.’ Such ways of thinking are probably not suitable foundations for the steps necessary to reverse various trends in our armed forces and move towards full operational readiness. If all sorts of things are to be done faster and better in future, the Bundeswehr will need a ‘fresh mentality’ – as I argued in my last annual report. This is true at all levels. The greater someone’s competences, the more responsibility they should be allowed to exercise when decisions are being taken, from their unit’s duty roster to an agency’s procurement process. Incidentally, this means being able to make mistakes and learn from them.

2017 was particularly dominated by debates about a number of high-profile ‘cases’, which are also dealt with thoroughly in the present report. They were all quite different, but in essence they all involved rules being broken in unacceptable ways. It is not in itself surprising that rules keep getting broken in the military: this is why, since its establishment, the Bundeswehr has had its Military Discipline Code, disciplinary attorneys, disciplinary and complaints courts, arrangements for matters to be dealt with by the civilian criminal justice system, the Military Counterintelligence Service (because extremists have to be anticipated) and the Office of the Parliamentary Commissioner for the Armed Forces.

During the year under review, the Parliamentary Commissioner’s Office received 2,528 personal submissions, which was 669 fewer than in 2016. The reason for this may have been a certain calming of the structural situation after the long phase of turmoil provoked by the 2011 Bundeswehr reform (under which the target structure was supposed to be realised by 2017). Overall, the Office had 4,173 cases to deal with in 2017 (previous year: 4,560). The number of ‘reportable events’ of which it was notified through official channels, from suspected cases of right-wing extremism to inappropriate leadership behaviour and sexual harassment, rose significantly, partly due to the retrospective reporting of incidents that

had occurred in previous years. This boom in the number of cases reported is likely to be explained by the heightened sensitivity to such issues inspired by the debates that took place during the first six months of 2017. Previously, in my last annual report, I drew attention to the number of unreported cases of sexual harassment and bullying that were evident from surveys. It is good that more light is being shed on these matters. However, all such figures are to be treated with caution because, for the time being, they mostly only summarise reports of suspected offences. During the year under review the Federal Ministry of Defence specially set up a new section that will be able to present statistics about the cases investigated in future as well.

At this point, I would like to expressly put my gratitude on the record for the excellent cooperation I experienced with all the Bundeswehr units and agencies that helped us deal with submissions. With a very few exceptions, we worked closely together to investigate and remedy shortcomings. The productive collaboration I enjoyed with the bodies that represent personnel spokespersons, staff councils, the General Spokespersons' Committee (GVPA), the Central Staff Council (HPR), the Bundeswehr Association, the Bundeswehr Reservists' Association, other professional organisations, charitable foundations, the gender equality commissioners, disabled employees' representatives, the Evangelical Lutheran and Catholic chaplaincies, my 'ombuds-colleagues' in other European countries, specifically the Netherlands and Austria, as well as the many servicewomen and men I met during field visits and at events who, quite as a matter of course, exercised their right to put their observations and suggestions to me so I could take them back to Berlin, was valuable as always. This report is intended to do justice as far as possible to the concerns of these servicewomen and men, who would all like to see Bundeswehr become even better than it is today.

Finally, it remains for me to thank the Defence Committee and the executive group within the Federal Ministry of Defence for what were at all times frank – and occasionally contentious –, but businesslike discussions about what is best for the members of our parliamentary army.

Dr Hans-Peter Bartels

The year under review in brief

All the problems in the Bundeswehr familiar from previous years – the major gaps in personnel and materiel, and the excessive burdens on many servicewomen and men with which they are associated continued to be experienced in the year under review. In addition to this, somewhat surprisingly, the armed forces found themselves confronted with a discussion that, sparked by a series of special incidents, revolved around their understanding of tradition, and the principles of *Innere Führung* (leadership development and civic education).

The ‘reversal of personnel trends’ that was proclaimed in 2016 has been begun, but progress is having to be struggled for arduously. The figures are rising tentatively. According to a statement from the Directorate-General for Forces Policy in the Federal Ministry of Defence, there were 169,000 temporary career volunteers and career soldiers at the end of the year under review, which was 650 more than in December of the previous year. There is still enormous understaffing in many parts of the Bundeswehr, something that has been exacerbated even more by personnel being seconded to reinforce training institutions and the transfers required to staff the newly established Cyber and Information Domain Service. By 2024 the Bundeswehr is to grow from its old target strength of 185,000 to 198,000 servicewomen and men (including military service volunteers and reservists). Various difficulties in the field of personnel recruitment are making even this rather modest goal seem a major challenge. There is strong competition from other employers in business and the public sector, first and foremost the police. Immediate measures such as the award of bonuses are first steps as the Bundeswehr seeks to make itself stand out – even if new unfairnesses, felt or real, arise in other parts of the forces as a result. Only an overall package of attractive parameters for service in the forces (materiel, infrastructure, predictable operational workloads, work-life balance), good career opportunities and competitive pay will promise success over the long term.

The reversal of trends away from the administration of shortages to full materiel resourcing is also progressing very sluggishly. There was no lack of financial resources in 2017. All too often ongoing armaments projects suffered from slow delivery, end items that had been introduced were too often not operationally ready, and spare parts were in short supply everywhere. This is what the situation was like during the year under review as far as aircraft and helicopters, ships and submarines, tanks and vehicles were concerned. The deficiencies have been identified, problems can be addressed openly at all levels, the political actors intend to bring about change – but we are very

far from being able to talk of a real reversal of past trends. There were even some bitter setbacks to be recorded, as for instance with the A400M: towards the end of the year under review there were times when none of the 14 aircraft that had been put into service were operationally ready. Of Germany’s six submarines, not a single one was operational at the end of the year. There may have been some progress made on personal equipment, but the provision of supplies was nevertheless inadequate, especially when it came to important items such as armoured vests. The shortages of materiel had particularly negative impacts on the provision of equipment for training and exercises. The measures that are still necessary to redistribute scarce equipment between formations demand a huge amount of additional effort. ‘Train as you fight’ remains wishful thinking. This does not help the forces recruit young personnel.

Until recently ‘out of area’ deployments in Africa, Afghanistan, the Balkans, the Mediterranean and elsewhere were the main focus of the challenges to be coped with for many years, but since 2014 the capacity to contribute to collective defence in alliances has joined them as an issue of equal weight. Since 2017 Germany’s contributions to the Forward Presence on NATO’s eastern flank have rightly been classified as ‘quasi-operational commitments’. Solidarity with other alliance members is part of the forces’ core mission. In this respect, the Bundeswehr has a key role in Europe. Personnel, end items, weapons and munitions ought to be rapidly available because the forces’ range of tasks was extended a long time ago. An initiative to accelerate the pace of change is acutely necessary. A return to making full use of the Bundeswehr’s own capabilities, the advantages of maintenance capacities in the forces, and yet more intensive cooperation and integration with our allies may be helpful in this respect. One milestone in this context was the decision establishing Permanent Structured Cooperation (PESCO) that was adopted by 25 of the 28 EU states at the meeting of the Foreign Affairs Council in December.

The domestic deployment of the Bundeswehr for counterterror operations in Germany that was discussed during the year under review and trialled with an exercise under police leadership represents a potential additional function for which, as for the Bundeswehr’s core military business of collective defence and ‘out of area’ missions, forces with full materiel resourcing and full manning are required. Paper tigers are of no real help. With the Military Personnel Working Hours Ordinance that has been in place since 2016, the overstretch in some areas of the Bundeswehr is even more clearly apparent than in the past. The impact of the shortage of time on everything that goes beyond the bare performance of its core tasks is particularly grave: there is no time for personal attention

and command supervision, no time for ethical and civic education – no time to breathe life into the principles of *Innere Führung*. This finding was also one of the conclusions of the workshop on ‘vigilant democracy’ the Parliamentary Commissioner for the Armed Forces held jointly with the Federal Agency for Civic Education in June 2017.

It cannot be ruled out that this development played a role in some of the ‘cases’ of which the Parliamentary Commissioner was to be notified during the year under review as ‘reportable events’: dubious training methods, a shamefully decorated communal area at a barracks, a lieutenant’s criminal double life, a misguided approach to the ‘cultivation of tradition’ and, finally, the tragic death of a serviceman who collapsed on a training march. Investigations, the identification of those responsible, consequences for personnel as well – the Bundeswehr’s leadership acted without delay. The debates that took place during 2017 saw doubts raised about whether the right instruments were always deployed and whether appropriate consequences were drawn when these incidents were being dealt with. The present annual report pursues these questions. Certainly, many servicewomen and men felt they were being put under general suspicion, not least on account of systematic ‘searches’ of their barracks for Wehrmacht and National Socialist regalia. This is regarded by many as a vote of no confidence and a source of stress. On occasion public perceptions even encouraged hostility towards the families of members of the Bundeswehr. The occasional official correction or explanation of the accusations that had actually been levelled and the facts that had actually been established would have been helpful here.

Deployments abroad, quasi-operational commitments, exercises and preparations for these activities were to the fore in servicewomen and men’s everyday routines in 2017 again. The Bundeswehr was operating all over the world at the end of the year under review, with 3,600 personnel serving simultaneously on 13 deployments abroad mandated by the Bundestag. In addition to this, there were 500 servicewomen and men stationed on quasi-operational commitments in the Baltic.

It was not possible for the expanding deployment in Mali and Niger to benefit as much as would have been desired from the lessons that ought to have been learned from previous missions. Numerous defects and omissions in the construction of camps and logistics operations recur again and again. Yet every deployment needs to be evaluated intensively and carefully in order to avoid exactly this feeling of *déjà vu*. The servicewomen and men in mission areas suffered particularly from the regular grounding of the A400M. Complaints about postponed flights to and from al-

most all mission areas, some of which departed several days late, became more frequent during the year under review, and such delays caused annoyance to those affected and their families.

In contrast to this, it is cheering to note that, with a diverse range of measures taken over the past few years, the Bundeswehr has set out to create an altogether more family-friendly environment for its members. This was also recognised at the event on work-life balance in the armed forces that was organised for the third year in succession by the Parliamentary Commissioner for the Armed Forces with the Catholic and Evangelical Lutheran military bishops and held in November 2017. However, information and communication in this field continue to be inadequate, as often becomes clear when submissions are being processed. It was possible for childcare services to be improved, even if there is still a need for action at large bases and a stronger focus has to be placed on after-school care. The planned growth in personnel numbers will generate further demand.

There has been no change to the fact that the commuting required by assignments far away from home or long courses is stressful for many personnel, and their families, and not only if children or family members in need of long-term care have to be looked after. Ideas about ensuring these individuals receive financial compensation are good, but some of them would be redundant if sufficiently attractive housing were made available by the Bundeswehr at barracks – or, as a start, there were remotely acceptable options for the accommodation of tens of thousands of individuals who are not required to live in barracks.

Medical provision in Germany is still not optimal. There are shortages of personnel in many areas, and the Bundeswehr is still waiting for the modern electronic administration of medical records. The dissatisfaction felt by servicewomen and men at the closure of many regional medical centres has not subsided. Nonetheless, what are known as appointment coordination points were introduced during the year under review in order to improve the management of appointments for service patients. The number of servicewomen and men examined, treated or assessed on account of a deployment-related mental illness has gone up. This has to be addressed with additional treatment capacities. It is to be welcomed that it has finally proved possible to speed up, and improve the quality of, the processing of applications for the recognition of service-related disabilities.

Bureaucracy now dominates service personnel’s everyday life to an extraordinarily great extent. This is illuminated in the present report using the example of the duties performed day to day by company sergeants

major. Even the ways in which personnel communicate nowadays seem remarkably like safety-first tactics when it is observed how emails tend to be sent to everybody in a unit about every conceivable subject, which is all too often the way things are done in the Bundeswehr. More 'radio discipline' would help to prevent unnecessary additional work having to be done.

Some uncertainties caused by the reforms of the past few years appear to have been overcome, and the attractiveness measures are beginning to take effect in many areas. Nevertheless: the action being taken to reverse past trends in materiel and personnel has to

build up markedly more momentum and be supplemented with efforts to step up the pace of change. The same is true for the infrastructure that is in need of modernisation.

By its nature, this report describes a series of cases that illustrate bad practice on the part of service personnel or the administration. However, this must not distort our view of the fact that, every day, 250,000 men and women often do more than their duty, serving, working and, in the most extreme situations, going into combat to ensure that we Germans are able to take security and peace for granted.

1. *Innere Führung* under scrutiny

Special cases and their investigation

Dignity, confidence, a professional ethos and leadership responsibility, *esprit de corps* and camaraderie, honour, role models and traditions: both within the Bundeswehr and in the German public sphere, there has been a lively, controversial debate about service personnel's self-perception in 2017. This was prompted by several cases: a German lieutenant (Franco A.) stationed at Illkirch (France) who lived a bizarre double life as a recognised Syrian refugee; a lounge at the same base that commemorated the Wehrmacht period; a dancing pole in a communal area at a barracks in Pfullendorf, next to which was attached a washing line hung with ladies' briefs and a board with an obscene word written on it; humiliating initiation rituals among the junior ranks at the same base and excessively tough training methods at Sondershausen. Finally, the most serious incident was the death of a recruit during a training march at Munster. However different these cases may have been, in 2017 the place names Pfullendorf, Sondershausen, Munster and Illkirch stood for publicly conducted debates about how violations of the forces' rules should be investigated effectively and appropriately, fundamental questions of leadership and issues relating to the cultivation of tradition. Ultimately, however, what was at stake was always *Innere Führung* (leadership development and civic education).

Investigations of the incidents that had taken place were set in train without hesitation by the Federal Ministry of Defence in all cases. Sometimes, however, the way incidents were dealt with and evaluated, and the consequences that were drawn led to a clearly tangible sense of uncertainty among the troops. As a reaction to the case of Franco A., for instance, the inspection of all military facilities, premises and rooms used by the Bundeswehr was ordered at the beginning of May 2017 in order to check whether the rules on the understanding of tradition were being adhered to as they related to National Socialism and the Wehrmacht. In submissions to the Parliamentary Commissioner for the Armed Forces, some servicewomen and men rightly objected to the fact that their living quarters had been inspected while they were absent and without prior notice, and that this had not been done in accordance with Type A2 General Publication 'Life in the Military Community'. It seems questionable whether the instruction issued by the Army Chief of Staff on the basis of which this action had been taken and the analogous order for checks to be carried out issued by the Chief of Defence were formulated unambiguously enough to ensure they were handled appropriately. What is uncontested is that inconsistent

approaches were taken by the individual major military organisational elements.

As a result, servicewomen and men complained – not infrequently with great disappointment – that this measure had given them the impression they were all under general suspicion. In addition to this, many innocent servicewomen and men, and even their families found themselves confronted with massive criticism from personal acquaintances on account of the events that had taken place, the sometimes exaggerated reporting of them in the media and the public discussion this prompted. Members of the forces have to be able to respond fittingly to such criticism. But how are they to respond if the facts that have actually been established are not placed in the public domain, explained accurately with the right sense of proportion, and put into context by superior authorities?

Was the treatment of the servicewomen and men concerned itself always consonant with the principles of *Innere Führung* when the cases at Pfullendorf, Illkirch, Sondershausen and Munster were **reappraised** by the Bundeswehr? Were the bodies that represent service personnel involved sufficiently – where this was necessary? Was the presumption of innocence upheld as much as it should have been? These questions were raised as well. Finally, the manner in which superiors were removed from their posts for what were presumed to be failures in the performance of their duties was brought up again and again. It would have been right to talk to them first, formulate concrete accusations and give grounds for the decisions arrived at before information was passed on to the press or 'leaked'. This should be a matter of course. If this principle is not taken to heart, especially at the high and highest levels, the consequence may be long-term damage to trust throughout the Bundeswehr. The political leadership's interest in working with the forces on a basis of trust and its efforts to do so in the second half of the year under review were therefore necessary and good.

The loud **silence** from the serving generals in public was often mentioned as well in this connection. In the spirit of the concept of the 'citizen in uniform' and the guiding principle of 'leading by example', it would certainly be exemplary if they were to contribute pragmatically to public debates about their own profession. The only voices raised occasionally were those of retired officers. It has to be clarified fundamentally once and for all whether it is desirable or not for the military leadership to comment on such matters while they are serving actively in the forces. After 60 years of the Bundeswehr in a democratic German state, the long-standing distrust of the military elite should be a thing of the past. Where else are so much experience and expertise pooled together with so much loyalty?

Who else has so much to offer, whether it is in handling the problems that have been addressed, whether it is in grasping the nature and development of the issues that concern the armed forces? Would there not be generally deeper societal understanding of particular decisions, as well as the fundamental challenges faced by the Bundeswehr in national and alliance defence, if its experts visibly gave their backing to these decisions? Would this not even anchor the armed forces more firmly in society? These questions too should be answered in the course of the discussion about the future of *Innere Führung*.

It is indispensable for all superiors to take any misconduct that conflicts with the principles of *Innere Führung* seriously, and not play it down or dismiss it as a negligible, isolated case. In this respect, the effect of **transparency** and public debate is to raise awareness. This can actually be seen from the significant increase in the number of ‘reportable events’ of which the Parliamentary Commissioner was notified in 2017. Disciplinary superiors evidently felt compelled to look more closely at what matters were to be reported upwards in particular situations. This is a good thing. What is at stake is a culture of confronting the issues.

However, the reporting system must not be overstrained – honestly confronting the issues means carefully assessing them and weighing them up. In addition to this, it is necessary to ensure effective command supervision at the earliest possible stage and carry out meticulous inquiries into all suspicious circumstances pursuant to the duty to investigate derived from Section 32(1) of the Military Discipline Code. This applies both for company commanders and for other, higher-ranking disciplinary superiors. It means adequately investigating and reappraising what has happened, otherwise it will hardly be possible to prevent incorrect conduct and even a false *esprit de corps* continuing to flourish and becoming permanently established. However, there must be time available for this – and time is a good that is in short supply at many levels of responsibility in the Bundeswehr.

Did the Federal Ministry of Defence always draw the correct conclusions from the investigations carried out during the year under review? The provisional **report on the investigation** into the extremely unusual and tragic death at Munster frequently mentions inadequate, inexpedient, unsuitable, inappropriate and poor decisions that were taken by the trainers. This sounds euphemistic and leaves open whether anybody genuinely did anything wrong. It remains to be clarified whether there really just poor decisions to be regretted or whether in fact the talk should be of bullying, deficiencies in the training of trainers or the failure of superiors. There is one important question in this context: were all the young officer candidates fully aware

that they could have broken off the march at any time without negative consequences?

Communicating the principles of *Innere Führung*

Knowledge about the inalienable human rights and a desire to assert them are essential to the core of *Innere Führung*, and at the same time touch on the substance of the work done by the Parliamentary Commissioner. For ‘*Innere Führung*’ was mentioned by legislation for the first time in 1957 in Section 1 of the Act on the Parliamentary Commissioner for the Armed Forces, which said, ‘By virtue of his statutory mission, the Parliamentary Commissioner for the Armed Forces shall take action at his due discretion when circumstances come to his attention that suggest a violation of the principles of leadership development and civic education [*Innere Führung*].’ The legislature failed to provide a definition. Rather, it instigated a discussion about the essence and meaning of *Innere Führung* that has been going on ever since. Innumerable academic and journalistic interpretations have been put forward over the intervening decades. Politicians, soldiers, academics and, not least, the Parliamentary Commissioners for the Armed Forces themselves in their annual reports have all had their say.

As a result, however, servicewomen and men often perceive and judge the principles of *Innere Führung* to be insufficiently concrete, in need of interpretation and weak in practice. Not every servicewoman or man appears to have been taught sufficiently well about the **core of *Innere Führung*** in their politics, history and ethics classes. This may be an explanation for the fact that no one took any action of their own initiative for months on end in some of the cases addressed in the present report, that neither the dancing pole nor the washing line were removed at Pfullendorf, and that the peculiar first lieutenant at Illkirch was regarded for a long time as a particularly good soldier. At any rate, the frequently desultory manner in which history, politics and ethics are taught is likely to encourage such reluctance to act. In addition to this, it was probably also a causal factor in the proliferation of wild ideas about the cultivation of tradition, as well as some individual Bundeswehr personnel’s bizarre interpretations of continuities in German military history, opinions that are occasionally expressed to the Parliamentary Commissioner for the Armed Forces during discussions.

As far as these ideas are concerned, well-founded knowledge about the Wehrmacht’s crimes is available, and the Bundeswehr’s avowals of its commitment to our value system and the cultivation of tradition are just as unambiguous as the statements in the regula-

tions on **historical and civic education** in the Bundeswehr. In practice, though, a creeping decay is to be observed – not a structural attitudinal problem, but probably a structural deficiency in how political and historical knowledge is conveyed. However, such knowledge is an essential precondition for the capacity to make critical judgements and loyalty to the value system enshrined in the Basic Law. Not least, it is a decisive filter for the selection of traditions. This structural deficiency is both quantitative and qualitative at the same time: it is quantitative where units and agencies economise on civic and historical educational work for the troops – although it is a compulsory task – because the time set aside for it can supposedly be used more purposefully in other ways, and the staff to teach politics and history are either unavailable or are required elsewhere. It is qualitative where the mass of servicewomen and men are offered too little with any practical relevance to their own lives in their history and civic studies classes.

This is all the more regrettable because the Leadership Development and Civic Education Centre is able to supply a true treasure-trove of didactic and pedagogical concepts and materials. And, with the Bundeswehr Centre of Military History and Social Sciences, the Bundeswehr possesses a think tank for which other armed forces envy us. What other nation affords itself such a battery of suitable guidelines and provision on this field of battle? The foundations are all in place. Now, though, civic and historical education have to be given the weighting they need in duty rosters as well. Increasing bureaucratisation, the constant growth of the tasks to be shouldered and the constraints placed on unit commanders' scope for action, due to the regimentation required by the permanent management of scarce resources for instance, are not conducive to such an approach.

Where then is it possible to start, many ask, when the principles of *Innere Führung* have to be explained comprehensibly and practically for all service personnel? Be alert to injustices when they are committed! Do not join in anything unjust, but oppose it and resist it! That is the core idea of *Innere Führung* when the hierarchy is failing or leading the forces to disaster. That is how Colonel von Stauffenberg, Major General von Tresckow and their fellow conspirators understood it at their darkest moments. They resolved the conflict between their oath and obedience, on the one hand, and their conscience and the law, on the other, in the spirit of Radbruch's formula: where injustice grows intolerable, resistance becomes a duty. Justice or injustice? Good or evil? Every servicewoman and man must possess their own internal **yardstick for what is right and what is wrong**. Conveying this is an essential component of the armed forces' educa-

tional mission. This involves not just civic and historical education, but ethical education as well. It is, not least, the military chaplaincies that offer such a sense of ethical direction in their character guidance classes.

With the *Innere Führung* Today programme, the Federal Minister of Defence wishes to gain a 'complete, aggregated and honest picture of how *Innere Führung* is translated into real life. Simultaneously, however, the Federal Ministry of Defence is still working on the introduction of a **Compliance Management System**. After clear criticism came from, among others, the ranks of parliament, the 'code of conduct' that had been drawn up by external consultants in 2016 did not come into force to begin with. Now, however, a system is being designed internally by a specially appointed Commissioner for Compliance Management, the goal of which will be 'to develop a sure feel for when integrity and decency are being called into question'. Does compliance therefore represent an alternative to *Innere Führung* or is it a new element of the old concept?

In this connection, service personnel rightly make the point that there is no professional group governed as strictly by legislation and regulations as their own. Servicewomen and men give their oath and pledge to bravely defend the law and the freedom of the German people. No one could ask for more! Mature, democratic, confident, good soldiers are people who exercise their freedom of conscience, take responsibility for their own actions, know the liberal values they have to struggle for when things get serious, want to fight for those values and are prepared to put their lives on the line.

Tradition

The still valid Guidelines on Tradition and the Cultivation of Tradition in the Bundeswehr (Directive on Tradition) of 20 September 1982 describe the Basic Law as the 'yardstick for the understanding and cultivation of tradition in the Bundeswehr', and as an 'answer to German history'. The constitution is, so to speak, the roof under which the Bundeswehr's role models live. The roof is still the same, but our view of its old and recently welcomed residents naturally changes as time goes by. The Federal Ministry of Defence has ordered the revision and updating of the Directive on Tradition. A draft was presented at the end of the year under review. Unfortunately, the debate about tradition has been conducted primarily by experts at the invitation of the Federal Ministry of Defence or its subordinate agencies, and has gone almost totally unnoticed by the public.

Apart from many individual questions that are worthy of discussion, there are ultimately two aspects that are

decisive for how tradition is cultivated in the Bundeswehr. Firstly: the **Bundeswehr's own tradition** has to be instilled not just in the minds of the Bundeswehr's servicewomen and men, but in particular in their hearts; it is not just necessary to appeal to their reason, but to their emotions as well. Secondly: selected aspects of the military heritage have to be discussed intelligently and straightforwardly, and steps taken to unmistakably distance the Bundeswehr from the legacy of National Socialism.

Since its establishment, the Bundeswehr has travelled a long way in the more than six decades of its existence. At first it was necessary to oppose the continuities of the militarism, revanchism, nationalism and obedience to an authoritarian leader that led to a criminal war of aggression and annihilation. This was not a matter of course, for the servicemen who helped to build up the Bundeswehr had served in the Second World War, and many of them were still immersed in the traditions of the Wehrmacht. The Bundeswehr, and the servicewomen and men who have served it during the more than 60 years since 1955 have proven their merit with their willingness to defend the nation, as well as their conduct on aid operations after natural disasters and deployments all over the world. They are reliable partners in the transatlantic alliance, and a driving force of European military cooperation. In addition to this, the Bundeswehr has gone through a remarkable social development: all assignments have been opened up to women, and diversity is increasingly gaining in significance. The struggle for freedom and self-determination, outstanding military achievements, exemplary feats of leadership: the Bundeswehr has its own tradition, one its servicewomen and men can be proud of, just as all Germans can.

It is now necessary for this tradition to be communicated to people outside the forces as well, which can be done with names, places and events, with commemorative ceremonies and anniversaries. This also means honouring the **experiences of the generations deployed abroad**, from the Balkans and Afghanistan to Mali and the Indian Ocean, something that should also be expressed in barracks names – just as facilities named after figures like Sergeant Erich Boldt (Delitzsch) or Lieutenant Ludger Hölker (the main lecture theatre at Fürstenfeldbruck) commemorate the Bundeswehr's early years. In view of the increasing internationalisation of security policy and the military cooperation taking place between personnel from different armed forces, **international role models** should certainly be looked at as well. The way ahead has been shown with the Lucius D. Clay Barracks at Osterholz-Scharmbeck and the Robert Schuman Barracks at Müllheim.

Again and again the interpretation of the military heritage of past periods has been and is a cause for discussion. Can individual aspects of German military history before 1945 and the National People's Army of the German Democratic Republic (GDR) have a place in the Bundeswehr's cultivation of tradition? Does the fleet established in 1848 by the National Assembly at St Paul's Church in Frankfurt play a role, or even the German soldiers who fought in the American and Italian wars of independence? How are artefacts such as helmets or pictures presented at barracks? Certainly, they may need to be related rigorously and critically to their historical background: this is historical education that works through **contextualisation**, not glorification, which is how such objects must be displayed, if they are to be displayed at all. To this extent, it is to be welcomed that a point of contact that provides advice on military history has been set up at the Bundeswehr Centre of Military History and Social Sciences in Potsdam, from which relevant information about the correct treatment of historical artefacts that are exhibited can be obtained.

The presentation of the bust of Admiral Johannesson on display at the Military History Training Centre of the Naval Academy at Mürwik is exemplary in this connection. Johannesson was one of the founding fathers of the Bundeswehr. His story clearly illustrates the continuities and discontinuities of German naval history. The fact that, despite growing doubts about the National Socialist regime, he failed to take the logical step, did not break with the system until the end of the War and may possibly have been guilty of crimes contrasts with his active striving for a critical reappraisal of the past and his own deeds when the Bundeswehr was being built up. More than just about any other nation, Germany is aware of the ambivalence and tragedy of the 20th century's shattered biographies. This is explained in the intelligent text on the accompanying panel.

Barracks names are a different matter. What matters here is not ambivalence and historical/didactic food for thought, but the exemplary character of historical figures. There are still barracks whose names may need to be revised. According to the Federal Ministry of Defence, twelve barracks names are currently being reviewed.

The Bundeswehr is an army of democrats. This is expressed through *Innere Führung*, the model of the **citizen in uniform**, the strong positions of the Bundestag's Defence Committee and the Parliamentary Commissioner for the Armed Forces, the right to make complaints, the election of enlisted personnel spokespersons and staff councils, unhindered freedom of association, the full rights to vote and stand in elections, and the need for parliamentary consent to be obtained

before troops are deployed abroad or a state of defence is declared.

Many servicewomen and men themselves are deeply involved in democratic life: as active members of church congregations, as members or officials in their military trade union or other professional organisations, as enlisted personnel spokespersons, as activists for parties, as members of councils and parliaments, as volunteers who work in innumerable clubs and associations, as well as the social sector. The Bundeswehr is one of the most modern armies in the world in terms of its democratic structures, parliamentary scrutiny, and the rights of participation enjoyed by its servicewomen and men. It is an army that reflects on itself again and again – something that has also been shown clearly by the current debate.

Contraventions of rules therefore always demand a response, and the regular treatment of such contraventions is one of the things that integrate the Bundeswehr into our democratic order and the rule of law.

Leadership behaviour

Good leadership must be lived out and demanded in all units and agencies, and at all levels. No other armed forces manage submissions and complaints with greater sophistication than the Bundeswehr. Apart from the Parliamentary Commissioner, there are complex, internal complaints regulations within the armed forces, alongside an intact system of enlisted personnel spokespersons, credible chaplains to whom servicewomen and men can talk at any time during routine duties and, with the Bundeswehr Association, a representative body that is in some ways like a trade union and could be said to be there for its members in the middle of the barracks yard. In addition to this, the **Point of Contact for Discrimination and Violence in the Bundeswehr** took up its work within the Federal Ministry of Defence during the year under review. On the face of it, having another option for action is fundamentally an advantage for service personnel who find themselves being treated improperly by comrades or superiors. However, the Point of Contact must not become an alien body in the Bundeswehr's system for dealing with complaints. For instance, the opinion has been expressed in the forces that, when looked at from above, such points of contact could also be viewed as a smashing of the hierarchy. Disciplinary superiors feel they are being overruled, and the central Point of Contact is sometimes regarded as a manifestation of distrust in the current official complaints systems.

The mood is similar with regard to another special complaints channel that has now been established.

Letters addressed directly to the Minister are described in the forces as the **'Third Way'** (alongside complaints through official channels and submissions to the Parliamentary Commissioner for the Armed Forces).

Certainly, servicewomen and men of all rank categories and their superiors must not be given the impression they are no longer trusted to perform their duties. Rather, superiors must have the tools at their disposal with which to detect and resolve problems when they are starting to emerge.

Command supervision

The right degree of command supervision in the right place can make an important contribution to efforts to deal at an early stage with interpersonal problems or patterns of behaviour that are not consonant with the principle of *Innere Führung*. However, command supervision can only function if superiors are given the time they need to exercise it properly. This is often not possible in view of the scarcity of personnel.

Command supervision also means being on hand for subordinates as someone they can talk to and fostering a relationship of trust: this forms the foundation for the **no-blame culture** that was called for previously in the last annual report. Mistakes have to be talked about. Anyone who has the feeling that something is not going right should not have any inhibitions about telling their superior at the platoon or company level. However, this can only happen in a climate in which the emphasis is not immediately placed on the punishment of mistakes, but on what needs to be done to prevent mistakes from being repeated: it is necessary to move away from the question of guilt to shared learning. Military exercises offer opportunities to make mistakes in order that such mistakes can be avoided in future. However, it is only possible to talk of a flourishing relationship of trust between superiors and subordinates if each side is prepared to trust the other. Being allowed to take one's own decisions and act on one's own initiative is an expression of the principle of 'mission command' at all levels. By contrast, the belief that reporting an issue absolves the individual of all responsibility for it should not be the measure of all things. Learning about mistakes and problems, and at the same time allocating the responsibility for their resolution to the level at which it best belongs do not seem to come naturally. Time is the indispensable precondition for this: not just time in day-to-day operations, but also the amounts of time officers spend in post. It can be difficult for trust to grow when superiors are constantly being replaced. In this connection, the enlisted personnel spokespersons elected within each unit could perform their function as mediators even more proactively than in the past, and offer their

support both to the personnel who are being led and to those who lead them. The strengthened rights to representation bestowed by the Military Personnel Representation Act re-enacted in 2016 point in this direction.

Nor can trust arise where superiors believe they have to assert their right to lead with a brusque **tone** or other coarse behaviour. If superiors are *de facto* unapproachable because subordinates merely experience rejection when they put questions or are even afraid of their commanders, this will inevitably have negative impacts on the internal dynamic of the formation, unit or subunit, as well as the satisfaction felt by individual service personnel. Fear and respect are not two paths to the same destination, but are markers of the difference between poor and good leadership behaviour. Superiors do not always find it easy to make this distinction.

Again and again, there are cases that demonstrate some service personnel believe a ‘civil’ tone not characterised by harshness is automatically ‘unmilitary’. This results in the occasional remark being more reminiscent of a Hollywood drill sergeant than confident application of the principles of *Innere Führung*.

- For instance, a staff sergeant insulted a sergeant under his command as a ‘crappy medical orderly’ for incorrectly assembling a weapon. The staff sergeant told the sergeant he was not a real soldier either. Furthermore, the staff sergeant described the sergeant as a ‘fat peasant’ and ‘arsehole’, and kicked his behind. In a different case he spoke to another sergeant under his command as follows: ‘If you don’t keep your gob shut right now, you’ll be lying seriously injured next to the two shock patients.’ The former serviceman has been sentenced to a severe disciplinary punishment by a disciplinary and complaints court.
- A sergeant class 1 described a sergeant as, among other things, a ‘bastard’ and ‘useless camp sergeant’. Furthermore, he threatened the sergeant with the words, ‘... woe betide you if you ever cross my path in the services; I’ll crush you, I’ll make your life hell, I am still your superior. And now keep your gob shut, otherwise I’ll punch you!’ In addition to this, he shoved the sergeant. A nonjudicial disciplinary punishment was imposed upon the serviceman.
- A chief petty officer class 2 described a servicewoman with the rank of specialist who was under his command as a ‘piece of shit’ and ‘used-up bitch’, remarks that, according to his own statement, he had made ‘in jest’. A nonjudicial disciplinary punishment was imposed on him.
- A sergeant addressed junior ranking personnel, some of whom were under his command, as ‘fucked-up lance corporals’, ‘maggots’, ‘warts’ and ‘festering

fistulas’, and said of one, ‘he’s too stupid to fill out a work ticket, and certainly not capable of working on a PC.’ In the presence of a corporal he stated that French and Spanish servicemen were ‘lazy scumbags’, ‘stupid’, ‘idiots’ and ‘sons of bitches’ who ‘never get anything done’. In the presence of another corporal he remarked in English to a Polish section leader, ‘You have to say it again and again and again because they are all stupid.’ Judicial disciplinary proceedings have been brought against the serviceman.

Such conduct is unacceptable and unbecoming of a servicewoman or man in the Bundeswehr. Not only that, there is no reason to believe that insults and disrespectful remarks enhance subordinates’ military performance. The truth is that someone who looks away when comrades are being treated in an unworthy manner is failing to act in a comradely fashion themselves. In an order of the day on this issue, the Army Chief of Staff noted that, ‘Keeping things quiet, refusing to listen, looking away are falsely understood camaraderie, intervening and preventing are matters of honour.’ It could not be summed up more concisely.

Some **rituals** in the Bundeswehr do not accord with the Guidelines on Tradition and the standards of *Innere Führung* either. Patterns of behaviour that have evolved over time within the forces and are incompatible with human dignity do not become more acceptable because the individuals affected take part willingly in such practices, may even think they are ‘funny’ and are not infrequently persuaded to ‘participate voluntarily’ by peer pressure. Ultimately, there is a danger of physical and mental injuries being sustained during such rituals. The case at Pfullendorf that was also discussed publicly during the year under review demonstrates this in an exemplary fashion.

- In January 2017 superiors became aware of rituals carried out by junior ranking service personnel at the Pfullendorf Base in a total of at least four cases. In what were known as ‘baptisms’, comrades were taken from their dormitories and led to the shower room, where they were sprayed down with cold water. In at least two cases, the victims had boot bags pulled over their heads, their hands were restrained with adhesive tape, and the procedure was filmed. Some of the perpetrators wore uniforms with National Socialist eagle and swastika insignia, and concealed their faces with CBRN protective masks or balaclava helmets. Five junior ranking servicemen were dismissed summarily from service in the Bundeswehr for participating in these practices. Appeals lodged against these decisions by some of them have not yet been ruled on.

Young service personnel not infrequently arrive in the armed forces with a particular **image in their minds**

of what it means to be a soldier. Physical fitness, resilience and toughness are at the core of the profession and dominate its day-to-day routines. At times this can inspire misguided notions about how a soldier ought to behave. Unrestrained physical competition, macho posturing, aggression and excessive consumption of alcohol are encountered, as is shown by several of the cases that are described in this report, including the following:

- *A section leader with the rank of staff sergeant is accused of having thrown drinking water into a serviceman's face after the serviceman had put what was in the section leader's view a 'stupid' question. Not only that, he is said to have kicked dirt into another serviceman's face for supposed misconduct when this serviceman was lying in a position. Furthermore, he is claimed to have slapped three servicemen whose behaviour had previously been troublesome and/or kneed them in the groin. In witness interviews, all the servicemen questioned confirmed the incidents, but stated they had regarded their section leader's behaviour as 'jokey'. They testified they had not realised that these had been physical assaults. Statements were made such as, 'I didn't want to get into the staff sergeant's bad books in basic training,' 'I didn't report it because it was still bearable' or 'It wasn't as though I had to bend over in agony or anything like that.' Despite his conduct, the staff sergeant appears to have been very highly respected as a trainer and person. He was expressly regarded as a role model by female and male recruits. Preliminary investigations are now being conducted against him as part of judicial disciplinary proceedings. He has been prohibited from performing his duties and wearing uniform. The matter has also been passed on to the public prosecution office.*

This case makes it clear how a misconstrued **function as a role model** can also impact on young servicewomen and men who are just gathering their first experiences of the Bundeswehr. They consequently learn incorrect leadership behaviour that clashes with the principles of *Innere Führung*. What is even worse: they may follow the example set by this role model.

The balance between challenging recruits appropriately, pushing them to their limits and making excessive demands on them is not always easy for trainers to find. Of course, it cannot be denied that a good military training always involves a certain degree of hardship. Nevertheless, superiors have to face up to the challenge of finding the right degree of toughness. It is important to ensure trainers are trained with an awareness of this problem as well in order to minimise potential risks to recruits. This is true both for health hazards such as severe physical overexertion, and also how individuals treat each other.

- *The incident in 1 Officer Candidate Battalion at Munster was particularly tragic. Eleven recruits dropped out of a march during combat and march training at the beginning of their basic training, an unusually large number in a training platoon of 42 servicewomen and men. One of the servicemen died ten days later. Three other servicemen had to be flown to hospital by rescue helicopter with heatstroke. One of them still required intensive medical care at the end of the year under review. It was not possible to clarify during 2017 what causal chain had ultimately led to the recruit's death, or how it could have been avoided.*

Irrespective of whether incorrect military decisions are objectively identifiable, there is evidently a need for action here. Training must never end fatally. Trainers must be enabled to distinguish signs of serious health damage from general symptoms of exhaustion. And all servicewomen and men must know from the beginning that they can break off such a march at any time without negative consequences.

The **excessive harshness** of several trainers was criticised in 1 Senior/Junior Non-Commissioned Officer Candidate Battalion at Sondershausen.

- *Various trainers there were accused of behaving disrespectfully towards course participants and having treated them with excessive harshness. The trainers had not looked after servicewomen and men who had dropped out of marches. One trainer described people who, in his opinion, did not meet the demands of the military profession as 'genetic trash'. The disciplinary punishment imposed on him as a consequence did not stop him from informing trainees on the following course that he would not be changing his behaviour. When individuals made mistakes, collective punishments such as 'punishment laps' on the sports ground in high-summer temperatures were imposed in order to make the group 'pay for' these errors. In the meantime judicial disciplinary proceedings have been brought against two senior non-commissioned officers, who have been relieved of their training duties.*

There were also grounds for complaint in other units:

- *A senior NCO is accused of having ordered two lance corporals to get into position in a muddy vehicle track during vehicle recovery training, and having pushed them deeper into the mud with his hand or foot. Furthermore, apart from other tasteless remarks, he is claimed to have said: 'I'll shoot you in your shitty face right away.' Judicial disciplinary proceedings have been instituted.*

- *During a morning parade a senior NCO told recruits in basic training that they did not even deserve to have their names called out to check they were present; most of all he would like to smash all the recruits*

present in the face, and make them low crawl around the parade ground and do press-ups until they puked. The recruits would bleed all day long. They did not deserve to receive orders. To one recruit who was present he said, ‘You see what an arsehole, what a filthy maggot this is, someone who isn’t worthy of being a soldier here.’ Judicial disciplinary proceedings have been brought against the senior NCO.

These trainers, all of whom were able to look back on long terms of service, have damaged the Bundeswehr’s reputation. Such behaviour is incompatible with the **canon of values** to which the modern Bundeswehr subscribes, moulded as it is by *Innere Führung*. It is therefore all the more important to talk about soldiers’ role models right from the beginning. Recruits are decisively influenced in basic training especially. They are presented with an image of the Bundeswehr they will never forget for the whole of their terms of service. There is therefore no better time than the very first few weeks of basic training to convey a positive impression of comradely, responsible treatment of one another to young servicewomen and men.

What makes matters even worse is that, as a result of the suspension of compulsory military service, the numbers of younger servicewomen and men (under the age of 25) who are required to live in barracks have fallen drastically. Simultaneously, older service personnel are also spending less time at barracks sites than they once used to: the key issues are the commuter army, the shortage of rooms and dormitories, the Military Personnel Working Hours Ordinance, and the separation of accommodation and functional areas. The opportunities for informal **social control** are shrinking. When it comes to increasing the attractiveness of its morale, welfare and recreation (MWR) facilities, the Bundeswehr has to recognise the signs of the times (cf. the section on morale, welfare and recreation activities). In addition to this, it would also be possible to think about the idea of a supervisor who would act as a mentor for younger servicewomen and men in accommodation and leisure areas, especially for combat formations with large numbers of junior ranks.

Violation of the free democratic basic order

Pursuant to Section 8 of the Legal Status of Military Personnel Act, servicewomen and men of the Bundeswehr are duty bound to recognise the free democratic basic order as it is laid down in the Basic Law, and to advocate its preservation in all they do, both on and off duty. It is a breach of this core military duty if servicewomen and men of the Bundeswehr themselves hold **extremist political convictions** or fail to distance themselves from extremism to the necessary

extent. Any trivialisation of extremist views and disparagement of the Federal Republic of Germany’s liberal order it is their duty to defend are also unacceptable. Where incidents of this kind are detected, they are to be reported in accordance with the Bundeswehr’s directives as ‘reportable events’.

During the year under review the Bundeswehr reported 167 incidents in which there was a suspicion of activities that jeopardised the democratic rule of law, impermissible political activities or incitement to enmity and hatred. 57 relevant ‘reportable events’ were reported in 2015 and 63 in 2016. During the year under review it was possible for investigations to be concluded in 81 suspected cases. There were 47 cases in which no disciplinary offences were to be proven or service personnel identified as the perpetrators. In addition to ‘reportable events’, it is also one of the statutory functions of the Bundeswehr Counterintelligence Office (MAD) to investigate cases of suspected extremism in the forces. In 2017 MAD recorded 379 new cases of suspected right-wing extremism (2016: 230). The Office also dealt with 46 new cases of suspected Islamism (2016: 50).

The case of Franco A. particularly stood out in 2017:

- *This lieutenant was arrested provisionally when he attempted to remove a loaded Second World War pistol that was hidden in a toilet at Vienna Airport. In the course of the investigations, it turned out that at the end of December 2015 Lieutenant A. had claimed to be a Syrian refugee and given false personal details at a reception centre for refugees, then applied for asylum at the beginning of January 2016. He received a place in a hostel and monthly benefits payments. Furthermore, he is accused of having stored ammunition – most of it from Bundeswehr stocks – at a student’s home. Franco A., the student and another suspected accomplice, Lieutenant Maximilian T., were arrested and later released again. It was investigated whether Franco A. had been on the verge of preparing a serious subversive crime, and possibly wanted to deliberately direct suspicion about who had perpetrated the act onto refugees. Judicial disciplinary proceedings were brought by the Bundeswehr against both servicemen, A. and T., but have been suspended until the final conclusion of criminal proceedings. Their provisional removal from their duties was ordered and they were prohibited from wearing Bundeswehr uniform. Franco A. had previously attracted attention in 2014 while he was a student at Saint-Cyr Military Academy in France on account of right-wing extremist ideas in his final dissertation. At that time, disciplinary investigations were closed without the Military Counterintelligence Service being involved. Franco A. was cautioned and given the opportunity to write a second dissertation, with which he was able to graduate successfully from the Academy.*

The public discussion about this complex of issues also resulted in more suspected cases being reported in 2017. However, this must not tempt us to draw incorrect conclusions: the vast majority of our servicewomen and men are firmly rooted in the free democratic basic order. The rules of our legal system require consequences to be drawn where this is not the case. During the year under review, for instance, five servicemen were dismissed prematurely from service in the Bundeswehr for this reason under Section 55 of the Legal Status of Military Personnel Act. It is also essential for the Bundeswehr to be **vigilant** about right-wing extremist tendencies because individuals opposed to the constitution who are involved in this scene often find military hierarchies, uniforms and training with weapons particularly attractive. It is also to be feared the same is true of Islamist extremists, in particular as far as weapon training is concerned. Security clearance measures have now been tightened up in order to keep this group away from service in the Bundeswehr.

Since 1 July 2017 applicants who are to be appointed to a service status with the Bundeswehr for the first time have accordingly had to go through a basic **security clearance check** under the Security Clearance Check Act. This also applies for all persons who are designated for voluntary military service, and individuals without prior military service who are earmarked to perform particular reserve duties. So far it has been possible for most security clearance checks to be concluded rapidly within the first four weeks after individuals commence their duties. This is the point when comprehensive weapon training begins. Where no security clearance decision has been taken by then, it should be examined on a case-by-case basis whether there are any objections to the individual in question doing practical weapon training during basic training.

Many of the suspected cases reported by the Bundeswehr during the year under review involved what is termed the **circulation of illegal propaganda**. This encompasses, for example, xenophobic and anti-Semitic comments, listening to music with extremist content, graffitied swastikas in barracks, the performance of the Hitler salute, shouts of ‘Sieg Heil’, and displaying and sending images, texts and music with extremist content, whether on mobile telephones, on Facebook, in WhatsApp groups or via other media.

- *In the presence of a senior NCO and a lance corporal, a lieutenant who was representing his company commander said to a specialist with a Turkish migrant background, ‘You’ll know what I think of you and your work, and generally of all the Turks we have here. They should all go back.’ A severe fine was imposed on the lieutenant.*

- *A staff sergeant sent an image of a Christmas pyramid with a figure of Adolf Hitler from his mobile telephone via the WhatsApp messaging service. Under the image stood a line of text, ‘... and verry best wishes from me!’ A few days later he once again sent an image to the same group in which Adolf Hitler and other National Socialists were depicted performing the Hitler salute with the caption ‘Happy New Year, Comrades!’ A severe fine was imposed on the serviceman.*

- *A lance corporal made misogynistic and anti-Semitic comments several times at a training area, including the following: ‘A woman isn’t worth anything. If I was a Jew, I would cut my own throat straight away. I hate Jews.’ His disciplinary superior imposed a nonjudicial disciplinary punishment on the serviceman. In the end, he was dismissed summarily from service in the Bundeswehr pursuant to Section 55(5) of the Legal Status of Military Personnel Act on account of a further disciplinary offence.*

- *An inebriated lance corporal greeted the duty non-commissioned officer with the words ‘Sieg Heil’ when he entered the lance corporal’s dormitory. A severe nonjudicial disciplinary punishment was imposed on the lance corporal. Following the enforcement of the disciplinary punishment he was released from service in the Bundeswehr on regular terms a short while later.*

In some cases service personnel were reported who were evidently to be viewed as adherents of the Reich Citizen Movement, which disputes the existence and legitimacy of the Federal Republic of Germany, or the nativist, anti-immigrant Identitarian Movement.

- *During a security consultation the Bundeswehr Counterintelligence Office informed a disciplinary superior that one of his privates was a sympathiser with the Identitarian Movement and there was evidence he had attended a rally held by this organisation. The serviceman had not attracted attention in the forces until that point on account of right-wing extremist comments or views. The serviceman was released on the basis of his written application for the immediate termination of his service status during his probationary period under Section 58h(2) of the Legal Status of Military Personnel Act. He consequently avoided the dismissal from the Bundeswehr the authorities had been seeking.*

According to information from the Federal Ministry of Defence, during the period from 6 to 17 January 2017 at least 95 Bundeswehr units and agencies received documents through the post, some of them several times, from a ‘Presidium of the German Reich’. These documents were described as ‘official journals’ and set out the views of the Reich Citizen Movement.

The public prosecution office had been informed of this matter in order that steps could be taken under criminal law within its jurisdiction.

2. The Bundeswehr's financial resourcing

The planned action to reverse the trends in personnel (an extra 12,000 military posts and 5,400 civilian posts by 2024) and materiel (investments in armaments worth €130bn by 2030, calculated from 2017) will require significant rises in defence expenditure. This means, for example, that over the coming twelve years a good €10bn will have to be allocated every year on average just for the development and procurement of new military materiel. The relevant figure in the 2017 budget was €5.9bn. Of this sum, €600m was not spent for this purpose, but used to cover expenditure under other chapters of the defence budget.

Difficulties with the disbursement of funds for Bundeswehr equipment appear to be rather the rule than the exception. A record sum of €1.2bn was left unspent in 2014. This is unfortunate in view of the wretched state of the equipment in all parts of the forces. It would not be possible to deliver the German contributions agreed in NATO capability planning in this way. There is still nowhere near enough money in the budget for full resourcing, but the money that is there is not being spent in full. The organisation of armaments procurement is to be adapted urgently to the demands of the time, even in years when elections are held and even in years when the budget is managed on an interim basis for a protracted period, as following the elections to the Bundestag in 2017, after which it is taking several months for a government to be formed.

The 51st Financial Plan presented for 2018 with the old Federal Government's draft budget in the autumn of the year under review provides for a growth in defence expenditure from €37bn in 2017 to €38.5bn in 2018, €39.9bn in 2019, €41.2bn in 2020 and €42.4bn in 2021. This is likely to compensate for the increases that are to be expected in outgoings on salaries, materiel maintenance and operating costs, but leave little scope for substantial improvements in armaments investment. On the basis of the Federal Government's estimated growth scenario, the proportion of German gross domestic product (GDP) devoted to defence expenditure would remain approximately constant at 1.2 per cent, according to NATO criteria. This would mean missing the targets agreed within NATO and among the PESCO nations in the European Union: a defence budget growing in real terms and a constantly rising share of GDP devoted to military spending. Additional efforts will be necessary.

3. Reversal of personnel trends

Concepts and strategies

The reversal of trends initiated in the personnel field made progress during the year under review, but the situation remains extremely difficult. First of all, the originally envisaged force strength was further increased. Given the Bundeswehr's own analysis of the gaps in its personnel had suggested there was a shortfall of 14,300 posts, the aim of wanting to create just 7,000 additional military posts by 2023 was criticised in the last annual report as too unambitious. However, it has now been nearly corrected. There is to be an increase by 12,000 to a total of 198,000 servicewomen and men (including a further 1,000 reservists) between now and 2024. The threshold of 170,000 temporary-career volunteers and career soldiers has been passed, something that was actually announced would happen in 2016. According to figures from the Directorate-General for Personnel, the number of career soldiers and temporary-career volunteers was 170,519 altogether in December 2017, although a different figure was cited by the Directorate-General for Forces Policy (169,000). Additionally, there were 9,043 military service volunteers. Nevertheless, this is still very far from being a 'milestone', as the expansion is described by the Federal Ministry of Defence, for the overstretch caused by the extended functions taken on within NATO and the newly added deployments abroad is growing faster than the body of personnel.

The Federal Ministry of Defence summarised the measures required to implement the reversal of personnel trends on 1 December 2016 in its **Personnel Strategy** and the accompanying Strategic Programme. They articulate an aspiration to open the Bundeswehr to further target groups, applicants who have already passed the age of 30 for example. Furthermore, options are to be examined to make it possible for EU citizens to do military service in the Bundeswehr. In particular, more women are to be recruited for the forces. In order to implement this strategy, the Federal Ministry of Defence is preparing an Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness. Consideration is being given to opening NCO specialist careers to personnel with career soldier status. The best-performers in the assessments are to be appointed as candidates in the senior NCO career with an assurance, linked to certain preconditions, that they will be accepted as career soldiers. It is also to be possible for a successful change of career path from the junior ranks to be linked with an assurance concerning the individual's acceptance as a career soldier. Temporary-career volunteers who are serving for longer terms are to be given better social security provision.

An improvement in the financial compensation for occupational mobility is also being striven for.

Moreover, there are plans to further develop pay law. On 20 June 2017, the Federal Ministry of Defence proposed numerous measures in pay law in its report to the Defence Committee of the German Bundestag on a competitive Bundeswehr salary structure. They relate above all to financial improvements for recruitment and personnel retention, as well as improvements in the field of allowances.

Personnel shortages

The measures planned and already set in train do not in any way change the fact that there is enormous understaffing in many parts of the Bundeswehr. According to information from the Federal Ministry of Defence, there were 21,000 military posts vacant above the junior ranks level at the end of the year. To begin with, the reversal of personnel trends is even having negative impacts on the **vacancy situation** in some respects. For even if posts are added on paper, there is still not a single extra serviceman or woman on the ground. Personnel have to be recruited, appointed and trained.

Assignments that are associated with extreme physical demands or specific specialist activities, such as pilots, combat swimmers and clearance divers, as well as IT assignments and assignments that demand expert electronic knowledge are still particularly affected at present. In order to counter the difficult personnel situation in these areas, the legislature has created enlistment bonuses and personnel retention allowances. The list of these 'shortage areas' is updated by the Bundeswehr on an ongoing basis and encompasses just over 300 assignment categories in the various career paths.

The greatest vacancies among **Army service personnel** are for administrative service officers in the Army aviation assignment (target: 296; actual strength: 132; proportion of posts filled: 40 per cent), the ranks second lieutenant to captain in the armoured forces (target: 133; actual strength: 67; proportion of posts filled: 50 per cent) and in aircraft engineering (target: 87; actual strength: 47; proportion of posts filled: 54 per cent).

There is still a significant gap when it comes to the number of senior NCOs in the administrative service. This list is topped by the light reconnaissance forces with 45 per cent of posts filled (target: 162; actual strength: 73). The proportion of posts filled also lies between 64 and at best 85 per cent for the different types of infantry (light infantry, mountain infantry, armoured infantry), as well as the engineers, military police, field intelligence forces, and the servicewomen and men who work in information support operations.

Among senior NCOs in the **Army** general specialist service, the signallers alone lack enormous numbers of personnel in all the major organisational elements (target: 3,953; actual strength: 2,471; proportion of posts filled: 63 per cent). There are shortfalls of up to 34 per cent of the required personnel in other jobs too, such as general specialist service electronic warfare or information support operations senior NCO, as well as the fields of fuel management and transhipment/transport. 16 per cent of the personnel required for mechanical aircraft engineering on the Tiger and NH-90 helicopters are missing.

When it comes to general specialist service noncommissioned officers, the greatest shortage is to be noted among the mechanical aircraft engineering NCOs. The proportion of posts filled in this field is merely 39 per cent (target: 270; actual strength: 104). This circumstance is particularly regrettable because some of the junior noncommissioned officers could maybe later become senior NCOs in the urgently required technicians category. One specific group with a shortfall of noncommissioned officers in the general specialist service is that of air traffic control electronic technicians (target: 10; actual strength: 4; proportion of posts filled: 40 per cent). As among the general specialist service senior NCOs, there are also shortages among the general specialist service noncommissioned officers in the fields of stock management and transport. This is also the case when it comes to electronic warfare and information support operations. Mention is furthermore to be made of the special engineers (target: 318; actual strength: 195; proportion of posts filled: 61 per cent).

When it comes to **Navy** administrative service officers, there is a clear shortfall of air operations officers for the Sea King MK 41 helicopter (target: 11; actual strength: 3; proportion of posts filled: 27 per cent). The situation is not significantly better for Navy service personnel in the field of military intelligence (target: 60; actual strength: 18; proportion of posts filled: 30 per cent).

There is still alarming understaffing without any prospect of improvement in the administrative service senior NCO career for clearance divers (target: 93; actual strength: 56; proportion of posts filled: 60 per cent). In contrast to the previous year, the Bundeswehr has reduced its target for the number of posts in this category by 27, so that the ratio between the target and the actual strength has improved, although ten fewer posts are filled in comparison to the previous year.

The clearance divers in the general specialist service noncommissioned officers career are an ever smaller group. Here, a target of 34 personnel contrasts with just 14 occupied posts, which means the proportion of

posts filled is 41 per cent. The posts for Navy electronic technicians in the general specialist service noncommissioned officer career are only 45 per cent filled as well (target: 267; actual strength: 120) – which represents a slight increase by 4 per cent over the previous year. Finally, mention should be made of the aircraft equipment engineering assignment category, which is not particularly well placed either with 58 per cent of posts filled (target: 43; actual strength: 25).

Among officers in the **Air Force** administrative service career, the greatest problems are found in the unmanned aircraft flying branch (target: 35; actual strength: 15; proportion of posts filled: 43 per cent). The officer specialist service posts in this career are even more sparsely filled (target: 7; actual strength: 1; proportion of posts filled: 14 per cent). There is also understaffing among the jet pilots (target: 235; actual strength: 152; proportion of posts filled: 65 per cent).

As far as technicians are concerned, the Air Force has a large shortage in the general specialist service staff senior NCO career for the Special Air Mission Wing's Bombardier Global 5000 jet (target: 25; actual strength: 13; proportion of posts filled: 48 per cent), as well as among the technicians for the Airbus A-319/A-340 (target: 30; actual strength: 15; proportion of posts filled: 50 per cent) and the A400M transport aircraft (target: 141; actual strength: 78; proportion of posts filled: 55 per cent), although there are no A400Ms in operation at the moment. The personnel shortages in the aircraft avionics career for the Airbus A-319CJ/A-340 (target: 26; actual strength: 10; proportion of posts filled: 38 per cent) are making themselves felt particularly badly.

The competition from civilian businesses to which the Bundeswehr is exposed is apparent among the electronic technicians in the general specialist service noncommissioned officer career. For instance, there are various careers with shortfalls of up to 67 per cent of personnel, and approximately 100 posts are unfilled in total. The flight attendants are also missing 64 per cent of their personnel at present (target: 25; actual strength: 9). Topping the list of insufficiently staffed categories for general specialist service noncommissioned officers is the general aircraft engineering/structural engineering career, in which the proportion of posts filled is just 19 per cent (target: 36; actual strength: 7).

The **Central Medical Service** has a need for senior medical officers to work as specialist public health physicians (target: 20; actual strength: 11; proportion of posts filled: 55 per cent), and a great deal of demand for senior NCOs to work as dental auxiliary staff (target: 212; actual strength: 124; proportion of posts filled: 58 per cent). The lowest proportion of posts

filled in the Central Medical Service is that of non-commissioned officers deployed as laboratory assistants (target: 24; actual strength: 6; proportion of posts filled: 25 per cent). Further comments on the personnel shortages in the Central Medical Service can be found in the section on the Medical Service.

The Bundeswehr **Geoinformation Service's** officers are having to manage their daily workload with 49 per cent of their posts filled (target: 39; actual strength: 19).

The figures listed here only illustrate selected weak points in the forces' personnel resourcing. What these figures do not reflect are the regional variations in the distribution of the personnel gaps. For example, it is difficult to find enough suitable, motivated personnel for the mountain infantry, who are naturally stationed exclusively in southern Germany. The competition in the world of work is tougher in the Alpine region than in places such as the Rhine corridor or the Berlin area. What the figures presented here also cannot take account of are circumstances such as long-term sicknesses. When someone is absent for this reason, their post is to be regarded as filled from the point of view of personnel planning, but their workload has to be shouldered by their colleagues.

In the past year the Bundeswehr responded to the particular strains to which servicewomen and men are subjected in the Navy, above all due to the personnel gaps in this service branch, by reducing its presence on deployments and other commitments. Apart from this, the same specialised personnel are deployed again and again with various seaborne units. For welfare reasons, however, this must not be a permanent arrangement. The strain is supposed to be reduced by the multiple crew concept, under which crews take it in turns to man a vessel. However, it will only bear fruit if the various crews are sufficiently well staffed. High or low proportions of posts filled in assignment categories do not necessarily indicate whether there is a problem in the Navy. Even the loss of a single specialist can result in a vessel not being able to put to sea. This happened in 1 Submarine Squadron, which has had to struggle with a difficult personnel situation in the past, particularly among its naval electronic technicians. The approaches to the solution of this problem that have been developed, such as the conversion of junior noncommissioned officer posts into senior noncommissioned officer posts, are to be welcomed. However, they also show that the post structure will have to be fundamentally rethought. All six submarines have been out of service since the end of 2017.

In the Air Force, the situation is still difficult as far as 64 Helicopter Wing's **doorgunners** are concerned.

Although new doorgunners are being trained, personnel who have been serving in this role are leaving the Bundeswehr or are no longer available on account of vocational advancement measures. The proportion of posts filled is 56 per cent (target: 80; actual strength: 45), in which respect it is to be taken into consideration that the target number of posts was raised to 59 in January 2017 and 80 in October 2017. As described in the section on Resolute Support, the personnel shortage among the combat search-and-rescue personnel has still not been remedied. Of the 124 flight engineering senior NCO posts for the CH-53 helicopter, only 79 are filled.

One fifth of the 94 posts for **youth officers** provided for during the year under review were unoccupied. This was why fewer events were held than in previous years. These posts will have to be rapidly refilled.

One pleasing development is starting to become apparent in the **Bundeswehr fire services**. Due to personnel bottlenecks, these had not been able to ensure fire safety precautions were in place for some military flight operations in the past, which repeatedly led to the temporary closure of airfields. As a result of the measures set in train, there were no more restrictions on military operations in the first six months of 2017. For instance, the appointment quota for the intermediate firefighting service was raised from about 170 to 260. Apart from this, recruitment incentives were created with a hardship allowance for training activities and improved opportunities for advancement from the intermediate service to the higher intermediate service.

The following example that was reported to the Parliamentary Commissioner for the Armed Forces is less cheering:

- *In order to compensate for the lack of young personnel among the senior noncommissioned officers in an engineering squad, a construction detail of six class 1 warrant officers had been formed, all of them about 40 years old.*

Firstly, service personnel of this age are not usually as physically fit as younger personnel. Secondly, warrant officer class 1 is the highest rank in the career path, one that only the best senior noncommissioned officers reach. It is absurd to entrust them with work that is usually allocated to new entrants to the career path and requires no experience. Even on good pay, it is not possible to talk of attractive duties here.

There are times when courses cannot be run as scheduled, if at all, on account of a **shortage of trainers**:

- *For instance, 118 officer and senior NCO posts are unfilled at the Infantry Training Centre in Hammelburg. The personnel still present are not in a position to run all the courses. This is affecting particular*

add-on modules, the firearms instructor small arms course, for example, and some of the basic combat survival courses. The staffing situation will be exacerbated even more in the foreseeable future by the fact that training personnel are having to be seconded to the senior/junior non-commissioned officer candidate battalions. Furthermore, rising numbers of course participants are also expected at Hammelburg as of mid-2018. The Federal Ministry of Defence confirmed the gaps, but regarded the proportion of posts filled as still sufficient at 73 per cent overall. If required, Army units would support the Training Centre.

Switching personnel around like this cannot be a permanent solution for the Bundeswehr's personnel difficulties. It results in problems merely being shifted to the units that are affected by the secondment of staff.

Understaffing also arises in individual areas due to the fact that not all servicewomen and men are deployed to regular posts. In the middle of the year under review about 42,500 servicewomen and men were assigned not to regular posts, but to what are known as **non-established posts**. There were various reasons for this. For instance, 30,700 servicewomen and men were occupied with training, while 7,300 servicewomen and men still had entitlements to career advancement measures *during* their term of service under the provisions of the old Military Pensions Act. Others were in this situation due to care issues such as assignment close to home for compelling personal reasons, and time taken off as parental leave or for work outside the Bundeswehr. The servicewomen and men assigned to non-established posts may perform some of their duties, but there remains a gap in the regular post, even if this is only temporarily the case – as when parental leave is taken.

Finally, special tasks such as the training programme for Syrian refugees also tie up available personnel. Under this programme, the participants were taught knowledge and skills that could be used in civilian life at a level below German vocational qualifications in three four-week modules. The intention was that these knowledge and skills would contribute to the reconstruction of their home countries and help them integrate into the German labour market. This commitment on the part of the Bundeswehr is certainly to be welcomed with a view to the national task of managing the refugee crisis. However, it has to be taken into consideration that each module occupied between 37 and 60 members of the Bundeswehr for 50 per cent of their working time on training or administrative duties. Against the background of the personnel situation in the Bundeswehr, it is therefore to be welcomed that no provision has been made for this training programme to be run again.

With its newly established **Cyber and Information Domain Service**, the Bundeswehr has made a major step in the direction of modernisation this year, but at the same time created clear challenges for itself. The Service's dedicated new structure will have to be built up, and the individual branches' systems will have to be integrated into a joint architecture. Above all, however, additional personnel will have to be recruited. To begin with, agencies, units and formations in the Joint Support Service had to be drawn on for this purpose. In so far as this is the case, the proportions of posts filled, which are 68 per cent for noncommissioned officers and 91 per cent for senior officers, reflect the situation in the Joint Support Service.

According to the current planning, the Cyber and Information Domain Service Command will only reach full strength in 2021. However, it will not be enough to rely exclusively on the reassignment of personnel who are already in the forces. New target groups will have to be attracted and retained over the long term for service in the military. It will hardly be possible for this to be done without attractive incentives, because IT experts are also sought after on the open labour market. Apart from this, it is to be ensured that applicants go through the necessary high level security clearance checks before they are deployed working on sensitive information technology architecture.

People who are potentially interested in these jobs will obtain information above all on the Internet:

- *For instance, one interested individual had applied to the Federal Office for Information Security and received a rejection from it because it did not need to recruit any new staff. Since the Federal Office cooperates with the Bundeswehr and this cooperation was mentioned on its website, the applicant assumed the Bundeswehr had no need for people with skills like his either.*

In order to prevent such misunderstandings arising in the first place, the Bundeswehr must offer unambiguous information on its websites and coordinate its activities with other cooperating institutions. The Bundeswehr now has to focus above all on the introduction of a dedicated career path in the cyber and information domain, possible cooperative arrangements with other public sector actors in the cyber defence field and more intensive collaboration with higher education institutions where computer science is taught.

Recruitment

Regardless of the measures decided on and intended, the Bundeswehr will only succeed in appointing sufficient good and suitable personnel if it puts in place the necessary **parameters** in terms of materiel and infrastructure that make it increasingly attractive to

choose the Bundeswehr as an employer. One factor that is not to be neglected with regard to the recruitment of suitable personnel is also the 'assignability at any time' anchored in the Legal Status of Military Personnel Act. Frequently this condition can no longer be reconciled with the individual life situations of servicewomen and men, and their families.

The opening of the Bundeswehr to older applicants as senior NCO candidates and career path candidates over the age of 30 is worth trying. Lateral entrants and re-employed personnel will make minor contributions to the resolution of the personnel problem. The extent to which the plans to **qualify** women and men without school-leaving certificates will help to close the personnel gaps still has to be proven. Up until now it has, in principle, also been possible for school dropouts without lower secondary certificates to be accepted into the junior ranks career. In future they are to be able to retake their school certificates and so qualify for another career path in the Bundeswehr. However, there will then also have to be opportunities available throughout the country to obtain a lower secondary school certificate, in parallel to serving in the junior ranks for instance. This still appears not to be fully guaranteed. It remains to be seen whether these measures are appropriate ways of recruiting newcomers to the forces, whether there will be a real boost to the numbers of additional suitable applicants and how the highly technologised Bundeswehr will actually be able to benefit from such applicants. Certainly, a lack of servicewomen and men in the junior ranks career has not been a prominent issue to date.

One essential criterion for the selection of personnel is the applicants' **physical condition**. Even someone with a physical constitution that does not meet the highest requirements will be admitted as long as it permits the kind of work the applicant wishes to do. However, a certain basic level of physical fitness is demanded of every single servicewoman and man. Superiors complain that service personnel's physical fitness has worsened over the years. No reliable studies have been conducted on this topic.

According to a statement from the Federal Ministry of Defence, the proportion of applicants who have not been suitable for service in the forces on health grounds in the current appointment year is a little over 10 per cent – just as it was previously in the last few years. A range of conditions that represented absolute barriers to service in the forces until recently no longer rule out medical fitness today, the Human Immunodeficiency Virus (HIV), for example. Individuals with HIV are allowed to serve in the forces provided an effective antiretroviral treatment is being conducted, they have sufficient immunocompetence, and no symptoms of the disease are to be observed.

However, there are other conditions too that have been re-evaluated by the Bundeswehr in the light of the latest advances in modern medicine. For example, various types of tumour and juvenile leukaemia no longer constitute grounds for general exclusion from assignment. The handling of eyesight conditions has also been adjusted. Individuals who would until recently have been completely excluded from service in the Bundeswehr may also be employed for selected assignments today in which their impaired eyesight does not represent an obstacle. In addition to this, whenever there are insufficient suitable applicants available, it is possible for someone to be appointed to an assignment with an **exemption issued by a military physician**, even though they will only be able to perform their duties subject to certain restrictions. Such an approach was not taken at the time of compulsory military service. However, it is right and means individuals are treated more fairly. The often heard opinion (or prejudice) that ‘anyone’ is accepted into the forces nowadays is certainly not correct. Rather, the forces have recently begun to conduct more sophisticated examinations and assessments of applicants that are tailored to the job description of the post in question.

According to the Ministry’s account, the changeover from what was known as the Physical Fitness Test to the Basic Fitness Test in 2014 did not result in any alteration in the medical fitness rate. The Bundeswehr takes **body mass index** (BMI) as the basis for the determination of physical fitness. This method of determining whether someone is overweight or underweight has been common in Germany for a long time, but is increasingly being criticised, in part by servicewomen and men. It leads to very short and very tall people, as well as people with very highly developed musculature being incorrectly assessed as medically unfit. Weightlifters, especially, are classed as overweight and therefore not physically fit. The Bundeswehr has now recognised this and intends to only use body mass index as an absolute exclusion criterion at the extreme end of the scale (over 40) when the military medical assessment system is reorganised in future. Except when applicants have extremely high BMIs, what is known as the waist-to-height-ratio, an indication of body fat, is to be used in future to determine whether certain levels of physical activity can be expected of them. In the opinion of the Parliamentary Commissioner, there should be different criteria for combat forces than for assignments in the fields of engineering or organisation. The new method is to be put into practice for officer candidates as of the beginning of the training year on 1 July 2018. In anticipation of the amendment of the relevant regulations, the Bundeswehr is now allowing applicants with a body mass index over 30 to take part in selection procedures.

The **assessment of potential** is the tool with which suitable personnel are identified for a change of career path and/or status from the noncommissioned officer category. This is a procedure developed by psychologists in which, among other things, characteristics such as judgement, communication skills and leadership ability are assessed.

- *In her submission, one servicewoman criticised the fact that assessments of potential were not updated. She argued that someone’s suitability or unsuitability for a higher-ranking career path or change of status as assessed at an earlier date could change over time. The regulations were inconsistent during the year under review. Initially the assessment was valid for a two-year period, which was subsequently revoked and personnel were exclusively allowed to take it again with the approval of the Federal Ministry of Defence. The Ministry is currently considering a five-year period of validity.*

The Parliamentary Commissioner for the Armed Forces believes a procedure of this kind is worthwhile if a particular period of validity is specified for it. In order to avoid unfairness, however, it has to be ensured that the period of validity for the result that is reached is adjusted to take account of the length of time over which, experience suggests, the characteristics assessed can change.

A well-functioning, effective **personnel recruitment organisation** is the indispensable precondition if the ambitious objectives for the reversal of personnel trends are to be achieved. Following the introduction of a new structure for the personnel recruitment organisation in 2012, the evaluation by the Federal Office of Bundeswehr Personnel Management initiated in 2013 led to proposals for yet more significant structural changes.

What is remarkable is that this evaluation was conducted at a time when massive personnel cuts were still being made and it was not yet possible to take account of the 2016 reversal of personnel trends. The evaluation was therefore carried out very much with a downward trend in the Bundeswehr’s personnel numbers in mind. Even under these conditions, it had proven to be the case that there was a need for more posts in the personnel recruitment organisation. With the imminent reversal of personnel trends, it was then to be anticipated that the conclusions from the **evaluation** would not accord with the requirements of personnel expansion. Nonetheless, in October 2016 the Federal Ministry of Defence gave instructions for the implementation of these conclusions.

Initially the existing careers centres I to V at Hanover, Mainz, Düsseldorf, Munich and Berlin will be reorganised with regional management and coordination functions as of 1 October 2018. The second step will

be for the regional careers centres at Wilhelmshaven, Kiel, Kassel, Saarlouis, Erfurt, Stuttgart, Nuremberg, Potsdam, Schwerin, Magdeburg and Dresden to be restructured as of 1 April 2019, and each placed under a Bundeswehr careers centre. There will then be five large Bundeswehr careers centres that carry out assessments, three subordinate regional careers centres that carry out assessments and 13 other careers centres that do not carry out assessments (which will also be subordinated within the regional structures). In addition to this, provision has been made for 46 advice platforms, 37 branch advice points, 41 careers advice points and 322 temporary flexible branch advice points.

The approach taken to the implementation of an out-of-date evaluation is problematic. Instead, it would have been obvious to reappraise the situation and begin a new evaluation under the completely transformed parameters.

In April 2017 the **Bundesrechnungshof**, Germany's supreme audit institution, also expressed massive criticism of the action that had been taken. It recommended that the reorganisation be suspended until an organisational study had been carried out. In particular, the demand for additional posts had not been calculated analytically, and the figure specified was 'neither substantiated nor convincing'. There was no evidence at all that 'the quality of recruitment activities will be enhanced, better use will be made of potential, there will be greater customer-friendliness or processes will be optimised.' The Ministry is nonetheless forging ahead with the introduction of the new structure, although it has now commissioned an organisational study. In view of the continuing introduction of the new structure, the organisational study should be conducted at a rapid pace. Otherwise, there will be a danger of measures being taken that are ultimately unsustainable. Apart from this, The Parliamentary Commissioner for the Armed Forces feels markedly broader-based capacities for selection procedures are necessary throughout the country if recruitment activities are to be effective. Provision with just eight 'fully fledged' centres across the whole of Germany is insufficiently attractive for potential applicants.

The transfer of **personnel management for junior ranks** to the Federal Office of Bundeswehr Personnel Management can be described as a success after a good year of practical experience. Shorter lines of communication, named contact persons for servicewomen and men, and the elimination of intervening levels have delivered simplifications for both sides with the aim of cutting bureaucracy. Some superiors in the forces still see this centralisation critically.

The Federal Ministry of Defence emphasises that in 2016 and 2017 it largely satisfied the personnel-related requirements of the requesting units and, comparatively, achieved outstanding results over the last ten year period. Against this background, however, **careers advisors** report they have had to cope with a massively increased volume of work in recent years. They express the suspicion that this high workload has already led to the loss of some colleagues. Even further rises in the quotas demanded, which are to be feared in the years to come, would push them to breaking point. At the same time, the reasons for the increased workload are diverse. It is criticised that the earlier practice of carrying out a preselection has been dispensed with. Every applicant now has to participate in the test procedure, although it is not unusual for it to already be clear from the documents that some of them are unsuitable. A return to the practice of preselection would reduce the burden on the heavily worked staff of the personnel recruitment organisation. Furthermore, the careers advisors explain they have no posts for clerical staff. As a result of this, they say they also have to carry out a significant proportion of the administrative activities in this field alongside their actual work advising potential applicants. What weighs even more heavily is that a considerable shortage of physicians is to be complained of at the careers centres. Among other things, this shortage of personnel and the massively increased volume of work are now leading to the waiting times between the submission of applications and invitations to do recruitment tests sometimes lasting up to three-quarters of a year. It is understandable that applicants think during such a long period about whether they wish to carry on considering the Bundeswehr as an attractive employer. This is not the way to successfully augment the Bundeswehr's workforce. The processes need to be speeded up.

Under these conditions, personnel recruitment is actually working at the limit and yet still very successful. However, this must not obscure the fact that, as is evident, too many 'misunderstandings' are still happening, and too many of the advice sessions that take place at careers centres are still regarded as 'flawed'. Given the approximately 60,000 applications received every year, it will never be possible to completely eradicate errors. Despite this, it is regrettable that a not insignificant number of young servicewomen and men **criticise the appointment procedure** itself during field visits. Service personnel are annoyed when promises are not kept or information is withheld. For the most part, the statements made by careers advisors of which they complain cannot be definitely confirmed after the event because the discussions are not documented. Nevertheless, the submissions from applicants show that mistakes are obviously made.

The time taken to deal with the whole application procedure sometimes gives occasion for criticism as well. The reasons for this are multifaceted. Careers advisors and personnel planners often find themselves dealing with a very demanding clientele: applicants who wish to be appointed on a particular date, in a particular location – at least close to home –, for a particular assignment and in the highest possible career path. In this respect, applicants not infrequently overestimate their own capabilities. If advisers and personnel planners are then unable to ‘deliver’ what they wish, applicants may be advised in a different direction and an alternative that does not completely match their wishes may be sought, which provokes frustration and annoyance.

At the same time – as in every other field as well –, there are experienced and less experienced advisers and personnel planners. Changes to the legislation, structural reforms, and the rules on lateral entry, appointment at higher ranks and the recognition of civilian qualifications need to be borne in mind. Keeping track of hundreds of different possible assignments appears to be a particularly demanding task. A **catalogue of assignments** that applicants could consult, but also offered important information for personnel planners might be helpful. Applicants are too often unhappy about the evidently popular advice that they can always have themselves reassigned for completely different tasks at quite different locations – once they have got into the forces. Against this background, advisers and personnel planners must be carefully selected, bring the broadest and longest possible practical experience with them, and be trained in a targeted manner with specific courses. The **mistakes made by personnel planners and advisers** have massive impacts. It is not just that applicants who have been incorrectly treated by the Bundeswehr take away a poor image of the forces. If word spreads in their circle of friends and acquaintances, a single mistake will put off other potential applicants from thinking about joining the Bundeswehr. Yet the Bundeswehr can hardly afford mistakes. 15 per cent of officer candidates left the Bundeswehr again or were released during their six-month probationary period in 2016 (2015: 14 per cent). The dropout figures for military service volunteers are even quite a bit higher. 27 per cent dropped out in 2016 (2015: 28 per cent).

In addition to this, recruiters cannot wait until the right applicants arrive on their doorstep, but have to adopt a proactive approach themselves. This is demonstrated clearly by the following case.

- *Following his re-employment, a serviceman began his service in an artillery battalion with an injury, which meant it was not possible for him to be appointed as a temporary career volunteer, and he was*

released again a short while later. Despite what had only been a brief term of service, he was described by his unit as an enrichment for the command post. Irrespective of this, no one in the Bundeswehr feels it is their job to keep in touch with this former serviceman in order to seek to persuade him to take up another appointment once he has recovered. Reference is merely made to the fact that the serviceman can of course apply to the Bundeswehr once again.

Such an attitude seems arrogant and is inappropriate given the prevailing personnel situation.

The **Internet** too is an important medium for recruitment.

- *One applicant contacted the Parliamentary Commissioner for the Armed Forces with a suggestion about how the job listings published by the Bundeswehr could be improved. Apart from the information provided about different career options, he wished to be able to search directly for vacant posts throughout the Bundeswehr on the careers portal. While this is possible for public employees and civil servants, for security reasons the posts for the junior ranks career, and junior and senior noncommissioned officers are only advertised on an internal job exchange on the Bundeswehr’s Intranet.*

It is understandable that the Bundeswehr has decided on a certain degree of confidentiality to maintain the security of its own organisation.

However, the Bundeswehr is now taking a first step in the direction of greater openness with its intention to publish specific vacant posts that are open to graduate lateral entrants on the Internet.

The successful YouTube series *The Recruits* is another initiative that is to be assessed positively on the whole. It allows potential applicants a first look at the Bundeswehr. Physical efforts, privations and the handling of weapons, but also the experience of camaraderie can be conveyed better and more vividly in this form than would be possible with glossy brochures.

According to Article 12a(1) of the Basic Law, men may be enlisted for service in the armed forces from the age of 18. This provision has not been resorted to since the suspension of compulsory military service in 2011. The Bundeswehr is currently a pure volunteer army, but of course continues to be fundamentally an army of adult citizens in uniform. This is why it must remain the exception, as at the time of compulsory military service, for **17-year olds** to be appointed as volunteer service personnel in the Bundeswehr. Whereas 1,910 (8.1 per cent) of all new servicewomen and men had still not reached the age of majority when they commenced their service in 2016, the figure was 2,128 (9.1 per cent) during the year under review. This

trend should not be continued. Although many young people want to pursue a new occupation when they leave school without having to fill their time with something else while they wait, 17-year olds are not yet adults: consequently, for good reasons, there are, and have to be, restrictions placed on them. Applicants' parents must consent to their appointment to the Bundeswehr, and until their 18th birthday young people are not allowed to either take part in deployments abroad or be detailed to carry out armed duties of any kind in Germany, guard duty for example. Various legal restrictions force superiors and trainers to make additional efforts to accommodate them, which can be burdensome in routine operations. There are many reasons that militate in favour of the appointment of 17-year olds remaining the exception.

Minors sometimes apply to do work experience with the Bundeswehr.

- *A school pupil was supposed to pay a flat-rate €300 accommodation fee for a three-week work experience placement. Only after his father criticised this, and the facts and the legal situation were reviewed again was the young person permitted to stay in government accommodation free of charge and eat troop meals at reduced prices, with the Bundeswehr's duty of care being cited as the grounds for this change of heart.*

The approach taken and the directive (Type A General Publication 1430/4) on which it is based ought to be altered as soon as possible. They are bureaucratic and only serve to deter interested young people. Young people on work experience placements should generally be provided with accommodation free of charge.

It is evident the Bundeswehr is already an attractive employer for **re-employed personnel**. In 2016, for instance, approximately 7,200 former servicewomen and men applied to rejoin the Bundeswehr. It was possible for 3,100 of them to be appointed. In the first six months of 2017 the number of applications was 3,900 and the number of appointments 1,500. Applicants first of all have to meet the formal qualifications for the career path to which they aspire. If applicants are older than 30, the possibility of a specific assignment must be examined before they are invited to take part in the selection procedure. In this respect, it is crucial whether they hold a vocational qualification or have done follow-on occupational training that can be used in the assignment they are seeking. If they are over the age of 40, the consent of the Federal Ministry of Finance must be obtained in addition to this. Such consent may only be given if there is a shortage of equally suitable younger applicants and the appointment would be of significant advantage to the German Federation. The Bundeswehr wishes to make these rigid rules more flexible, something that is fundamentally

to be welcomed. However, account must be taken of the idea of care, for example if people over the age of 50 are going to be released onto the open labour market after a twelve-year term of service.

One servicewoman criticised the arrangements for the appointment of graduate applicants with a higher rank:

- *The servicewoman had successfully completed a degree in media management and subsequently gathered several years of professional experience. She was refused a position with an officer's rank on the grounds that, at the time of her appointment, there were no posts where she could have been deployed in roles that related to her profession and degree. The servicewoman thereupon began her service in the lowest junior rank and advanced through the career groups as far as an officer's rank. A court recognised the approach taken by the Bundeswehr as lawful.*

Although the action taken complies with the law as it stands – it is doubtful whether the Bundeswehr can afford to carry on turning away applicants with degrees. Firstly, these applicants save the Bundeswehr the time-intensive phase during which officers study for a degree at a Bundeswehr university and, secondly, the forces do not just need lateral entrant officers who have studied a subject specifically relevant to one of the service branches. Changes to the forces' practice and the corresponding legal framework as well should therefore be weighed up.

Another measure to increase attractiveness would be if the skills acquired in the Bundeswehr could be used as qualifications for later working life. The necessary **certification** of training elements should be aspired to wherever possible.

The offer of competitive pay is a central criterion when suitable personnel are being sought. The gap that is already evident between the demand for and availability of well-trained people throughout Germany will grow yet wider in future. However, the Federal Ministry of Defence fundamentally regards the **basic salary structures** in the junior ranks, NCO specialist and sergeant careers as competitive. It recognises a need for action when it comes to the recruitment of urgently required skilled personnel, above all in IT, engineering and the medical professions.

The costs of living for servicewomen and men stationed in conurbations are several times higher than in rural regions. An allowance could give some relief. The Bundeswehr, which demands assignability at any time and also makes career opportunities dependent on assignments in what are sometimes more expensive regions of Germany, must not allow itself to be held back from introducing an incentive of this kind by legal and administrative difficulties. It is not very

inviting if servicewomen and men find themselves financially worse off as a result of an assignment, even if it is linked with a promotion.

The different levels of pay for Army doorgunners and those in the Air Force met with a lack of understanding during the year under review. In the course of the last Bundeswehr reform, a ‘transfer of helicopter capabilities’ took place: the CH-53 helicopters were moved from the Army to the Air Force.

- *In recent years Army doorgunners with the Resolute Support deployment in Afghanistan have occasionally been deployed on Air Force helicopters. In conversation with their comrades from the Air Force they have been surprised to discover that service as a doorgunner is better paid in the Air Force. The differential can be as much as €460 a month. The review found that the servicewomen and men in the Air Force are categorised as permanent aircraft crew members whereas, according to the Army’s regulations, doorgunners are classified as members of a special group, while both receive different hardship and post allowances. The Federal Ministry of Defence has rejected a harmonisation of the regulations, saying their deployment on each other’s aircraft represents an absolute exception. Apart from this, the two groups’ training courses would be lengthened, those of Army servicemen by approximately one-third and those of Air Force members by about 10 per cent. The Air Force deploys its doorgunners significantly more extensively on its aircraft.*

Among other things, Air Force doorgunners have the task of communicating their aircraft’s attitude, its recommended course and its altitude to all crew members in English. In order to do this, they have to acquire type ratings and pass survival courses. The Army makes lesser demands and, under its crew concept, does not require doorgunners to fly on every flight, in particular in Germany. No one would wish to criticise the individual service branches for developing different concepts for the deployment of their weapon systems. It is also to be accepted in principle that these concepts will have impacts on servicewomen and men’s training, deployment and pay. When this gives rise to such a large pay differential, however, it is understandable if the Army servicewomen and men in question regard themselves as losers in two-class armed forces. This also practically encourages people to apply to be reassigned from the Army to the Air Force.

The **recruitment allowance** could be an incentive to apply to the Bundeswehr. This instrument was introduced against the background of the personnel shortages to be found in many areas. However, careers advisors report that they do not mention this financial incentive at all in their recruitment work. They cannot

be sure whether it will actually be possible for the allowance to be granted if they promise it when an applicant signs up as a temporary-career volunteer. The budgetary funds provided for may have been exhausted in the meantime or the necessary precondition, that the recruit’s assignment is suffering from understaffing, may have ceased to apply. The envisaged purpose of the recruitment allowance, which is to offer an incentive for enlistment, is therefore not being achieved. Nonetheless, the money is subsequently paid – possibly coming as a complete surprise to the service personnel who receive it. By contrast, if it were not paid – but the careers advisor had previously held it out in prospect – the Bundeswehr would potentially make itself liable for damages and would seek to recover its losses from the careers advisor.

Apart from this, servicewomen and men were annoyed about unequal treatment when it came to the payment of **enlistment bonuses** and **personnel retention allowances**. These can be granted if the proportion of posts filled in particular specified assignment categories is permanently lower than 90 per cent – when this has been the case for six months and will foreseeably continue for another six months. Information technology senior NCOs were classified accordingly, but not S-6 senior NCOs at battalion headquarters, although the requirements placed on them are the same. While the submission was being dealt with, the Federal Ministry of Defence recognised this as unequal treatment and indemnified the S-6 senior NCOs who had been affected. S-6 senior NCOs have now also been added to the group of those entitled to claim these benefits. However, highly specialised service personnel are not to be satisfied with incentives of this kind. For example, technicians charged with the maintenance of the CH-53 weapon system commented that only acceptance as career soldiers represented a real incentive for them.

As part of its **internal labour market** concept, the Bundeswehr is seeking to qualify suitable temporary-career volunteers, enabling them to have good chances of success if they apply to work in the forces following the expiry of their term of enlistment and therefore to carry on being employed in the civilian part of the Bundeswehr. Not only that, temporary-career volunteers with a minimum term of enlistment of twelve years can request a certificate of integration or admission that entitles them to apply for the posts reserved for this group in the public service – and not necessarily in the Bundeswehr. One in ten posts for ungraded employees, one in six posts in the ordinary and intermediate services, and one in nine posts in the higher intermediate service with the German Federation, the Länder and the municipalities are reserved for such individuals. Although the applicants have to meet the qualifications specified for the career path in

question, they have the advantage of only needing to outperform other applicants who were also temporary career volunteers just like themselves.

Even if some Bundeswehr servicewomen and men continue to be retained as civilian employees as a result of this procedure, there are not a few who could well be accepted in addition to this. A great deal of potential is being cast aside, among military firefighters for example. After leaving the Bundeswehr, they have to apply for externally advertised posts, although there have been extreme personnel shortages in the Bundeswehr's civilian fire services for years. Why not give temporary-career volunteers who are leaving the forces the first option on civilian posts in the Bundeswehr, proactively approach them and make them offers? Or directly reassign them to civilian posts? This would not only make it possible for their know-how to be retained, temporary-career volunteers would also have more attractive prospects for their own life plans. Conversely, thought would have to be given to initially allowing firefighters to begin a civilian training in the Bundeswehr and then move over to the military side. One-stop personnel planning and recruitment for both the military and civilian sectors is one of the trends of the moment. Ever more posts can be occupied by either military personnel or civilian Bundeswehr employees, and not only in the Federal Ministry of Defence.

Higher education in the Bundeswehr

Higher education in the Bundeswehr is a successful model. Not merely is it possible for 96 per cent of graduate officers to be integrated into the civilian labour market after leaving the armed forces; the fact that, in contrast to the master's programmes at civilian universities, with their limits on student numbers, every bachelor's graduate has the opportunity to do a master's degree in the Bundeswehr also shows the great advantages of the higher education provided for officers at Hamburg and Munich. The Bundeswehr should focus its personnel recruitment work more strongly on this aspect than in the past.

A workshop on higher education in the Bundeswehr was held at the Office of the Parliamentary Commissioner for the Armed Forces during the year under review. Apart from officials from the Federal Ministry of Defence, this was attended by the presidents of the Bundeswehr universities, student representatives and the German Bundeswehr Association. Light was cast on the current state of higher education in the Bundeswehr and the options for its improvement, something that is always possible even in a good system.

To date, for instance, the classic old career models have only provided for officers – who are equated with

higher intermediate and higher civil servants – to study for degrees. By contrast, the **senior noncommissioned officer** is equated with a master craftsman and accordingly does not need a degree.

The number of people qualified to enter higher education in Germany has multiplied ten times over in the last 50 years. The higher education landscape has also changed significantly in recent decades; there are bachelor's and master's degrees on offer all over the country, and thousands of courses of study, including curriculums and degrees specific to particular firms. Consequently, if the Bundeswehr wishes to be attractive to the young people of today, it should also make provision of this kind available. When approximately 50 per cent of the school leavers in a cohort currently aspire to higher education, but the proportion of graduates in the Bundeswehr is just 13 per cent, the system is at risk of becoming imbalanced.

First moves towards a rethink are to be seen with the BSc course in 'commercial engineering' introduced in 2013 at the Bundeswehr University Munich. This makes it easier in particular for senior noncommissioned officers who have completed a vocational training and gathered professional experience to navigate the transition to the civilian world of work. However, this is too little. With its sergeants and petty officers, the Bundeswehr possesses a massive pool of technically qualified personnel. Despite this, no demands have come from the armed forces for senior noncommissioned officers to obtain technical qualifications at universities or universities of applied sciences. The Personnel Strategy and the Strategic Programme for its implementation do not contain any ideas about higher education for senior noncommissioned officers. Abstract phrases about the 'targeted funding of qualifications following appointment' are not sufficient on their own. Concrete consideration should be given to higher education provision for senior NCOs and petty officers as part of the modernisation of the Bundeswehr's career paths.

Furthermore, in the last few decades the Bundeswehr has not tried sufficiently hard to hold on to young officers who ultimately fail to complete their degree courses in the Bundeswehr. If only in view of the vacancy situation in the officer corps, it is possible to appreciate that this principle is no longer appropriate to current requirements. That is why it is to be welcomed that personnel managers are now rethinking their approach and increasingly wish to give **higher-education dropouts** opportunities to continue serving in the forces. It cannot be criticised that having done a degree represents an advantage for an officer, in particular when it comes to their subsequent selection to become a career soldier. However, every applicant to become an officer not only has to demonstrate their

aptitude for higher education during the selection procedure but, as a first step, demonstrate they have the aptitude to be an officer in the first place. All higher-education dropouts are therefore fundamentally well-suited to pursue careers as officers. Consequently, every possible effort should be made to open up prospects for higher-education dropouts to stay in the Bundeswehr.

The other implication is that this group must be enabled to acquire prospects for civilian **working life** by the end of their term of enlistment. However, this is still not being done today. The Legal Status of Military Personnel Act provides for time spent studying to be set off against the individual's entitlement to career advancement. This is acceptable for a temporary-career volunteer who is released into civilian life with a completed degree. A higher-education dropout will also have their time studying set off even though they do not hold any qualifications when they leave the Bundeswehr. Consequently, this group are left with nothing vocationally after a more than ten-year term of service. The Bundeswehr must not sit back and watch this happening. First of all, it must be made quite clear to a higher-education dropout before their possible re-enlistment that their entitlement to career advancement measures is extremely limited at present. However, it would be better for this gap in provision to be rapidly closed and an amendment made to the Military Pensions Act. The Bundeswehr must not be happy to benefit from someone's motivation and positive attitude towards the forces – and do so to an even greater extent in future –, but then abandon them when they make the transition to civilian life.

Promotions

Submissions about failures to secure promotion have become a constant topic over the years. If more servicewomen and men qualify for promotion than there are established posts available, immediate promotion is usually not possible once an individual has qualified for it. Promotion waiting lists have to be drawn up for every monthly promotion date. Among other things, the individual's most recent appraisals and, where relevant, their participation in deployments abroad and how long those deployments lasted form the basis for a placing on a promotion waiting list.

According to the standards set by the case law, the promotion waiting lists have to be drawn up afresh or updated for each promotion date. It is not possible for anyone to hold onto a place in the ranking they have previously reached because new, potentially higher-performing servicewomen and men are added every month. They are newly listed and may take a placing ahead of a servicewoman or man who has been waiting to be promoted for a long time. Promotion to the

next higher rank is only possible once the individual has reached a place on the promotion waiting list that corresponds to the number of posts available. The waiting times vary depending on the rank, causing dissatisfaction among servicewomen and men.

It was possible for the waiting times for promotion from sergeant class 1 to **staff sergeant** to be shortened slightly in 2017 by the provision of 500 new established posts. Nine out of ten servicewomen or men are promoted from sergeant class 1 to staff sergeant within two years. Nevertheless, approximately 3,300 servicewomen and men are waiting for their promotion to staff sergeant at present. It is necessary to improve the situation by creating further established posts.

Pleasingly, the situation has clearly improved with regard to promotion from staff sergeant to **warrant officer class 2** compared to the previous year. Thanks to the creation of more than 1,900 established posts in 2017, there are no longer waiting times for promotion to this rank at the moment. Nor have there been any waiting times for promotion to **warrant officer class 1** since mid-2015, according to a statement from the Federal Ministry of Defence. It remains to be seen whether the situation has been defused permanently.

For individuals with the rank of **sergeant** and below, immediate promotion to the next-higher rank is also possible as soon as the formal preconditions are satisfied.

As far as members of the officer specialist service are concerned, by contrast, it is still necessary to draw up promotion waiting lists when they are promoted to **captain senior grade**. The average waiting time for a promotion was 27 months during the period from June 2016 to May 2017. At present, it is still 14 months. Here too, it would be desirable for the numbers of established posts to increase in order to improve the situation. There are also waiting times for administrative service officers as of promotion from major to **lieutenant colonel** and for the subsequent promotions.

In the past few years it has come up several times as a problem that service personnel have felt disadvantaged because they were no longer promoted after **breaking off their studies**. Once they had finally left university, their term of service was usually not extended any further beyond the date that had been set on an interim basis. Higher-education dropouts did not continue to be assigned to an established post, but to what is known as a non-established post in which promotion to a higher rank is not possible. In exceptional cases, a servicewoman or man was accepted into the administrative service officer career without a degree, when there was demand for this, and it was only once they had obtained an established post that they were

able to re-enlist for a full term of service and gain promotion. The situation has improved since March of the year under review. The Bundeswehr universities are already able to comment directly on individual requests for further assignment made by higher-education dropouts. For this purpose, the individual in question is asked about the options for further assignment in the officer career, switching over to the non-commissioned officer career and assignment in a civilian Bundeswehr career path, giving them the opportunity to state what they would be interested in doing. The conclusions from the interview conducted when the student leaves university early, the remaining term of service they have left, the fundamental qualifications and interests of the individual in question, and the actual demand for personnel, which will be examined more across all the major organisational elements in future than it has been until now, then form the foundation for further planning. In this context, assignment to a regular post stands in the foreground. This is all discussed with the persons involved at a personnel development meeting. It is pleasing that the new approach is opening up further prospects for higher-education dropouts, and their talents are no longer going to waste. However, any further promotion of a higher-education dropout is only possible with the goal of assignment to a regular post. If they have no interest in further qualification and assignment or if no new assignment can be suggested to them, they are, as a matter of principle, assigned to a non-established post until the end of their term of service.

Different requirements when individuals are promoted to second lieutenant and appointed as **military air traffic control** career soldiers in the Army and Air Force led to unhappiness among servicewomen and men in the Army. Air Force candidates only had to hold one qualification in order to gain promotion, whereas candidates in the Army had to have two qualifications, each of which was acquired by taking a separate course. The Air Force personnel were therefore promoted earlier. Pleasingly, the approach taken by the Air Force has now been extended to candidates in the Army, and the servicewomen and men affected have been indemnified.

Appraisals

The current appraisal system dates back to 2007. As previously in other appraisal systems over the years, deficiencies have crept into its application and represent grounds for complaint. Many servicewomen and men still express dissatisfaction and annoyance about their own appraisal in particular, as well as the appraisal system in general. Numerous submissions and many oral complaints on field visits are evidence of a deep sense of not having been treated fairly. The delayed issue of appraisals, formal defects or assessors

who are not competent to do the work expected of them are criticised in a rather small proportion of submissions. Above all, there are complaints about the **lack of transparency** as to which criteria are taken as the basis for appraisals and how they are weighted. What are deployments abroad, mobility, the performance of special functions, the breadth of assignments, courses and experience worth? Some even feel they are at the mercy of ‘arbitrary decisions’ taken by their superiors. Rightly, it is asked what the justification is for another superior – with whom the individual may be completely unacquainted – being able to exert crucial influence on someone’s appraisal. There is still the justified opinion that young temporary-career volunteers who are applying for the status of career soldier are given preferential treatment over older career soldiers.

There has been massive criticism of what is felt to be the non-transparent application of the **guidelines on appraisal benchmarks**, which have led to unfair situations with people being disadvantaged and ultimately seeing their promotions delayed. At the same time, complaints are made that these predetermined benchmarks are not kept to, and ratings are being awarded in an inflationary fashion.

It seems fruitless in this respect to criticise the fact that the guidelines on benchmarks (quotas) result in only a small proportion of servicewomen and men receiving a good or very good rating. For these benchmarks are derived directly from the merit principle established in Article 33(2) of the Basic Law and in particular the case law that has been delivered on it. In so far as this is the case, these guidelines cannot be called into question. What is accurate, however, is the criticism that over time the superiors who conduct appraisals have kept ever less strictly to the guidelines that have been laid down. This possibility is opened up above all by the case law of the Federal Administrative Court, according to which compliance with the benchmarks is not compulsory when comparison groups are formed with fewer than 20 individuals to be appraised – which tends to be the rule rather than the exception –, but they only have to be applied ‘appropriately’. Ever more superiors are taking this option as the foundation on which to give a better or the best rating to as many of the servicewomen and men who are to be appraised as possible. As a result, those servicewomen and men to whom the guidelines on benchmarks are actually applied strictly are ultimately disadvantaged.

Another weak point in the appraisal system is that the appraisal does not conclude with an **overall appraisal score**. The average of the ratings for the individual performance criteria is merely calculated as an overall rating. As a result, appraisals insufficiently reflect qualifications and aptitude. Furthermore, the linkage

of the assessment of performance with a career forecast in appraisals poses the danger that, under certain circumstances, the superiors who carry them out will allow themselves to be guided by extraneous considerations because they understandably do not wish to harm the individuals they are appraising, but aid their advancement if possible.

The Federal Ministry of Defence recognised these and other weak points in the current appraisal system, and had them analysed intensively by a working group. It has now developed a new **appraisal system** that is intended to remedy the defects that have been described. In future, the first assessor (immediate disciplinary superior) will assess an individual's performance, qualifications and aptitude separately. The second assessor (next higher disciplinary superior) will then draw up a summary overall appraisal, which will be crucial for all selection decisions that could help individuals progress in their careers. The second assessor's superior will be able to delete whole sections of the appraisal if there has been a failure to adhere to binding benchmarks. The estimated forecast of the individual's possible career path development will no longer be included. In exchange, a 'personnel development assessment' that is also to be drawn up by the appraisers has been introduced – and will be separate from the appraisal. Finally, the stringent limit on the length of the text section and the simplification of procedural processes are intended to reduce the amount of effort involved in producing appraisals.

The new methods offer an opportunity to eliminate the shortcomings that have been recognised, and generally gain acceptance for the system. One of the most important preconditions for this will be rigorous compliance with the guidelines on benchmarks by all concerned. In addition to this, servicewomen and men must feel that everyone is actually keeping to the statutory guidelines, and that they are therefore ultimately being treated fairly.

It is to be welcomed that the Federal Ministry of Defence is tackling this difficult task and has designed a new appraisal system. It is all the more regrettable and ultimately difficult to understand as well that, in the opinion of the responsible agencies, the implementation of the new system in the **SASPF** personnel management system is not to be expected before 2021. It is unfortunate that servicewomen and men will have to put up with the old appraisal system until then.

Security clearance checks

The Military Counterintelligence Service has had to deal with additional challenges since 1 July 2017. As of that date every applicant who has been assured they will be appointed has had a basic security clearance

check begun for them before they join the Bundeswehr. This arrangement is intended to prevent applicants with extremist backgrounds from being taken on by the Bundeswehr and trained in the handling of weapons. Given that comprehensive **weapon training** only begins after four weeks of basic training, the security clearance check is to be concluded by this point at the latest. An interim report shows that this approach appears to be demonstrating its worth. As is the aspiration, it has even proved possible to conclude the basic security clearance check by the date when the applicant joins the forces in most cases. When individuals join at relatively short notice, and there are consequently only a few days or weeks between their assignment and the beginning of their term of service, level 1 security clearance can mostly still be given up to four weeks after they have joined the forces. Only in a few instances – according to the information provided by the Federal Ministry of Defence – has it not been possible for level 1 security clearance to be confirmed even four weeks after someone has joined the forces. The rapid approval of level 1 security clearance entails further advantages. As a result, it is possible to provisionally grant level 2 security clearance as well, and deploy servicewomen and men temporarily in posts for which this is required.

However, the **rapid processing** of security clearance checks in these cases cannot conceal the fact that it is still taking too long to complete other security clearance checks, which has disadvantageous impacts on the individuals concerned. To date it has often only been possible for training that requires clearance to be begun or a post filled once a particular level of security clearance has been granted. Individuals can only be promoted with a delay, and even appointment as a career soldier can be held up. In addition to this, there is the fact that service personnel who have not been cleared are only allowed to perform their duties in particular controlled access areas as long as they are accompanied by a comrade. This ties up additional personnel capacities. To this extent, the dissatisfaction expressed by the servicewomen and men affected is understandable.

At 48,000, the number of security clearance checks applied for in 2017 almost reached the same level as the previous year. The duration of the security clearance procedures was also nearly as long as in 2017, averaging more than a year for level 2 security clearance for example. No improvement of the situation is in sight. On account of its additional duties, a growth in the number of posts at MAD was to be noted. However, fewer than 80 per cent of its established posts are filled. This personnel bottleneck now has to be remedied as quickly as possible.

Prohibition on promotion during criminal and disciplinary proceedings

The prohibition on the promotion of servicewomen and men has been a subject of criticism for years. This prohibition on being promoted or in any other way advanced has always taken effect when either criminal investigations or judicial proceedings are conducted against a servicewoman or man, or when disciplinary investigations or preliminary investigations are being conducted into a disciplinary offence. Apart from this, it applies for the duration of judicial disciplinary proceedings. Promotions and all measures taken by the Bundeswehr to qualify personnel for promotion are then suspended. These include career path courses, but also other measures that help individuals progress in their further careers, studying at the Bundeswehr universities for example. Courses that make it possible to obtain qualifications of use in civilian occupations also fall under the prohibition.

Merely preparatory courses, and initial and follow-on occupational training courses that do not enable individuals to advance along their career paths fall outside the scope of this prohibition. The first thing that is apparent here is the problem of determining what helps someone advance in their career and what does not. There is no definitive catalogue that can be consulted. Are service personnel not to be allowed to take driving tests or participate in deployments abroad for years on end because they are being investigated or judicial proceedings are being conducted against them? The wait can be very long because, due to the understaffing at the disciplinary attorney's offices, and disciplinary and complaints courts, judicial disciplinary proceedings often take years, especially now, as is described in the section on disciplinary attorney's offices, and disciplinary and complaints courts.

An **exemption from the prohibition on promotion** is only provided for in hardship cases, although the preconditions for this are so difficult to fulfil that it is de facto unlikely ever to be recognised. The serviceman or woman must have served with particular merit, their misconduct must have been a one-off action to which negligible guilt attaches and that was attributable to a particular situation, rather than the perpetrator's character, and proceedings must have been delayed by more than a year, provided this is not the fault of the individual in question – all these circumstances have to come together. The Federal Ministry of Defence justifies the high barriers by citing the need to prevent this arrangement being handled in an inflationary manner.

The relevant Bundeswehr regulation states that, as a matter of principle, a servicewoman or man convicted by a disciplinary and complaints court is not to be promoted following the conclusion of the proceedings.

Only if the sentence imposed is a reduction of the individual's pay – the least of the judicial disciplinary punishments – can they be promoted despite having been convicted. Decisions are to be taken on a case-by-case basis about other steps that advance a servicewoman or man's career.

The situation is fatal for **individuals who have been acquitted**. Compensation is only paid if the Bundeswehr has breached its duties as an employer. This is usually unlikely to be the case, unless the inadequate staffing of the Bundeswehr's disciplinary and complaints courts, and disciplinary attorney's offices is to be interpreted as a breach of its duties. In the end, therefore, a servicewoman or man who has done nothing wrong ends up empty-handed after a prohibition on promotion that has lasted for years. This too is justified, argues the Federal Ministry of Defence, because such proceedings can threaten anyone at any time, just as anyone can be involved in a road accident. In decisions handed down during the last year, the Federal Administrative Court still ruled that such an arrangement falls within the employer's margin of discretion.

Even if these rulings suggest the action taken by the Federal Ministry of Defence is lawful, the Parliamentary Commissioner for the Armed Forces believes that, against the background of the personnel shortages in the administration of justice and the disciplinary and complaints courts, and the resultant excessive length of many disciplinary proceedings, it should nevertheless be considered whether the customary practice is also sensible. If the Federal Ministry of Defence justifies its refusal to take measures that advance someone's career by referring to the responsible management of scarce training capacities and the maintenance of military order, the management of personnel as a scarce resource and the frustration they feel due to a long prohibition on promotion should also be factored into its considerations. **Excessively long proceedings** and disappointment at the lack of opportunities for development are not only a burden for the servicewomen and men who are affected. Word spreads about these cases in the forces, and they are met with a lack of understanding.

- *A senior noncommissioned officer explained in his submission that proceedings had already been ongoing against him for five years and had still not been concluded. Of this time, about two years were attributable to the disciplinary and complaints court, which had not yet scheduled a date for the main hearing on account of its excessive workload at the time of his submission in March 2017. The hardship case provisions did not apply in this instance*
- *Another senior noncommissioned officer was sentenced by a disciplinary and complaints court to a*

prohibition on promotion for 36 months in April 2017. However, his disciplinary offence had been committed at the end of 2011. In its judgement, the disciplinary and complaints court declined to impose an even tougher punishment because the proceedings had lasted for longer than five years.

More than five years prohibition on promotion even though, according to the Military Discipline Code, a four-year prohibition on promotion is the maximum punishment: with decisions like this, the Bundeswehr is squandering the trust its servicewomen and men have in its rules. The justification given by the Federal Ministry of Defence, that the Bundeswehr cannot be expected to advance a servicewoman or man's career as long as there are doubts as to their aptitude, is not persuasive. For, even if someone is sentenced to have their pay reduced, promotion is certainly possible, according to the Ministry's regulations. That means someone's career will not be advanced during investigations because there are doubts about the suitability of their character but, once those doubts have been confirmed, the individual is promoted and the block on other career advancement measures is also lifted.

- *A sergeant class 1 was removed from his assignment to a course for an advanced civilian vocational qualification due to preliminary disciplinary investigations. Following the conclusion of the judicial disciplinary proceedings with a final and binding sentence to a 24-month block on promotion imposed by the disciplinary and complaints court, the serviceman was assigned once again and was able to attend the course although it had been established by the court that he had breached his duties. The only thing achieved here was the wastage of time.*

Disciplinary law has the purpose of restoring discipline, which presupposes that service personnel are able to regard their employer's rules as just. This would be achieved by a more balanced arrangement that reconciled the need to protect the Bundeswehr as an employer from advancing service personnel whose characters are unsuitable, on the one hand, and the desire to prevent service personnel from being frustrated, on the other hand.

For instance, the preconditions for the prohibition on promotion could be relaxed and/or the handling of the **hardship case provisions** made more flexible. It would be conceivable to initially suspend any promotion for the duration of proceedings, but to be guided by Section 126 of the Military Discipline Code in relation to all other measures that advance individuals in their careers. According to this provision, only individuals on whom it is predicted the highest punishment will be imposed are affected by a provisional suspension from their duties, a prohibition on wearing uniform or the withholding of pay. With this section

of the Act, the legislature has shown it is possible to take a decision about what incidental consequences may affect servicewomen and men when they are under investigation, depending on the gravity of the crime and its consequences. If this were applied to the prohibition on promotion, it would therefore be possible, for example, to initially suspend any promotion, but permit other measures that advanced the individual's career, depending on the gravity of the disciplinary offence of which they were accused.

It is startling that the Bundeswehr has not taken any action to date, although the problem of the long duration of disciplinary proceedings has been known about for a long time, and a real improvement of the staffing for the administration of justice in the Bundeswehr is not even remotely in view.

Retirement

For many years it was the practice in the forces to retire servicewomen and men early after they had reached the special age limit for their rank or category. This also made sense during the more than 25 years of personnel cuts. Servicewomen and men understandably got used to retiring at the earliest possible age, and regard this as the normal state of affairs. With the reversal of personnel trends, retaining personnel now stands in the foreground. To begin with, retirements were concentrated on two dates. Together with the associated introduction of two fixed assignment dates, this step has resulted in greater predictability for servicewomen and men. Someone who calculated a different retirement date at the beginning of their career will, however, not always be in agreement with the new practice.

Under the heading '**Life working time**', the 2025 Personnel Strategy Programme sets the goal of achieving the changeover from the special age limits to a general age limit applicable to all by 2023. The average age on leaving the forces is to be gradually increased. The principle of voluntarism has applied, and still does, for career soldiers with a retirement date between 2016 and 2018. Anyone who voluntarily extends their term of service by at least two years receives the assurance that they will not be obliged to continue their employment after this period. The Parliamentary Commissioner for the Armed Forces regards the continuation of such an arrangement to protect legitimate expectations as better than a raising of the retirement age for currently serving career soldiers that is felt to be a retrospective worsening of their position. New conditions can then apply for fresh career soldiers, who therefore know what to expect.

Discussions are conducted with servicewomen and men to determine their individual retirement dates, beginning five years before they reach their special age

limit. A solution is to be found that takes their personal life situation and interests into consideration. The decision is announced one year prior to the intended retirement date at the latest. What is important is that the Ministry proactively provides the troops with information about changes in retirement practice in order to avert misunderstandings and unhappiness among servicewomen and men.

According to the Act to Increase the Attractiveness of Service in the Federal Armed Forces, the **reduction of an individual's pension** as a result of the adjustment of pension rights on account of a divorce only takes effect when they reach the current special age limit for police officers employed by the German Federation (60 years and nine months). This means career soldiers are compensated for the disadvantages specific to service personnel caused by the current special age limits. The arrangement does not, however, cover servicewomen and men who left the forces early under the Act for the Reform of the Bundeswehr or the Act on the Adaptation of the Armed Forces' Personnel Structure. The Parliamentary Commissioner for the Armed Forces considers their placement on an equal footing with career soldiers who leave the forces on a regular basis to be worth striving for, something that has been demanded on numerous occasions.

Civilian initial and follow-on occupational training

Civilian initial and follow-on occupational training was also a topic in the submissions sent to the Parliamentary Commissioner for the Armed Forces during the year under review. It was not only the manner in which it was delivered that was criticised in some cases, but also the fact there was an obligation to attend such training and the way it was set off against the individual's career advancement measures. The primary goal of civilian initial and follow-on occupational training is to guarantee trainees can perform their tasks and are effective in their posts. The servicewoman or man's eventual reintegration into working life following their term of enlistment is only a secondary concern. This is why the timing of civilian initial and follow-on occupational training within their term of enlistment is to be chosen so that service personnel who have completed their training are still available to the Bundeswehr for at least two years.

In so far as this is the case, civilian initial and follow-on occupational training is not a kind of substitute career advancement measure, even if it is actually set off against individuals' entitlement to career advancement measures to a small extent. This **setting-off** prompted incomprehension and annoyance among some servicewomen and men who had different career plans for their time after the Bundeswehr and felt their

individual life plans were being disrupted because the training was set off against other entitlements. In the view of the Parliamentary Commissioner for the Armed Forces, the setting-off of nine months against a total entitlement to 60 months of career advancement is appropriate when consideration is given to the fact that the servicewoman or man gains a vocational qualification through civilian initial and follow-on occupational training. In order to avoid misunderstandings, the aims of civilian initial and follow-on occupational training, and its partial setting-off should be explained clearly to service personnel who will be affected when they apply to the forces.

Irrespective of this, servicewomen and men's desire for an end to the setting-off of civilian initial and follow-on occupational training is understandable. They would then be able to decide freely whether to set out on the vocational pathway they had initially given notification of or to pursue other plans. Life plans can change during the many years for which individuals enlist and give rise to different vocational wishes.

Deficiencies in the processing of personnel matters

As every year there were also numerous deficiencies in the processing of personnel matters in 2017. Inadequately formulated testimonials, the failure to issue testimonials and the disadvantages individuals suffer as a result cause annoyance again and again. It cannot be emphasised often enough: all temporary-career volunteers are entitled to a provisional testimonial some time before the end of their term of service in order that they can make arrangements for their further working lives. In addition to this, a final testimonial is to be drawn up at the end of their term of service and issued in good time.

Further annoyance was caused by the inadequate or protracted processing of, or even complete failure to process, applications for reassignment, re-enlistment, change of career path, curtailment of term of service, acceptance into the service status of a career soldier, and change of training and assignment category, which were associated with disadvantages for the individuals concerned. For instance, one application for reassignment was only passed on by the individual's unit after the advertised post had already been filled, while a decision was only taken about an application for the curtailment of an individual's term of service long after the leaving date they had applied for.

- *One serviceman had handed in his application for a change of career path to his deputy company sergeant major in mid-November 2016. Only in response to an enquiry were the documents delivered at the beginning of February 2017 to the battalion's personnel*

administrator, by whom they were then left unprocessed for another two months.

Such a delay can have the consequence that a post suitable for a change of career path is no longer free and, as a result, an applicant is lost to the Bundeswehr. Certainly, mistakes can never be avoided entirely, given the large number of files to be processed. However, the personnel administrators in the authorities that deal with personnel matters and the units themselves have to pay special attention to applications when errors would have irremediable consequences for the individual affected.

Basic training

The Bundeswehr's basic training is generally in need of reform. The process that has been initiated to reorganise and **streamline** basic training is being observed attentively by the Parliamentary Commissioner for the Armed Forces. Not every servicewoman or man has to be able to do everything. Someone who has signed up for the combat forces must offer physical capabilities that submariners, signallers or technicians in an Air Force wing do not need to have. Not everyone has to be able to march the same distance with the same heavy pack. The classic foot infantry are not the measure of all things. Of course, servicewomen and men's fitness continues to play a role in the organisation of duty rosters. Regular training improves everyone's resilience. But the boundaries of resilience are and will remain very different for different individuals. This is why thought should be given to a meaningful gradation of the fitness levels required for various assignments. Many service personnel share this view as well.

During a field visit servicewomen and men described intensive **infantry training** for all personnel as ineffective. Instead, they felt a higher proportion of special-to-arm training would be constructive. On this topic, the Federal Ministry of Defence notes that career and assignment-specific training content has not been included in basic training up until now. In the meantime, however, it has been decided to create more scope for customisation within the training. To this end, a binding basic curriculum common to all the service branches will be drawn up for basic training. Beyond this curriculum, the major organisational elements are to be able to deliver training for their specific requirements.

Recruits' heterogeneity and diversity can confront training units with major challenges. For example, one training course at the Naval School of Technology had to accommodate a **range of ages** from 17 to 40. Young school leavers and seasoned family fathers had to be moulded into a team and shaped into good soldiers – a tough undertaking. However, understanding for

these and the other difficulties with which trainers are confronted today must not result in problematic leadership behaviour being ignored.

Difficulties in training can also be caused by units being stationed at unsuitable locations.

- *A training company that belongs to 413 Light Infantry Battalion at Torgelow is stationed 43 kilometres away at Prenzlau. This makes supervision difficult and increases the effort involved in attending routine meetings. In addition to this, it is necessary to travel for significant amounts of time to reach training facilities that are not available at Prenzlau, swimming baths and small arms firing ranges for example, as well as when clothing and footwear are issued.*

Against this background, it seems worthwhile to examine the relocation of the training company, even if it may otherwise be advantageous to spread basic training units across the country. The fact that a training company is already stationed at Viereck, which is twelve kilometres from Torgelow, should not be an obstacle.

Military service volunteers

9,000 military service volunteers commenced their service with the Bundeswehr during 2017 (previous year: 9,727). Up to the end of the year the dropout rate lay at 17.9 per cent and had therefore gone down by 1.7 percentage points compared to the previous year (end of 2016: 19.6 per cent). Due to the six-month probationary period, however, further personnel recruited during the 2017 appointment year may drop out in 2018 as well. For instance, following the end of the six-month probationary period for the last recruits appointed, the dropout rate for the 2016 appointment year was a total of 27 per cent. The Bundeswehr explains the fall in the numbers of military service volunteers appointed by referring to the emphasis placed on the recruitment of temporary career volunteers.

Voluntary military service often functions as a gateway to the temporary-career volunteer career, so military service volunteers can be retained by the Bundeswehr over the long term as well. The Bundeswehr's recruiting campaigns must therefore not ignore voluntary military service. In 2017 the Army introduced an 'orientation day' for military service volunteers, when they have the opportunity to talk to older service personnel and learn from their experience. This measure is to be welcomed – partly as a way of communicating what prospects there are for individuals' development in the Bundeswehr.

During the year under review military service volunteers criticised the protracted **application procedures** at careers centres. For instance, one applicant reported

that he had not been able to commence his service until 14 months after his advice appointment with the careers centre at the earliest. This is difficult for applicants to understand when the Bundeswehr is simultaneously suffering from personnel shortages. Who is going to want to wait almost 14 months in order to do a maximum of 23 months service? This is not how to recruit personnel.

The increase in the number of established posts for extended voluntary service conscripts (EVSCs) by 3,500 to 8,500 has led to more attractive assignments for military service volunteers who are serving for longer terms. However, military service volunteers who serve for shorter terms have not been able to benefit from this change. In view of the remaining term of service individuals have left after the end of their basic training, the forces overwhelming do not regard it as worthwhile investing in expensive training for these personnel. This is why submissions are still reaching the Parliamentary Commissioner for the Armed Forces from disappointed military service volunteers who are spending their time on meaningless activities after their basic training instead of doing the assignments they requested.

- *A military service volunteer who had originally wanted to serve as a mountain infantryman was assigned as an armoured infantry soldier. The first thing he realised on his arrival in his unit was that it had no armoured vehicles. He said he was not given anything to do, but passed the time with his mobile telephone and television. The Bundeswehr confirmed that it had not been possible to train the serviceman as an armoured infantry soldier at the base. His remaining term of service had not been long enough for him to be reassigned. Instead of this, he had done various training courses and had been deployed on different projects, while it had not been possible to avoid short periods of inactivity.*

Planning errors of this kind waste time out of the lives of the individuals affected; they are not only extremely demotivating, they also deter potential applicants.

Once again complaints about the slow, excessively bureaucratic processing of applications to have terms of service extended, to be accepted as a temporary-career volunteer or to join the officer career were a major theme in the submissions from military service volunteers. There is often no support of any kind when individuals make applications. Furthermore, service personnel are only inadequately informed about how far the processing of their applications has progressed, if at all. Urgent improvements must be made here.

Voluntary military service will not be attractive if the venue for the basic training and the parent unit are

both located a long way from the individual's home. One military service volunteer had to spend 16 hours travelling approximately 800 km every weekend if he wanted to be able to see his family, partner and friends. Although the situation in this individual case was remedied by reassigning him to a base close to his home, military service volunteers should in principle be assigned as close to home as possible if they request this.

Reservists

Reservists' great commitment makes them indispensable at all levels of national and alliance defence, on deployments abroad, as well as in disaster response and home defence. Especially at a time when the personnel situation is alarming, their voluntary service is more valuable than ever. In this respect, the numerous activities organised by the Bundeswehr Reservists' Association with its more than 115,000 members are to be highlighted.

In 2017 there were 3,000 **posts available** for reservists and therefore 500 more than in 2016. The number of posts is to be increased by another 800 in 2018. It is to rise to 5,000 posts in total by 2021. Converted into days, that is more than a million reservist days. These are also urgently needed because the capacity available at present is still not enough. At the beginning of the year under review, for instance, numerous reservists complained to the Parliamentary Commissioner for the Armed Forces that previously scheduled periods of service had been cancelled because the reservist service days had been used up. These cancellations were all the more unfortunate because private arrangements had already been made and agreements reached with civilian employers. Where the cancellation was caused by inadequate organisation and communication during scheduling, it was still possible for personnel to go on the reserve exercises to which they had originally been assigned. Scheduling errors of this kind must be avoided if committed reservists are not to be lost.

In any case, rigid adherence to a predetermined figure for the number of reservist posts no longer seems in keeping with current needs in view of the broad range of tasks being done by the Bundeswehr today. As much **flexibility** as possible should be introduced here as well in order to create a 'breathing' body of personnel. The Federal Ministry of Defence's intention to further develop its concept for the reserve in accordance with the guidelines set out in the 2016 *White Paper* is to be welcomed. Reserve service is to become more attractive, there is to be better dialogue between the business community and the Bundeswehr, and personnel are also to be recruited, above all for cyber operations.

The forces' desire to primarily recruit former career soldiers or temporary-career volunteers as reservists is understandable in view of their many years of professional experience. However, it appears necessary here to improve how leaving service personnel are approached about working as reservists, for they report again and again that there is a lack of clarity about whether their requests for assignment after they retire will be acted upon. Former basic service conscripts or military service volunteers, as well as individuals without prior military service who would be keen to join the reserve must not be driven away. There must be appropriate training provision for these individuals in the major organisational elements.

Over and over again, employers' refusal to **release** individuals to do reserve duties prevents motivated reservists from being able to commit themselves to service. The honouring of enterprises as 'partners of the reserve' by the Federal Minister of Defence and the President of the Bundeswehr Reservists' Association in recognition of their commitment to reservists' service is therefore a good initiative. For instance, this title was bestowed on one small, family-owned company with 32 employees that had been releasing key staff to do reserve duties for years. Their colleagues' willingness to take on the extra work that had to be done as a result of this is exemplary. Additional financial incentives for employers could certainly bolster yet further the willingness to release individuals and should therefore be considered. It is pleasing in this context that, in response to a suggestion from the Parliamentary Commissioner for the Armed Forces, forms that have to be filled in by employers so that reservists can claim benefits under the Conscripts and Dependents Maintenance Act are now available in English as well. This has eliminated a bureaucratic barrier for international employers that, until recently, stood in the way of reservists being recruited from such companies or imposed unnecessary effort on them.

At present ten months is the longest possible duration of a reservist's annual deployment. However, reservists would like their **deployments to last longer**. So far the Federal Ministry of Defence has argued that an extension to 23 months would clash with appointment as a temporary-career volunteer and/or voluntary military service. Within the Federal Ministry of Defence, however, consideration is currently being given to the examination of other models for longer periods of reserve service.

It was suggested in the last annual report that the age limit up to which reservists could be called up when they have made a voluntary commitment to do reserve duty be raised to 67 in line with the **age limit** for statutory pension insurance. This would satisfy the wishes

expressed by a growing number of reservists. The examination of this idea currently being carried out by the Federal Ministry of Defence will take a while longer.

This is also true for the suggestion that it be made possible for reserve service to be done **part-time**. It is not only reservists who would benefit from this because they would enjoy a better work-life balance. It is also likely to be in the interests of the Bundeswehr, for example if it is to be able to recruit medical practitioners to carry out appointment examinations or IT specialists in this way.

The number of submissions about the Conscripts and Dependents Maintenance Act went down by more than two-thirds in comparison to the previous year. A large proportion of the complaints received objected to the loss of free-of-charge provision with **government-furnished meals** when reservists take part in a special foreign assignment. Reservists saw this as unequal treatment compared to active service personnel. However, this is not unequal treatment. Career soldiers and temporary career volunteers have an entitlement to foreign separation allowance, which compensates them for the costs of their daily meals. Under the revised Conscripts and Dependents Maintenance Act, reservists receive a reserve duty bonus that also covers these costs. However, the adjustment of the reserve duty bonus to take account of possible future increases in costs must not be neglected.

Reservists only receive a **commitment allowance** when they have fulfilled a commitment entered into before they commence their service to do reserve duty on at least 19 or 33 days in the calendar year. However, the Bundeswehr also needs reservists for shorter reserve exercises. Appropriate financial incentives should be created in order to increase reservists' motivation to do shorter periods of reserve duty training.

Reservists felt unhappiness about the bureaucratic requirements imposed on them when the new **reservist identity card** was introduced, on which it is possible for the first time to document a reservist's general permission to wear uniform. Until recently this permission had to be applied for separately. Some reservists who had passed the age of 65 and had served as career soldiers or temporary-career volunteers for many years felt their honour as former service personnel was impugned by the requirement that they present a current certificate of good conduct from the police, and complained about the bureaucratic effort this involved. Following massive criticism from reservists, the Parliamentary Commissioner for the Armed Forces and the Bundeswehr Association, the procedural processes were modified so that it was no longer

necessary for a certificate of good conduct to be presented, at least by those who already held an identity card.

Some reservists criticised the fact that they had been addressed without their rank simply as ‘Dear Mr’ or ‘Dear Reservist’ in letters from the Bundeswehr. They believed this was not commensurate to their status. Nor is it what would be expected of data processing software in the 21st century. The Federal Ministry of Defence has taken this criticism on board and is holding out a change in prospect.

The fact that, although they attended one and the same occasion, some reservists had been called up for an official event, but others for a short exercise, which had different financial impacts, met with a lack of understanding. **Short exercises** are only permitted if the purpose of the reserve duty cannot be achieved by an official event as well. In this respect, the principle of the proportionality of costs, benefits and administrative effort plays a crucial role. In so far as this is the case, all concerned should have been called up for an official event. More careful attention should be paid to this issue in future.

During the year under review some reservists made critical comments in public about the ‘general suspicion’ to which many servicewomen and men felt themselves subjected by the Bundeswehr’s leadership in connection with the case of Franco A. When these reservists were **released** from reserve duty training or a reserve post shortly after making comments of this kind, that may have been purely by chance. However, the individuals affected cannot be blamed if they gain the impression that their further deployment is being rejected because the opinion they have publicly expressed is displeasing to the leadership. If the military tradition and *Innere Führung* are going to be officially discussed at workshops and events, their principles should also stand the test of practice at any time.

4. Reversal of materiel trends

Full resourcing

The reversal of trends away from the administration of shortages towards the organisation of full resourcing initiated by the Bundeswehr in 2016 was continued during the year under review. The need to do this has been recognised and acknowledged. Political decisions point in this direction. Nevertheless, everything is moving far too slowly.

On almost all field visits it is said that the reversal of materiel trends is having no, or nearly no, tangible impact so far. 2030 is set as the target date for full resourcing. However, when it takes two years to actually commission the German armaments industry to make a start on upgrading the combat effectiveness of 100

second-hand Leopard battle tanks that are already standing around in the industry’s storage facilities, that is not evidence of **armaments projects being managed** with a full awareness of the problems. As if this were not enough, when it is going to take until 2023 for all these tanks to reach the forces, the whole deal is simply taking too long. Figures in the industry say it would be able to deliver more rapidly. The authorities should demand that this be done.

The Army is not the only service branch that is suffering from the slow procurement of materiel. Despite the concentration of resources on lighthouse projects and the involvement of external expertise in project management, delays also occurred in the negotiations concerning the Navy’s MKS 180 multirole combat ship and the Air Force’s Tactical Air and Missile Defence System (TLVS). The expectation now is that contracts will only be signed during the Bundestag’s 19th electoral term.

It is known today that too many civilian personnel in expert posts were made redundant during the last reform. In order to replace them, a great deal of trust and financial resources are being invested in consultancy firms. 1,300 posts were unfilled at the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support during the year under review, which is 20 per cent of the total. Tens of thousands of routine orders that are required for the forces are consequently not being dealt with for far too long as well.

The challenges the Bundeswehr is currently facing (deployments abroad, quasi-operational commitments and defence preparedness in alliances) have to be mastered today. End items, weapons and munitions must be available now. This is why there is an immediate need for an initiative to speed up the action that is being taken with the aim of stepping up the pace of change. Nor should one important idea put forward by the Army Chief of Staff be ignored here. He expressly notes the fact that complexity and digitisation have not only brought advantages – they have also increased the vulnerability of systems. He explains that servicewomen and men have to be able to handle weapons and technology, and also be able to do so under stress, in combat. His summary, ‘Simplification is needed,’ is to be concurred with.

Operational status of major weapon systems

What is decisive for the use of major weapon systems is their actual operational readiness, which can be measured as a proportion of the total inventory of such systems. This also includes all end items that have been sent away to private companies for servicing, repair and, in certain circumstances, upgrading. It is possible to measure operational readiness equally well

as a proportion of the ‘available inventory’, which includes the end items the forces actually have at their disposal – whether they are working perfectly or out of order. Irrespective of which method is chosen, the actual operational readiness of the Bundeswehr’s major weapon systems is dramatically low in many areas. The tasks to be performed can only be managed by prioritising them, which means taking end items from other parts of the Bundeswehr. However, it is not possible for the forces to perform some of the tasks they have been entrusted with.

- *For instance, even measures taken at short notice to reallocate items to 414 Armoured Battalion could not bring an end to its inadequate resourcing with Leopard 2A6 battle tanks. As a consequence, training and exercise activities can only be carried out to a limited extent, all the way down to platoon level. If it were fully resourced, 414 Armoured Battalion would have 48 battle tanks. This is to be achieved by 2020. According to a statement from the Federal Ministry of Defence, less than half the authorised allowance of battle tanks provided for was available to the battalion at the beginning of 2017. 1 Armoured Division stated in January 2018 that 414 Armoured Battalion merely had nine operationally ready battle tanks.*

The operational readiness of the **Leopard 2** battle tanks has fundamentally reached a critical level. In November of the year under review it became known that, of the 244 tanks owned by the Bundeswehr, only 95 were operationally ready. The reason for the low level of readiness (39 per cent) is evidently the amount of time tanks spend in the workshops for re-equipment and repairs. The periods spent in the workshops are being lengthened by the lack of spare parts. As a consequence, operational commitments can just about be fulfilled by drawing on ‘all reserves’. There is an acutely significant need for action here in order to ensure better levels of operational readiness as soon as possible.

The last annual report drew attention to the slow delivery of the **Puma** infantry combat vehicle and delays in establishing its operational viability. There has been no change to this situation. The work to make it operationally ready is to be concluded in 2023 at the earliest. The availability of the Pumas that are in use is unsatisfactory on account of a lack of spare parts and special tools, as well as the failure of assemblies due to quality issues. Only by keeping the old Marder infantry combat vehicle in use are the tasks given to the Bundeswehr until 2025 to be performed in a less ambitious form. In this context too, however, the vehicle’s conversion to carry the new Multirole Light Guided-Missile System (MELLS) is causing fresh concerns.

As far as armoured vehicles are concerned, there is a need for a considerable number of additional support vehicles, including the **GTK Boxer**, for all major military organisational elements.

It is still necessary to fall back on air transport capacities provided by other nations, especially the USA (C-17s), for flights to and from mission areas. The upgrading of the **A400M**’s capabilities is encountering difficulties. So far the number of transport aircraft delivered, their quality and their tactical capabilities still do not meet the performance levels its manufacturer is contractually obliged to achieve. Just 14 (out of 53) aircraft had been delivered to the Bundeswehr by the end of the year under review. Again and again, their operational readiness has been limited by technical problems, and deployments have had to be broken off. In November 2017 the Federal Ministry of Defence admitted that at times none of the 14 aircraft were operationally ready. Action continues to be needed.

The **helicopters** particularly required on foreign deployments are still in short supply as well. Even small contingents (Tiger, NH-90 or CH-53) in Mali or Afghanistan have a direct impact on the training for crews and routine operations in Germany. The reasons for the low level of materiel operational readiness are multifaceted, for instance in relation to the CH-53. A large number of technical problems are resulting from ongoing re-equipment projects. It is to be regretted, for example, that there are problems with the equipment and compatibility of the CH-53 GA, a new variant of the CH-53 GS. The fact that it is not possible to exchange components between the two systems is additionally exacerbating the spare parts situation. Appropriate countermeasures are to be taken by 2022. Here too, more rapid action is required. Systematic stocking of spare parts and more in-house Bundeswehr repair capacities could be significant elements in the solution. Improvements to the NH-90’s operational readiness continue to be necessary. Its flight operations were restricted during the year under review on account of technical problems, sometimes even leading to the temporary cancellation of all NH-90 helicopter flight operations.

With regard to the **Eurofighter** weapon system, the Federal Ministry of Defence referred during the year under review to the conclusion of a support contract for the repair and provision of spare parts. It has not been evident to date whether this measure will be accompanied by an actually tangible improvement in the spare parts situation and a significant increase in the number of available, operationally ready aircraft. At the same time the provision of capabilities is being hindered by delays in the licensing process. Apart from this, the attempts to make the Eurofighter opera-

tionally ready for air-to-ground tasks are being affected by delays, which could continue when pilots are being trained.

As in the past, the Navy lacks ships. The plan for the decommissioning of the total of eight 122 frigates has not been synchronised with the delayed commissioning of new units. The availability of the Bundeswehr's **submarines** is also precarious. Since October 2017 the fleet has no longer had a single seaworthy submarine at its disposal. In December the new Frigate Baden-Württemberg, which had already been accepted, was returned to the shipbuilder again due to significant software and hardware defects. Furthermore, the Bundeswehr's limited in-house repair capacities and the protracted procurement of major spare parts, in particular, are having negative impacts. Operational readiness has consequently been significantly impaired over a long period of time. This means any additional burden of further maritime missions is out of the question.

The four new F125 **frigates** – following the hopefully rapid elimination of defects –, the five new K130 **corvettes**, the four to six 180 multirole combat ships and two other submarines that have been ordered will defuse the situation over the medium and long term.

Overall, from major end items, major weapon systems and minor end items to servicewomen and men's personal equipment and clothing, it must be ensured the armed forces have the equipment that enables them to perform their tasks in full. At the same time, servicewomen and men's lives and health must be protected as well as possible. Missions and tasks can only be taken on if these conditions are comprehensively guaranteed. This is why, in view of the demand for training, exercises and deployments, all procurement and re-equipment projects urgently have to be driven ahead at a faster pace.

Equipment for training, exercises and deployments

Equipment for training is lacking in many places. Here too, the implementation of the reversal of materiel trends has by no means made its mark on the forces. Although the fact that it has been possible for the funding for munitions to be markedly increased is cheering, covering the very great deal of ground to be made up will make very tough demands on all concerned, both the Bundeswehr and the armaments industry, for a lengthy period of time.

Just six of the 30 companies in the six logistics battalions (Joint Support Service) are fully resourced with vehicles. Overall, merely 30 per cent of their target equipment is available. It remains questionable how the German contribution to the **Very High Readiness Joint Task Force** (VJTF) is to be provided when this

is the situation. It was explained to the Parliamentary Commissioner for the Armed Forces on a field visit that attempts to change course had not led to success, and the logistics battalions were having to plan with what they happened to have in their depots.

Almost all field visits are dominated by justified complaints about the lack of materiel. For instance, reference was made again and again to shortages of armoured and wheeled vehicles, weapons and radio sets.

- *As an example, the state of the Bundeswehr Logistics Command's resourcing was illustrated during a field visit with four capability-relevant support systems. It was complained that the target of 2,183 vehicles compared to an actual inventory of merely 387 available vehicles. Vehicles that were being used on deployments were already included in this figure.*

In order to remedy this situation, it is necessary to markedly boost the budgetary resources for protected and unprotected mobility.

The Federal Ministry of Defence is currently investigating what impact the shift in focus to collective defence in Europe will have on the capabilities, forces and resources that will be required for this. The closure of the gaps that have been identified is to begin in 2020. That is too late. Irrespective of any comprehensive, new concept, the gaps discussed above should be closed as quickly as possible. This is not something that should only be started when the tender documents are drafted in two years time.

- *413 Light Infantry Battalion is having to put a great deal of organisational effort into borrowing the G22 and G82 sniper rifles, and MILAN anti-tank weapons it does not have from other formations, where they can be spared. This is making it significantly more difficult to qualify senior NCOs. Army Headquarters describes the situation as difficult, but claims it is not restricting 413 Light Infantry Battalion's trainability. It believes bottlenecks will need to be managed at all levels until full resourcing has been attained. The Army most recently held 70 per cent of the G22 sniper rifles it was supposed to have, and 43 per cent of the G82s. The MILAN anti-tank weapon will be replaced by the MELS system in the near future, and new supplies can no longer be procured. Decisions about the stocks that are still available have to be approved by Army Headquarters because they are being reserved for quasi-operational commitments and delivery to the Kurdish Peshmerga in northern Iraq.*

The examples show that the **reallocation** of scarce materiel cannot be a permanent solution. In the most favourable scenario, it means training involves in-

creased levels of organisational effort, but in less favourable scenarios it imposes noticeable restrictions. What is needed is far-sighted planning for materiel resourcing that is appropriate to the Bundeswehr's tasks.

Inadequate equipment is also taking its toll on the Bundeswehr's interoperability with allied armed forces.

- *During the Parliamentary Commissioner's field visit to 414 Armoured Battalion, he was told that encryption-capable radio sets had already been deployed in Dutch tanks for some time. It was explained, however, that German servicewomen and men still encoded their radio messages with encoding tables, which their Dutch comrades now had to learn to use as well before training. According to information from the Federal Ministry of Defence, measures had already been taken to ensure battle tanks had both command and control assets.*

If training capacities are lost on account of a lack of equipment or materiel, this can have significant consequences. The **'train as you fight'** approach that is so important for deployments abroad can often only be upheld with considerable planning effort, if at all. In the worst case, servicewomen and men's lives and health are put at risk.

- *A Bell UH-1D crashed into a high voltage transmission line during tactical low-altitude flying as part of a support sortie to test out a radar system. The helicopter was badly damaged, and two crew members were slightly injured. The Director of Bundeswehr Flight Safety indirectly blamed the accident on a lack of opportunities for the pilot to train. There was only a limited allocation of flying hours on account of the poor availability of the Bundeswehr's own aircraft at the base. The pilot had consequently been unable to maintain the level of training he had previously reached.*

Another problem is the **outsourcing of the maintenance work** done on many components from the forces to external service providers. Internal Bundeswehr capabilities are being lost as this happens. Even in peacetime operations in Germany, this can cause problems.

- *On a field visit to 64 Helicopter Wing, it was stated that the civilian servicing firm that had been commissioned was not adequately performing its contractually agreed servicing and repair work on the CH-53 weapon system on account of personnel bottlenecks. Consequently, the formation had fewer helicopters at its disposal than it required. By the end of 2017, there would be a shortfall of approximately 700 flying hours, which would have negative impacts on the*

training of flying and technical personnel. On this issue, the Federal Ministry of Defence stated that, on account of the current operational commitments, flying hours were being assigned to the personnel selected for these commitments as a matter of priority. However, the remaining flying hours were not sufficient in order to train further personnel to the requisite extent.

In mid-December 2017 the Ministry bought in 6,500 **flying hours** from the ADAC, Germany's largest motoring association, which provides both breakdown services and air ambulances. This was done in order to overcome the limitations on initial and follow-on occupational training for NH-90 and Tiger helicopter pilots. From March 2018 on Bundeswehr pilots at Bückeburg will do flying hours in ADAC helicopters in order to retain their pilot's licences and as part of their basic training. Similar contracts with other providers have already been in place for several years for helicopter pilots in the Air Force and the Navy. These stop-gap solutions show starkly that there is a serious problem here.

Coordinated training of military drivers on vehicles in the one tonne class is hardly possible at present as well. BundeswehrFuhrparkservice, the publicly owned company that provides civilian vehicles to the Bundeswehr, is able to supply VW Multivans, VW Amaroks, Nissan Pathfinders and DB Greenliners in this vehicle class, but it is not possible to plan reliably whether these vehicles will be available, and if so which ones. Since specific training is provided for on each vehicle, this makes it considerably more difficult to schedule training activities.

Repair capabilities on the ground are of great significance, especially on deployments. If they are absent, it may not be possible for missions to be carried out. It does not seem very practical to fly in staff from external service providers whenever there is a need for repair work to be done abroad that goes beyond a particular level. Significant delays are preprogrammed. At the same time, it can be difficult for a contingent's servicewomen and men to manage the requisite repairs with the resources they have to hand. The specificities of repair work on deployments, and not merely economic questions therefore have to be borne in mind when repair contracts are awarded.

The examples that have been mentioned do not by any means reflect all the information gained during the year under review. No field visit goes by without deficiencies in the equipment for training and deployments being pointed out. This is where there continues to be the greatest need for action. The achievement of the self-explanatory goal of enabling training at a permanently high level comes up against difficulties again and again.

• *At the Naval School of Technology – which describes itself as ‘the most modern college in the Navy’ –, both students and trainers claim the practical training facilities are looking their age and need to be replaced with modern installations. The same is also true for some of the installations used in civilian initial and follow-on occupational training. They say this is the only way of ensuring the School does not lag behind technical developments in the Navy’s operational formations.*

If training equipment that is supposed to be an integral component of every armaments project is regarded as an option for the reduction of costs, this goal will be jeopardised. But even where new training installations are constructed, this does not always go smoothly.

• *According to reports from servicewomen and men, there have been significant problems and delays with the construction and commissioning of the Naval School of Technology’s boat launcher for the multi-role operational boat used on the 125 frigates. It is particularly criticised that very loud hydraulic power units have been built directly under the installation. For reasons of occupational health and safety, ear protectors consequently have to be worn in this noisy workplace, which means students no longer hear the explanations given by their trainers. Terns nesting in the installation and the need for extensive repairs on account of incompetent handling when a boat was being lifted are further hindrances, the consequence of which was that the Alpha and Bravo crews had to catch up on this part of their training in a dockyard elsewhere.*

Clothing and personal equipment

There were also complaints about insufficient availability of garments again during the year under review. For example, clothing with vector protection is still not available in sufficient quantities at Hammelburg and other bases. This runs counter to the recommendation given in an information sheet from the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services in June 2017 that, as a precaution against tick bites, clothing with vector protection should be worn when time is spent in the field.

The Ministry also admitted **delivery bottlenecks** on account of delays to the contract award procedure for the supply of gloves with different functionalities. One petitioner criticised the delivery times for the procurement of replacement Navy service trousers as too long. There were also complaints about the complete absence of certain garments: for instance, there was no winterproof headwear to protect against cold and wind that matched personnel’s dress uniforms. Finally, it should be ensured that garments are not only stocked

in sufficient quantities, but in all sizes as well. For instance, the peaked cap for senior Navy officers was only available in sizes 55 and 62 for almost six months in 2017. The remaining sizes were supposed to be available by mid-December 2017 at the latest. This was too long. The same is true for the necktab that is worn by servicewomen instead of a tie and will be provided free of charge in future. These will be deliverable in the first six months of 2018 at the earliest.

• *A senior officer who, as a ‘self-supplier’, is obliged to procure certain items of his service clothing himself, complained that he had not been able to purchase the service shirts he needed at any of the Bundeswehr Bekleidungsmanagement GmbH (BwBM) sales outlets since June 2017. If he bought the shirts from another provider, however, he had to pay a processing fee of €9.50 when he put in the invoice to BwBM for reimbursement. The Federal Ministry of Defence admitted delivery bottlenecks since the summer of 2017 for individual sizes. An easing of the situation was to be expected at the beginning of December 2017. The processing fee charged for service shirts purchased from third-party providers was therefore waived for the period from 1 June 2017 to 30 November 2017.*

Servicewomen and men who are subject to an obligation to wear uniform should not have to chase around after their items of clothing. Uniform also functions not least as a means of identifying with the military profession.

There are also deficiencies in the field of personal equipment for servicewomen and men. For instance, the supply of **armoured vests** remains inadequate. It is not only their provision in special sizes that continues to be difficult. It was calculated, for example, that over 1,000 more armoured vests would be needed just for the Airborne Brigade at Saarlouis. According to the account given by the Federal Ministry of Defence, it will only be with the arrival of the Military Modular Ballistic Protective and Carrying System (MOBAST) that, as a matter of principle, every servicewoman and man is to receive a personal armoured vest while they are still in Germany. In view of the production capacities, however, even the partial implementation of this project is only envisaged by 2026. This seems absurd. Servicewomen and men must receive their full allocation of personal equipment before they find themselves in operations on deployment. True to the ‘train as you fight’ principle, equipment must already be available to servicewomen and men for exercises and training activities in Germany.

A constructive round table was held with representatives from the authorities with responsibility in this field to discuss the clothing-relevant questions mentioned above and other issues at the Office of the Parliamentary Commissioner for the

Armed Forces in 2017. Their statements revealed that the structural shortcomings of the previous uniform provider, LHBw, which used to operate as a private company, can be felt to the present. For example, flows of goods between warehouses and service stations cannot be optimised, partly due to the absence of an appropriate database. It is therefore a matter of urgency to build a suitable database with reliable information about stocks of goods.

There was good news about **combat boots** during the year under review. With the Armed Forces Combat Footwear System, footwear was introduced for the first time that is intended for different temperature zones and areas of use, and offers the corresponding functionalities. Its procurement has been commissioned after a wear trial at the end of March 2017 went without a hitch. The footwear should now be ordered, delivered and issued rapidly in large quantities and all sizes. Furthermore, suitable socks also have to be provided. The composition of the material used for the service-issue socks supplied to date has been criticised by servicewomen and men who say they are insufficiently breathable. According to a statement from the Federal Ministry of Defence, the available stocks of ‘slate/olive’ socks and ‘long’ socks are to be used up by the end of 2018. Functional socks that meet the latest standards in this field are then to be supplied.

Uncertainty was also to be sensed among servicewomen and men during the year under review with regard to payment for items of clothing via the **trust account** for partial self-suppliers. Subject to particular preconditions, temporary-career volunteer noncommissioned officers and junior ranks can receive a grant for some of the articles of clothing they are supposed to possess. They receive a corresponding sum for this purpose, which is transferred to a trust account. In the past credit balances were sometimes also used, contrary to their legal purpose, to purchase articles that were not to be procured by service personnel themselves, such as four-season jackets, which have not been issued to date by the forces, or sports clothing. Since 30 September 2016 it has only been possible for items of clothing to be paid for via the trust account that are included in the authorised allowance service personnel are supposed to purchase for themselves. No one would object to the adaptation of the procedure to the current legal provisions. It is to be welcomed in this context that popular items such as the four-season jacket, the softshell windcheater and the pullover will be provided to servicewomen and men free of charge in future.

5. Reversal of infrastructure trends

Structural condition

The Bundeswehr’s infrastructure consists of more than 1,600 facilities with over 33,000 buildings: barracks with accommodation blocks, offices and workshops; major and local training areas, airfields, port facilities, depots, bunkers and underground installations, the Bundeswehr hospitals, administrative buildings, training institutions and also a rising number of child daycare settings. The total area of all these facilities is about 2,660 square kilometres, which is roughly as big as the Saarland. Maintenance and modernisation are not just arduous in view of the enormous size of the estate but also, among other things, on account of the refurbishment backlog caused by the cost-saving measures taken over the last few decades.

For instance, servicewomen and men again complained during the year under review about serious defects in the structural condition of barracks and accommodation blocks. In several statements, the Bundeswehr admitted to ‘properties in need of refurbishment’, ‘significant need for refurbishment’ and ‘grave defects’, among other things in the washrooms of the accommodation block used by 260 Airborne Engineer Company at the Saarlouis Base, at the General Steinhoff Barracks in Berlin, in buildings at the Munster Training Centre Officers’ Camp, and in the showers and toilets of the Air Force barracks at Cologne/Wahn.

- *Only one or two showers were still functioning in a shower room at the Air Force barracks that is fitted with twelve showerheads. The water temperature controls did not function properly either. The structural fabric of these barracks is made up of seven accommodation blocks that date back to the 1970s. According to the Federal Ministry of Defence, it is no longer possible for them to be repaired profitably.*

Profitability at servicewomen and men’s expense? This is unacceptable as a justification for the Bundeswehr’s actions as an employer. The fact that two new accommodation blocks are currently being constructed at this base is only good news in the medium term because the delivery of these buildings is not envisaged until 2019.

Grave shortcomings in accommodation areas, and the toilets and showers at the Petty Officer School in Plön were, among other things, crucial to one re-employed serviceman’s decision to break off his aptitude exercise:

- *He felt the showers and toilets that were intended for him and his comrades at Plön Petty Officer School were a disgusting sight: for instance, the ceilings were covered with mould. Signs in the accommodation*

stated that the taps had to be run for a long time before the water was used. It also seemed incomprehensible to the petitioner that the service personnel who had been billeted there were supposed to be responsible for obtaining cleaning products themselves. Apart from buckets and cleaning utensils, no other cleaning products had been made available to him and his comrades. Instead, insect killer spray in 'XXL cans' had been put out.

Antiquated buildings and accommodation blocks in a hygienically unsafe state of are certainly not good adverts for the Bundeswehr. Even worse, such conditions can occasionally define the image of a whole base.

- *For instance, affected servicewomen and men of 36 Attack Helicopter Regiment at Fritzlar described powerfully how they were ashamed when they had guests on account of the poor condition of some of their buildings. External service personnel on courses at Fritzlar had to put up with hygienic standards in one complex of buildings that were significantly below the minimum that would be expected. As far as this site was concerned, the Federal Ministry of Defence stated that a thorough refurbishment was to be carried out as of the spring of 2020. The buildings in question would be put into a 'useable state' for the intervening period with appropriate construction measures.*

Action must be taken immediately to ensure these minimum standards are complied with. Problems of coordination between the Land building authorities and the company contracted with the renovation work, which led to further delays to the urgent refurbishment of the washrooms, must not be dealt with in ways that harm servicewomen and men.

The refurbishment of Bundeswehr facilities is a matter of life or death when it comes to the removal of materials that contain asbestos.

- *At Prenzlau in Brandenburg, where 610 Communications Battalion is based, the roofs of the vehicle halls and some of the hall floors were covered with Eternit asbestos cement panels. Servicewomen and men carried out maintenance work on vehicles in the halls. The requisite refurbishment work began immediately after the matter had been picked up by the press.*

This ought to have happened earlier so that servicewomen and men had no contact of any kind with this highly problematic building material in the first place.

The **Immediate Action Programme on Barracks Refurbishment** set up by the Federal Ministry of Defence promises to bring about improvements. Accelerated planning approval procedures are to make it

possible for all 'major new build, conversion and extension projects' to begin by December 2019. The volume of costs will be about €2bn. The foundation for this is a list coordinated with the Federal Ministry of Finance that includes 400 projects. Among other assets, it also extends to 19 sports halls. A further 51 sports halls not covered by the Immediate Action Programme are being worked on with the aim of making structural improvements. This requires special mention because modern sports facilities not only influence the attractiveness of a base, but the refurbishment of these assets also underlines the high value placed on servicewomen and men's physical fitness. Not just against this background, it is absolutely essential for sports provision to have a visible presence in the Bundeswehr.

Length of procedures

The problem addressed in the last annual report that many infrastructure projects take unnecessarily long because skills are being lost due to the excessively short periods the officers in charge of bases' infrastructure spend in post was indirectly confirmed by the Federal Ministry of Defence: the number of teams responsible for managing construction projects was increased from 44 to 51. The intention expressed by Army Headquarters to have larger infrastructure projects supervised by Army infrastructure personnel across the whole of Germany in future is also a move in the right direction.

Nevertheless, this does not imply the demand for the appointment of full-time personnel at the larger bases to '**look after**' construction matters is therefore off the agenda. This idea has certainly found a positive echo in the forces, as the feedback on field visits showed. However, the accelerated implementation of refurbishment and construction projects is not solely dependent on the Bundeswehr. The competent building offices of the Länder must be resourced to a sufficient extent with personnel – in particular where there are major military bases, as at Wilhelmshaven for example. NATO too occasionally fails to perform well in this field: a warning example of agonisingly long planning and construction phases is offered by the erection of a perimeter fence at NATO's Büchel airfield in Rhineland-Palatinate.

- *Negotiations about this project were conducted for the first time by the Air Force Chief of Staff in 2007. It was approved by the North Atlantic Council three years later. It took another four years for a joint study of the project's 'realisation', that is to say the construction of the fence, to be conducted. There are now plans for a motion on the approval of the tender specifications to be put to the NATO Investment Committee*

in 2018. It is to be assumed the construction work will begin in 2019 and be completed in 2021.

It seems absurd for a project that is not in any particular way ambitious, either architecturally or structurally, to require nearly one and a half decades from its planning to its completion.

- *Another example is the never-ending story of the planned relocation of the Air Force Officer School from Fürstenfeldbruck to Roth near Nuremberg: if all the schedules are now adhered to, a total of ten years will have passed by the time the School is relocated in 2021.*

Regardless of the high costs of about €144m that are likely to be incurred on account of this controversial stationing decision and were mentioned in the previous year's annual report, it is difficult for all concerned to accept that once a decision has been taken it is ultimately set aside, and ten years are needed to implement it.

- *The Bundeswehr Sports School at Warendorf is also suffering from construction delays: appropriate accommodation is being built there for individuals with deployment-related disabilities who will take part in the Sport Therapy after Deployment-Related Disability course. The erection of a new building suitable for this may at present be in planning but, according to the estimates of the officials responsible, up to 77 months will pass before the first course participant has the chance to enjoy the new accommodation.*

Accommodation

A faster pace is urgently required everywhere, not least because the reversal of personnel trends is increasing the demand for attractive living quarters that are in good repair. This is especially affecting the project under which servicewomen and men obliged to live at Bundeswehr barracks are to be accommodated in single rooms as a matter of principle. The total demand for single rooms has grown by approximately 5,000 to 60,000 in the context of the reversal of personnel trends. The implementation of the **single room concept** must have priority, partly in the interests of enhancing attractiveness. A clear increase in accommodation capacities is therefore necessary. In the view of the Parliamentary Commissioner for the Armed Forces, the aim remains a bed and locker for every servicewoman and man – a demand that has been made for many years and is finally being advocated by the Federal Ministry of Defence as well. The Ministry has now underpinned it by submitting a military requirements request for the funding this action will need to the Federal Ministry of Finance.

Solutions of the kind found by 31 Paratroop Regiment at Seedorf show that greater accommodation capacities are not always dependent on construction projects:

- *The Parliamentary Commissioner for the Armed Forces learned on an unannounced field visit there that every servicewoman and man not obliged to live in Bundeswehr accommodation who requests this can now in principle be billeted in a single room shared between two. This measure has been agreed with the enlisted personnel spokespersons and represents a pragmatic way of resolving the problem.*

Furthermore, the Seedorf solution points to the tension there still is between the single room concept and the desire of many service personnel who are not obliged to live in Bundeswehr accommodation to be put up at their barracks during the week. This is true not only for bases where the housing market makes it difficult, if not impossible, for servicewomen and men to find appropriate places to live at justifiable rents. With the Compensation for Occupational Mobility Subproject under its 2025 Personnel Strategy Programme, the Federal Ministry of Defence is at present examining solutions for the problems caused by the distances between servicewomen and men's duty locations and places of residence. Thought is also being given to financial compensation. However, financial compensation payments from the Bundeswehr would be superfluous in some cases if sufficient acceptable housing were available at barracks. It often seems inconsistent that there are bottlenecks in the provision of accommodation for servicewomen and men at the same time as facilities are being abandoned. A **moratorium** that prevents the overly hasty divestment of currently unused pieces of real estate to the Institute for Federal Real Estate would be advisable.

The attractiveness of the Bundeswehr as an employer is also judged in terms of the living quarters and communal areas at barracks. This is why they have to be brought up to contemporary standards. What are called model rooms are currently being created at six bases. New **furniture ranges** will be trialled and tested for their practicality by 2018. In this respect, one thing should be clear: no one can think through the furnishing requirements for communal areas better than the people who actually use them. This is why affected servicewomen and men themselves should always have the right to contribute their ideas when furniture is being acquired. Maybe it is even feasible to organise this by issuing servicewomen and men with furniture coupons as a way of proactively putting them in a position to find the items that are needed and purchase them at furniture stores. This would certainly not be any more expensive than the current centralised procedures, just different.

The availability of the **Internet** at all Bundeswehr facilities should be less a question of attractiveness than a matter of course. Here too, however, extremely protracted planning and approval processes unfortunately suggest this gap in provision will not be closed quickly, but will continue to exist for the foreseeable future. Under the title ‘Moving Ahead: Free Internet for Bundeswehr Dormitories’, the competent agencies stated in a press release that on 31 August 2017 they had placed a contract for the installation of free-of-charge Internet connections for private use in Bundeswehr accommodation. Yet this is only to be implemented in more than four years’ time, foreseeably at the end of 2022. The conclusion of just a framework contract with the providers who are responsible for the service and the placement of the requisite installation contracts with local craft businesses ought to make it possible for this project to be implemented markedly more rapidly.

6. Daily military life

Military Personnel Working Hours Ordinance

Since 2016 servicewomen and men have been doing their duties subject to the provisions of the Military Personnel Working Hours Ordinance. Some of the problems documented in the last annual report have been resolved in the meantime during the legislation’s evaluation by the Federal Ministry of Defence: for instance there is now compensation for periods of duty done at weekends, even if the individual’s working time on these days has not exceeded the limit of up to twelve hours. For the Navy, the whole of a multiday patrol at sea will consistently be regarded as such in future. Periods laid up in ports away from home and abroad will remain part of such multiday sea patrols; it will also be possible for servicewomen and men to receive financial compensation for these periods of time as well.

However, there is still a need for action to be taken or changes made, for example when it comes to **periods spent at training areas**. As a matter of principle, these also fall within the scope of the Military Personnel Working Hours Ordinance. A working time of 41 hours per week applies there as well. However, training segments such as night exercises have to be carried out in one go, without interruption. In order to compensate for the working hours required here by granting time off, there is a need for the forward-looking organisation of rosters, both before personnel spend time at a training area and afterwards.

In relation to **general basic training**, however, it appears doubtful whether this training phase, which is only intended to last for three months in any case, can

be shortened acceptably yet again by granting additional time off in lieu. Recruits reported that essential, formative segments of general basic training, such as bivouac building with night training, had been cut short on account of the requirements set out in the Military Personnel Working Hours Ordinance. The Ordinance is also having an unfavourable impact on command supervision during basic training. Young recruits should have a competent contact person after the end of their duty hours as well. However, it is doubtful whether the requirements set out in the Military Personnel Working Hours Ordinance allow superiors scope to offer this kind of care.

One aim of the Military Personnel Working Hours Ordinance is to improve occupational health and safety. It must therefore be a priority for accrued overtime to be compensated for with subsequent **time off in lieu**. However, servicewomen and men occasionally criticise the discontinuation of additional financial benefits paid by the Bundeswehr for overtime that they had until recently believed to be secure. According to a survey carried out by Army Headquarters, it was possible to identify a rise in the numbers of Army personnel allowed to work outside the forces in comparison to 2015 and 2016. The rate of change ranges between minus 40 per cent in the Army Concepts and Capabilities Development Centre and plus 97 per cent in the Rapid Response Forces Division. These are not yet reliable figures, but the proximity in time between the introduction of the new remuneration standards and the increase in the levels of outside working is noticeable.

There is still uncertainty about the application of the Military Personnel Working Hours Ordinance. Guidance on the **remuneration of overtime** issued by the Federal Ministry of Defence in February 2017 permitted the conclusion that disciplinary superiors are able to decide unbureaucratically whether to approve monetary payments instead of time off in lieu for duty hours – if there is a compelling military reason for this, the need to ensure the performance of tasks for example.

By contrast, a letter written in September 2017 by a different directorate-general within the Federal Ministry of Defence emphasised the need for compelling military reasons to be comprehensively documented as a precondition for the remuneration of overtime (including precise, detailed notes on operational activities, the mission situation and the personnel situation). On account of the additional work to which this clearly gives rise, disciplinary superiors are likely to shy away from granting financial remuneration for overtime that has been done. The Federal Ministry of Defence should examine whether other European armed forces that, like Germany, apply the European

Working Time Directive, have found practicable solutions here.

During a field visit to France it was complained that – unlike in Germany – no remuneration is granted for overtime when personnel are abroad. Overtime done during periods spent at training areas can be compensated for by a reduction in weekly working time and/or leave from duties before and after an exercise. This grievance was identified when the Military Personnel Working Hours Ordinance was evaluated and the revocation of the provisions on these competing entitlements recommended when the Defence Committee requested a report from the Federal Ministry of Defence on a competitive salary structure in the Bundeswehr. It now remains to be seen whether and when this measure, which the Federal Ministry of Defence has announced for the 19th electoral term, will be implemented.

The Military Personnel Working Hours Ordinance imposes a tight time frame that often demands even more effective planning of duty hours. The spatial separation of accommodation and work areas within barracks criticised above at another point in the present report, and the **travelling times** with which it is associated are frequently inefficient in this respect. If the distance between servicewomen and men's living quarters and the armoury is a kilometre, for example, this reduces the working or training time that is effectively available.

There was criticism of the fact that working times and attendance are not recorded consistently at the **Bundeswehr hospitals**. The explanation put forward by the Federal Ministry of Defence, according to which this situation is 'historically determined', is not an excuse. The deployment of two time and attendance recording systems simultaneously in order to record working times in full – including shift work –, as at the Bundeswehr Hospital Koblenz, is certainly suboptimal. The Federal Ministry of Defence has now initiated trials that are intended to contribute to an improvement of the situation.

Waiting times when courses are planned

Waiting for the allocation of course places is a constant topic in daily military life. During a field visit to the Bundeswehr Sports School, personnel drew attention to the long waiting times for the **Physical Training Instructor C** course for senior NCOs. In principle, there are 1,075 training places available for officers at the Sports School and 1,125 for noncommissioned officers. On account of infrastructure projects at the sport facilities and staff vacancies (sports instructors/special branch instructors), some of the Bundeswehr Physical Training Instructor courses that were provided for have not been held since 2015. As

a result of this, it is necessary to prioritise the allocation of training places, which is essentially done at the expense of noncommissioned officers because the Bundeswehr Physical Training Instructor course is a component of officers' career path training.

It has been possible for the infrastructure projects to be concluded in the meantime. The physical training instructor/special branch instructor posts have been advertised appropriately so that the personnel vacancies can be filled. In addition to this, options are being examined to slim down the training in order to use the capacities this would free up for the further training of noncommissioned officers. The aim is to provide sufficient training places again as of 2019.

As a matter of principle, the measures that have been implemented are to be welcomed. However, it is taking too long to provide the course places that are needed. Physical training instructors are required in sufficient numbers now in order to ensure physical training is delivered and, consequently, servicewomen and men are physically fit as well. Amendments to the relevant regulations could defuse the problem. In daily military life, it is usually noncommissioned officers, not officers, who shoulder the main burden of physical training. Officers can also catch up on this course at a later point in time.

Morale, welfare and recreation activities

The meaning and purpose of the **morale, welfare and recreation (MWR) food service** were summarised concisely in the Subconcept on Morale, Welfare and Recreation Activities in the Bundeswehr (TK BefürsBw) of July 2014: 'Apart from the provision of goods for personal use and catering services, **MWR food service** facilities offer a setting for the organisation of the cultural, social, integration, sport, leisure and follow-on training activities provided as part of military morale, welfare and recreation provision, as well as off-duty socialising between members of the Bundeswehr and their relatives.' Two years previously the Bundeswehr had undertaken a convincing conceptual reorientation of government-furnished meals and the MWR food service. Has the Bundeswehr achieved its praiseworthy goals since then?

It is obvious that any sweeping statements made about this matter cannot be taken seriously given that there are more than 250 bases, each with its own specific structures and parameters. The individual bases must be looked at in the light of their unique requirements, their built environments and their current service providers, whether they are officers' clubs, non-commissioned officers' clubs or private tenants. The original form of catering service is that provided by private tenants at what are known as all ranks clubs, which are

intended for all career categories. With a view to officers' particular ceremonial obligations, what are known as officers' clubs and later non-commissioned officers' clubs grew up alongside them. The Federal Ministry of Defence and the Bundeswehr Subsistence Office are currently drafting what is known as a 'catering and MWR concept' for each base. At the moment, these concepts have entered into force at 41 bases. Coordination with the individuals responsible on the ground and the bodies to be involved takes time, so the work on the concepts for all bases will not be concluded before 2022.

At some bases, action is urgently needed to put in place new forms of provision; at others, the established morale, welfare and recreation facilities have enjoyed great popularity for decades, since the 1950s at Munster for example: the seasonally themed events put on all year round at the officers' club there are a fine tradition. Its name also evokes a rich heritage: the Cornet Mess is named after what was once the youngest officer in a squadron, the 'cornet', an association clearly indicative of the efforts the officers' club makes to provide for young officer candidates. Munster demonstrates how successfully an **MWR food service** can function for a long time and through many upheavals, even with personnel who have not been trained in catering as their main profession. The results from analyses of pure economic efficiency would certainly not be the right guide to the future here.

These ideas prompted the Parliamentary Commissioner for the Armed Forces to engage in dialogue this year with all actors involved in the reorganisation of the MWR food service at the Federal Ministry of Defence and the Subsistence Office, representatives of the club operating companies, the Federal Association of Officers' and Non-Commissioned Officers' Clubs, the Bundeswehr Association, the Bundeswehr Reservists' Association and delegates from the bodies that represent service personnel. As had been expected, the drafting of base-specific **catering and MWR concepts** was welcomed. The tensions that are felt between economic efficiency and attractiveness became apparent. Only an offer that is accepted by servicewomen and men can be the foundation for economically sustainable solutions – it is users' needs that are decisive. However, it was noted critically that this certainly did not mean the new concepts had to be static: bases change and guests' expectations are constantly evolving. What was attractive yesterday may be out of date today. In the interests of attractiveness, solutions that allow for more than purely economic considerations would also have to be preferred, as appropriate.

Where necessary, dilapidated buildings now need to be rapidly refurbished and personnel shortages rectified. The MWR food service offers a little bit of home and lively company for servicewomen and men, their relatives, reservists, civilians associated with the Bundeswehr and, finally, international guests who are visiting Bundeswehr bases.

Non-food MWR provision is also of great significance against the background of the mobility that is demanded of servicewomen and men. Reassignments confront the individuals concerned and their families with new challenges over and over again. Members of the Bundeswehr not only have to get their bearings in the locality to which they have moved, but also need to rapidly start to feel at home with their families at their new base. The general information provided by infopoints certainly makes it easier for people to find somewhere to live and gives them an overview of the local schools and clubs. However, this first point of contact is not capable of performing the functions of more comprehensive MWR work, aimed as it is at continually strengthening the bonds between comrades and their relatives at a base. Understood in this way, morale, welfare and recreation means not just hiring out bicycles for individuals to use for leisure purposes, but also offering group cycling tours to promote experiences of community. Against this background, two developments appear logical: the integration of the existing 'infopoints' – the first points of contact – into the **MWR offices** and across-the-board provision. After it was demonstrated by a pilot project conducted in 2014 that the attractiveness of the MWR offices at twelve selected bases could be significantly increased with reasonable volumes of capital investment, a survey of demand was carried out at all bases and concluded in 2017. It is cheering that the Federal Ministry of Defence now wants to set up MWR offices at 176 bases, and is in favour of their being staffed with full-time personnel and offering up-to-date benefits in kind. As has been discussed above, good contacts to providers in the region and the general cultivation of networks are essential functions of the MWR offices.

- *In this connection, it is frequently regretted that MWR offices are no longer allowed to actively request discounts on tickets for events in the surrounding area. Many users benefitted from these discounts several times a year and are now disappointed that, although benefits of this sort can continue to be offered to individuals employed in the police, this is not permitted for members of the Bundeswehr. On this issue, the Federal Ministry of Defence stated that the advantageous prices the Bundeswehr actively helped to obtain for its employees had come to be of significant value. After their examination of the matter, the Federal Office of Administration and the tax office at Kiel,*

the authority responsible for this issue, had concluded that the proactive soliciting of discounts would lead to wages tax being payable on these benefits, so that in future members of the Bundeswehr were to refrain from approaching commercial actors with the aim of soliciting discounts. This may make sense legally, but the consequences drawn from it are nonsense.

In order to ensure what is provided by the MWR offices is even better known, it should be possible for the details of the services specific to each base to be viewed at a central point using an appropriate Internet or Intranet platform. In addition to this, a mobile, maybe App-based solution should allow direct access with the option of signing up for activities immediately.

The organisation of morale, welfare and recreation services will do justice to the **‘one-stop welfare’** approach in future. All military facilities that provide MWR services to active and former members of the Bundeswehr, their families, relatives and surviving dependents in Germany and abroad will be brought together under a virtual roof. The essential components will be the family support centres, the MWR offices that still have to be set up throughout Germany, the Internet-based MWR portal and the integration of the infopoints into the MWR offices.

Like the family support centres, the MWR offices are to be resourced to meet contemporary standards in future, both in terms of their staffing and in terms of their material resources. Furthermore, it would be worthwhile to facilitate the activities of the family support centres and MWR offices by providing a small annual budget for them. For instance, a family support centre could celebrate the work done by its numerous volunteers at a small Christmas party, or an MWR office could send out thank-you cards at the end of the year to cultivate its network of contacts. The most unbureaucratic possible solution should be striven for here.

There is therefore demand for additional personnel, both for the MWR food service and for the MWR offices’ range of activities in the field of non-food morale, welfare and recreation. Against this background, a dedicated **‘MWR personnel’** assignment category is worth considering. Such a professionalisation of the services’ personnel would make it possible for experience to be accumulated in the management of MWR facilities, as well as the planning and organisation of large and medium-sized events. Expertise of this kind is also required on the Bundeswehr’s foreign deployments. Morale, welfare and recreation activities for servicewomen and men are accorded especially great significance abroad. Occasional events at a camp enable servicewomen and men to switch off from their daily duties.

Packed lunches are a cause of annoyance again and again when servicewomen and men talk about catering in the Bundeswehr. The range of justifiable criticisms is wide: there are complaints about, for example, the taste, composition and quality of the food provided, the amount of packaging used in packed lunches and packed lunches that have passed their best before dates. In one case, the selection of a packed lunch with tuna also proved to be problematic given the prevailing high-summer temperatures.

- *During a field visit to the second German-Austrian Army Mountain Guide Course at Hochfilzen in February 2017, German course participants complained that they were getting industrially produced meals, which were leading to a tangible impairment of their physical fitness. In contrast to this, their Austrian comrades all had the opportunity to cook for themselves in the mountain huts at lunchtime. There was a desire for similar catering options at least sometimes in the Bundeswehr as well.*

The Federal Ministry of Defence states that the types of lunch packets provided represent an alternative to freshly prepared meals that is of acceptable quality, but at the same time admits the current offer cannot replace fresh food. According to the Ministry, units are given an overview of the whole range of packed lunches, which permits a targeted selection to be made. At the same time, the Ministry points out that improvements still need to be made to the information provided about the types of packed lunch available, the quality of the foodstuffs used, the packaging, but also best before dates.

In complaints about packed lunches and marching rations, a comparison was not infrequently drawn with the diverse, balanced range of foods on offer at **mess halls**. This is testimony to the quality of the mess halls: if possible, servicewomen and men should receive meals prepared in their mess hall. Where this is not feasible, a collection of packed lunches should be guaranteed that personnel are happy to eat. In as far as this is the case, it is right that a pilot project is now being conducted at two mess halls under the supervision of the Subsistence Office in order to improve the workflow for the individual assembly of packed lunches. According to the Ministry, initial economic efficiency analyses found that one-off orders for fewer than 50 packed lunches were not economic from organisational points of view. However, considerations of economic efficiency should not stand in the way of healthy nutrition.

Financial issues

Criticism was also provoked among servicewomen and men by an amendment to the Federal Civil Serv-

ants' Remuneration Act concerning the salary structure and pay grades that entered into force on 1 January 2016. The previous legal situation was that, in principle, servicewomen and men who worked in the Bundeswehr prior to 2016 were able to advance to the next higher **pay grade** (with accordingly better pay) after their 21st birthday. Service personnel can now rise to the next higher pay grade two years after their appointment as a temporary career volunteer and therefore, under certain circumstances, before they reach the age of 21. In this connection, long-serving personnel complain they feel disadvantaged compared to their younger comrades because, on account of the reform, they had to stay longer at a lower pay grade than recently appointed personnel. However, there were transitional arrangements and transition periods that were beneficial to long-serving personnel, so account was fundamentally taken of this group's concerns. Nonetheless, it cannot be denied that the current arrangement leaves some with the feeling they have not been 'taken along' by the legislature to a sufficient extent. The option should therefore be examined of allowing these servicewomen and men to receive some expression of esteem in the form of a bonus or other compensatory measure, provided this can be done below the threshold that would involve making another amendment to the legislation.

Despite their absence from Germany on military orders, servicewomen and men on deployments abroad continue to be required to pay the **broadcasting licence fee**. The unhappiness felt by servicewomen and men who do not live in a household shared with other persons who remain at their place of residence in Germany is understandable. The Federal Ministry of Defence has now approached the state chancelleries of the Länder, which are responsible for the licence fee, and informed them there is a need for changes to be made.

It is unacceptable if service personnel are burdened with the risk of having to pay expenses personally when they **stay at a hotel** despite the fact that they are required to do this by their military duties. This risk is faced if a servicewoman or man stationed abroad is assigned temporarily to Germany, for example to attend courses or to familiarise their successor with the work they did at their former duty location, and the Bundeswehr is unable to provide them with any accommodation. The reason is that there is no entitlement to the reimbursement of such expenses under the legal provisions on separation allowances that apply abroad, and they are not covered by the legal provisions on separation allowances that apply in Germany. The Federal Ministry of Defence is making efforts to have the Foreign Separation Allowance Ordinance amended. However, this will require interministerial

coordination and negotiations. These should lead to a satisfactory solution within an appropriate period of time.

Servicewomen and men complained that there have been more frequent delays to the booking of tickets and hotel reservations since the centralisation of **travel management**, and tickets have not been delivered in good time before temporary duty assignments. As a matter of principle, services should be provided where they are required, ideally directly on the spot. The Federal Ministry of Defence should therefore consider a return to decentralised temporary duty travel management.

Daily duties of company sergeants major

The company sergeant major holds one of the top posts in the noncommissioned officer career. There are 1,330 company sergeants major in the Bundeswehr. Their tasks are wide-ranging. As the company commander's right hand, morale, welfare and recreation functions are incumbent upon them, and they are the head of the non-commissioned officer corps. 'Mother of the company' is an accurate description of their role. Yet the company sergeant major is increasingly mutating into a bureaucrat. For instance, in an interview with the German Bundeswehr Association magazine when it ran a cover story on company sergeants major, one said, 'And you are always tied to your desk in the office instead of really carrying out what I see as the fundamental duties of the company sergeant major, that is to say, being there for the men.'

In the *Annual Report 2015*, reference was made to the fact that company sergeants major spend a considerable proportion of their working time processing personnel matters and dealing with similar administrative formalities. Little seems to have changed about this situation. Their **extraordinary burden** – which often tends to be growing yet further – was discussed again and again on many occasions during the year under review. There is still a discrepancy between the amount of business to be dealt with and the time available. New regulations and competences generate more work. They are expected to have a mastery of the SAP software package, know about occupational safety and fire safety law, and be familiar with environmental standards, as well as, for example, printing off laundry tickets, doing minor repairs and ordering office supplies. Participation in deployments, quasi-operational commitments and planned exercises places additional demands on the company sergeant major.

At the same time they have to cope with the challenges thrown up by the fact that, in comparison to previous periods, there are more servicewomen and men who are serving for longer terms today and far more 'ranks'

in a company. This increases the demand for morale, welfare and recreation provision. Looking after the servicewomen and men who are entrusted to them, contributing to education and training, civic instruction, sport – all these things often get neglected on account of a lack of time. A reduction of the burden on company sergeants major is urgently required. It is often the company sergeants major who are taken by young servicewomen and men as role models and influence fresh recruits. A reduction of bureaucracy in daily routine duties, a concentration on their original competences, and an improvement in personnel and materiel resourcing must be initiated in this area as soon as possible. The Chief of Defence's Company Sergeants Major Advisory Group is saying the right things here and should be listened to.

Communicative behaviour

In the last annual report, there was criticism of information-sharing behaviour that took the form of 'mails that were sent to everyone in [the] unit and covered every conceivable eventuality', something that is common in the Bundeswehr and not infrequently results in unmanageable levels of superfluous communication. As is to be heard repeatedly from servicewomen and men, nothing has changed in this respect. No added value is generated by this kind of communication. On the contrary: it eats into working times, and can cause confusion and add unnecessarily to workloads. What is required is a return to only sending messages about truly essential matters to the people who actually need to know what is happening. In other words: more **radio discipline**.

By contrast, deficiencies in the information provided by superior units and agencies were complained of on a field visit to 414 Armoured Battalion in October 2016. The Battalion had learned from the Bundeswehr Intranet that it was to be given a fifth company made up of reservists. The Army Press and Information Centre had published a piece about this on the Intranet in September 2016 when it was producing information materials about the reorientation of the Army. 1 Armoured Division was only notified officially of the new company's establishment in November 2016 at a monitoring conference on the implementation of the reforms. An organisational directive about the new structure was issued in February 2017 with the request for 1 Armoured Division to have it forwarded to its subordinate units. In such cases, there is a need for marked improvements in communication.

Shooting accidents

Safety provisions are not an end in themselves. They may appear tiresome at times in everyday duties and cause what are felt to be delays, but they are intended

to prevent accidents, and protect servicewomen and men's lives and health. Even with the best planning, a chain of apparently minor distractions and changes to a planned procedure can have significant consequences.

- *A serious shooting accident occurred in November 2016 at Frankenberg Garrison Training Area during battle training for the Georgian Quick Reaction Force (QRF) for Afghanistan. Although the training was set up to be done with blank ammunition, a Georgian serviceman discharged 15 shots with live ammunition instead of blank ammunition. Two German servicemen deployed as role players were injured when this happened. The live ammunition had unintentionally been left in the Georgian serviceman's equipment. The original plan had foreseen safety checks being carried out on weapons and magazines at the end of the training day after each field firing exercise. This plan had been deviated from after the last field firing exercise, which resulted in it not being possible for the return of the ammunition to be completely supervised by the range safety officers. Since the magazines remained with the servicemen at all times, no one noticed that the live ammunition had not been handed in.*

New legal instrument management system

According to the guidelines for the new legal instrument management system, regulations are to be made available in electronic form as a matter of principle. Exceptions are only provided for if exclusively electronic provision would not meet demand or is not worthwhile, possible or permissible. This is still causing uncertainty in practice.

- *Servicewomen and men in 291 Light Infantry Battalion were critical of the fact that an updating service for regulations was no longer provided. There was therefore a danger of out-of-date versions of regulations being used. According to a statement from the Federal Ministry of Defence, an updating service for printed legal instruments is still provided. What are authoritative, however, are always the versions that are electronically available in the Central Legal Instrument Management System. Before a legal instrument is applied, it is incumbent upon service personnel to inform themselves about whether the text is up to date and any amendments that may have been made. The forces are informed about amendments via a link that is updated daily. Anyone who does not have a computer at their workplace is to be informed by their superior.*

The introduction of a new system unavoidably causes uncertainty. This is why it is necessary to familiarise all users with the new tools and urge superiors to carry out their duty to pass on information. Important, joint

regulations should continue to be available in print. The fixation on screens must not become an ideology. Apart from this, many servicewomen and men are not even equipped with Bundeswehr computers.

SASPF

The Standard Application Software Product Families (SASPF) Programme Strategy was put into force in March 2017. According to the 5th Report of the Federal Ministry of Defence on Armaments Affairs, it provides for the further upgrading of IT support for all logistics and administrative processes in the Bundeswehr by 2020 as an essential pillar in the operational readiness of both weapon systems and the armed forces as a whole. At the end of 2016 about 60,000 users were working with SASPF in the Bundeswehr. Approximately 1.1 million supply items are currently procured, managed, ordered and delivered with SASPF.

The problems that are described to the Parliamentary Commissioner for the Armed Forces in connection with SASPF are diverse. On the deployment in Niger, for example, sufficient **bandwidth** first had to be provided by the local telecommunications company, Orange Niger, before SASPF could actually be introduced on the ground. Until then it was not possible to procure any spare parts for the Transall C-160 at all. The technically limited bandwidth available on the Sea Lynx and all the Navy's seagoing systems is also unfortunate. For the time being the Navy is continuing to hope for the planned upgrading of its satellite communications. At the same time, as part of the F-125 frigate project, it is designing a self-sufficient SASPF system that is intended to form the foundation for other classes of vessel as well. Otherwise, it only remains to record servicing activities, maintenance measures and flight data on paper for the time being, and input them into SASPF later on. However, servicewomen and men criticised this as distinctly laborious and not feasible with the lower staffing levels allowed for when SASPF is being used.

SASPF users also noted critically that it was no longer possible to **log into the system** when the licence limit was reached for the maximum possible number of simultaneous users or the maximum server capacity was reached. Other challenges mentioned by servicewomen and men were the suboptimal user interfaces and the system's complexity, which demands considerable fundamental knowledge. The basics of navigation in SASPF and technical content were conveyed on courses without product-related training being provided for – on the specific features that relate to the Eurofighter for instance. Furthermore, mention was made of corrupted or inadequately administered master data, which has correspondingly negative impacts

on process flows. Although the **master data administration processes** will be better supported technically in future with expanded functions in SASPF, the challenges this poses for the forces are revealed by the example of the CH-53 helicopter: more than 80,000 individual items will have to be input just for this aircraft.

With regard to personnel matters, petitioners complained in isolated cases about incorrect or incomplete inputting, which had led to payments not being made or sums being overpaid. This seemed to be caused, at least in some instances, by the **writing and reading rights** defined in SASPF, which can throw up problems in cases where one user is representing another. The amendment of regulations or changes in circumstances also lead to delays, for example to outgoing payments, where they have not yet been input into the system. Furthermore, there can be interface problems, as when a data processing interface tailored to the new Conscripts and Dependents Maintenance Act was developed. As a consequence, payslips were generated and sent out automatically by the system although payment-relevant data were not present in SASPF. The individuals affected received pay statements that showed no remuneration payments.

Leave, special leave

Officers at the Air Force Officer School complained that during their training leave could only be taken between the **officers course** and the beginning of their degree tuition. Air Force Headquarters confirmed that long periods of leave are not generally granted during the course and the academic terms on account of official requirements. In so far as this is the case, it is merely possible to use up leave entitlements between the end of the Officers' Course and the start of the degree, as well as during the periods when no lectures are being given between the academic terms. There are usually up to two months available for this after the Officers' Course. For students who do the 20-day retake module that follows on directly from the Officers' Course, however, all that remains is a period of approximately three weeks. Without the module, though, the individuals affected would repeat the whole course the next year, which would have impacts on their further assignment planning. For courses as of the 115th Officers' Course (which began in October 2017), the course order specifies that leave (two weeks) should generally be taken during an ongoing course. This arrangement has been welcomed.

There is also a need for changes with regard to special leave for volunteering with the **German War Graves Commission**. Many servicewomen and men volunteer each year to care for war cemeteries in Germany

and abroad. This commitment deserves particular appreciation from the Bundeswehr. If the hard work done by these servicewomen and men takes them abroad, their stay there usually lasts ten working days. However, the participating service personnel are only allowed to apply for a maximum of five days of special leave. They have to take ordinary leave for the remaining period. The Federal Ministry of Defence is striving to improve the situation. As a first step, servicewomen and men can now use up hours they have earned under the Military Personnel Working Hours Ordinance in the form of overtime. As of 2018 the German War Graves Commission will designate projects of this kind as civic education. According to the provisions of the Federal Agency for Civic Education, it will then be possible to claim special leave entitlements of up to ten working days.

Military chaplaincies

It is true of the Bundeswehr as it is for the whole of German society: people's social, cultural and religious backgrounds are more diverse than ever. In a secularised environment, the military chaplaincies offer every servicewoman and man assistance and a sense of direction: they do this with the services they celebrate, the support they deliver for families, the company they provide on deployments, the pastoral care projects they run for deployment returnees and, not least, the **character guidance classes** they hold. There were just as few submissions from servicewomen and men who felt their basic right to freedom of religion had been infringed during the year under review as there were complaints about the military chaplaincies' work. This is only to be expected when the chaplaincies' contributions to the quality of the *Innere Führung* are appreciated.

Even though – unlike in previous years – there were no submissions to the Parliamentary Commissioner for the Armed Forces that expressly demanded the establishment of a **Muslim welfare organisation** in the Bundeswehr, disenchantment is slowly spreading after more than six years during which the matter has been examined to no avail. According to the Central Point of Contact for Servicemembers of Other Faiths, 60 out of a total of 117 enquiries during the year under review came from Muslim service personnel. A look at Austria could be helpful; the Austrian Armed Forces now have two military imams.

For all the efforts made by the Catholic and Evangelical Lutheran military chaplaincies to welcome all service personnel, regardless of their faith, the chaplaincies are not institutions that are neutral in their world view. Their work is rooted in the fundamentals of Christianity. Service personnel not infrequently find their way to the Christian faith for the first time during

their term of service. The Parliamentary Commissioner for the Armed Forces was able to satisfy himself of this, among other things, when he took part in the **International Military Pilgrimage** to Lourdes. The large numbers of participants in this shared international experience, as well as other pilgrimages and events exemplify the close ties the military chaplaincies have with the armed forces.

A special role is taken on by the military chaplaincies on deployments abroad. They are always available to talk to, unconstrained by the hierarchies and reporting channels within the contingent, offering a good option that personnel are glad to make use of as an alternative to the professional provision from military psychologists and the Bundeswehr Social Services.

The Evangelical Lutheran and Catholic military chaplaincies have an impact that goes far beyond the Bundeswehr personnel who worship with them. For example, it can be extrapolated from the number of Catholic servicewomen and men, about 45,000, that – when family members are included – the Catholic Military Episcopal Office's provision benefits approximately 100,000 people. This could not be managed without the tremendous amounts of work done by volunteers for the military chaplaincies, as well as the Evangelical Lutheran and Catholic working groups on soldiers' welfare as providers of morale, welfare and recreation facilities.

Diversity

The Bundeswehr has recognised the need for diversity management. Regardless of gender, religion or ethnic background – it wishes to appeal to all population groups equally and promote the appreciative and systematic treatment of diversity. The **Equal Opportunities, Diversity and Inclusion Staff Element** within the Federal Ministry of Defence is doing important work here. It is to be welcomed that the limit on the life of this organisational element, which was at first only established provisionally, has now been revoked. When it held the Sexual Orientation and Identity in the Bundeswehr Workshop at the beginning of the year under review, the Ministry reiterated its intention to address this topic even more than in the past.

Celebrating diversity does not come naturally in a Bundeswehr that has been strongly shaped by the classic male role for decades. To begin with, it is necessary to interrogate patterns of behaviour that have been inherited from the past. What does it mean to be a man or a woman in the Bundeswehr? Perceptions can vary widely depending on the individual's population group, ethnic origins, religion and age, and can alter over time.

As remarked in the section on leadership behaviour, young service personnel not infrequently arrive in the armed forces with a particular **image of what it means to be a soldier**. It is all the more important to conduct a dialogue with servicewomen and men about their role models from the beginning – starting in basic training. The aim must be to foster sensitivity about how the genders relate to one another within a team, as well as how other ethnic groups and people with other sexual orientations are treated, and to let unself-conscious coexistence become a lived normality. In this respect, superiors also have a decisive role in personnel's everyday lives. For the unprejudiced treatment of difference depends on good examples being set.

It becomes clear in conversations at events and on field visits, more than in submissions that **ill-feeling** and verbal aggression towards women, service personnel with migrant backgrounds and homosexuals are still to be met with in the armed forces. The Homosexual Bundeswehr Members Working Group also confirms this.

The Ministry has made it clear that behaviour of this kind is to be punished. If diversity is actually to be accepted at all levels, however, servicewomen and men who proactively advocate breaking down prejudices will also have to be supported so that achievements, capabilities and individual competences stand in the foreground. This presupposes that participation in relevant events is recognised as being in the interests of the forces.

Various kinds of action have been taken to date in this field. For instance, some servicemen had to take leave to attend the Sexual Orientation and Identity in the Bundeswehr Workshop initiated by the Federal Minister of Defence because their superiors were of the opinion that going to an event of this kind was not in the interests of the Bundeswehr. Similar issues were reported by participants in the Diversity & Security Workshop, which was held in June 2017 by the German Soldier Association, a group that represents service personnel with migrant backgrounds. Individual servicewomen and men were only able to make sure they could attend it by applying for leave, while others had it recognised as an official event. There must be consistent, clear rules on the treatment of such activities.

7. Women in the Bundeswehr

Increasing the proportion of women in the Bundeswehr

The number of women in the Bundeswehr rose further during the year under review from 19,761 to 21,213 (including 1,705 military service volunteers). In total,

the proportion of women is 11.8 per cent (previous year: 11.3 per cent). During the year under review, the proportion of women in the Army was 6.4 per cent (previous year: 5.9 per cent), just over 8 per cent in the Air Force (previous year: 7.6 per cent), 9.6 per cent in the Navy (previous year: 9.4 per cent), 9.5 per cent in the Joint Support Service (previous year: 9 per cent) and 40.2 per cent in the Central Medical Service (previous year: 39.7 per cent). The proportion of career soldiers who were women was 5.6 per cent (previous year: 4.9 per cent), and the proportion of temporary-career volunteers who were women was 14 per cent (previous year: 13.8 per cent). The proportion of military service volunteers who were women rose from 16 per cent the previous year to 18.8 per cent during the year under review.

This continuous **rise** in the proportion of women in the Bundeswehr is fundamentally positive. The Bundeswehr is becoming more attractive for women. This is also a necessity. The Bundeswehr is a pure volunteer army today that has to draw its fresh recruits from the whole of society – not just from its male part. The attempts to appeal to women must not just concentrate on specific areas such as the Medical Service or staff functions, but must encompass all assignments, including the special forces. Even though the numbers fundamentally indicate a positive trend, the Bundeswehr is still clearly lagging behind its target of 50 per cent women in the Medical Service and 15 per cent in all other assignments. Compared to 40.2 per cent in the Medical Service, the average proportion of women in the rest of the Bundeswehr is just 8 per cent. Other countries are considerably further ahead in this field – France, Canada and the USA have over 15 per cent women in their armed forces.

Servicewomen will only be retained in the Bundeswehr if their working conditions are right, service is compatible with family life and they are offered the **same opportunities** as male soldiers. According to the results of a study by the Bundeswehr Centre of Military History and Social Sciences entitled *How Attractive is the Bundeswehr As an Employer?*, the Bundeswehr has been able to make an impression with its attractiveness offensive, in particular among its female employees. According to this study, in comparison to their male comrades, women are more frequently of the opinion that the right priorities are being set with the Attractiveness Agenda; on average, they feel it speaks more strongly to them than men do. It also became clear from the personnel survey that was carried out, however, that there was still a very high proportion of personnel who have no idea what the Attractiveness Agenda is. The success of wide-ranging transformation processes is indivisibly linked with the deployment of suitable participation and

communication instruments. An attractiveness programme of which its target audience is unaware will not achieve anything.

Many young people seek to emulate **role models** in the media. The Bundeswehr should make greater use of successful servicewomen's biographies in its advertising and so highlight the opportunities for women to develop their careers. If television reports or adverts that feature training merely show young men, and women only appear on the margins, at most as medical orderlies or hostages, it is little wonder they do not feel they are being appealed to. The fact that hardly any women apply for the aptitude assessment procedure to join Special Forces Command (KSK) confirms this point.

Other armed forces are acting more innovatively in presenting themselves in the public sphere. For example, the US Armed Forces have created a dedicated website about 'Women in the Army', which advertises with images that have positive connotations and the stories of successful servicewomen. The US Army's careers website depicts women in combat situations and as commanders. The Bundeswehr has been markedly more reticent about doing this so far.

The proportion of **career soldiers** who are women rose during the year under review. It is still low, however, in comparison to the total proportion of women in the armed forces. The reasons frequently given for this relate to the parameters of military service. Military couples with children complain, for example, that it is hardly possible for them to take their children to the child daycare centre or school because they report early for duty. However, the incompatibility of family obligations with military requirements is not the only aspect that stops women from wanting to become career soldiers. Particular **old-fashioned patterns of behaviour** and a sometimes inappropriate tone also deter servicewomen from re-enlisting.

- *In her submission, which complained of massive conflicts in her unit, a servicewoman who was interested in being accepted as a career soldier quoted the following remarks from a conversation between her superior, other servicemen and civilian employees: 'Do you see that ugly thing back there in the corner? We want to get rid of her. Best of all a shore authority. But she'll get pregnant straight away there. No, you wouldn't fuck something that ugly.' The person he was referring to was the petitioner.*

Comments of this kind are not only undignified, but discriminatory in several respects at the same time and in no way in tune with the values of the Bundeswehr. A disciplinary punishment was imposed on the serviceman in question for his tasteless remarks.

Servicewomen can seek advice about questions concerning their further career development from the military **gender equality commissioners** who are responsible for their units. As described in previous annual reports, the 38 full-time military gender equality commissioners and their representatives do outstanding work in the forces and the other areas that have been assigned to them. During the year under review, however, one petitioner with two children rightly complained about the advice a gender equality commissioner had given in connection with her application for acceptance into the service status of a career soldier. The gender equality commissioner had said to her:

- *'Have you ever seen a female manager with two children?' 'You won't become a career soldier and certainly not in the military police. Have you ever looked at all the career soldiers in your company? E.g. X: he's always been there and ready for action, always a high flier and has done overtime when he was needed.'* According to the servicewoman, when she had said this, the gender equality commissioner had wanted to convey realistically what options the servicewoman had, and what problems and challenges she would have to cope with.

The idea of highlighting the difficulties of a career path is not fundamentally wrong. The manner in which this was done, however, is not at all suited to motivate women in the Bundeswehr or achieve progress in terms of better work-life balance.

The proportion of women in **leadership positions** is still low in the Bundeswehr despite mentoring projects and the efforts to ensure better work-life balance. There is a clear need to catch up not only in the highest positions for officers, but also among noncommissioned officers. For example, just 4 per cent of company sergeants major are female.

Together with the Centre of Ethical Education in the Armed Forces and the Leadership Development and Civic Education Centre, the Parliamentary Commissioner for the Armed Forces therefore held an expert conference entitled 'On the Way to a Female Chief of Defence?', at which the topic of 'gender justice' stood in the centre of attention. This event was attended by servicewomen from the Dutch and US armed forces, who gave valuable, thought-provoking accounts of their experiences. The conference also looked at international comparisons of servicewomen's situation, as well as possible ways of strengthening female leadership skills and the personnel problems of the growing Bundeswehr. There was consensus that a level playing field, and a better work-life balance are topics with which the Bundeswehr will have to engage intensively. Such forums help people to identify suitable approaches to overcoming both visible and invisible

barriers. However, they are not enough on their own. What is important is to heighten awareness of these subjects at all levels and breathe real life into models that have been conceived in theory. *Innere Führung* is of particular significance here.

The Bundeswehr must get to the point where it exclusively appraises servicewomen and men, and advances their careers according to their performance and not according to their gender. When the Federal Ministry of Defence itself concludes that the development forecasts for women who receive good appraisals are usually found to be less favourable than those for men who are given the same ratings, there is an urgent need for action.

Pregnancy, maternity leave and parental leave

Several pregnant servicewomen complained that the risk assessments for their posts had not been carried out at all or only with a considerable delay. In order to protect expectant mothers, employers have to take precautions that are required to avert hazards for the mother and child in the workplace. In one case, for example, a servicewoman complained that there had been no seat for her to rest on. In all the cases that were raised, the Bundeswehr had to admit omissions that were attributable to a lack of knowledge on superiors' part.

As a result of the suggestions made by the Parliamentary Commissioner for the Armed Forces in his *Annual Report 2010*, an **information campaign** called 'Pregnant in the Bundeswehr' was launched in 2011 by the Bundeswehr Office for the Supervision of Public Occupational Safety and Technical Environmental Protection. This was intended not just to inform pregnant and breastfeeding servicewomen, employees and civil servants about their rights and duties in the workplace, but also to assist superiors in dealing with expectant and breastfeeding mothers. Apart from brochures and posters that offered information about, among other things, the requirements concerning the notification of employers, working conditions and the services that are provided, information was and still is to be found on the Intranet.

Despite the extensive information materials that are available, however, the correct treatment of pregnant women in the Bundeswehr still does not seem to come easily. This is disappointing in view of the fact that all career paths and assignments were opened up to women as long ago as 2001. The Bundeswehr must ensure that all superiors inform themselves sufficiently and meet their obligations in this respect.

In previous annual reports, it was concluded that servicewomen and men who have taken parental leave or

other types of family care leave have to put up with **disadvantages** in their career development. In consequence, there have been repeated demands for changes to be made to the legal parameters that allow periods of family care leave to be counted towards the terms of service required for promotions. The Federal Ministry of Defence has now finally taken up this suggestion and amended the relevant regulations. Periods of parental leave and care leave taken by servicewomen and men are now counted fully towards the terms of service that are preconditions for promotion under the Military Career Ordinance. Periods of parental leave and care leave that were commenced prior to 1 January 2005 are also taken into account here.

For some time individual servicewomen and men have been confused by the fact that **part-time employment** with a military service status is not possible *during* parental leave. When this was queried, the Federal Ministry of Defence stated that, under the provisions of the law governing service personnel, part-time employment with a military service status can be approved *instead* of parental leave. No disadvantages are suffered as a consequence of this, the entitlement to parental allowance continues, and entitlements to career advancement and military service benefits are not cut. However, it was admitted that sometimes confusing formulations on the treatment of part-time working and parental leave were to be found in individual implementing provisions, which had led to uncertainty about their application. They have been revised in the meantime.

The claiming of the entitlement to **maternity leave** when a woman becomes pregnant again during parental leave repeatedly leads to problems because many servicewomen evidently do not know that this requires an application for the suspension of parental leave.

- *Before the birth of her third child, one servicewoman found herself on parental leave, which ran on into her new maternity leave. She notified the personnel office that she was pregnant again and started her maternity leave. When her maternity leave began she received her salary. Soon after the birth, she was then informed by the payroll office that her salary had been paid incorrectly because she had failed to submit an application for the suspension of her ongoing parental leave at the beginning of her maternity leave. She immediately submitted the application, but was sent a recovery order for about €6,000 that had been paid to her during the maternity leave she had previously taken. Here, the Parliamentary Commissioner for the Armed Forces felt there had been negligence on the part of the personnel office because it had not drawn the servicewoman's attention to the fact that she was required to submit an application for the suspension*

of her parental leave when it was notified about the new pregnancy and the beginning of the maternity leave. On the contrary: as a consequence of the payment of her salary, the servicewoman had even been given reason to believe that everything necessary had been done. The Federal Ministry of Defence did not follow this line of reasoning, and cited a judgement of the Federal Administrative Court of 23 February 2017 that had been handed down in a comparable case. Apart from this, the Ministry stated it happened again and again that servicewomen neglected to submit applications for the suspension of their parental leave in order to claim maternity leave when they became pregnant again.

Against this background, it is incomprehensible why the personnel office saw no necessity to inform the servicewoman that she had to submit the application. Advice about this should be a matter of course in such cases. In the meantime, the Federal Ministry of Defence has recognised the need for change and revised the job instructions for its personnel staff in response to the intervention from the Parliamentary Commissioner for the Armed Forces. The Federal Office of Bundeswehr Personnel Management has also adapted its work materials accordingly.

Predeployment training

In conversations, servicewomen occasionally told the Parliamentary Commissioner they felt their predeployment training was inadequate. They believed they received too little preparation for how they would be perceived and treated by local people in their **roles as women and servicewomen**. It would be desirable to look more clearly at cultural differences in predeployment workshops and teach techniques servicewomen

could use to establish better boundaries and protect themselves from harassment. The Federal Ministry of Defence followed the suggestion made by the Parliamentary Commissioner for the Armed Forces that predeployment training be supplemented accordingly. The content of leadership training and the training for multipliers has since been adjusted. Teaching materials will be made available that deal with ‘male/female tensions in mission countries’, the ‘dimensions of gender roles’, ‘culture-specific differences’ and ‘women in other cultures’. It is pleasing that the Commissioner of the Chief of Defence for Education and Training also intends to devote particular attention to this subject matter.

Clothing

There are still considerable deficiencies when it comes to the service clothing and dress uniforms for women. The provision of fitting service clothing and, in particular, suitable combat boots and armoured vests is not a matter of fashion or personal taste, it is absolutely essential for safety and the expert performance of military duties. The procurement procedure must be organised more effectively. On several occasions servicewomen criticised a lack of garments specifically designed for women. Whereas sports bras and ladies’ tights were not included in the authorised allowance for servicewomen in the past, they are now provided for in the official inventories. The same is true for ladies handbags. After a long time it has finally been possible for progress to be made as far as the provision of operational uniforms for pregnant women is concerned.

8. Deployments and alliance commitments

Breadth/complexity of deployments and missions

Multinational structure of deployments and missions

General issues

At the end of 2017 the Bundeswehr was mandated for 13 deployments abroad by the German Bundestag to which, according to the most recent figures, approximately 3,600 servicewomen and men were actually posted. This is half the 7,000 personnel who could be deployed as a maximum under the current troop ceilings.

On 12 and 13 December 2017 the German Bundestag gave its consent to the extension of the mandates for Resolute Support, UNMISS, UNAMID, Counter Daesh and Sea Guardian, which were due to expire on 31 December 2017, as well as the extension of the mandates for MINUSMA and Training Support Iraq, which were due to expire on 31 January 2018. All the mandates were extended for three months. The Parliamentary Commissioner for the Armed Forces welcomes the fact that, as a result, soon after it takes office the new Federal Government will have an opportunity to clarify whether individual missions should be modified or can even be brought to an end. With the negotiations about the formation of the government going on longer than expected, however, new time pressure is building up for decisions to be taken about these mandates.

While the number of service personnel assigned to mandated deployments abroad remained almost unchanged in comparison to the previous year, the Bundeswehr's involvement in **quasi-operational commitments**, which do not require the consent of the German Bundestag, has increased. Since 24 January 2017, for instance, Germany has been leading a multinational combat formation in Lithuania as part of NATO's Forward Presence.

With the Federal Government's proposal that additional Bundeswehr capabilities be contributed to the United Nations' Peacekeeping Capabilities Readiness System – including a field hospital (ROLE 3), military police at battalion strength with five units or air transport capacities –, the burden on the Bundeswehr is possibly going to grow, especially in areas that are already having disproportionately great demands made on them now (ambulance personnel) or that are only inadequately resourced (air transport).

On 1 October 2017 the Bundeswehr put in place the preconditions for assignments that draw on the Bundeswehr's whole capability spectrum and go beyond routine duties at base, training and sustainment training to be categorised as what are termed '**missions**'. As a result, certain personnel, and morale, welfare and recreation measures such as the granting of additional points for eligibility lists, the provision of welfare services for relatives or an MWR food service on the

ground are also to be implemented for the personnel involved. By tying specific personnel, and morale, welfare and recreation measures to a definition of 'mission' that is broader than particular assignments abroad, the Bundeswehr is making an important contribution to the attractiveness of service in the armed forces.

Resolute Support, Afghanistan

Since 1 January 2015 Germany has been contributing to the ISAF follow-up mission, Resolute Support (RS), and taking on responsibility as a Framework Nation at Mazar-i-Sharif. As previously during the ISAF period, the camp there, Marmal, is the base for the German contingent. In addition to this, other German personnel are serving in Kabul, Kunduz and Baghram. The troop ceiling for the mission is currently 980 servicewomen and men. As a consequence of the growth of US forces in Afghanistan, an expansion of the German contingent is also being considered within the Bundeswehr and NATO. There is no up-to-date **progress report** from the Federal Government; the last such report was issued three years prior to the year under review. Nevertheless, it is worth noting that the Defence and Security Committee of the NATO Parliamentary Assembly has now published a special report on Afghanistan that critically reflects on the problems this mission is facing.

Once again numerous servicewomen and men objected to the repeated **postponement of flights** to and from the deployment in Afghanistan during the year under review. In principle, according to a statement from the Federal Ministry of Defence, personnel are to be transferred using protected air transport capacities. The Bundeswehr does not have any protected aircraft of its own at its disposal. This is why the members of the German Resolute Support contingent and their multinational partners have been flown to and from Afghanistan by US Boeing C-17 protected aircraft in routine operations since August 2015. Following the abandonment of the airbase at Termez (Uzbekistan) and on account of the problems with the introduction of the Airbus A400M, there is no suitable national alternative to this at present.

According to Bundeswehr Joint Forces Operations Command, personnel were transferred on a total of 26 of these flights during the first quarter of 2017. Only seven could be run on schedule – in other words with delays of up to six hours. Ten flights were delayed for more than two days. Some members of the Bundeswehr had to wait as many as five days for their flights. In one case, the flight even had to be completely cancelled. The situation improved during the rest of the year. Of 63 flights, 41 were delayed by less than six hours. Even so, nine flights were still delayed

for more than two days. The postponement of flights cannot be avoided either in military air transport or in civil aviation, whether it is for technical reasons, on account of weather conditions or because it is necessary to comply with statutory conditions concerning crews' flight times. Such delays are always regrettable for the individuals affected, but remain unpredictable and cannot be completely ruled out in future either.

Nevertheless, the option of transfer with a civilian airline should be examined when flights are postponed for longer than two days. Given all the burdens to which servicemen and women, their families and their relatives are subjected by deployments abroad, they at least require the ability to plan with confidence. The **approach to the sharing of information** about flights that have been postponed several times should be improved as well. Information was sometimes sent out by email to a central mailing list and posted by Bundeswehr Joint Forces Operations Command on the operational deployment portal. No information was provided to the lead elements that were involved by telephone or in writing by email. Thanks to the optimisation of how mailing lists are used, all lead elements are now to be informed simultaneously.

There were particular personnel bottlenecks among the **Air Force combat search-and-rescue personnel** who have been deployed in Afghanistan since 2016. Their deployment could only be supported sustainably until August 2017. The personnel situation in 64 Helicopter Wing that caused this problem was highlighted in the *Annual Report 2016*. Just four of 25 posts were still vacant at the end of the year under review, but only 14 combat search-and-rescue personnel were fully trained, and only ten were ready for operations.

The combat search-and-rescue personnel's task – saving crews who have been shot down in the mission country – is similar to that of specialised Army infantry soldiers. Since September 2017 specialised Army forces with extended basic capabilities from the parachute regiments have therefore been deployed to perform this task. This solution, cooperation between the individual services, was proposed in the Parliamentary Commissioner's last annual report and is to be welcomed. A real easing of the situation for the combat search-and-rescue personnel will presumably only come about in 2019 on account of the long duration of their training and the security clearance check they have to undergo, which take up to 24 months.

The materiel resourcing of the combat search-and-rescue personnel was problematic. 64 Helicopter Wing had to borrow materiel from other formations. It was announced that the authorised materiel allowance would be adjusted, but this had not been done to the necessary extent by the end of the year under review.

In April and May 2017 the times it took for **military post** to be transported between Germany and Afghanistan were seven to nine days on average in both directions. In addition to this, allowance has to be made for the time required to convey post from the sender in Germany to the armed forces postal concentration centre, and the period of time between a consignment's arrival at the armed forces post office in question and the collection of the mail by the recipient. Only occasionally is criticism of excessively long delivery times still expressed. For instance, there was confirmation of one serviceman's claim that a package posted in Germany on 20 April 2017 had not arrived in Kabul until 16 days later. In the meantime, however, Bundeswehr Logistics Command has collaborated with Joint Forces Operations Command to make it possible for helicopters to be deployed to transport military post where this is necessary. Furthermore, additional multinational transport capacities that are available are being drawn on so that the military mail service for the German Resolute Support contingent has stabilised.

On a field visit to the German forces at Camp Qasaba near Kabul during the previous year, it was stated that items of military post that had been sent there had often been returned due to suspicions they contained dangerous goods. Above all, this had affected objects that had been posted from Germany to Afghanistan because they could not be purchased in Afghanistan (mobile telephones). It was possible for the situation to be remedied by expanding the range of personal demand products for the German Resolute Support and MINUSMA contingents with smartphones sold as 'emergency smartphones'. They were not included in the range of products on offer where it was possible to purchase goods of these kinds on the ground.

KFOR, Kosovo

The current mandate provides for a troop ceiling of 800 service personnel. The last time the German Bundestag approved the extension of the deployment was on 22 June 2017. The repeated postponement of flights was a topic on this deployment too. In individual cases, it was made possible for the servicemen and women affected to be transferred to Kosovo by a civilian airline. This is praiseworthy. On account of the large number of technical defects suffered by the A400M, greater use should be made of this option in future.

Counter Daesh, Turkey, Jordan and the Mediterranean

During the year under review the Bundeswehr's contribution to the international coalition against the so-

called Islamic State involved, in particular, the provision of aerial imagery reconnaissance and aerial refuelling capabilities, as well as crews for NATO's AWACS aircraft. 299 service personnel were serving with Operation Inherent Resolve at the end of 2017.

In June 2016 the German Bundestag passed a resolution that declared the killings of Armenians during the First World War to have been genocide. Due to the tensions between Germany and Turkey this decision sparked, it was no longer possible for Members of the German Bundestag to visit the German Counter Daesh operational wing stationed at Incirlik. On 21 June 2017 the German Bundestag consequently adopted the Federal Government's motion on the redeployment of the Bundeswehr contingent from Incirlik to Al Azraq in Jordan. The last members of the Bundeswehr left Incirlik on 27 September 2017. It was possible for active flight operations to be resumed with one A-310 MRTT refuelling aircraft as early as 11 July 2017. When the Tornado reconnaissance aircraft were redeployed from Incirlik to Al Azraq, their number was reduced from the original six to four. Two further aircraft are being kept on standby in Germany for transfer to Jordan in case additional capabilities are required. It was possible for active flight operations to be resumed on 9 October 2017.

The Federal Government did not succeed in securing immunity from prosecution for the Bundeswehr personnel stationed at Al Azraq under a **troop stationing agreement** with the Kingdom of Jordan by the end of the year under review.

On a field visit paid by the Parliamentary Commissioner for the Armed Forces to Al Azraq, the contingent command pointed out that the lack of a troop stationing agreement was also causing problems with the flow of goods and the provision of military mail services.

As a consequence of the failure to conclude a stationing agreement, service personnel are only allowed to leave the Al Azraq military base when this is militarily necessary. This means they are subject to the same restrictions on leaving their base as previously at Incirlik. Just as in Turkey, they receive a Level 3 foreign assignment allowance. The imposition of restrictions on leaving the base does not have any legal impacts on the assessment of the conditions for the assignment on the ground that is crucial in order to set the level of foreign assignment allowance granted. Nevertheless, restrictive provisions on leaving bases during deployments abroad have the consequence that service personnel often gain a less favourable impression of the security situation in the country where they are stationed. This can set off a spiral with ever greater efforts being undertaken to protect the forces, as a result

of which ever higher levels of foreign assignment allowance are demanded. At the same time, opportunities for confidence-building among the local population are regrettably being missed.

Although Members of the German Bundestag were only able to visit the German AWACS crews stationed in Turkey thanks to the mediation, and at the invitation, of NATO, AWACS flights were continued from the NATO base at Konya in Turkey with German participation as well.

As on other deployments, the **transfers** at the beginning and end of tours of duty gave grounds for submissions. In the view of the Parliamentary Commissioner for the Armed Forces, the duty of care the Bundeswehr has as an employer demands that use be made of all possible options to return personnel from their tour of duty on the planned date. The idea of care must be given priority over economic considerations. This could be done by organising transfers with civilian airlines or, if the security situation permits, on unprotected military aircraft – for example on flight exercises that have to be carried out by the Federal Ministry of Defence's Special Air Mission Wing.

EUNAVFOR Atalanta

Since 2008 the Bundeswehr has been contributing to the efforts to secure sea lanes and trade routes off the coast of Somalia as part of the European Union's Atalanta maritime operation. Most recently, on 18 May 2017, the Bundestag gave its consent to an extension of the deployment with a troop ceiling of 600 service personnel until 31 May 2018.

The German personnel stationed in Djibouti – about 20 servicemen – are still accommodated at a hotel. Due to the less than perfect hygienic conditions in the hotel kitchen, a German quartermaster is deployed there on a temporary basis. He acts as the commanding medical officer's eyes and ears on the ground, and makes recommendations to the hotel staff. The hotel is guarded by local security forces. Against this background, the Parliamentary Commissioner for the Armed Forces supports the efforts that are being made to have the troop stationing agreement with Djibouti amended so that German service personnel are accommodated in the US military complex in future in order to guarantee the best-possible protection for them in view of the difficult security situation in the country. Djibouti's consent for the German personnel to be billeted at the US camp, which is required under the stationing agreement between the USA and Djibouti, has still not been obtained.

Training Support Iraq

Since 2015 the Bundeswehr has been helping to train the Kurdish Peshmerga in the struggle against the Islamic State terror organisation in northern Iraq. After Iraqi security forces advanced into previously Kurdish-controlled territories in response to the Kurdish independence referendum, the training was temporarily suspended between 13 and 17 October 2017. 144 German service personnel were stationed in Erbil at the end of the year under review. The Parliamentary Commissioner for the Armed Forces visited the mission contingent in August 2017. A positive overall impression of their living and working conditions was gained on this trip. However, problems are being caused by the **climatic conditions**, with temperatures of up to 50° C in summer. While the accommodation and work areas have air conditioning, it has not been installed in the showers and toilets. The import of medicines that have to be refrigerated is a problematic issue. The contingent cannot offer any guarantees there will be no gaps in the refrigeration chain because the medicines have to be stored on an interim basis for up to a week in the cargo zone at Erbil Airport. This is how long it takes to have the necessary import documentation translated into Arabic by the German consulate-general in Erbil. The Parliamentary Commissioner for the Armed Forces suggests the requisite import documents be made out in Arabic back in Germany.

Three different versions of the Toyota Landcruiser protected vehicle are available for the German mission contingent. In contrast to other nations involved in the training support in northern Iraq, the German vehicles are driven by **local staff**. This causes unease among some contingent members due to the typical local driving style. Other contingent members favour the arrangement in particular due to the drivers' local knowledge and language skills. In this connection, the Parliamentary Commissioner for the Armed Forces recommends a rather more flexible approach be taken: for instance, permission should be given for the vehicles to be driven without the local driver where necessary.

- *When one submission was reviewed, it proved to be the case that the weight margin before the maximum load was reached was very small on particular types of protected vehicle. Having these vehicles driven by a German military driver could offer additional leeway. Apart from this, personnel complained that the protected civilian ambulances on the ground were constantly out of order and had not been tested in Germany before they were transported to Iraq. In particular, their low brake efficiency gave the military drivers cause for concern.*

Transfers to the deployment and return flights to Germany with **civilian airlines** have functioned to servicewomen and men's satisfaction for a long time.

- *The accusation made in one submission that only high-ranking officers were transferred to Erbil with Austrian Airlines via Vienna or direct flights from Germany has not been confirmed. As far as the Bundeswehr is concerned, considerations of economic efficiency alone are decisive for the selection of flights. The alternative route from Munich via Istanbul with Turkish Airlines is usually cheaper. The Parliamentary Commissioner for the Armed Forces does not currently discern any real strain on service personnel when they change flights in Istanbul on account of the political tensions between Germany and Turkey. There is no evidence that personnel in civilian clothing with military passports have been prevented from continuing their journey in the transit zone of the airport at Istanbul or even arbitrarily detained.*

Following the referendum on the independence of the autonomous Kurdistan region, however, the Iraqi central government has now banned all direct flights from other countries to Erbil. Materiel and personnel can only be transported by air via Baghdad, where goods are cleared through customs. On account of the current threat situation for aircraft landing and taking off at Baghdad, only protected flights by Transall are scheduled. These are now flying almost weekly from Germany.

Sea Guardian and Sophia in the Mediterranean

As part of NATO's Sea Guardian operation, the Navy is contributing to the operational picture by temporarily attaching ships to the EU's Operation Sophia and the Aegean Sea Activity Task Unit.

Of late Germany has been contributing 209 service personnel to the European Union's Sophia marine operation. The German Bundestag's mandate for the Bundeswehr to take part in EUNAVFOR MED Operation Sophia was extended most recently on 29 June 2017. The Bundeswehr's core tasks are to investigate **human smuggling activities** on the central Mediterranean route and take action against human smuggling networks, for instance by putting people smugglers' boats beyond use. Just like the other contributing nations, the Bundeswehr finds itself having accusations levelled against it because the rescue of migrants at sea is encouraging people smugglers to increasingly use boats for the crossing that are not fit for the high seas. Even so, it remains indisputably right that rescuing people who find themselves in distress at sea is a humanitarian obligation. 2,094 persons were rescued directly from distress at sea by the German

Navy under the auspices of the Operation Sophia deployment in 2017, and 937 people who had been rescued at sea were taken on board from other ships. The German Navy has saved about 22,000 people from distress at sea since this deployment began in May 2015.

UNIFIL in the Mediterranean

Germany is continuing to contribute to the monitoring of the marine area off the Lebanese coast. This deployment, which has been ongoing since 2006, was extended most recently on 29 June 2017. The 126 personnel with UNIFIL at the end of the year are still stationed in Lebanon (UNIFIL HQ Naqoura), at sea and at Limassol on Cyprus, from where the German contingent is commanded.

- *In contrast to those stationed in Lebanon, service personnel who are stationed on Cyprus have no entitlement to additional days of leave under the Home Leave Ordinance. The review of a submission that objected to this found that in the past the additional days of leave had been incorrectly approved for contingent members stationed on Cyprus. The Home Leave Ordinance only provides for additional days of leave at European duty locations when living and working conditions there are particularly onerous. This is not generally the case on Cyprus. The strains suffered and additional expenditure incurred as a result of the deployment are already compensated for there by the payment of a foreign assignment allowance.*

The service personnel stationed in Lebanon receive a Level 4 **foreign assignment allowance** while, just like the personnel stationed on Cyprus, the personnel embarked on ships also receive a Level 2 foreign assignment allowance.

- *The complaint was made in one submission that the payment of the same level of foreign assignment allowance to the personnel stationed on Cyprus and the personnel on ships at sea constituted unjustified equal treatment. It was said the hotel accommodation in Limassol was more comfortable than the living quarters on board. This is true, but is already reflected in the current provisions: the foreign assignment allowance only compensates for the additional material expenditure and immaterial strains consequent upon assignments abroad. The restrictions associated with life on board a warship are already compensated for with sea duty pay. This is paid regardless of the foreign assignment.*

The fact that warship crews who are deployed on EUNAVFOR MED Sophia or Atalanta receive a Level 3 foreign assignment allowance may lead to a feeling of disadvantage among ship crews deployed on UNIFIL. However, a system of allowances

for foreign assignments with a total of six levels only allows the level to be set by looking at all the factors relevant for the deployment in question, and cannot function without some generalisations being made.

EUTM and MINUSMA, Mali and Niger

The Bundeswehr is currently contributing about 900 servicewomen and men to the United Nations MINUSMA peace mission, the authorised strength of which is 13,000. The previous mandate was renewed most recently by a decision of the German Bundestag passed on 13 December 2017. It permits the deployment of up to 1,000 German service personnel with MINUSMA. Compared to 2016, the number of personnel committed was increased, allowing four German Tiger attack helicopters and four NH-90 transport helicopters to be stationed with the contingent. They replaced the Dutch helicopters that were withdrawn from Gao as of March 2017.

On 26 July 2017 both pilots of a Tiger attack helicopter lost their lives in a crash 70 kilometres north-east of Gao. A technical defect in the attack helicopter cannot be ruled out as the reason for the crash. Consequently, routine flight operations with the Tiger were cancelled for the time being. They were resumed again at the end of October 2017. The results of the accident enquiry were not available at the end of the year under review.

The Federal Republic of Germany is currently contributing €12m to the mending of the runway at Gao under the Federal Government's Initiative on Capacity Building in Support of Security and Development. Once the repair work has been concluded, it will be possible to fly to the airfield with large passenger and cargo aircraft again. Until then the airport 950 kilometres away at Bamako is to be used. However, the German MINUSMA mission contingent continues not to have enough **protected transport capacities** there. Before flying on with civilian aircraft to Gao, German servicewomen and men who arrive at the airport in Bamako are initially taken to Midgard transit camp 13 kilometres away. As in the previous year they are transferred in unprotected rented minibuses (mostly eight-seaters), which are escorted by armed personnel. Two protected cars have been available in Bamako since mid-2017. These two vehicles are by no means sufficient in order to ensure protected transport can be provided to Midgard for up to 120 people during phases when contingents are changing over. Joint Forces Operations Command is currently examining whether it would be feasible for personnel to be accommodated at the airport site in Bamako. This would allow the transfer to Camp Midgard to be dispensed with. The proposal should now be examined and im-

plemented as quickly as possible in order to comprehensively guarantee the safety of German servicewomen and men at Bamako.

Complaints about **postponed flights** have been made in relation to this mission area as well.

- *For instance, one serviceman complained in his submission about the regular shifting of departure dates, destination airports and flying times, as well as the slow flow of information, which occasionally even included incorrect assurances. Service personnel and their families inevitably felt frustration and failed to understand how these situations could arise. This was true in particular when it proved impossible to fly personnel home from their deployment within a week after a flight on an A400M had been cancelled. It was obvious no plans had been made for contingencies or cancellations.*

The materiel operational readiness of the German MINUSMA mission contingent was a subject of criticism back in 2016. This criticism was renewed once again in submissions received during the spring of 2017. The wear and tear apparent on vehicles and equipment about which complaints were made was to be explained by the climatic conditions on the ground, which were not comparable with those in Afghanistan.

The Federal Ministry of Defence has taken action in the meantime: in order to increase the **operational readiness** of vehicles that are important for operations, the capacities for maintenance and the stocking of spare parts were increased, and the repair staff expanded. The Ministry stated an extensive programme to replace operationally important vehicles was being carried out in parallel to this. In order to reduce the delivery times for spare parts, a switchover to demand-responsive central stocking at Bundeswehr depots had been examined. Furthermore, specialist personnel from the major military organisational elements visit the contingent at regular intervals. They record shortages and ensure replacements are delivered rapidly if possible. Nevertheless, the supply of spare parts and the operational readiness of the vehicles were criticised once again during the Parliamentary Commissioner's field visit in 2017.

- *It was stated that generators with defective radiators had been delivered to a support company. A maintenance order had been placed for the radiators through official channels four months earlier. So far, however, the radiators had not arrived in Gao. Transportable fuel containers that had been specially introduced in the Bundeswehr could not be flown to Mali by air freight. Furthermore, dehumidifiers had been delivered instead of humidifiers, and divider curtains for medical patients had been delivered instead of shower curtains. It had taken several months to obtain*

a cost estimate for the generators to be repaired by the Bundeswehr Logistics Centre, according to a statement from the Federal Ministry of Defence. Consequently, it had only been possible for five of the six generators to be repaired by the end of the year under review. Apart from this, service personnel complained that there were not enough roadworthy vehicles for all servicewomen and men. They said it was often not possible for the technical service provided for after the vehicles had been deployed to be carried out because the next vehicle crews were already waiting for their operational vehicles. In so far as this is the case, the efforts to remedy the situation will evidently have to be redoubled once again.

- *The protracted inspection of vehicles by the United Nations objected to during the previous year has been confirmed according to information from the Federal Ministry of Defence. When vehicles arrive in the mission country, the United Nations carry out what is known as an 'arrival inspection'. After this they are given a UN registration plate and can be fuelled. However, the inspector in charge of the 'arrival inspections' is responsible for the whole of northern Mali. Due to the inspector's heavy workload, waiting times of up to four weeks can build up. The supply officer in the mission country managed to reach agreement with the inspector that the registration plates would be sent out in advance. This at least shortens the waiting time somewhat.*

However, it does not resolve the actual problem of how long it takes for the vehicle inspections to be carried out by the United Nations. Incidentally, the other nations taking part in MINUSMA also find themselves grappling with the same problem.

- *During the field visit made this year to Mali, it was complained that the issue of United Nations ID cards took three to five weeks, and in a few cases up to four months. An application initially had to be sent to the UN at Bamako in electronic form in order to obtain a UN ID number. The next step was to attach a photograph to the application form, fill it out with the ID number and send it to Bamako again. The efforts made by the German mission contingent to resolve the problem with the competent bodies at the UN remained unsuccessful. Rather, UN staff felt Germany was interfering in UN matters. In order to shorten the waiting times, the German MINUSMA mission contingent now has itself notified of the requisite data by the follow-on contingent at an early date so that the registration procedure can be started before the new contingent's arrival.*

At the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) on 10 October 2017 in London, the Parliamentary Commissioner for

the Armed Forces suggested a joint solution to the problem be sought expeditiously with the UN.

- *Yet again, servicewomen and men stationed in Mali and Niger complained about their incomplete provision with combat clothing. One serviceman stated he had only got two pairs of field trousers and one pair of combat trousers at the BW Bekleidungsmanagement GmbH service station responsible for kitting him out. Other personnel reported there had been problems in particular with the supply of water-resistant garments and gloves. In addition to this, the quality of the combat clothing was inadequate. After the field trousers had been washed several times, the fabric fell to pieces even though high-quality washing machines had been installed on site. The Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support has initiated a review of the fabric used for the trousers.*

Apart from this, it was criticised that the service-issue shoes were stiff and also of poor quality. A medical certificate was required in order to obtain better shoes. According to information from the Ministry, the provision of the new combat footwear will be concluded by the end of 2020. As an initial step, all servicewomen and men who overwhelmingly do duties in their dress uniform will be equipped with a first pair of the new combat footwear by the end of 2018. Finally, there was a shortage of green flight suits. The only available replacements were windproof flight suits, but these were completely unsuited to the climatic conditions on the ground. Until recently the clothing store had sewn flight suits itself. However, it had had to stop doing this because an internal Bundeswehr test had found that the thread used disintegrated at 400° C. It is not only the thread that would be likely to disintegrate at this temperature – the impracticality of the test and the absurdity of the instruction issued as a consequence of it are remarkable. On this issue, however, the Federal Ministry of Defence stated that it was neither permissible nor necessary for flight suits to be manufactured by the clothing store. It claimed the resourcing of the mission contingents was ensured with the available inventories.

Furthermore, there were complaints about **personal demand items** that were in short supply, which was why soft drinks were being rationed. Alcohol-free beer was very expensive, and there were no menthol cigarettes on sale. Deliveries that had been requested in May had still not arrived by August 2017. There were problems in particular with the customs clearance procedures at the port in Dakar (Senegal) and on the Malian border. Not infrequently goods were damaged on account of the poor road conditions in West Africa. Transportation by air direct to the place of deployment could remedy the situation. No personal de-

mand items at all were supplied by the German military at the air transport base in Niamey (Niger). An outlet there is now to be run in cooperation with the moderately well stocked point of sale at Gao. The Parliamentary Commissioner for the Armed Forces will keep an eye on whether the increase from three to four containers every two weeks improves the situation. At any rate, it should be examined whether individual items cannot also be purchased from local providers on the ground, something that is done by other nations.

Servicewomen and men said insufficient personnel were being provided to occupy individual posts at the **multinational headquarters**. It was foreseeable that it would not be possible for key posts to be filled again when they became free. According to information from the Federal Ministry of Defence, of four posts of this kind two were vacant up to the end of 2017, and it was possible for one to be filled again in December. There is a lack of senior officers with the high level of language skills in French that is absolutely essential for daily military operations.

Many of the other servicewomen and men deployed there also regret not having any knowledge of French. They said they had done grading tests to obtain the French standardised language profile (SLP), but the combined language training courses requested from the Federal Office of Languages had not been approved. In-service language training was not offered. Some of the servicewomen and men therefore wished to be taught French language skills during the deployment. This should probably be possible.

Apart from this, servicewomen and men explained there was little interest in transferring to a multinational headquarters because individuals were afraid of being disadvantaged in their routine appraisals for having been absent from their parent units. This view is contradicted at least by the fact that, according to the relevant regulations, an additional point is added to the individual's score for the promotion waiting list for every 30 days they spend on a deployment abroad.

For the 725 German service personnel and civilian employees stationed at Gao in the autumn of 2017, there were merely 696 beds theoretically available in **protected accommodation** with three individuals to a room (container) or 464 beds with two to a room. Additionally erected tents were used at times when the contingent was being expanded and during contingent changeover phases. On account of the heightened security and threat situation, a cramped, but protected room shared between three was to be preferred to sleeping in a tent. The situation with regard to the sharing of containers had become less difficult by the end of 2017 because accommodation blocks had been

taken over from the Dutch armed forces and a new accommodation block had been built. There were therefore sufficient beds available in protected accommodation for the 901 German service personnel and civilian employees stationed in Gao at the end of 2017. The aim must continue to be for rooms to be shared between two.

In contrast to previous years, there was only occasional criticism of the **delivery times for military post**. According to information from the Federal Ministry of Defence, the average delivery times for military post from Germany to Mali and in the other direction are usually no longer than the target of 14 days. This figure does not take account of the time it takes for items to reach the armed forces postal concentration centre and the time that passes before they are received/collected by their recipients. In one case, however, according to the criticism from affected personnel, it took four weeks for post to get from Bamako via Paris to Germany. Military post is sometimes left standing for days on end at the airport in Paris because the transportation of baggage has priority. In addition to this, packages have often been damaged by damp when they are delivered in Gao.

Superiors' communication and provision of information about the **restricted supply of fuel** in June 2017 was objected to in several submissions. On 7 June 2017 the German mission contingent reported that it would not be possible for the contingent to be resupplied with diesel fuel by the United Nations until further notice. An immediate halving of fuel consumption was ordered at Camp Castor, to be achieved by switching off the air conditioning units in the living and working areas, as well as the physical training and MWR facilities, closing the laundry and reducing tactical movements to the minimum required for operations. Servicewomen and men had to sleep without air conditioning for two nights in temperatures of 35 to 41°C.

Diesel fuel was purchased from a local provider in order to be able to ensure the supply of fuel again. Two days later it was possible for the energy-saving measures that had been ordered to be relaxed in key areas (the air conditioning was switched on in the living quarters during the evenings and at night, the laundry was reopened). It was also possible for working areas to be cooled during the day once more in mid-June 2017. The MWR facility has been air conditioned again since the beginning of July 2017. The camp has been resupplied regularly again during the intervening period, even if not fully.

The Federal Ministry of Defence disputes the accusation that insufficient information was provided. Servicewomen and men had initially been informed about

the development of the situation once a day, and subsequently on an ad hoc basis. When the Bundeswehr took over command responsibility for the camp as of December 2017, it was supposed to ensure the fuel stocks were large enough for any restrictions to the fuel supply that might occur to be bridged over.

In the first six months of 2017 service personnel criticised the **water supply** as not meeting German standards, the mixing-up of recycled grey water and drinking water, shower water that smelled of rotten eggs, bans on taking showers and the poor quality of the water provided in bottles. According to a statement from the Federal Ministry of Defence, it was true that international water supply standards were being applied at the camp rather than the higher German ones. On account of the limited resources at Gao, it was not possible to supply mains water of the same drinking water quality as in Germany under the conditions that prevailed in the mission country, despite the deployment of the most modern technology to collect and treat water.

The Federal Ministry of Defence is currently examining the construction of a new water distribution grid that would be laid at a greater depth with insulated pipes – a measure intended, among other things, to prevent in future the noxious odours that have been criticised. At no point had there been any danger to the German servicewomen and men's health, according to the Federal Ministry of Defence, because this water is only intended for external use. Incidentally, the water is now being chlorinated, and a firm has been contracted to ensure the shower water is cooled in order to further reduce noxious odours. Furthermore, water samples are taken regularly by both the Dutch and German health supervisors, and tested for dangerous bacteria.

The mixing-up of drinking water and recycled grey water has also been confirmed. Here too, all the necessary measures were taken immediately to eliminate the problem, so that it was possible for the ban on showering that had been imposed to be rapidly lifted again. Due to the fundamental water shortage on the ground and limitations on how long waste water could be stored, however, the Dutch contingent commander ordered that showers were to be limited to two minutes a day. The German contingent commander supported this decision and implemented it accordingly. There are now plans for the construction of refrigerated containers in order to improve the justifiably criticised quality of the bottled water.

The package of measures that has been described is evidently having an effect. At any rate, no further complaints about the water supply were raised by ser-

vicewomen and men when the Parliamentary Commissioner for the Armed Forces visited Camp Castor at Gao in August 2017. Nevertheless, it remains to be asked why refrigerated containers for bottled water are not standard on such deployments. The climatic and other conditions in the mission country, Mali, are well-known. Cold drinking water is the minimum servicewomen and men who serve in such regions can expect.

NATO in the Aegean

Since February 2016 NATO has been supporting the European Border and Coast Guard Agency FRONTEX, and the Greek and Turkish coastguards in the field of sea surveillance with one of its four maritime operational formations, Standing NATO Maritime Group 2 (SNMG 2). The German contribution to SNMG 2 has consisted of one frigate with a crew of up to 215 personnel that has been present throughout, and a number of other ships that joined the Group at various times. The aim is to investigate human trafficking activities in the region, but not to take action against human traffickers and carry out air-sea rescues of refugees in boats. The rescue of refugees is not covered by the mandate for this deployment, but is an obligation under international law. In the first six months of the year under review the whole of SNMG 2 was commanded by a German commodore. Germany took over command of the Aegean Sea Activity Task Unit that is part of SNMG 2 in the second six months of the year. This deployment did not need to be mandated by the German Bundestag.

The **MWR telecommunications** systems on the F-123 (Brandenburg Class) frigates give reason for complaint. Communication is difficult for service personnel who merely have a smartphone or tablet that cannot be connected to the MWR telecommunications network using a LAN cable. The installation of WLANs on Brandenburg Class frigates is not envisaged for reasons of emission security and on account of how they would interact with the other technical systems on board. This is understandable. Nonetheless, ever fewer new mobile end devices have a LAN connection.

This means it will be necessary to make WLANs available over the medium term, at least in limited areas – ships' living quarters, for instance. These areas will then have to be shielded in such a way that no interference with the other technical systems on board or problems in terms of emission security are caused. Furthermore, the installation of WLANs should be taken into consideration from the very beginning when new classes of vessel are developed. Transitionally, the Bundeswehr should keep a sufficient number of mobile devices with LAN connections on board

that can be borrowed, and should alert new crew members before the vessel goes to sea that the use of the MWR telecommunications network is basically only possible with mobile end devices that have LAN connections.

NATO in the Baltic

From September 2016 to the end of April 2017 German Air Force Eurofighters patrolled the airspace over the Baltic states, Estonia, Latvia and Lithuania, together with aircraft from other NATO countries. At the beginning of May 2017 the responsibility for the reinforced Air Policing Baltic operation was handed over to the follow-on contingent from Spain. There was an innovation this year in the **defensive patrolling** over the Baltic carried out by the NATO member states' air forces: two contingents were provided by the German Air Force in immediate succession for the first time. 71 Tactical Air Wing from Wittmund replaced their comrades from 74 Tactical Air Wing based at Neuburg an der Donau at the beginning of January 2017. Since September 2016 a total of about 1,000 members of the Bundeswehr had therefore been deployed at Ämari Air Base in Estonia in rotation. There are plans for Germany to once again dispatch two contingents one after the other to the reinforced Baltic Air Policing alliance mission as of September 2018.

As a Framework Nation, Germany has provided the multinational eFP Battle Group (BG) Lithuania, part of the enhanced Forward Presence (eFP), since 24 January 2017. The eFP BG's focus is on joint training and exercises using the greatest possible level of host nation support with a commitment of forces that will be sustainable over the long term. Belgium, France, Croatia, Luxembourg, the Netherlands, Norway and the Czech Republic are taking it in turns to contribute to the eFP BG Lithuania until 2019. It was possible for the German element to reach full strength within just a month. The eFP BG's full operational readiness was demonstrated during the Iron Wolf exercise in June 2017. The **host nation support** provided by the Lithuanian military is good, in the opinion of the German servicewomen and men on the ground. It is said that when there are problems, these are sometimes due to different understandings of particular standards. Coordination problems of this kind would have been avoidable if the host nation had had someone put at their side by the Germans from the beginning who could give advice about German standards and regulations in a straightforward fashion at any time – something that has now been done.

- *During the field visit made by the Parliamentary Commissioner for the Armed Forces to Rukla (Lithuania) he was told that just two out of eight posts were*

filled at the military administrative centre. The two administrators in post (ordinary/intermediate service) could by no means cope with all the work. In particular, there was a lack of personnel in the higher intermediate and higher services. The problem was that no volunteers could be found for these duties in Germany.

- Criticism was also expressed of the procurement of physical training equipment, which was taking too long, apart from which the physical training tent was too small. The stock of physical training equipment was insufficient for the contingent, which had now reached full strength, as well as additional support personnel or personnel on exercises.

The equipment must now be provided there as quickly as possible.

In February 2017 the Bundeswehr was the victim of a **disinformation and smear campaign** in Lithuania. Politicians and media outlets received emails that claimed Bundeswehr personnel stationed in the country had raped a minor. The investigations instituted by the Lithuanian agencies found no evidence to support the claims. The Lithuanian authorities therefore believe this was targeted disinformation, and their investigations into the originators of this fake news are still continuing. An incident like this may happen again, and the Bundeswehr must be prepared for such attacks. The service personnel who are deployed must know this.

- Several servicemen complained about the accommodation of the augmentation forces at Rukla in tents due to the lack of mosquito nets, disturbing levels of noise and noxious odours. According to a statement from the Federal Ministry of Defence, it had been neglected to arrange permanent accommodation for the augmentation forces in good time. The provision of accommodation in tents ceased to be a problem when the augmentation forces withdrew in the summer of 2017. According to a statement from the Ministry, the augmentation forces expected in the spring of 2018 will be billeted in containers.

At the beginning of 2016 the Bundeswehr started setting up **military postal services** for exercises and quasi-operational commitments as well. Such services are already being run successfully for the eFP in Lithuania, but not by contrast for the German reinforced Baltic Air Policing contingent in Estonia. The reasons given for this by the Federal Ministry of Defence were, above all, the short tours of duty usually done by servicewomen and men with the contingent (four to eight weeks), the fact that postal delivery times would not be significantly shortened compared to the delivery times for civilian post, and the additional personnel who would be required on the ground if a military postal service were set up. The troop contributor

itself had not indicated there was any demand for a military postal service, even in response to several inquiries. Irrespective of this, it should be examined whether suitable cooperation agreements can be concluded with local mail providers for the contingents stationed in deployment countries where no military postal service is provided.

Preparations for deployments

Preparations for deployments are the subject of submissions again and again. Service personnel complain in particular about being assigned at too short notice. This makes it difficult, or sometimes impossible, to do the necessary predeployment training.

Predeployment training is divided into non-mission country-specific training, mission country-specific training and post-related training. While non-mission country-specific training above all conveys general military content, mission country-specific training prepares personnel for a particular mission area; this qualification retains its validity for 36 months. In the view of the Parliamentary Commissioner for the Armed Forces, the current period of validity for mission country-specific training should be extended automatically when servicewomen or men return from the mission area in question. This would reduce the strain on service personnel who regularly go to a particular mission country. The Bundeswehr's duty of care as an employer requires particular course content to be refreshed at regular intervals – self-aid and buddy aid for example. However, the Parliamentary Commissioner for the Armed Forces has observed with concern the **intensity of courses** immediately before planned deployments and the additional strains they place on families.

- An officer who had been assigned late to the deployment with MINUSMA only shortly before his contingent's tour of duty began complained that, after he had gone through predeployment training, started a security clearance check procedure, had clothing and footwear issued, and received the necessary vaccinations, it was only on his arrival in Gao that he learned he was no longer required in the post for which he had been earmarked. The interim solution that had been put in place, with the post being filled by a senior non-commissioned officer, had worked well. Following this, the officer was only supposed to be in charge of part of his originally envisaged area of responsibility, and was then repatriated at his own request. It is unacceptable for a serviceman to be treated in this way.

During the year under review a total of 17,022 servicewomen and men were posted to Bundeswehr mission areas. Of them, 960 servicewomen and men did not complete the predeployment training for which provision had been made. This is a tripling in the number

of untrained service personnel in comparison to the previous year (307 out of 13,761), a disturbing development in the view of the Parliamentary Commissioner for the Armed Forces. In particular, servicewomen and men who were not part of the lead personnel-providing element complained of difficulties being considered for courses.

Numerous submissions discuss the failure to supply the **combat clothing** and **personal equipment** intended for deployments. When there are bottlenecks for particular sizes, the Bundeswehr Kleidungsmanagement GmbH service stations issue the next sizes up or down instead as substitutes. If the Bundeswehr is not in a position to equip all its servicewomen and men consistently with the combat clothing intended for their deployment in sizes that fit them, it is not adequately fulfilling its duty of care as an employer. Not only that, the ‘train as you fight’ principle requires the clothing and personal equipment needed for a deployment to be issued to service personnel in the course of their predeployment training.

Furthermore, servicewomen and men rightly complain that the end items used on deployments – vehicles for example – are often not available during predeployment training. The prioritisation of available materiel for the mission contingents consequent upon the large number of deployments abroad means it is not possible for assignment-related and predeployment training to be carried out to the necessary extent. This not only reduces the capabilities of the mission contingents abroad. The Bundeswehr is also breaching its duty of care as an employer by sending service personnel on deployments abroad without training them comprehensively. Here too, ‘train as you fight’ must be the maxim.

Recently servicewomen and men have been able to go on deployments abroad – subject to certain conditions – even though a negative decision has been given by a unit physician concerning their **fitness for foreign assignment**. The preconditions for this are that the servicewoman or man in question has given their consent and their disciplinary superior has been advised by the formation’s chief medical officer. The type of post to be occupied, the security situation in the mission area and the servicewoman or man’s health are to be taken into consideration. Such exceptional arrangements were made in 282 out of 344 cases that were looked at during the year under review. In the view of the Parliamentary Commissioner for the Armed Forces, it would be desirable if a uniform point of contact for disciplinary superiors were set up to provide information that is material to decisions about posts on deployments and the security situation in mission areas. This could be done at Bundeswehr Joint Forces Operations Command, for instance. On no account,

however, may pressure be exerted on the service personnel in question.

In the run-up to a deployment abroad, servicewomen and men can voluntarily give one or two addresses that are to be contacted in an **emergency**, if they are wounded for instance. Since this information is provided voluntarily, there are many cases in which the Bundeswehr’s family support organisations do not hold such emergency addresses. The Parliamentary Commissioner for the Armed Forces has given his backing to the demands made by the Bundeswehr’s family support organisations that service personnel should have to be obliged to give an emergency address or declare on the record that no one is to be notified in an emergency.

Foreign assignment allowance

Thanks to the amendment of the Federal Civil Servants’ Remuneration Act, it has been possible since 1 June 2017 for a foreign assignment allowance to also be granted for assignments abroad that can be equated with deployments. These include, for example, reinforced Baltic Air Policing in Estonia, the enhanced Forward Presence in Lithuania and the NATO support operations in the Aegean. Exercises and planned training abroad are still not covered by this arrangement.

During an information event at the Office of the Parliamentary Commissioner for the Armed Forces, servicewomen and men from a fleet service ship criticised the new provisions on foreign assignment allowance. Reconnaissance patrols by **fleet service ships** had not so far been compensated for with a foreign assignment allowance despite conditions similar to those on deployments. This is inexplicable. In so far as the servicewomen and men in question are placed in a worse financial position as a result of this, the foreign assignment allowance should also be granted to them in future as well.

Among the enhanced Forward Presence Battle Group in Lithuania, what are known as low and high overtime compensation entitlements had been built up under the Military Personnel Remuneration Ordinance for additional duties that had been done in the past. Foreign pay was paid under the provisions of the Federal Civil Servants’ Remuneration Act when personnel were assigned temporarily for periods longer than three months. In anticipation of the foreign assignment allowance that was to be paid, an advance of €46 a day was initially granted to all German forces deployed in Lithuania before the allowance was finally set at €62 a day. At the same time a transitional solution was put in place for the contingent that was on the ground then. It was specified that the foreign pay for

the contingent in question would continue to be paid until the end of its tour of service.

After this it will be **examined which of the two options**, the payment of the foreign assignment allowance or the receipt of foreign pay, is more favourable ('favourability test'). This means calculating what form of compensation is more advantageous for the individual servicewoman or man, which is then to be specified. The introduction of the foreign assignment allowance for quasi-operational commitments and the favourability test for the forces deployed in Lithuania ordered by the Federal Ministry of Defence are good decisions.

In July 2017, however, during the field visit made by the Parliamentary Commissioner for the Armed Forces jointly with the President of the German Bundestag, Norbert Lammert, it was complained that there was a great lack of clarity about who would get how much money for their deployment in Lithuania and as of what date. Personnel said they had been sent to Lithuania with a smattering of knowledge and empty assurances. Furthermore, several submissions about the same matter objected to the fact that time off in lieu was excluded from the favourability test because foreign assignment allowance was granted, and that the reform had been implemented in the middle of an ongoing tour of duty. Personnel had not been informed about the reform in the run-up to the deployment and said they were supposed to use up massive amounts of time off in lieu, which meant some people would no longer be able to take Christmas leave following the reform. The criticism from the affected individuals is understandable. It is difficult when financial compensation is restructured during an ongoing tour of duty, and the changes are then communicated badly as well.

The foreign assignment allowance levels for the MINUSMA deployment were most recently reviewed in January 2017 and subsequently set in consultation with the Federal Ministry of the Interior, the Federal Ministry of Finance and the Federal Foreign Office. This led to the setting of Level 6 foreign assignment allowance for the servicewomen and men deployed in Mali and Level 4 for those deployed in Niger.

- *In several submissions and during the field visit made by the Parliamentary Commissioner for the Armed Forces to Niamey Air Transport Base (Niger),*

service personnel complained about unequal treatment as far as the level of foreign assignment allowance was concerned. In view of a situation comparable to that in Bamako (Mali) in terms of security and the restrictions placed on servicewomen and men, they said there was little understanding at Niamey for the fact that their foreign assignment allowance was lower than that for Bamako. When the foreign assignment allowances were assessed, account was taken of the different security and threat situations in Niger and Mali. At the same time, however, morale, welfare and recreation trips have not been permitted at Niamey on account of the tense security situation on the ground.

The level of the foreign assignment allowance in Niger should consequently be reviewed once again and adjusted as necessary to take account of the conditions under which personnel are assigned on the ground.

The report on a competitive salary structure in the Bundeswehr drawn up by the Federal Ministry of Defence for the Bundestag's Defence Committee found that the legal foundations for the granting of foreign assignment allowance no longer do full justice to the changed reality of the Bundeswehr's deployments and the complex, multifaceted tasks performed by the forces abroad. In particular with a view to the principle of **'equal pay for equal burdens'** on which the study was based, various adjustments are felt to be necessary: personnel are to be entitled to foreign assignment allowance for all assignments abroad that can be equated with deployments. The time limit on the granting of foreign assignment allowance for temporary duty assignments in mission areas is to be revoked. The current levels of foreign assignment allowance are to be restructured and the financial benefits are to be improved by raising the daily rates of foreign assignment allowance by 20 to 30 per cent. The daily rates are to be adjusted regularly to reflect the general development of salaries; in other words, they are to be indexed.

The Parliamentary Commissioner for the Armed Forces agrees expressly with these demands, which have also been made by him for a long time. The levels of foreign assignment allowance have not been raised for years. The recommendations included in the report on how salaries could be restructured should now be translated into reality as rapidly as possible.

Overview of foreign assignment allowances:

Atalanta	Personnel on ships at sea Level 4 (€78/day) in the area of operation (AOO) Level 3 (€62/day) outside the AOO, including port stays Level 4 (€78/day) for port stays in Djibouti Personnel stationed in Djibouti Level 4 (€78/day) MPA P-3C Orion flying personnel Level 3 (€62/day) for days with reconnaissance flights Manama/Bahrain Level 2 (€46/day)
Training Support Iraq	Level 4 (€78/day) in the Erbil area/northern Iraq Level 3 (€62/day) in Kuwait (HQ) Level 5 (€94/day) in Baghdad (HQ)
Core Team NATO Training and Capacity Building IRQ in Baghdad, Iraq (NTCB-I):	Level 5 (€94/day)
Counter Daesh and parts of Operation Inherent Resolve	Level 3 (€62/day) for forces at sea and during port stays Level 3 (€62/day) in Qatar, Kuwait and Jordan Level 5 (€94/day) for flying personnel on reconnaissance and air refuelling flights Level 5 (€94/day) in Baghdad (HQ)
enhanced Forward Presence (eFP), Lithuania	Level 3 (€62/day)
EUNAVFOR MED Sophia, Mediterranean	Level 4 (€78/day) in marine areas Level 3 (€62/day) during port stays
EUTM Mali	Level 6 (€110/day)
EUTM SOM, Somalia	Level 6 (€110/day)
KFOR, Kosovo	Level 3 (€62/day)
MINURSO, Western Sahara	Level 4 (€78/day)
MINUSMA, Mali	Operational personnel in Mali Level 6 (€110/day) Operational personnel in Niamey/Niger Level 4 (€78/day) Flying personnel in Niamey Level 6 (€110/day) for days when flight operations are conducted in an area where a Level 6 foreign assignment allowance is granted
Standing NATO Maritime Group 2 (SNMG 2)	Level 2 (€46/day) in marine areas and during port stays Level 3 (€62/day) during a port stay following an air-sea rescue operation Level 4 (€78/day) for days when an air-sea rescue operation is carried out
Persistent Presence, Latvia	Level 2 (€46/day)
Personnel support for the OSCE Special Monitoring Mission (SMM) in Ukraine	Level 3 (€62/day)
Resolute Support, Afghanistan	Level 6 (€110/day)
Sea Guardian (MSO SG)	Level 2 (€46/day) in marine areas and during port stays Level 3 (€62/day) during a port stay after an air-sea rescue operation Level 4 (€78/day) for days when an air-sea rescue operation is carried out
UNAMID, Sudan	Level 5 (€94/day) in Darfur Level 4 (€78/day) in Khartoum
UNIFIL, Lebanon	Level 4 (€78/day) at Lebanon Headquarters (HQ) Level 2 (€46/day) on Cyprus and on board ships in the area of interest
UNMISS, South Sudan	Level 5 (€94/day)

Award of service medals

The eligibility period for the award of Bundeswehr service medals for participation in humanitarian, peacekeeping and peacemaking deployments abroad begins on 30 June 1995. It was on this date that the German Bundestag approved the deployment of armed German personnel for the first time since the end of the Second World War – with IFOR in Bosnia-

Hercegovina. The last few annual reports drew attention to the fact that servicewomen and men had not so far been awarded service medals for their participation in deployments prior to the **eligibility period**, UNOSOM in Somalia in 1992 for example, and rightly regarded this as indicative of a lack of gratitude.

The idea of moving the start date of the eligibility period for the award of service medals to an earlier point

has now been raised by the Federal Ministry of Defence with the Office of the Federal President at the director-general level. During the meeting where this was discussed, the Office of the Federal President promised to examine the matter. Year after year since 2014 the Federal Ministry of Defence has consoled the individuals affected in its comments on the Parliamentary Commissioner's annual reports by stating that the matter is being examined – at first by the Ministry, now by the Office of the Federal President and the Ministry.

This approach may be rational, but it is certainly not efficient. The failure to take a decision about changing the eligibility period, even after the issue has been under examination for several years, is all the less comprehensible because three years ago the Federal Ministry of Defence had already signalled its willingness to retrospectively honour the deployments undertaken in the early 1990s.

There is still criticism of the sometimes long periods of time taken to process applications before service medals are awarded:

- *During the field visit paid this year to the German MINUSMA mission contingent at Gao (Mali), servicewomen and men asked the Commissioner to seek to ensure steps were taken to simplify the procedure for the award of the Bundeswehr service medal to personnel from other nations who were embedded in German contingents. They said it was important for the feeling of belonging and group dynamics that everyone – including multinational personnel in German units – could be decorated when the 'medal parade' was held at the end of a deployment. Although it was possible to apply for the medal to be awarded, it was taking up to six months for these applications to be processed.*

It ought to be possible to speed up this process and have medals presented to servicewomen and men from other nations by their unit commanders while a deployment is still ongoing, once permission has been given by Bundeswehr Joint Forces Operations Command.

MWR telecommunications

The framework contract to ensure MWR telecommunications (telephony and Internet) are provided for all land-based commitments abroad concluded on 1 July 2016 has been implemented everywhere where the necessary preconditions are in place for the contractor (for example, approval by the host nation, access arrangements for installers and service personnel). If such preconditions are not in place, MWR telecommunications are provided outside the framework contract. In these cases, MWR telecommunications are provided free of charge through regional providers or

by reimbursing the sums servicewomen and men can prove they have spent on a deployment.

The bandwidth available for **Internet use** is configured in such a way contractually that it is made possible for every member of the Bundeswehr to communicate with their relatives for at least three hours every day, for two hours using the standard application (email, for example) and for one hour using the premium application (Skype, for example). Internet use is always limited to the minimum period if more people have signed up than permitted by the bandwidth that is currently available. Once demand has subsided, it is possible for the Internet to be used again.

The results of user surveys show that nearly all the members of the Bundeswehr go on the Internet several times a day. Although the bandwidth provided by the forces' partner under the framework contract is greater than the minimum requirement agreed in the contract, the limitations that have been described mean it is not possible for all servicewomen and men to be offered the opportunity to use the very popular video telephony service at the same time, in particular during the evening hours. This is certainly not 'modern and comprehensive', as the Bundeswehr specifies in the contract data requirements list for the framework contract – especially as the Bundeswehr itself took data rates that are lower than the current standard as the basis for the contract data requirements list.

At present a rate of approximately 13.7 Mbit/s is provided on average per household in Germany, which gives a bandwidth of almost 7 Mbit/s per person when there are two people in a household. On deployments, by contrast, the bandwidth provided in 2017, at Gao for example, was just 40 Mbit/s – for what will soon be 1,000 personnel. According to a statement from the Federal Ministry of Defence, an increase in the available bandwidth is currently being examined within the scope of what is possible under public procurement and contract law.

On top of this fundamental problem, servicewomen and men also face other problems with MWR telecommunications again and again.

- *A serviceman deployed in Afghanistan objected to the fact that it was not possible for his MWR telecommunications account to be activated until he arrived at his place of deployment. According to a statement from the Federal Ministry of Defence, the procedural processes have already been adjusted in such a way that, as a matter of principle, users' data is acquired on the day of their arrival. The activation of the account by the force provider that had been requested by service personnel was not possible with the current technical configuration. It was explained, however, that the preconditions for the technical modification*

to increase the number of bodies entitled to activate accounts were being put in place. Once this has been implemented, the period of time from arrival with the contingent until MWR telecommunications can be used will be noticeably shortened.

More Europe

25 of the EU's Member States will cooperate more closely on security and defence issues in future: at the meeting of the Foreign Affairs Council on 11 December in Brussels, Germany and 24 other EU states formally agreed on the framework for this Permanent Structured Cooperation (**PESCO**). With the exceptions of Denmark, the UK and Malta, all the Member States will participate. They have agreed on a list of 17 projects that will be launched at the outset.

The numerous measures adopted to integrate the Common Security and Defence Policy include steps to improve the armed forces' interoperability, their strategies and their weapon systems, and the implementation of joint strategic armaments projects that are to be supported by the European Defence Fund.

The European pillar of the transatlantic alliance is also being strengthened by NATO's Framework Nations Concept (FNC), which is of growing significance for the capability planning the Bundeswehr does jointly with allied armed forces.

Early in 2017, at a meeting of NATO defence ministers on 15 and 16 February in Brussels, agreements were concluded by Germany with the **Czech Republic** and **Romania** which, as NATO partners, use the Bundeswehr as an 'anchor army' and wish to link parts of their land forces with its command structure. In August Germany and **Norway** agreed closer cooperation on, among other things, submarines (construction, maintenance, training). Furthermore, shared missiles are to be developed for the two navies.

The cooperation between the German Navy's Sea Battalion, the Dutch joint logistic support ship *Karel Doorman* and the Marine Corps of the Royal Netherlands Navy is also purposeful.

German servicewomen and men described a great many facets of what this ever closer multinational alliance cooperation means in training, in routine operations and on deployment to the Parliamentary Commissioner for the Armed Forces during the visits he made jointly with his Dutch counterpart to the **German-Netherlands Corps** in Münster and the signal battalion that belongs to it at Eibergen in the Netherlands, with his Austrian counterpart to the **German-Austrian Army Mountain Guide Course** in Hochfilzen and together with the President of the German Bundestag to the enhanced Forward Presence at Rukla in Lithuania.

It is regrettable that the Bundestag's 18th electoral term ended in the autumn of 2017 without the legal situation being adjusted in line with the recommendations made by the Commission on the Review and Safeguarding of Parliamentary Rights regarding Mandates for Bundeswehr Missions Abroad (which was chaired by Volker Rühle and Walter Kolbow). The Commission was tasked with examining how the German Bundestag's rights could be secured as progress is made towards alliance integration. The Draft Act on the Further Development of Parliamentary Participation in Decision-Making about the Deployment of Armed Personnel Abroad in the Course of Progressive Alliance Integration (Bundestag Printed Paper 18/7360), which took up the Commission's recommendations, ran out of legislative time at the end of the electoral term. Deliberations on this matter should be resumed during the present electoral term.

There is now a stark contrast between the advancing integration of the armed forces in Europe and the national scope of the **rights held by military ombudspeople**. For example, the Parliamentary Commissioner for the Armed Forces cannot simply request information from multinational headquarters or alliance agencies and units in which German personnel are serving. Nor is he able to review the leadership behaviour of a non-German superior. In this connection, it is to be highlighted that the Federal Ministry of Defence has so far shown itself to be open-minded and constructive in looking for pragmatic solutions. In addition to this, various military ombuds institutions have consolidated their bilateral cooperation. This is especially true of the cooperation between Germany and Austria, and between Germany and the Netherlands. Such informal cooperation not only helps ensure service personnel's concerns are addressed but, in addition to this, also fosters an expanded understanding of the role and rights of military ombudspeople in an international context among all involved.

In October 2017 the Parliamentary Commissioner for the Armed Forces attended the 9th International Conference of Ombuds Institutions for the Armed Forces (**ICOAF**) in London. Representatives from over 40 states and organisations advocated steps to force the pace of the implementation of military ombudspeople's rights on international missions and in international institutions. Parliaments, governments and international organisations are called upon to follow this pathway constructively. The extension of the powers of the Parliamentary Commissioner for the Armed Forces and the other military ombudspeople to multinational institutions and NATO or EU deployments would be legally and politically complex, but not impossible.

9. Law violations and the administration of justice

Bullying and sexual harassment

Apart from 70 references to such issues in submissions, 235 reports about ‘reportable events’ due to suspicions of offences against sexual self-determination reached the Parliamentary Commissioner for the Armed Forces during the year under review. This is almost a doubling in comparison to the previous year.

Of these ‘reportable events’, 54 cases related to crimes committed outside the Bundeswehr, such as child pornography, the sexual abuse of children and young people, exhibitionism and sexual attacks on female civilians. There were 172 cases in which servicewomen (five cases) and servicemen (167 cases) were accused of sexual attacks or harassment within the Bundeswehr. Among them were 19 cases of reported or attempted rape, 79 cases of reported sexual harassment through physical contact and 52 reported cases of verbal sexual harassment, including ten cases of harassment on social media. The remaining nine cases involved attacks on servicewomen committed by civilians.

It is hard to say whether there has actually been a marked rise in incidents of these kinds or whether increased awareness raising has led to a different attitude towards the reporting of such offences. At any rate, it was noticeable that several incidents from previous years were also reported retrospectively. It is hard on the whole to ascertain the actual number of sexually motivated attacks. Victims still find it difficult to report harassment due to concerns about suffering disadvantages in their careers or personal lives. The fear of reprisals makes some service personnel hesitate. For instance, one serviceman who had initially turned to a woman priest with his concern wrote in his submission:

- *‘The chaplain was also of the opinion that my statement is the right way, but even she is not able to offer me any protection from superiors and comrades if it comes out that I am intending to give a truthful statement and have already written this letter. I am terribly scared, but I cannot and do not want to serve in the Bundeswehr any longer under these circumstances.’*

With his statement, this serviceman wanted to support a comrade who had confided in him and complained of being bullied by a number of comrades. In this connection, he had, among other things, also been disparaged by a superior and sexually harassed by comrades.

- *The comrade said that when he arrived for duty with a bruise on his neck he had been greeted by his*

superior in front of comrades with the remark, ‘I didn’t know gays could kiss so well.’ The serviceman is heterosexual. He claimed that when he was standing in the shower with two comrades, he had been asked which of their penises he thought was nicer. When he said he wanted to be left alone, he had been told he was quite welcome to touch their genitals and see which one felt better in his hand. The criminal and disciplinary investigations into the individuals accused were closed because the remarks and invitations could not be proven beyond doubt.

Nonetheless, the investigation into the whole accusation of bullying uncovered inappropriate, unacceptable behaviour by comrades, which led to changes in personnel, and the development of new information and communication structures when the accusations were reappraised.

It is good that there are comrades who **do not look the other way** in such situations, but support the individuals affected. This is lived *Innere Führung*.

Another example demonstrates how some service personnel are evidently utterly oblivious to the implications of their actions and the effects they have on third parties when they commit sexual harassment.

- *A serviceman had painted a penis on an unflattering image of his female superior with a picture editing program, and saved it in such a way that other persons had access to the image. He felt the reassignment he was given as a result of this was unfair. From his point of view, it was all a joke and the image had been made public by accident.*

Inappropriate touching and other intimidating behaviour are just as unacceptable. They may now even constitute criminal offences. The law governing sexual offences was tightened up accordingly in 2016. It must be clear to everyone where sexual harassment begins and what consequences it has. Urinating on someone and rubbing sperm onto them in the shower are not trivial offences and can most certainly not be overlooked as ‘comradely horseplay’.

Over and over again, submissions also reach the Parliamentary Commissioner for the Armed Forces from victims who do not feel they have been taken serious when they have raised what has happened in their units and agencies.

- *For instance, one servicewoman complained that she had been harassed by her former platoon commander. At the same time, she expressed the fear that the matter was not being seriously investigated, and her superiors were covering up and suppressing the case.*

There are not many instances in which such impressions are confirmed when the facts are reviewed.

Frequently, however, it becomes clear that the stressful situations in which victims of sexual attacks find themselves are unnecessarily being aggravated by **inadequate communication**. When this matter was reviewed, it was concluded by the command side that it would have been more expedient to have involved the servicewoman concerned significantly more closely in the process of investigation, and informed her earlier about developments. It therefore appears indispensable to regularly raise the awareness of the agencies that are involved in the investigation of such incidents. It must be made clear how important the empathetic treatment of victims is.

It was, nevertheless, to be observed during the year under review that higher levels take incidents of this kind very seriously, and that mistakes made during investigations are discussed frankly. For instance, comments from the Bundeswehr clearly stated that the disciplinary investigations in one case of sexual harassment were to be viewed as ‘poor performance on the part of the investigating officer’, while the next-higher superior had also displayed ‘significant weaknesses in his command supervision’. This had also been expressed clearly to the servicemen. In another case, a commander came to the conclusion in his comments that ‘red lines in interpersonal relations had clearly been crossed with tasteless remarks and disturbing acts’ in parts of a company. This self-critical attitude is to be welcomed. It is only through the honest, reflective reappraisal of incidents that sustainable changes can be brought about.

Some victims only find themselves in a position to make what they have experienced known once they have left their base on a permanent or temporary assignment. Such whistle-blowers’ conduct has a negative image in many people’s minds. Their reporting is frequently regarded as disloyal behaviour towards the group – someone who does this rapidly comes to be regarded as a traitor who has brought their own comrades into disrepute. They must not be viewed in this way. Reports about the contravention of rules and violation of values are not betrayal, but responsible actions. This has to be communicated clearly. Servicewomen and men who point out shortcomings often do not decide to do so lightly. A well-functioning unit has to be able to cope with criticism from among its own ranks and respond to it constructively.

In February 2017 the **Point of Contact for Discrimination and Violence in the Bundeswehr** was set up within the Federal Ministry of Defence. This is open to all active and former civilian and military members of the Bundeswehr who have experienced or are experiencing bullying, discrimination, or physical or psychological violence. In his last annual report, the Parliamentary Commissioner for the Armed Forces had

suggested a hotline be set up that victims of sexual harassment could contact.

According to information from the staff who work at the Point of Contact, it is contacted regularly, recording eight to twelve telephone calls a week, while men and women seek support in equal numbers. The Point of Contact is able to bring about improvements in the armed forces with its decisions and recommendations, and by accounting for its work. What is important in this respect is that the impression is not conveyed that it stands outside the legal system and is opening the gates to a flood of denunciations. Individual cases have to be investigated through official channels in each instance, as provided for in the legislation. Only in this way is it possible to guarantee that people will be treated fairly in a spirit of trust, even in conflict situations.

The aim of treating people fairly in a spirit of trust was not always achieved when the incidents that became public at the Special Operations Training Centre in Pfullendorf were being investigated. Apart from the cases described in the present report, this base had featured in public reporting due to practices among residential medical trainees that were sometimes demeaning or regarded as demeaning, and the misogynistic decoration of a lounge.

- *A pole dancing pole and a washing line of ladies’ briefs, as well as an obscene word scrawled on a board were present in the lounge over a long period of time ‘as a nice farewell present for a trainer’. Every superior who entered this lounge ought to have immediately put a stop to this state of affairs and had the arrangement removed. There was a clear contravention of the principles of Innere Führung here.*

With regard to **training methods**, the investigations carried out, which were based on not always consistent and sometimes contradictory statements, uncovered conditions that were certainly worthy of criticism. The Ministry realised the internal dynamic within the Special Operations Training Centre had developed in an alarming fashion and recognised the need for systematic corrections. The ostracism experienced by the servicewoman who had drawn attention to what had been happening was uncomradely in the extreme. It goes without saying that the shortcomings were subjected to a thorough examination. In order to protect all the servicewomen and men concerned, however, it would have been desirable if this had been done in a more objective fashion that avoided emotive statements and hasty conclusions. The fact that the consequences for personnel were known in public before planned punishments were disclosed to the individuals concerned led to a loss of trust in the leadership. This treatment does not show respect to service personnel who have been serving for many years at a

time when they find themselves caught up in investigations into incidents of this kind.

Among other things, the incidents that have been described led to the Bundeswehr wishing to improve its overview of reports of sexual coercion, rape, bullying, bodily harm and similar offences. This is why an organisational unit has now been set up within the Federal Ministry of Defence that deals exclusively with the internal situation within the Bundeswehr. In addition to this, in order to cast light on the numbers of unreported cases in this field, in 2017 consideration was given to the use of social science methods to investigate the topic with the help of external experts. These self-critical, forward-looking initiatives are to be welcomed. The value of social science research would also be that the conclusions ultimately reached would allow individual cases to be better categorised. However, any survey of servicewomen and men will have to be voluntary, remain manageable, and uphold data protection and the protection of legitimate expectations.

Social media

The possibilities of social media are used by servicewomen and men just as naturally as they are in the civilian sphere. However, this runs into problems, for example when members of the Bundeswehr use the WhatsApp messaging service to **disseminate military information**. Reports of such behaviour have increased during the year under review. For instance, dates or the news that servicemen were to muster at a sports hall in their tracksuits and not in their dress uniforms at the beginning of their duty hours were passed on in this way. Sensitive data were sometimes communicated as well. The Federal Ministry of Defence takes a nuanced view of military WhatsApp groups. As a matter of principle, the duty of confidentiality is to be upheld when official messages are communicated. The same applies for data protection. Exceptions apply if obvious facts are being passed on or their communication is not subject to any confidentiality requirements. The sending of messages of this kind must not contravene legal orders and instructions. The arbitrary exclusion of servicewomen and men from a unit WhatsApp group is impermissible. In the individual case, this could contravene the duty to behave in a comradesly fashion.

The **private use** of social media also holds dangers. It is not unheard of for servicewomen and men to send each other intimate photographs via WhatsApp that are then shown around among their comrades. This can lead to massive problems for the person who is depicted.

- *A senior lance corporal disseminated nude images of a section leader in his subunit in a WhatsApp group of junior ranks personnel with at least 24 recipients without the section leader's permission. A nonjudicial disciplinary punishment was imposed on the specialist. He was later dismissed summarily from the Bundeswehr due to this disciplinary offence among other things.*

It is not only photographs: inappropriate texts are also disseminated via social media:

- *A warrant officer class 1 who was evidently under the influence of alcohol posted a photograph from a tabloid newspaper on his Facebook page that depicted three partially masked persons presumably intending to riot at the G20 summit. The photograph had the caption 'Wanted! – Who knows these G20 criminals? Police officers were attacked by criminals at the Hamburg G20 summit. Who can identify the criminals?' He commented on the image, 'It's time for the police to be equipped with machine gun squads and supplied with enough ammo for these brainless bedwetters.' He later added the word 'Hatred' to his comment. In his profile picture, the warrant officer class 1 wore a Bundeswehr uniform. When the photograph was enlarged, his name badge was legible and it was evident he was a senior noncommissioned officer – even though the serviceman had even been trained in handling the social media for his press and public relations work. After the postings came to light, he deleted his inappropriate comments when ordered to do so. The imposition of a nonjudicial disciplinary punishment was waived.*
- *A junior lance corporal (officer candidate) posted an image with a portrait of Adolf Hitler and the words 'you are funny – I'll gas you last' in a WhatsApp group that was made up of comrades from a course. A nonjudicial disciplinary punishment was imposed on the serviceman.*

In view of the accumulation of cases of this kind, the Parliamentary Commissioner for the Armed Forces suggested to the Federal Ministry of Defence that the naive use of WhatsApp and Facebook be addressed, and targeted steps taken to draw attention to safety risks and instances of misconduct. The Ministry has taken up this suggestion.

Legal knowledge of disciplinary superiors

Despite theoretical training in military disciplinary and complaints law, many superiors go uncertainly into their first assignment with disciplinary responsibility. Efforts to downgrade legal training by allowing law to lose its status as a 'compulsory pass subject' therefore appear counterproductive. Yet training alone does not give people confidence in dealing with the law. What are decisive are its application in practice

and access to legal advisers competent to deal with the issues in question. They provide support on all unanswered questions. In order to avoid errors, disciplinary superiors should use this instrument proactively.

The disciplinary regulations grant superiors considerable room for discretion. They have to be guided by rule-of-law principles when assessing breaches of military duty, and must be able to correctly judge the scale and gravity of such breaches. **Disciplinary investigations** into a servicewoman or man must not be instigated frivolously. They trigger a block on career advancement measures and promotion for the individual concerned. More details will be found in the section on the prohibition on promotion during criminal and disciplinary proceedings.

Disciplinary superiors do not always deliver **cautions** correctly, although this should not be a problem if the forms that are available for the recording of interviews are used. For instance, it is always necessary for witnesses to be cautioned correctly about relatives' right to refuse to give evidence, and for this to be noted in the record of the interview. This also involves mentioning the suspect in the record, because otherwise it is not possible to work out how individuals are related. Apart from this, it must always be documented that personnel suspected of a breach of duty are informed what accusation they are being interviewed about. Omissions lead to it not being possible for documents to be used in disciplinary proceedings. Furthermore, careful **documentation of the investigations** carried out in disciplinary proceedings is indispensable. Only this allows any queries that are made, for instance in the course of a complaints procedure or by the Parliamentary Commissioner for the Armed Forces, to be answered comprehensively. Investigations have not been conducted correctly if a significant decision is taken solely on the foundation of oral evidence.

Should disciplinary offences be punished too leniently, the impression is awakened among subordinates that there is an intention to protect particular comrades. This can easily lead to discord in the units affected. It is not appropriate if, as has happened, verbal provocations are punished more rigorously than violent assaults. There must be a balanced relationship between disciplinary punishments and cautions:

- *A lance sergeant twice called a radio station using a comrade's name, saying in essence that, 'he changed his underpants twice a week, depending on when he got round to it, and as long as it did not smell or become unpleasant', and recorded the telephone conversations as videos. A nonjudicial disciplinary punishment was imposed on him for doing this. A second lance sergeant posted the video recordings in a large WhatsApp group (approximately 40 persons) and so exposed the serviceman affected to yet more*

ridicule. He was merely cautioned by his disciplinary superior for doing this. A disciplinary punishment would also have been advisable in his case, an opinion that is shared by the Federal Ministry of Defence.

Again and again, petitioners are afraid they will not stand any chance of **fair treatment** in disciplinary proceedings, and believe their superiors are biased. This impression is only confirmed in rare cases once the documents relating to investigations have been evaluated:

- *The comments forwarded to the Parliamentary Commissioner for the Armed Forces stated that no incorrect action by the petitioner's superior had been identifiable, 'as the accusations were purely aimed at discrediting the company leadership'. The accusations had been 'unfounded from the very beginning'.*

Any suspicion of bias is to be avoided in investigations, especially in cases where there is the slightest hint of an intention to discredit someone. The conclusion that accusations were devoid of any foundation can only be reached at the end of an investigation, never at its beginning.

Impermissible reformatory measures are still imposed on occasion:

- *A staff sergeant ordered a serviceman under his command, who was not in a position to take part in an educational trip due to a night of heavy drinking, to put on battle dress, take a rifle from the armoury and then do the base obstacle course several times. This does not constitute a permissible reformatory measure. Judicial disciplinary proceedings were brought against the staff sergeant.*

Disciplinary attorney's offices, and disciplinary and complaints courts

The understaffing in the administration of justice that has been criticised for years is continuing. In August of the year under review only 199 of the 229 posts budgeted for were filled. Some of the disciplinary attorney's offices continue to be subjected to workloads that could not be managed properly with the capacities at their disposal. In this respect, it is also to be taken into consideration that staff are not infrequently absent from their original posts for several months of the year on account of deployments abroad, parental leave and other obligations.

A particular volume of work was to be noted at the disciplinary attorney's office in Army Training Command during the year under review. The understaffing of the training institutions for which the Command is responsible even led to the **legal training** of a large number of servicewomen and men being significantly jeopardised. Of 21 posts for law instructors in the Army, seven were not filled for months.

Law is still what is known as a compulsory pass subject, which means particular courses cannot be successfully completed without adequate grades in it. This is also true of the career path training for Army officers and noncommissioned officers. In June 2017 it required a great deal of procedural effort and personnel support from other areas to ensure the law classes for the career path training on the General Military Part sergeant course would be provided. There were doubts about whether teaching could continue at four of the eight lecture theatres on account of vacant posts for deputy law instructors. It was only possible to ensure classes continued by deciding to prioritise these posts and temporarily suspend the investigations that were being overseen by the Ministry's executive group (Pfullendorf and Sondershausen).

The maintenance of stopgap provision when there is massive understaffing due to constant secondments, the concentration of teaching in a few weeks and the expansion of classes to platoon strength can only be the exceptions. In addition to this, rising numbers of appointments as personnel trends are reversed will generate greater demand for law instruction. In so far as this is the case, it is necessary for there to be an increase in staffing that keeps pace with the rising demand for training. The creation of a pool of **'floater posts'** was previously suggested in the last annual report. Such an instrument could be used additionally to respond promptly and sustainably to the particular personnel bottlenecks that recur over and over again. Positively, it may be noted that it was possible for several vacant posts for law instructors in the Army to be filled towards the end of the year under review.

The strain on the disciplinary and complaints courts was also considerable once again during the year under review. Judicial disciplinary proceedings still take too long to conduct. It is to be welcomed that – as the Federal Ministry of Defence stated in August 2017 – all posts for judges have been filled in the meantime, both at the Disciplinary and Complaints Court North and at the Disciplinary and Complaints Court South. In addition to this, two inactive chambers are to have their full complement of judges appointed again in order to reduce the burden on the disciplinary and complaints courts. Nevertheless, there are still extensive backlogs that will have to be dealt with (214 old cases from previous years at Disciplinary and Complaints Court North and 253 at Disciplinary and Complaints Court South).

Crimes against the Bundeswehr

During the year under review there were 81 crimes committed against Bundeswehr property, including barracks, training areas and vehicles. Among them were six arson attacks and five acts of sabotage, while

violence was used against military assets in 70 cases. In addition to this, there were six cases where members of the Bundeswehr in uniform were attacked.

When a suspected offence committed against German service personnel by service personnel from one of Germany's NATO partners was reported, the investigations conducted by the competent German **public prosecution office** proved to be extremely protracted for the personnel in question. After several public prosecution offices had initially declared they were not competent to investigate the case, it was determined by the Federal Court of Justice which was to take it on. A year had elapsed by this point. The Federal Ministry of Defence should make efforts to ensure an arrangement is put in place that specifies clear competences in instances of this kind. For example, Kempten Public Prosecution Office, which is also competent for cases involving criminal offences committed by German servicewomen and men on deployments abroad, would come into question.

Efforts to reform military disciplinary law

In the middle of the year under review the Ministry felt compelled to review the Military Discipline Code and the legal instruments that are founded on it. To this end, a Working Group on Military Discipline was set up, whose aim is to identify ways of conducting disciplinary proceedings more rapidly and transparently, and increasing the confidence of those involved in what they are doing. So far, the Working Group has drawn up an extensive list of proposed changes. A conclusive review and assessment of the proposals' expedience and feasibility has not been presented as yet.

As a matter of principle, measures to prevent mistaken decisions in the military discipline system and speed up judicial disciplinary proceedings are to be welcomed. This is true in particular for ideas about **limiting the block on career advancement measures** during disciplinary proceedings. Possible reforms should then be implemented expeditiously. When this is done, workloads are not merely to be shifted around, but reduced. Measures that further complicate ongoing proceedings should also be avoided. The best and most efficient option to improve and speed up judicial disciplinary proceedings is still personnel resourcing for the administration of justice that allows institutions to sustain their actual workloads.

Requests for case reviews and information made by the Parliamentary Commissioner

Not all Bundeswehr agencies and units were able to ensure matters concerning the Parliamentary Commissioner for the Armed Forces were processed promptly as priorities in 2017 as well. Firstly, among

other things, the cases at Pfullendorf, Sondershausen and Illkirch that have been mentioned led to an increased volume of work overall. The personnel situation was strained in some agencies and units.

Once again, however, deficiencies in the processing of requests were also to be objected to: if the Parliamentary Commissioner for the Armed Forces is to be able to comprehend the decisions and measures taken by units and agencies, the documents generated during investigations must always be attached in full to the conclusive comments they draw up in response to requests for case reviews and information. This was not always approached with the requisite diligence.

Apart from this, units and agencies neglected to inform the Parliamentary Commissioner if a penal order, a criminal judgement or a notification of the closure of criminal proceedings had been handed down in relation to a matter, or a personnel dismissal order, an order to institute proceedings or a case dismissal order had been issued. Enquiries about the progress of investigations were answered without the relevant documents being enclosed. At times complaints decisions, disciplinary orders and the results of reviews by the Military Counterintelligence Service also had to be requested retrospectively.

10. Work-life balance

Information and communication

Statutory provisions, administrative measures, awareness raising for superiors about family concerns – the Bundeswehr has done a great deal in the past few years to create a more family-friendly working environment for its employees. Nevertheless, the number of submissions in which servicewomen and men complain about having received too little support in family matters has not diminished. Especially in exceptional situations, many feel they are left to their own devices when there are bottlenecks in the provision of services, for children or relatives in need of long-term care for example.

Information and communication are of central significance in this respect. At some bases, although still not everywhere, there are what are known as **infopoints** where servicewomen and men volunteer to give advice, and answer inquiries about bodies and organisations that could be of assistance in dealing with questions of work-life balance. Too frequently, however, individuals are merely told – by personnel offices for instance – to look on the Internet and expected to inform themselves about the provision on offer. This is asking too much of people who find themselves coping with an emergency. There is no substitute for discussion and personal advice in particularly stressful life situations.

The Bundeswehr should therefore be making greater efforts to expand the opportunities to obtain expert advice about personnel matters. The specificities of the military profession – assignments, commuting, courses, exercises, deployments abroad – also make major demands on servicewomen and men's families. The strains are frequently felt to be so great that families break up. This is not only too high a price, one paid by every individual servicewoman and man who is affected, but problems of this kind also have impacts on the armed forces' ability to function as a whole. Apart from advice about personnel matters, it therefore appears worthwhile to offer family-therapy contact points that also provide expert support for servicewomen and men when they encounter family problems.

Problems of a commuter army

Hardly any other occupations demand such a great degree of mobility in Germany and abroad as the military profession. Many servicewomen and men accept considerable privations in order to travel to families who live far away after their duty hours have ended. The Bundeswehr is still a commuter army. This was confirmed by the results of the survey of occupational mobility in the Bundeswehr that was commissioned by the Federal Ministry of Defence and published in 2016. A **study conducted by the German Institute for Economic Research (DIW)** showed that members of the armed forces are the occupational group that has to put up with the longest commuting journeys between their places of residence and the places where they work. On average, each servicewoman and man covers 121 kilometres every day between their duty location and their home. This is by some way the longest commuter journey of all the occupational groups that were surveyed. As part of its attractiveness offensive, the Federal Ministry of Defence has sought to encourage action that will minimise the strains inherent in commuting. Greater transparency and fewer assignments are to make career paths in the Bundeswehr more predictable and tailor them more to service personnel's needs.

The **separation rate** for couples in which one of the partners is serving in the forces is high. The German Bundeswehr Association quotes a rate of more than 50 per cent. The collection of reliable, up-to-date data on this issue could be the subject of a separate study, for instance by the Bundeswehr Centre of Military History and Social Sciences.

Divorced or separated servicewomen and men with parental duties mostly still wish to take responsibility for bringing up the children they had with their former partners. For commuters, this means making a great deal of effort.

- *One submission came from a serviceman who has been separated from the mother of his now ten-year-old daughter since 2007, and has moved his place of residence close to the child, who lives with her mother. He described how he gets up at 3.30 a.m. every day in order to be able to report for duty at 6.30 a.m. He is back home again at 6.15 p.m. He has then commuted 320 km. This strain is such a drain on his strength that he believes he will not be able to bear it over the long term.*

Such cases make it clear that more than the special care provided to date must be devoted to divorced and separated servicewomen and men with parental duties as a group when assignments are planned. The Federal Ministry of Defence has now recognised that the regulations on the granting of **travel allowances** no longer accord with the reality of contemporary life. The Federal Removal Expenses Ordinance and the Separation Allowance Ordinance are to be revised. The aim is to make it possible for everyone to travel home to see their family each week, regardless of their circumstances. According to current estimates, the implementation of this revision is to be expected by the end of 2018 at the earliest. Measures that are aimed at cushioning occupational strains on servicewomen and men must be implemented as rapidly as possible.

Single fathers also occasionally find themselves subjected to unequal treatment in the Bundeswehr. Fathers take on greater responsibility for looking after their children today than they used to.

- *For instance, one serviceman who has custody for his daughter together with the child's mother, from whom he is separated, reported considerable difficulties. It was clear from the parental agreement concerning the welfare of their daughter that, in this case, the father was the main carer and therefore bore the principle responsibility for bringing up and caring for the child. In order to also make it possible for the child to have regular contact with its mother, he applied for a planned assignment to be waived. This application was rejected. On account of his difficult private situation, the serviceman had been deployed close to home in a non-established post for a transitional period. However, the assignment was not to be waived. Rather, he was told he ought to make arrangements for the child to be cared for while he still held the temporary established post so that it would be possible for him to be assigned at the base for which he had been earmarked.*

In this case, it had to be asked whether the serviceman had experienced unjustified and therefore impermissible unequal treatment here. Experience of a large number of similar cases suggests the presumption that the examination of the matter would have taken a dif-

ferent course for a servicewoman in a comparable situation. In response to an enquiry from the Parliamentary Commissioner for the Armed Forces, the planned assignment was then waived in the interests of work-life balance. Such examples show that antiquated role models still occasionally hold sway.

There has been no change to the fact that the **scheduling of courses** causes considerable problems for soldiers' families.

- *One serviceman described in his submission how constant courses a long way from home and frequent changes of schedule had ultimately been responsible for the failure of his marriage.*

The special significance of service personnel and their families being able to plan reliably cannot be emphasised often enough. The options to organise courses in ways that require participants to spend less time in attendance or do them completely through e-learning should be expanded further. In particular, course schedules should be planned more than in the past with the early involvement of the servicewomen and men concerned, and consideration of their personal situations.

Applications for the **curtailment of an individual's term of service** are frequently inspired by their desire to take a different job in order to secure their family's future. The impression is occasionally awakened by superiors – for what are certainly well-intentioned reasons – that a curtailment of term of service can be obtained without any problem. This is wrong. The times when such an application was in the interests of the forces because the Bundeswehr was cutting back on personnel have passed. Today there are shortages of personnel. Temporary-career volunteers have to know that their terms of enlistment are binding, and this must also be made clear by superiors.

The same clarity is required when it comes to **applications for assignment close to home** for the better compatibility of family obligations, private life and service. Superiors have to take account of military requirements when taking decisions about whether to approve an application. This can result in an application being approved subject to the proviso that a suitable replacement is available to take the individual's post. In order to prevent personnel from being disappointed or demotivated in the first place, necessities of this kind and the background to the rejection of applications for assignments must be communicated clearly to the individuals in question. Both their commitment to the term of enlistment they have signed up for and the necessity of possibly serving at duty locations far from home for years on end should be made plain when individuals are recruited at the Bundeswehr's careers centres. Clear communication of what is expected in advance prevents later conflicts

that hinder military operations and can result in performance being impaired. Applicants must know what they are letting themselves in for in the Bundeswehr.

Commuting also causes financial strains for many servicewomen and men because they have to maintain a second household. Thanks to the entry into force of new statutory arrangements, since 10 January 2017 servicewomen and men have been able to choose for up to eight years between the reimbursement of relocation expenses and a separation allowance. This has calmed the situation.

However, the legislature remains called upon to put in place more favourable provisions for servicewomen and men concerning their position under the **Federal Act on Registration**, which has been in force since 1 November 2015. The current legal situation is disadvantageous for many unmarried servicewomen and men. They are obliged to register their principle place of residence at their duty location or the location of their ship's home port, even if – as is usually the case – they do not have their own home at the base. The only exemptions are for military service volunteers if they move into communal living quarters, and for career soldiers and temporary-career volunteers if they are deployed at a base for no longer than twelve months, which usually tends to be an exception. This has financial consequences, burdens the individuals affected with unnecessary bureaucratic effort, and has implications for their rights to vote and stand in elections, as has been explained several times in previous annual reports.

Servicewomen and men receive an **overnight separation allowance** as a subsidy towards the rent for a commuter apartment at their base in order to compensate them for the additional costs of commuting. The maximum rate is adjusted by the Bundeswehr at regular intervals in order to take account of changing conditions on the rental housing market in the region. However, increases do not benefit all the commuters who live at a base. The only people who profit are those who move to the base following the increase. This is inexplicable: increases in this allowance must apply for all servicewomen and men who have a second residence at a base.

The provisions set out in Section 6 of the Separation Allowance Ordinance are regarded as too rigid by some service personnel: according to this section of the Ordinance, the drawing of **separation allowance** is, among other things, tied to the condition that the servicewoman or man's residence is located outside a radius of 30 kilometres from the place where they serve.

- *One affected individual complained understandably about the fact that, although it ultimately did not*

make much difference whether he had to commute a distance of 29.5 kilometres or 31 kilometres in order to get to his duty location, it was only in the second case that he would benefit from compensation for the distances he was travelling paid by his employer.

The setting of a particular radius away from the duty location is also indispensable in the view of the Parliamentary Commissioner for the Armed Forces. However, greater flexibility should be shown when it comes to the permissible length of variant routes under the law that governs separation allowances: the shortest distance between a place of residence and a duty location measured on a bureaucrat's desk or by a navigation system is not always the route that is most favourable in terms of traffic and travelling times. Rather, when decisions are taken about whether someone has an entitlement to separation allowance, care should also be taken to ensure the chosen route is one that guarantees the duty location can be reached quickly.

Many servicewomen and men attempt to achieve a better work-life balance by **working part-time**. As a matter of principle, this option is open to men as well as women; de facto, however, part-time working is a model that is overwhelmingly practised by women. Part-time working still tends to be rarely found in leadership positions. Even today, part-time leadership clashes with the traditional image of command personnel in the Bundeswehr, who are expected to spend a great deal of their time with their unit or agency. Some feel being available in person just part of the week or performing their duties as teleworkers would be difficult to reconcile with these expectations, and this is certainly not always objectively possible either.

Part-time working is often perceived by command personnel as something that would hold back their further careers. **Part-time leadership** is frequently viewed with great scepticism or even regarded as completely impossible by the officials responsible for personnel matters and command personnel themselves. Undoubtedly, it presupposes good organisational preparation, which will take various forms depending on the part-time model that is chosen. Different preparations have to be made depending on whether a leadership role is shared or whether a commander insignificantly reduces their working time, but otherwise continues to command an organisational unit alone. Certainly, the special conditions of the military profession must not be disregarded. Nevertheless, the image of the military commander who is constantly on duty and available at all times, while appearing to have no family obligations or interests of any kind is no longer in tune with the times. Both fe-

male and male command personnel now tend to pursue life plans that allow for a balanced relationship between service and private life.

Previous annual reports drew attention to the fact that there is no tangible compensation for **vacancies** caused by part-time employment, as well as other vacancies that arise for family reasons. In order to address this circumstance, the Federal Ministry of Defence has created what are known as floating posts. However, this does not mean any additional posts are budgeted for. Rather, the approval of part-time employment merely gives rise to ‘part-posts’, which are used to temporarily reinforce the staffing of organisational units that have reported a need for such support. This is done by combining part-posts from different areas in order to finance a whole or half post.

This is not a new development with which it is possible to respond flexibly to vacancies caused by the approval of part-time working, but a post management instrument that is regularly used in other sectors as well. Resources that are already available are merely exploited to the full. However, this kind of post management is only of advantage to the parts of the organisation whose staffing is actually reinforced. Units that merely ‘give away’ part-posts without receiving appropriate compensation are unable to make use of those part-posts in their own organisation for as long as they are being used to finance a floating post in another area.

As far as servicewomen and men in part-time employment themselves are concerned, the use of parts of ‘their post’ to finance another post also represents a restriction because this makes it more difficult for them to end their part-time working prior to the date that has been approved for them to go back full-time. Looked at overall, this model does not really seem suitable as a way of cushioning the vacancies caused by part-time employment effectively in all areas. Consequently, this instrument is not applied much in practice either, as enquiries made by the Parliamentary Commissioner for the Armed Forces about the **use of floating posts** at individual bases have found.

Apart from the difficulties in practical implementation that have been described above, it is to be taken into consideration in this context that while floating posts may create the organisational preconditions for additional personnel to be posted to individual units and agencies, this does not fill any vacancies to which appointments cannot be made in the absence of available or recruitable personnel. In this connection, the fact that floating posts are only to be filled for limited periods causes an additional difficulty. Here, thought should instead be given to making additional budgeted posts available and establishing further ‘special duty’ posts with them.

The expansion of **teleworking** in the Bundeswehr is being received positively. The number of servicewomen and men who do their duties through alternating teleworking rose from 844 at the beginning of 2017 to 1,562 at the end of the year. In the meantime, it has been possible for the problems with the technical configuration of teleworkplaces to be overwhelmingly resolved. Furthermore, the option of providing mobile IT equipment from the pool for roaming workplaces for short periods in family hardship cases deserves to be welcomed. The Bundeswehr is moving in the right direction with its planned increase in teleworkplaces to 8,000 by 2020. Nevertheless, problems occasionally occur with the practical implementation of teleworking.

- *For instance, one serviceman’s post was not regarded as suitable for teleworking because the weekly physical training units he was required to do were not teleworkable. Since the serviceman’s place of residence is located 300 kilometres from his duty location, he offered to do his physical training at a unit close to his home during his teleworking times. This was rejected by his superior on legal grounds.*

Prompted by this case, the Federal Ministry of Defence has recognised a need for the matter to be regulated. The revision of the relevant directive has not yet been concluded.

Caring for relatives

Coping with relatives’ needs for long-term care is a challenge that servicewomen and men are increasingly having to face up to. Important foundations were laid for this with the Act to Improve Compatibility between Family Life, Long-Term Care and Careers for Civil Servants and Service Personnel, which entered into force in October 2016. Many affected servicewomen and men have, however, gained the impression that they are receiving little support from their employer so far. This is true in relation to the approval of leave applications handed in at short notice and release from duties. Many service personnel do not feel their individual problems are acknowledged sufficiently, particularly in relation to **assignments close to home**.

- *One serviceman complained in a submission that, as far as he could tell, his applications had merely been administered and decided on purely bureaucratically in accordance with what was set down on paper and what the relevant provisions said, without his individual situation having been looked at even in the slightest.*

Caring for a relative is not just a great mental burden, but often a very heavy physical strain as well. New caring situations usually cannot be planned, but come about suddenly. The course of someone’s condition

when they need long-term care is usually difficult to estimate. The awareness that long-term care is a task for the whole of society still has to grow in the Bundeswehr. Just like childcare, long-term care should quite naturally become a permanent component of personnel policy and personnel management. And here too, information and advice for affected individuals are of particular significance.

The approval of an application for assignment close to home usually presupposes that there are **serious personal reasons** for such an assignment. However, servicewomen and men who are carers often do not know what conditions exactly have to be met before relevant reasons can be recognised. There is often no advice or easily accessible information for these individuals. Many servicewomen and men are unaware that the medical adviser expressly has to ignore welfare aspects, financial burdens, social parameters, childcare and other factors in his medical assessment, and is not allowed to assess them.

However, these aspects have to be examined and assessed by personnel managers. To this extent, they are in no way bound by the recommendation the medical adviser has delivered. Within the scope of their own, extensive decision-making authority, it is possible for them to recognise serious personal reasons and overrule the physician's decision. Nevertheless, many personnel managers justify their rejection of applications by referring to a negative medical decision. It is necessary to inform personnel managers more comprehensively about this issue, train them and, where this is needed, ensure that they engage with the reasons put forward, even when it is decided to reject an application.

Childcare

Ensuring the availability of demand-led childcare that takes account of the specific demands of the military profession is a topic that greatly concerns servicewomen and men with parental duties. Childcare should, as the relevant joint service regulation puts it, make it easier for the Bundeswehr's servicewomen and men to fulfil their military and family duties in parallel. The regulation says suitable care for children is significant for a sustainable balance between family life and service. This was why guaranteeing seamless childcare was rightly formulated as a goal for the Attractiveness Agenda.

According to the Basic Law, the task of providing childcare facilities lies within the primary jurisdiction of the Länder and the municipalities. The Commissioner for Work-Life Balance in the Bundeswehr is an important intermediary here. She has already got a number of initiatives underway that are intended to guarantee care is provided for servicewomen and

men's children. Nevertheless, it is still necessary for action to be taken, especially at large bases. This also relates to school pupils for whom after-school care is needed. The expansion of all-day care is urgently required.

The question of childcare repeatedly poses a challenge for servicewomen and men when they **attend courses**. The Commissioner wishes to offer solutions with the Childcare for Course Participants project. Childcare options for course participants' children were created in 2016 at the Bundeswehr Command and Staff College in Hamburg, the Logistics School in Osterholz-Scharmbeck, the Naval Academy Mürwik, the Strategic Reconnaissance School in Flensburg, the Medical Academy in Munich, and the Academy of Education and Training in the Bundeswehr in Mannheim. The lessons learned from this pilot project will be used in future to ensure demand-led childcare is provided at all Bundeswehr institutions that hold courses.

Pleasingly, it has now been possible for a better solution to be found for the problem of the individual reimbursement of additionally incurred, unavoidable childcare expenses during initial, extension and follow-on training. The reimbursement rate has been set at half the German statutory minimum wage, which is €8.84 an hour at present. Whether this is sufficient remains to be seen in practice. There are also options for the reimbursement of travel expenses incurred by persons who care for a child unpaid.

The absence of a parent when **a child falls ill** also causes difficulties for military families again and again. The 370 parent-child work rooms created to date at Bundeswehr facilities are often not the solution for problems of this kind. This provision is intended for emergencies that arise at particularly short notice. It is hoped it will reduce the burden on parents who are confronted with the problem of looking after their children during duty hours due to the unplanned closure of a crèche or child daycare setting, or the absence of family carers.

At the beginning of June 2015 the Bundeswehr signed a framework contract on 'The Provision of Services for Work-Life Balance – Family Service'. Since then the parents' service of the National Society for Worker Welfare has been responsible for delivering support to personnel who rely on childcare and have relatives in need of long-term care, initially doing so for four years as part of a pilot project at a number of bases. To date, however, the service has seen only slow take-up. An evaluation of the project planned for 2018 is to decide whether it should be maintained in future or discontinued. So far it has been unclear whether the poor response is attributable to it not being well-enough known, or whether the instrument as such has not proved its worth.

Servicewomen and men who are reliant on support in an emergency wish for rapid, uncomplicated help and do not want to have to explain stressful situations to different agencies over and over again. A civilian organisation cannot always readily grasp the specific problems the military profession entails either. It would therefore be desirable for there to be **assistance provided internally within the Bundeswehr**. Here, the Bundeswehr could model its approach on what is done by other armies. The Canadian Armed Forces, for example, offer what is known as ‘emergency child care’. The facilities that assist members of the Armed Forces are able to support military families when emergency childcare is needed (for up to 96 hours) at short notice.

It is highly probable the demand for high-quality childcare will continue to rise due to the planned growth of the Bundeswehr’s force strength. According to information from the Federal Ministry of Defence, however, there is no intention to take proactive measures as yet. Rather, it will merely carry on responding to reports about deficiencies in the care provided for children of crèche and daycare-facility age. This is too little. The competition for skilled workers will continue to intensify. Many companies recognised long ago that **in-house childcare** gives them a competitive advantage in the struggle for well-qualified personnel. It is not enough to guarantee childcare on paper, then leave it up to servicewomen and men to organise it for themselves. There must be more provision than there has been to date. The Bundeswehr hospitals show it is possible to offer attractive childcare, even in the Bundeswehr. High-quality childcare under the responsibility of the Bundeswehr should be a matter of course at large bases.

Not only are crèches and child daycare settings run by the armed forces themselves or providers affiliated with them in France, Spain and the USA, at least at all large bases, childcare is also supported organisationally or financially. The Canadian Armed Forces operate what are known as military family resource centres at 32 bases. Many of these centres have their own child daycare settings, which are open for military families on weekdays during regular duty hours. In cases where they do not have their own child daycare setting or the distance between the family resource centre and the military family’s dwelling is too great, these centres provide assistance in finding high-quality childcare close to home. In turn, the US Armed Forces offer various options for the care of children between the ages of six weeks and twelve years within their military facilities.

Of course, such measures come with a price tag attached. If the Bundeswehr seriously wishes to be perceived as modern and family-friendly, however, it will

have to spend money looking after its servicewomen and men’s children – just as other nations do as well. For instance, costs for childcare are included permanently in the US defence budget (0.12 per cent in 2015).

When a child has fallen sick, both working parents have independent entitlements to **special leave for care purposes**. During the year under review affected servicewomen and men criticised the fact that – despite the specificities of the military profession – the Bundeswehr, does not permit this entitlement to be transferred to a spouse as a matter of principle when the days to which an individual is entitled cannot be claimed on account of military demands. To date the Federal Ministry of Defence has rejected the transfer of this entitlement on the grounds that it is inalienable within a bond of service and loyalty governed by public law.

In other occupations, however, it is certainly possible for the entitlement to be transferred these days, subject to particular preconditions. Against this background, the Ministry has altered its opinion. It now permits the transfer of this entitlement in cases where both entitled individuals are members of the Bundeswehr, and the individual who transfers the entitlement is prevented from taking special leave by courses of long duration or deployments abroad. This concession is fundamentally to be welcomed. However, it would be desirable to accept other reasons that hinder the uptake of this benefit outside these two scenarios.

Family-specific problems during foreign assignments

Foreign assignments can cause quite unique problematic situations for service personnel with families. For instance, many servicewomen and men were concerned during the year under review about the extent to which a foreign assignment stands in the way of the payment of **parental allowance** – irrespective of whether ultimate command lies with the Bundeswehr or NATO.

As a matter of principle, parental allowance is received by people who have their place of residence (or habitual abode) in Germany. However, there are exceptions from this rule. For instance, employees who are temporarily seconded, transferred or assigned abroad by their employer under the public-law service status or tenure of office they hold in Germany have an entitlement to parental allowance. This also applies if they are working abroad for an international or supranational institution such as NATO. A spouse or registered partner under the Registered Partnerships Act who lives in the same household is also covered

by this exemption. The uncertainties that become apparent among servicewomen and men show once again that the advice they are being given, here in the course of the preparations for foreign assignments, is still not optimal.

- *Despite their entitlement to parental allowance, servicewomen and men complained that it was de facto impossible for them to go on parental leave during a foreign assignment. They said they would lose their entitlement to foreign assignment pay and would have to accept major financial losses. As far as one petitioner was concerned, for example, this was a reason to decide against having a second child. The Federal Ministry of Defence confirmed that no provision has been made to date for specific compensation under pay law for the loss of foreign assignment pay during parental leave. From the perspective of equal treatment with servicewomen and men on parental leave in Germany, however, any financial losses are regarded as acceptable, particularly as they usually do not come as a surprise.*

It is undoubtedly right to pay attention to the equal treatment of servicewomen and men in Germany and abroad. However, the costs of living in the various countries where personnel are stationed vary widely. The Parliamentary Commissioner for the Armed Forces believes it is therefore necessary to look at this matter in a more nuanced way.

The refusal to pay the **costs of flights for small children** can also pose problems for servicewomen and men on trips required by their military duties.

- *A single mother stationed in Naples described how she had taken her five-year-old daughter with her to Germany on a temporary duty assignment ordered by a unit physician. The cost of her daughter's flights had not been reimbursed to her. By contrast to this, 24-hour care for the child during the temporary duty assignment would have been eligible for reimbursement. Firstly, however, such care was not available. Secondly, the servicewoman also did not want to make her child cope with being looked after by a stranger for so long, especially as the tickets were cheaper than having her cared for would have been. The Federal Ministry of Defence referred to the fact that the reimbursement of travel expenses instead of the costs for the use of family and domestic assistance was only possible for children who had not yet reached the age of four.*

This age limit is inexplicable and out of touch with modern life. For instance, an age limit of twelve applies to the option for service personnel with children to shorten their working times. The Parliamentary Commissioner for the Armed Forces therefore suggested that the same age limit also be applied when

travel allowances were granted. The Ministry has followed this suggestion. The relevant legal instrument has been revised in the meantime, and the age limit raised to twelve.

The curtailment of a **tour of duty** abroad represents a particular hardship for many military families.

- *Several servicewomen and men complained during the year under review about being posted back to Germany prior to the end of their three-year tour of duty when the base at Holloman (USA) was closed. For one of the individuals affected, the upshot was that he was unable to move back into his own home, which he had let out for three years.*

Changes to the parameters within which personnel work, base closures for example, are always associated with significant additional strains for servicewomen and men, and their families. Such situations cannot always be avoided, but early information about the changes and the personal planning of assignments are all the more important.

Poor information and communication are also a problem when **flights are postponed**. As discussed in the section on deployments and alliance commitments, such postponements affect most operational locations and occur frequently. For instance, the wife of a serviceman stationed at Mazar-i-Sharif described problems relating to his return journey from home leave at Christmas:

- *'We have two small children aged four and a half and two and a half, to whom we wanted to explain as sympathetically as possible how long Daddy would be at home over Christmas, and how many days it would then be until he flew back. His return flight was originally supposed to leave on 4 January 2017. On the morning of that day my husband then learned by accident from a comrade in Afghanistan that his arrival time in CET had been put back by 24 hours. Thanks to this information, we were able to spend another day with my husband without him travelling the 350 km to Cologne for no reason. However, comrades from other units did not find out what was happening, and so travelled to Cologne for no good reason on Wednesday last week.'*

This is in turn an example of the fact that the Bundeswehr has to develop a better culture of information and communication that is geared more individually towards service personnel and their families. It is not always possible to avoid flights being postponed. Yet appreciation for the hard work done by Bundeswehr personnel and the families who support them in doing it is also demonstrated by their employer informing them about changes in good time. The idea of care de-

mands that military families should be spared unnecessary difficulties during the little time they are able to spend together.

It is not rare for it to be the **frequency of deployments abroad** that drives service personnel and their families to breaking point.

- *For instance, a young father of two small children described how he had done more than 500 days on deployment in the past four years, and had therefore only been able to supervise and experience his children's development to a limited extent. He feared that he would have to go on deployment at short notice once again on account of the difficult personnel situation.*

Even if the current personnel situation is very strained in some parts of the Bundeswehr, solutions must be found in order to tangibly reduce the permanent stresses inflicted by deployments in particular fields.

11. Health and health care

Medical Service

The Bundeswehr Medical Service has the core task of ensuring medical care is provided for servicewomen and men in Germany, and on deployment. Servicewomen and men do not enjoy a free choice of physician, but have to go to Bundeswehr medical facilities for assistance with all health matters. This presupposes that there are enough accessible, adequately staffed medical facilities. Unfortunately this is not the case.

The **proportion of posts filled** at the major medical clinics, the central providers of outpatient care in routine operations, was almost 90 per cent for officers in 2017, and only 80 per cent for noncommissioned officers. At the medical centres, subunits of the major medical clinics that provide medical and dental care across the country, the proportion of medical officer posts filled was merely 85 per cent. On account of operational commitments, leave or for other reasons, the number of post holders actually working at each facility every day, which is expressed as the staff attendance rate, is usually markedly below the figures that have been given.

- *At Freyung Medical Clinic, which looks after just over 600 servicewomen and men, one unit physician and one dentist are provided for notionally to deliver medical care. On account of the regular unit physician's participation in a special foreign assignment from January to May 2017, there was no regular unit physician at the clinic. The unit physician's work had to be taken over by a panel physician, who was however only available from 8 a.m. to 12 p.m. on Tuesdays and Thursdays.*

It may be helpful to fall back on **panel physicians** in an individual instance as a stopgap measure. However, the goal must remain to take suitable measures that allow a sufficient number of physicians and dentists to be recruited for the Bundeswehr. What are known as floating posts were created as part of a pilot project in order to cushion the absence of physicians due to part-time working. As described in the section on the problems of a commuter army, this arrangement has not so far been able to achieve the hoped-for successes, and its suitability is also to be called fundamentally into question.

The personnel situation is not much better when it comes to military auxiliary and nursing staff. For instance, the proportion of emergency care assistant/paramedic posts filled was just 81 per cent. According to the Federal Ministry of Defence, despite the increase in staffing that has been initiated, no improvement is to be expected here before 2019/2020 on account of the long amounts of time it takes to train new staff.

As far as medical sergeant/outpatient medical care specialist posts are concerned, 86 per cent are filled, but just 55 per cent of them with personnel who have the correct qualifications for the job. This is making itself felt at smaller medical facilities in particular because certain functions cannot be allocated to others if someone does not have the right qualifications.

Since the cuts made under the last Bundeswehr reform, medical care has partly been delivered by civilian panel physicians. However, given that **civilian physicians** are not allowed to conduct military medical examinations, German servicewomen and men from the Eibergen Base (Netherlands), for example, have to go to the Medical Clinic Münster, which is more than 80 kilometres away, to have medical fitness examinations and other military medical assessments carried out. Servicewomen and men from other bases that do not have their own unit physician have to be taken to the next closest medical facility, which is sometimes as far as 30 kilometres away. This costs duty hours and training time.

- *For instance, during a field visit it was complained that the medical unit at the Saarlouis Base had been closed on 31 December 2016, and the servicewomen and men stationed there were having to travel to the Merzig Base, 22 kilometres away, for prescriptions, medical fitness examinations and to obtain initial sick notes. They travelled there on a daily shuttle service at the beginning of regular duty hours, but only returned once all the service personnel who were using the shuttle had been treated. Consequently, service personnel had sometimes only got back to their base again at 2 p.m. This led to some servicewomen and*

men preferring not to report sick and purchasing the medicines they needed privately.

- *Since 1 October 2017 servicewomen and men who are training at Kassel Civilian Initial and Follow-On Occupational Training Support Centre have had to go to the medical facility 30 kilometres away at Fritzlar. During a field visit complaints were made that course participants were losing valuable training time because they spent so long travelling and waiting for appointments.*

Servicewomen and men's **medical records** (medical files) continue to be kept purely in paper form. Entries are made by the physicians who treat them in handwriting, which sometimes makes it noticeably difficult to read them. The medical file includes all diagnoses and other medical documents concerning the servicewoman or man in question. These records are also used as evidence if a claim is made for a service-related disability. When personnel change their unit or agency, on account of a reassignment for example, the medical file is sent to the new unit or agency, or issued to the servicewoman or man for them to take with them to their new duty location. This practice has led to the loss of documents in a few cases. For years the Parliamentary Commissioner for the Armed Forces has been urging the Federal Ministry of Defence to move over to modern electronic record-keeping, something that has been customary in the civilian sector for a long time. The Ministry has been announcing measures to remedy the situation since 2015.

Servicewomen and men also complained about how hard it was to contact medical facilities by telephone and the long **waiting times** for appointments.

- *For two weeks one petitioner attempted in vain to make an appointment by telephone with the urology department of the Central Bundeswehr Hospital Koblenz. When the petitioner asked the ophthalmology department of the same hospital for an appointment to see an ophthalmologist in March 2017, he was given an appointment in August 2017. According to comments from Medical Service Command, it had proven to be the case, after consultation with the responsible personnel, that there was no reason for the late appointment the serviceman had been given. When free time slots were taken into consideration, it was possible for the petitioner to be offered an appointment at the end of April 2017.*

- *A serviceman suffering from a post-traumatic stress disorder spent three weeks vainly attempting to get in contact with someone at the psychiatric department of the Central Bundeswehr Hospital in order to make an appointment for treatment. Such barriers represent an unacceptable additional strain, especially for traumatised servicewomen and men.*

The Federal Ministry of Defence has also recognised these problems in the meantime. On 1 April 2017 what are known as **appointment coordination points** were set up with the aim of improving the management of appointments for servicewomen and men. In this respect, service personnel are to be regarded and dealt with as a privileged group of patients, and appointments for outpatient examinations and/or treatment at the Bundeswehr hospitals are to be arranged within three weeks. The Parliamentary Commissioner for the Armed Forces will observe the work of these appointment coordination points.

Deployment-related mental illnesses

The total number of servicewomen and men who were examined, treated or assessed due to a deployment-related mental illness in a Bundeswehr psychiatric department or specialist psychiatric examination centre during the year under review was 784 (previous year: 751). Many servicewomen and men's conditions have become chronic in the meantime, which markedly increases how long it takes to treat them. The question therefore arises of whether the Bundeswehr can still adequately meet the current demand for treatment.

According to a statement from the Federal Ministry of Defence, under the new target structure for psychiatry, 90 full-time in-patient beds (instead of 92 in the past) and 80 day clinic beds (instead of 23 in the past) are provided for at the Bundeswehr hospitals. The workforce (specialist physicians and auxiliary staff) is to expand accordingly. However, the implementation of this structure will be dependent on ongoing and planned infrastructure projects, as well as the development of the personnel situation in the specialism. To date, the announced increase in the total capacity of the Bundeswehr hospitals has only led to additional posts at the hospitals in Berlin and Koblenz for the operation of their **day clinics** (one physician and one nurse at each location). As far as is known at the moment, there are no additional premises for the treatment of day clinic patients and the provision of welfare services to them. However, they should definitely be given consideration under the infrastructure projects mentioned by the Ministry.

The Ministry has announced a reinforcement of the workforce for the specialist psychiatric examination centres (of which there will be a maximum of 19 at the specialist medical centres and Bundeswehr hospitals). This increase in staffing is initially to be staggered in time with one psychological psychotherapist and one auxiliary being recruited at each of five specialist medical centres. This measure is to be regarded as positive with a view to the improvement of the outpatient treatment provided across the country. Nevertheless, a large proportion of **outpatient treatment** will

be delivered by civilian medical and psychological psychotherapists in future as well.

It is therefore very pleasing that improvements were made to their remuneration during the year under review. For instance, the Federal Ministry of Defence and the Federal Chamber of Psychotherapists negotiated an increase in the multiplier applied to the prices set in the schedule of fees for psychotherapists in conjunction with the schedule of fees for physicians, which went up from 2.0 to 2.2. This change entered into force on 1 March 2017. Furthermore, since 1 April 2017 psychotherapists have received a structural allowance from the Bundeswehr for treating servicewomen and men. These financial improvements may help to ensure the provision of civilian psychotherapeutic treatment to service personnel on the necessary scale.

Apart from post-traumatic stress disorder, other deployment-related mental disorders such as depression, adjustment disorders and addictions are growing in significance. In the estimation of the Bundeswehr Psychotrauma Centre, this is to be attributed to the increase in morally stressful situations on deployments, such as experiences of poverty, civil wars and atrocities. Family conflicts caused by the time spent apart due to deployments also play a role. Depression and addictions, in particular, not infrequently result in massive physical decline when they became chronic. In so far as this is the case, it is to be welcomed that the Psychotrauma Centre has established a depression and suicide prevention project run as a civilian/military cooperation. It is intended to help prevent a rise in depressive conditions, which are also accompanied by suicidality in some cases.

Research into the strain placed on the **partners and children** of traumatised service personnel, and the development of therapeutic provision for these individuals by the Psychotrauma Centre are also of particular significance. The care provided by the Bundeswehr must not be limited to the rehabilitation of the sick servicewoman or man.

Affected servicewomen and men make it clear again and again how important it is for comprehensive, early treatment and welfare provision, as well as reintegration into the forces that all the actors involved exchange technical information and coordinate the measures they take. Greater account is now being taken of this by the ‘interdisciplinary patient-oriented rehabilitation teams’ established at all the major medical clinics. In cooperation with unit physicians, representatives of the military chaplaincies of both confessions, staff from the Social Services, the competent military psychologists and the psychologists responsible at the regional level, these teams have recorded all patients with service-related disabilities, and meet on

an ad hoc basis in order to jointly discuss and initiate measures that are required.

The heads of the major medical clinics are also to advise superiors in their catchment areas proactively about the handling of personnel with service-related disabilities. This is important if the individuals in question are to receive the necessary understanding and be given the support they need in their military environment.

Affected servicewomen and men reported there was still **inadequate information** about the provision on offer for individuals with deployment-related mental disabilities and their relatives, in particular the Bundeswehr’s Support and Care under One Roof professional counselling workshop. Detailed information is now to be found about the workshop and its content, as well as the dates when it is being held on the Internet platforms www.ptbs-hilfe.de and www.angriff-auf-die-seele.de. Individuals must not benefit from a specific service such as this solely thanks to chance conversations between people suffering from similar conditions.

In a joint declaration to mark the **6th Berlin Psychotrauma Colloquium** on 5 December 2017, the Parliamentary Commissioner for the Armed Forces, the German Bundeswehr Association, and the Soldiers and Veterans’ Foundation raised demands concerning a further improvement of welfare and medical care for servicewomen and men with deployment-related mental disabilities and their families. The involvement of families in the whole treatment and rehabilitation process within an institutionalised and funded framework is to be mentioned as an exemplary approach. Apart from this, note is to be taken both of the expansion of the range of free-of-charge medical care services provided by unit physicians with innovative treatment methods such as animal therapies, provided they have been scientifically evaluated, and finally the strengthening of military psychiatry with a dedicated research budget for clinical research in the Bundeswehr. Many improvements have been achieved over the last few years. This should be continued in the interests of service personnel and their families.

Welfare Concept for Former Members of the Bundeswehr

In June 2017 the Federal Ministry of Defence presented the Welfare Concept for Former Members of the Bundeswehr Suffering from Deployment-Related Conditions. It is intended to improve the assistance and care provided for servicewomen and men who have left the Bundeswehr and do not manifest a deployment-related condition until after their time in the forces. The goal the Ministry set itself in this concept

is to ‘deliver assistance unbureaucratically, quickly and effectively’.

Necessary improvements will be identified, and possible solutions highlighted in the fields of information, material support, medical care, psychosocial support (as provided by the member organisations of the **Assistance Network**) and the coordination of support. For instance, the public, in particular former Bundeswehr members’ families and colleagues, are to be sensitised to the kinds of condition that can be traced back to military deployments, as well as the forms of support and assistance currently offered by the Bundeswehr. In addition to this, a hardship case provision will be adopted for former temporary career volunteers or service conscripts, who are denied reappointment with the special military service status that was introduced as part of improved combat service support and allows ex-service personnel to rejoin the forces while they are receiving treatment. Finally, the medical care services for all individuals with deployment-related disabilities will be standardised irrespective of their status group.

Another important point is simple, low-threshold access to the current medical, support and welfare provision. To this end, a central body is to be created to coordinate, and provide information about, all topics connected with the management of deployment-related conditions. In the interests of the affected individuals, it is to be hoped that the measures proposed in the Welfare Concept will be implemented consistently and expeditiously, even though this will possibly require new statutory provisions, additional personnel or more budgetary funds.

Suicides and attempted suicides

In 2017 the Federal Ministry of Defence notified the Parliamentary Commissioner for the Armed Forces of 14 suicides (twelve in 2016) and 55 attempted suicides (46 in 2016) committed by servicewomen and men. The statistics also include cases in which suicidal intentions were expressed purely verbally or feared by relatives. It is quite possible that a certain sensitisation to this issue is partly responsible for the higher figures in 2017.

The Parliamentary Commissioner for the Armed Forces welcomes the fact that the Bundeswehr has responded to earlier annual reports, and begun to study suicides and attempted suicides on an annual basis, analysing them from various perspectives. In this respect, possible influential factors such as deployments abroad, frequent absences from home, and social and health aspects are crucial in particular. Apart from this, the suicidal behaviour of members of the Bundeswehr is compared with that of the general population as far as the available data permit. In this way, the

Federal Ministry of Defence is also responding to the demand for **suicide prevention** to be further improved in Germany that was adopted with a large majority by the German Bundestag in the summer of 2017 (Bundestag Printed Paper 18/12782).

Like society as a whole, the Bundeswehr needs yet more education, help and research on this topic. The current provision is evidently not sufficient if, as recent research results suggest, 90 per cent of individuals who commit suicide have suffered from a mental illness, but more than 80 per cent of suicide victims have not been treated. Since suicide is a manifestation of a mental crisis, it is important to offer solutions to the individuals affected and involve relatives in the welfare services that are provided as well where appropriate. In this respect, furthermore, more gender-specific and group-specific forms of provision may be important.

Disability pensions and benefits

After the German Bundestag called upon the Federal Government to speed up the procedures for the recognition of service-related disabilities in its resolution of 7 July 2016 (Bundestag Printed Paper 18/9032), the Federal Ministry of Defence drew up comprehensive procedural and organisational measures, and implemented them during the year under review. It has slimmed down the application procedure and improved its IT support. To increase the quality of assessments, the medical service responsible for medical assessments is now conducting more face-to-face assessments instead of assessing personnel on the basis of their files. This is also increasing the acceptance of assessments among the individuals in question. It has been possible for 40 active medical officers to be recruited for the pool of external assessors, who will carry out assessing work in addition to their main jobs. The extra posts allocated in 2016 have now been put in place. The implementation of the measures that have been described has led to a tangible reduction in **processing times** and an increase in the quality of the work done when applications are dealt with.

The aim must continue to be to achieve a processing time of markedly less than a year in the overwhelming majority of cases. Nevertheless – as is also shown by relevant submissions during 2017 –, there will still be individual cases that cannot be processed within a year on account of their complexity, both in terms of the investigation of the facts and in terms of the requisite disability assessment. Above all, it seems important here that, at the least, the individual applicant is always informed about the stage of the procedure their application has reached. They must be able to understand why it is not yet possible for them to be notified of a decision.

As in 2016 people with previously recognised combat-related disabilities complained about the **processing of applications** for therapeutic and medical treatment under social compensation law by the Federal Office of Bundeswehr Personnel Management. These petitioners were mostly elderly former servicewomen and men whose service-related disabilities had been recognised for a long time and who had already benefitted from therapeutic and medical treatment services when they were still provided by the Land administrations. They objected to the amount of time taken to process applications, the failure to provide information regularly about the progress of procedures and difficulties getting in touch with staff at the Federal Office of Bundeswehr Personnel Management. They often said the processing of their applications by the Land authorities that used to be responsible for these matters had been a very great deal less complicated. Things could certainly be improved a great deal, as the speeding-up of the procedure for the recognition of service-related disabilities shows.

Benefits and pensions for special foreign assignments

The Federal Ministry of Defence has further developed its decision-making practice with regard to the granting of one-off compensation. The date when the decision is issued is no longer relevant for the determination of when any follow-up examination that may be required is to be carried out. What are now crucial are the date and, in particular, the content of the disability assessment. **One-off compensation** is usually granted now if the following preconditions are satisfied: the prognosis reached in the disability assessment or, for people who have mental health problems, by a specialist psychiatrist must not suggest a significant improvement in the individual's health status is to be expected for the next two years. Apart from this, the disability assessment must find their earning capacity has been reduced by 50 per cent or more, which may also be established retrospectively. This further development of the Ministry's practice, which the Parliamentary Commissioner for the Armed Forces had been suggesting for a long time, is expressly to be welcomed.

The Colonel Schöttler Invalids Foundation, the Soldiers and Veterans' Foundation, and other initiatives that belong to the Assistance Network once again provided quick, unbureaucratic assistance when the facts or legal situation were unclear and caused procedures to take a long time during the year under review.

Compensation for radar victims

In 2017 there were improvements to the compensation for service personnel who are suffering from conditions because they worked on radar equipment while serving with the Bundeswehr or the National People's Army in the 1980s. This has been a topic in the Parliamentary Commissioner's annual reports for many years.

On the foundation of the final report about the expert symposium on radar radiation that was held in 2015 and was led by the chairman of the Awards Committee of the Foundation for Hardship Cases, further clinical symptoms have been included in the catalogue of recognised conditions in order to **reduce the burden of proof** in the otherwise very long-drawn-out procedure for the recognition of pensions and other benefits. For instance, intracranial tumours and particular benign tumours are now also recognised as a matter of principle when other preconditions are satisfied. Against this background, the Federal Office of Bundeswehr Personnel Management (which is responsible for radar victims who served in the Bundeswehr) and the Federal Office of Administration (which is responsible for radar victims who served in the former National People's Army) wrote to all former service personnel who had claimed for a benign tumour in the past. Of 29 affected individuals who contacted the authorities in response to these letters, it has so far been possible to determine that seven qualify for a pension or other benefit, while three procedures have ended with the rejection of the claim. Further cases are still being reviewed.

It is also welcome that the contract award procedure for the commissioning of the scientific study on **possible DNA damage to descendants of radar personnel** mentioned in the previous annual report is now being conducted. Since the study is planned to take 36 months, results will be expected by the end of 2020. Not only that, the Federal Ministry of Defence has implemented further measures that are intended to shorten the amount of time required to process applications for the recognition of service-related disabilities.

Furthermore, it is cheering that the budgetary funds allocated to the **German Foundation for Hardship Cases** were increased by €500,000 to €1.5m for 2017. The Foundation for Hardship Cases provides financial support to (former) servicewomen and men of the Bundeswehr and the former National People's Army, and their relatives or surviving dependents in particular cases of hardship if such benefits cannot be paid by their employer. The increase in funding was triggered by the resolution on improving yet further the compensation for radar victims that was adopted on 7 July 2016 by the German Bundestag. In this resolution, the

Federal Government was called upon to immediately implement the recommendations of the final report about the expert symposium on radar radiation held in February 2015.

The measures discussed appear well-suited to speed up these administrative procedures, some of which

have been dragging on for years, and guide them to a conclusion that is acceptable to all parties.

Dr Hans-Peter Bartels

Parliamentary Commissioner for the Armed Forces

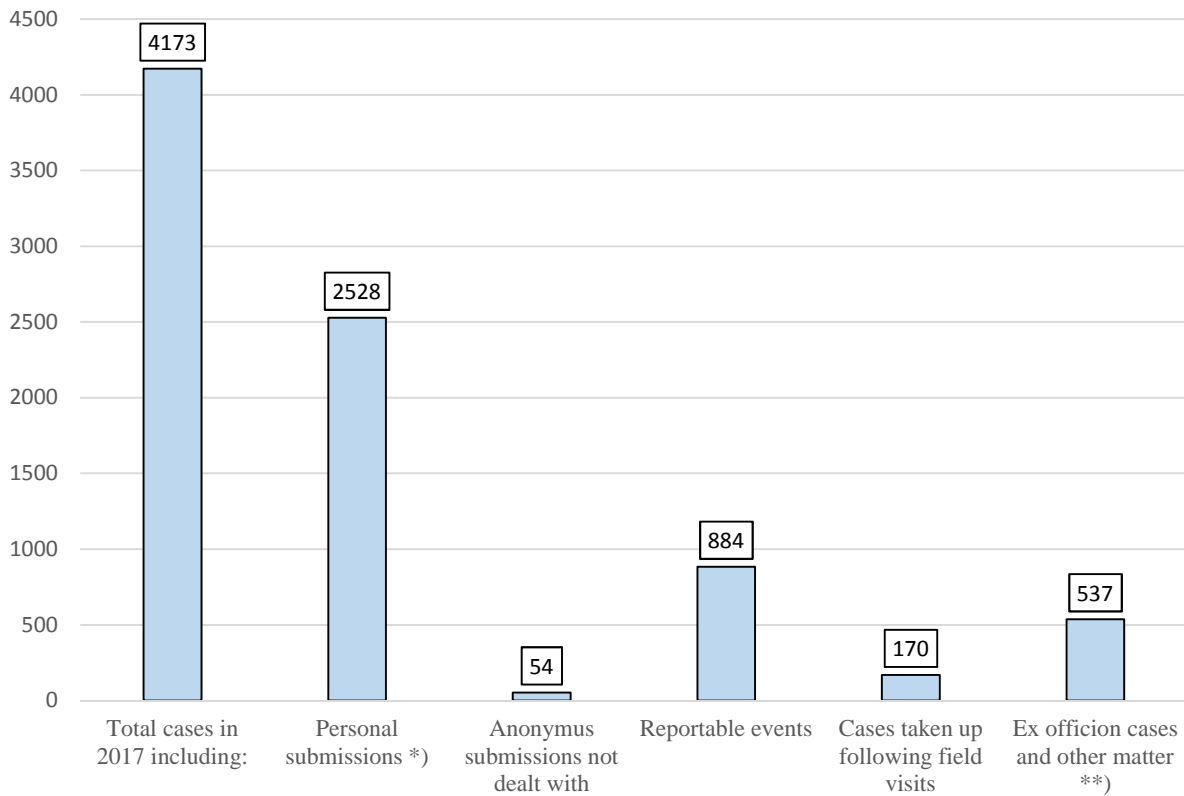
12. Cases and petitions: statistical over-views

In total, **4,173 cases** were recorded during the period under review.

Cases are all matters processed to which a file reference number has been attached. Apart from submissions from servicewomen and men, their family members and other individuals, they encompass reportable events in the Bundeswehr reviewed by the Parliamentary Commissioner for the Armed Forces, cases that

are taken up following a field visit and cases the Parliamentary Commissioner deals with *ex officio*. This latter category includes cases opened on account of information the Parliamentary Commissioner for the Armed Forces obtains from, for example, press reports or discussions. In addition to this, letters sent by civilian employees to the Petitions Committee of the German Bundestag and general enquiries from private individuals are recorded as ‘other matters’.

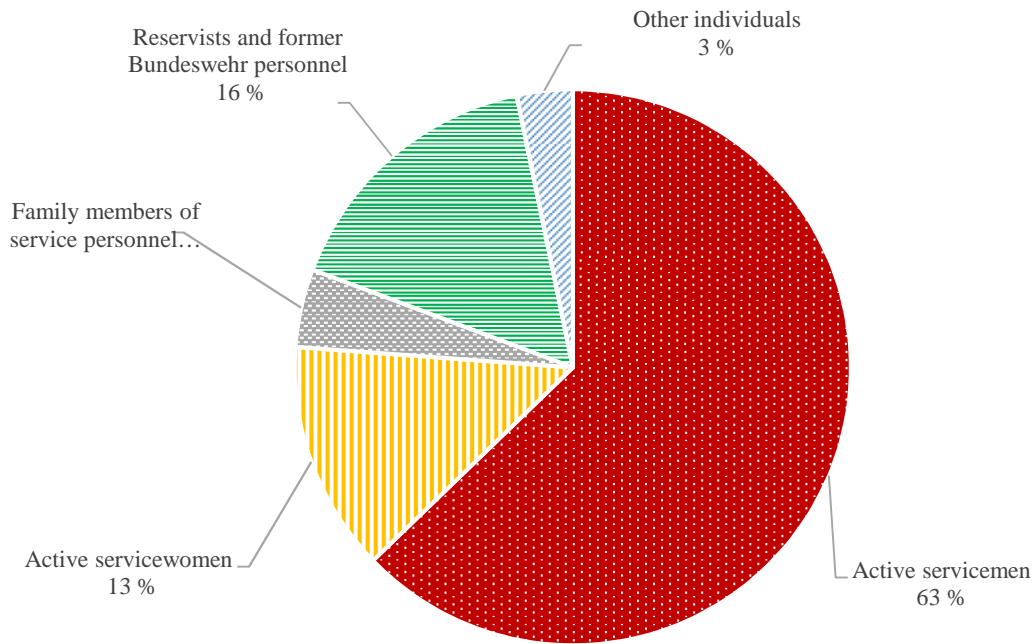
Breakdown of cases – absolute figures



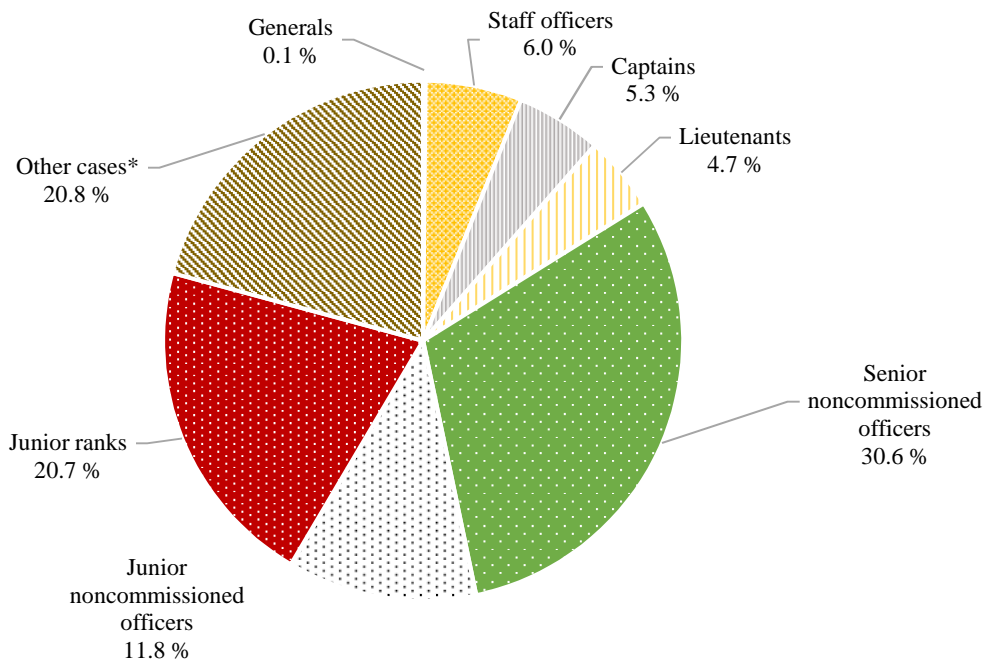
*) Submissions from service personnel and their family members.

***) Information from press reports and discussions, letters from civilian employees, general enquiries from private persons.

Breakdown of personal submissions (2,528) by submitters in per cent



Breakdown of cases (4,173) by rank categories in per cent



*) Including family members, private individuals, anonymous cases and general cases taken up following field visits.

Breakdown of cases (4,173) by requests (8,354)*

	Number
Personnel matters relating to active servicewomen and men	2,962
<u>Including:</u>	
Establishment and termination of service statuses	514
Assignment planning, appraisal, promotion	685
Processing of personnel matters and personnel management	562
Pay and subsidiary areas of pay law	434
Personnel structure	70
Conscientious objection	7
Matters relating to reservists	63
Leadership and camaraderie	891
Disciplinary law, law violations	1,001
<u>Including:</u>	
Suspected offences against sexual self-determination	305
Behaviour and conduct of servicewomen and men on and off duty	153
Training, equipment for training	276
Deployments abroad and equipment for deployments	440
Safety issues and accidents	120
Work-life balance, matters relating to commuters	519
<u>Including:</u>	
Matters relating to commuters	243
Health/Medical Service/free medical care	295
Infrastructure and accommodation	135
Catering/clothing/welfare	175
Pensions and benefits, social affairs	765
Working time	97
Diversity	140
<u>Including:</u>	
Women in the armed forces (equality issues)	118
Service personnel with migrant backgrounds	6
Sexual diversity	9
Suicides and attempted suicides	76
Other matters**	309

* Up to three requests are brought together in one case, which is why the number of requests is higher than the number of cases.

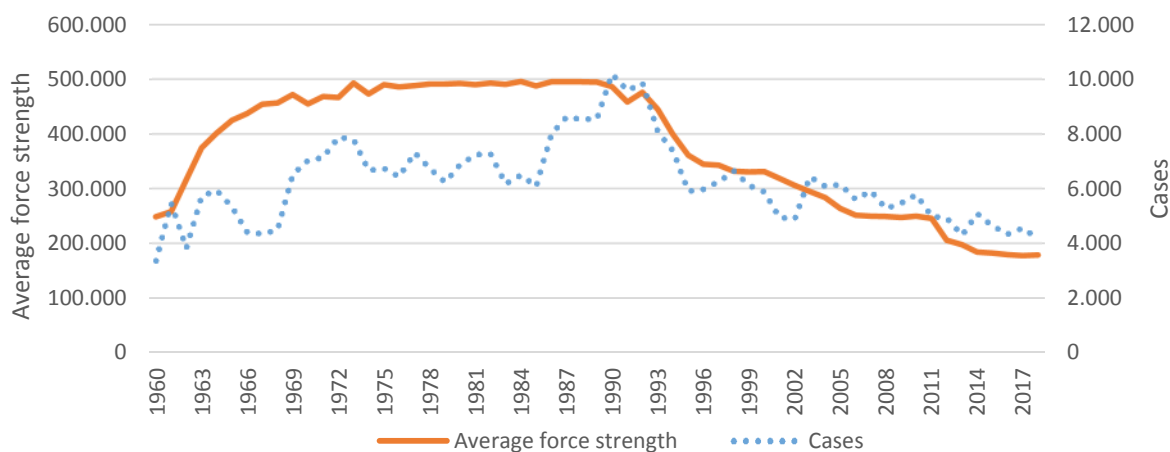
** Representation of military personnel, work of the Parliamentary Commissioner for the Armed Forces, matters relating to submissions, the Bundeswehr in state and society, policy issues, structure of the Bundeswehr.

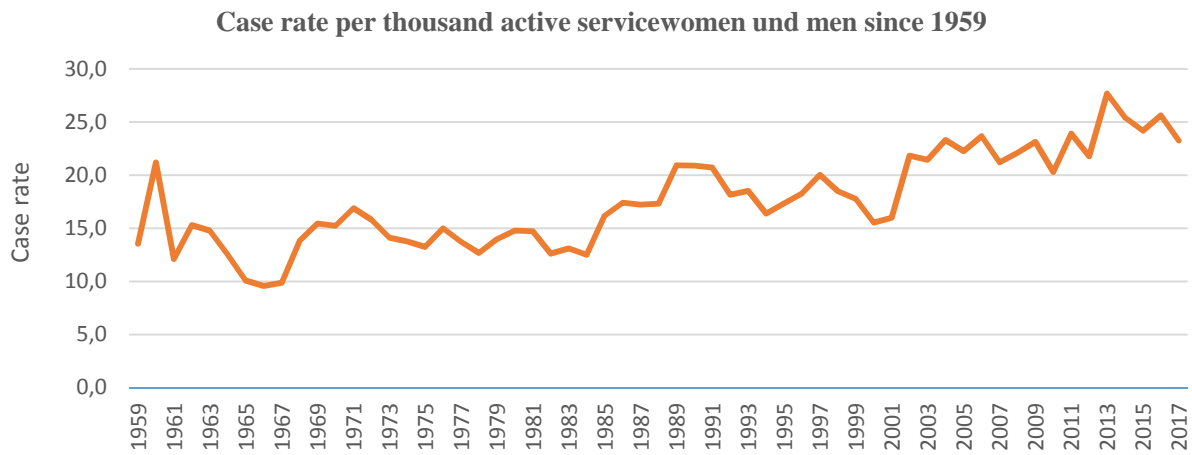
Development in the number of cases between 1959 and 2017

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand servicewomen and men
1959	3,368	248,800	13.5
1960	5,471	258,080	21.2
1961	3,829	316,090	12.1
1962	5,736	374,766	15.3
1963	5,938	401,337	14.8
1964	5,322	424,869	12.5
1965	4,408	437,236	10.1
1966	4,353	454,569	9.6
1967	4,503	456,764	9.9
1968	6,517	472,070	13.8
1969	7,033	455,114	15.5
1970	7,142	468,484	15.2
1971	7,891	466,889	16.9
1972	7,789	492,828	15.8
1973	6,673	472,943	14.1
1974	6,748	490,053	13.8
1975	6,439	486,206	13.2
1976	7,319	488,616	15.0
1977	6,753	491,424	13.7
1978	6,234	491,481	12.7
1979	6,884	492,344	14.0
1980	7,244	490,243	14.8
1981	7,265	493,089	14.7
1982	6,184	490,729	12.6
1983	6,493	495,875	13.1
1984	6,086	487,669	12.5
1985	8,002	495,361	16.2
1986	8,619	495,639	17.4
1987	8,531	495,649	17.2
1988	8,563	494,592	17.3
1989	10,190	486,825	20.9
1990	9,590	458,752	20.9
1991	9,864	476,288	20.7
1992	8,084	445,019	18.2
1993	7,391	399,216	18.5
1994	5,916	361,177	16.4

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand service-women and men
1995	5,979	344,690	17.3
1996	6,264	342,870	18.3
1997	6,647	332,013	20.0
1998	6,122	330,914	18.5
1999	5,885	331,148	17.8
2000	4,952	318,713	15.5
2001	4,891	306,087	16.0
2002	6,436	294,800	21.8
2003	6,082	283,723	21.4
2004	6,154	263,990	23.3
2005	5,601	251,722	22.3
2006	5,918	249,964	23.7
2007	5,276	248,995	21.2
2008	5,474	247,619	22.1
2009	5,779	249,900	23.1
2010	4,993	245,823	20.3
2011	4,926	206,091	23.9
2012	4,309	197,880	21.8
2013	5,095	184,012	27.7
2014	4,645	182,703	25.4
2015	4,344	179,633	24.2
2016	4,560	177,800	25.6
2017	4,173	178,881	23.3
Total	368,877		

Comparison of case numbers with average force strength over time

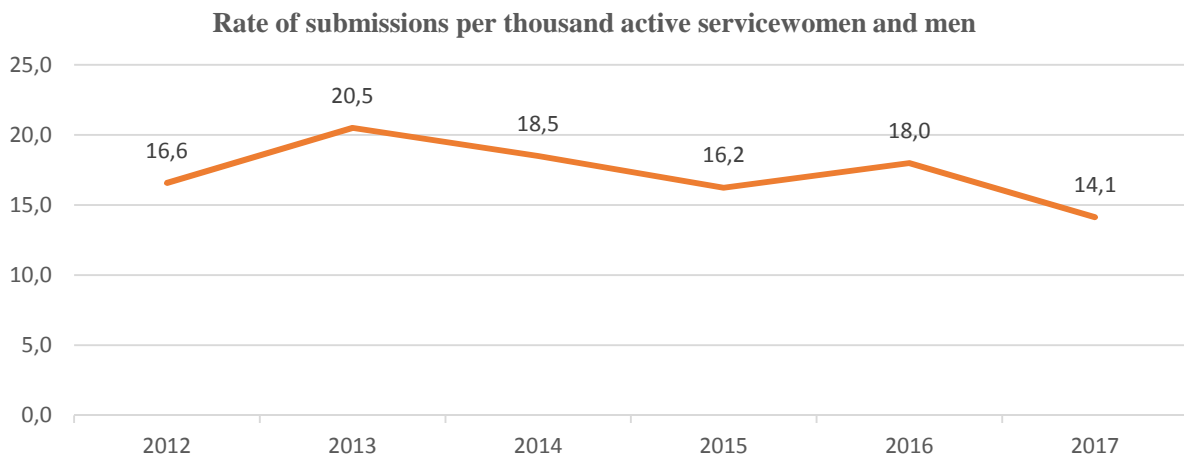




Development in the rate of personal submissions relative to average force strength since 2012*

Year under review	Average Bundeswehr force strength (active servicewomen and men)	Total number of personal submissions	Rate of personal submissions per thousand servicewomen and men
2012	197,880	3,281	16.6
2013	184,012	3,770	20.5
2014	182,703	3,379	18.5
2015	179,633	2,917	16.2
2016	177,800	3,197	18.0
2017	178,881	2,528	14.1

* The statistical recording of personal submissions has only been possible since the introduction of a new data acquisition system at the Office of the Parliamentary Commissioner for the Armed Forces in 2012.



13. Visits, meetings and discussions conducted by the Parliamentary Commissioner for the Armed Forces and his staff

Field visits conducted by the Parliamentary Commissioner for the Armed Forces in 2017

30.01.	Manching	Bundeswehr Technical Centre 61
08.02.	Münster	I German-Netherlands Corps <i>Joint visit with the Inspector General of the Royal Netherlands Armed Forces</i>
09.02.	Eibergen (Netherlands)	Communication and Information Systems/Communications (CIS) Battalion <i>Joint visit with the Inspector General of the Royal Netherlands Armed Forces</i>
23.02.	Seedorf	31 Parachute Regiment
27.–28.02.	Saalfelden/Hochfilzen (Austria)	Austrian-German Army Mountain Guide Course <i>Joint visit with the Chairman of the Parliamentary Commission Federal Armed Forces of the Republic of Austria</i>
02.03.	Bad Reichenhall	231 Mountain Infantry Battalion
07.03.	Berlin	Bundeswehr/Police Joint Anti-Terror Exercise (GETEX)
03.04.	Saarlouis	1 Airborne Brigade
05.04.	Illkirch-Graffenstaden (France)	291 Light Infantry Battalion
10.04.	Warendorf	Bundeswehr Sports School
12.04.	Parow/Kramerhof	Naval School of Technology
02.05.	Berlin-Gatow	Air Force Headquarters
02.05.	Berlin-Gatow	Air Force Museum
02.05.	Berlin-Gatow	Civilian Initial and Follow-On Occupational Training Support Centre
03.05.	Bonn	Joint Support Service Headquarters
03.05.	Coblenz	Bundeswehr Hospital
04.05.	Coblenz	Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw)
09.05.	Pfullendorf	Special Operations Training Centre
19.–22.05.	Lourdes (France)	59th International Military Pilgrimage
06.06.	Hammelburg	Infantry Training Centre
08.06.	Calw	Special Forces Command
10.06.	Storkow	Bundeswehr Day
13.06.	Geilenkirchen	NATO E-3A Component (AWACS)
13.06.	Geilenkirchen	Bundeswehr Verification Centre
15.06.	Munster	Munster Training Centre

26.06.	Brussels (Belgium)	NATO Headquarters, Council of the European Union, European Union Military Staff (EUMS), European Parliament
05.–06.07.	Vilnius/Rukla (Lithuania)	German NATO enhanced Forward Presence mission contingent <i>Joint visit with the President of the German Bundestag, Prof. Norbert Lammert</i>
02.08.	Bruchsal	Bundeswehr CBRN Defence Command 750 CBRN Defence Battalion
03.08.	Germersheim	Air Force Training Battalion
07.–08.08.	Erbil (Iraq)	German Training Support Northern Iraq mission contingent
21.–24.08.	Bamako/Gao (Mali), Niamey (Niger)	German MINUSMA mission contingent, EUTM Mali
29.08.	Palma de Mallorca (Spain)	Mircea Training Ship (Romanian Navy), training voyage for German cadets
13.09.	Fritzlar	36 Attack Helicopter Regiment
13.09.	Kassel	Civilian Initial and Follow-On Occupational Training Support Centre
16.–18.10.	Norfolk/Washington (USA)	NATO Allied Command Transformation, Naval Station Norfolk, USA
01.11.	Erfurt	Bundeswehr Logistics Command
07.11.	Stetten am kalten Markt	295 Artillery Battalion
29.11.	Schwielowsee	Bundeswehr Joint Forces Operations Command
06.12.	Vienna/Graz (Austria)	Land Forces Command, Austrian Armed Forces <i>Joint visit with the Parliamentary Commission Federal Armed Forces of the Republic of Austria</i>
18.–19.12.	Amman/Al Azraq (Jordan)	German Counter Daesh mission contingent

Meetings and discussions conducted by the Parliamentary Commissioner for the Armed Forces

In addition to his field visits, the Parliamentary Commissioner for the Armed Forces fulfilled many other appointments connected with his statutory task away from his Office. They included international and national conferences and events such as the Munich Security Conference, the Berlin Security Conference, the Leadership Development and Civic Education Centre (ZInFü) *Innere Führung* Colloquium, the Annual Conference of the Bundeswehr Reservists' Association, the General Meeting of the Bundeswehr Association, the General Assembly of the Catholic Council of the Catholic Military Bishop, events held by political foundations, company sergeants major and commanders' conferences, visits by delegations of foreign parliamentarians, military ombudspeople and groups of service personnel, and numerous discussions, for instance with branches of the Bundeswehr Association, charitable foundations, the General Spokespersons' Committee (GVPA), reservists, Members of the German Bundestag, members of Land parliaments, officials in the Federal Ministry of Defence, military chaplains, the leaderships of supreme federal authorities, business representatives, trade unionists, diplomats and journalists.

Trips conducted by staff of the Parliamentary Commissioner for the Armed Forces

During the year under review, staff of the Parliamentary Commissioner for the Armed Forces had a total of 66 appointments with military units, headquarters, agencies and authorities within the individual service branches and major organisational elements.

Visitor groups

86 visitor groups were welcomed to the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or his staff. 38 were international groups of servicewomen and men who were taking part in partnership workshops run by the Leadership Development and Civic Education Centre and various international armed forces workshops, including personnel from Lithuania, Latvia, Estonia, Poland, France, Egypt, Slovenia, the USA, the Republic of Korea, Albania, Romania, the UK, Macedonia, Bulgaria and Tunisia. 46 visitor groups came from the Bundeswehr's individual service branches and major organisational elements. Finally, the Office of the Parliamentary Commissioner for the Armed Forces was visited by two groups of politically interested citizens.

14. Legal foundations for the office and tasks of the Parliamentary Commissioner for the Armed Forces and of servicewomen and men's right of petition

Excerpt from the Basic Law for the Federal Republic of Germany

of 23 May 1949 (*Federal Law Gazette I*, p. 1), most recently amended by the Act of 23 December 2014 (*Federal Law Gazette I*, p. 2438)

Article 17

Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.

Article 17a

(1) Laws regarding military and alternative service may provide that the basic right of members of the Armed Forces and of alternative service freely to express and disseminate their opinions in speech, writing and pictures (first clause of paragraph (1) of Article 5), the basic right of assembly (Article 8), and the right of petition (Article 17) insofar as it permits the submission of requests or complaints jointly with others, be restricted during their period of military or alternative service.

(2) Laws regarding defence, including protection of the civilian population, may provide for restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

Article 45b

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight over the Armed Forces. Details shall be regulated by a federal law.

Act on the Parliamentary Commissioner for the Armed Forces

(Act pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Announcement of 16 June 1982 (*Federal Law Gazette I*, p. 677), most recently amended by Article 15(68) of the Act to Restructure Civil Service Law of 5 February 2009 (*Federal Law Gazette I*, p. 160)

Section 1

Constitutional Status; Tasks

(1) In the exercise of parliamentary oversight, the Commissioner shall perform his or her duties as an auxiliary organ of the Bundestag.

(2) The Commissioner shall investigate specific matters upon instructions from the Bundestag or the Defence Committee. Instructions can only be issued if the Defence Committee does not make the matter a subject of its own deliberations. The Commissioner may request that the Defence Committee issue instructions to investigate specific matters.

(3) The Commissioner shall, on his or her own initiative and at his or her due discretion, take action when, in the exercise of his or her right pursuant to Section 3(4), through information received from Members of the Bundestag, through petitions pursuant to Section 7 or in any other way, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of leadership development and civic education. The Commissioner shall not take action under the first sentence of this paragraph if the Defence Committee has made the matter the subject of its own deliberations.

Section 2

Reporting Duties

(1) The Commissioner shall submit to the Bundestag a written overall report for the calendar year (Annual Report).

(2) He or she may, at any time, submit individual reports to the Bundestag or the Defence Committee.

(3) When the Commissioner acts upon instructions, he or she shall, upon request, submit an individual report on the results of his or her investigation.

Section 3

Official Powers

In performing the tasks assigned to him or her, the Commissioner shall have the following powers:

1. He or she may demand information and access to records from the Federal Minister of Defence and

all the Minister's subordinate agencies and personnel. These rights can only be denied to him or her when this is required for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Federal Minister of Defence personally or his or her permanent official deputy; the Federal Minister of Defence shall state the reasons for any such decision before the Defence Committee. On the basis of instructions pursuant to Section 1(2) and in the case of a petition based on a complaint by the petitioner, the Commissioner shall have the right to hear the petitioner as well as witnesses and experts. These persons shall be reimbursed or remunerated pursuant to the Judicial Remuneration and Compensation Act.

2. He or she may give the agencies concerned the opportunity to settle a matter.
3. He or she may refer a matter to the authority competent for the institution of criminal or disciplinary proceedings.
4. He or she may, at any time, visit any units, headquarters, agencies and authorities of the Federal Armed Forces and their installations even without prior announcement. This right shall be vested exclusively in the person of the Commissioner. The second and third sentences of paragraph (1) of this section shall apply *mutatis mutandis*.
5. He or she may request both summary reports from the Federal Minister of Defence on the exercise of disciplinary power in the armed forces and statistical reports from the competent federal and Land authorities on the administration of criminal justice whenever the armed forces or their service personnel are affected.
6. In the case of criminal or disciplinary proceedings, he or she may attend court proceedings even when the public is excluded. He or she shall be given access to records to the same extent as the public prosecutor or the representative of the initiating authority. The right pursuant to the first sentence of this paragraph shall also apply in matters of request and complaint proceedings under the Military Discipline Code and the Military Complaints Regulations before courts that have jurisdiction over military disciplinary offences and in proceedings before administrative courts that relate to his or her area of responsibility; in such proceedings, he or she shall have the same right of access to records as a party to the proceedings.

Section 4

Administrative Assistance

Courts and administrative authorities of the Federation, the Länder and the municipalities shall be obliged to render the Commissioner administrative assistance in the conduct of necessary investigations.

Section 5

General Guidelines; Exemption from Instructions

(1) The Bundestag and the Defence Committee may issue general guidelines for the work of the Commissioner.

(2) Notwithstanding Section 1(2), the Commissioner shall not be subject to instructions.

Section 6

Obligation of Presence

The Bundestag and the Defence Committee may at any time demand the presence of the Commissioner.

Section 7

Service Personnel's Right of Petition

Every member of the armed forces shall have the right to contact the Commissioner directly without going through official channels. He or she shall not be disciplined or discriminated against because of his or her petition to the Commissioner.

Section 8

Anonymous Petitions

Anonymous petitions shall not be dealt with.

Section 9

Confidentiality of Petitions

Where the Commissioner takes action in response to a petition, it shall be left to his or her discretion to disclose the fact of a petition and the name of the petitioner. He or she shall refrain from their disclosure if the petitioner so wishes and compliance with this wish is not barred by legal duties.

Section 10

Obligation of Secrecy

(1) The Commissioner is obliged, even once his or her term of office has ended, to maintain secrecy regarding matters that have come to his or her official knowledge. This does not apply to official communications or to matters that are known to the general public or that do not require secrecy in view of the level of importance accorded to them.

(2) The Commissioner shall not, even once his or her term of office has ended, give any evidence on such matters before a court or out of court, or make statements without permission. This permission shall be given by the President of the Bundestag in agreement with the Defence Committee.

(3) Permission to give evidence as a witness shall not be denied unless it would be to the detriment of the public good of the Federation or of one of the German Länder, or it would severely jeopardise or considerably impede the performance of public duties.

(4) This shall not affect the statutory obligation to report criminal offences and to advocate the preservation of the free democratic basic order where it is jeopardised.

Section 11

(Repealed)

Section 12

Obligation of Federal and Land Authorities to Inform the Commissioner

The judicial and administrative authorities of the Federation and the Länder shall be obliged to inform the Commissioner about the institution of proceedings, the preferment of a public charge, any investigations ordered in disciplinary proceedings and the outcome of such proceedings, when the matter has been referred to one of these authorities by the Commissioner.

Section 13

Election of the Commissioner

The Bundestag shall elect the Commissioner by secret ballot with a majority of its Members. Candidates may be put forward by the Defence Committee, by the parliamentary groups and by as many Members of the Bundestag as are required for the formation of a parliamentary group pursuant to the Rules of Procedure. No debate shall take place.

Section 14

Eligibility; Term of Office; Ban on Practice of Another Profession; Oath; Exemption from Military Service

(1) Every German who is entitled to be elected to the Bundestag and has attained the age of 35 shall be eligible for the office of Commissioner.

(2) The term of office of the Commissioner shall be five years. Re-election shall be admissible.

(3) The Commissioner may not hold any other salaried office, engage in any trade, practise any profession, belong to the management or the supervisory board of any enterprise carried on for profit, or be a member of a government or a legislative body of the Federation or a Land.

(4) On assuming office, the Commissioner shall take the oath of office provided for in Article 56 of the Basic Law before the Bundestag.

(5) For the duration of his or her term of office, the Commissioner shall be exempt from military service.

Section 15

Legal Status of the Commissioner; Beginning and End of Term of Office

(1) Pursuant to the provisions of this Act, the Commissioner holds an office under public law. The President of the Bundestag shall appoint the person elected.

(2) The Commissioner's term of office shall begin when his or her letter of appointment is handed over or, should the oath be taken at an earlier date (Section 14(4)), at the time when the oath is taken.

(3) The Commissioner's term of office shall end, apart from the termination of his or her tenure pursuant to Section 14(2) or through death,

1. upon his or her dismissal,
2. upon his or her resignation.

(4) Upon the request of the Defence Committee, the Bundestag may instruct its President to dismiss the Commissioner. This decision shall require the approval of the majority of the Members of the Bundestag.

(5) The Commissioner may resign at any time. The President of the Bundestag shall announce the resignation.

Section 16

Seat of the Commissioner; Chief Administrator; Staff; Budget

(1) The seat of the Commissioner shall be attached to the Bundestag.

(2) The Commissioner shall be supported by a Chief Administrator. Additional personnel shall assist the Commissioner in the execution of his or her duties. The civil servants attached to the Commissioner shall be civil servants of the Bundestag pursuant to Section 176 of the Act on Federal Civil Servants of 3 January 1977 (*Federal Law Gazette I*, pp. 1, 795, 842), most recently amended by Section 27 of the Act of 26 June

1981 (*Federal Law Gazette I*, p. 553). The Commissioner shall be the superior of the personnel assigned to him or her.

(3) The necessary personnel and equipment made available to the Commissioner for the performance of his or her functions shall be detailed in a separate section of the Bundestag budget.

Section 17

Representation of the Commissioner

(1) If the Commissioner is prevented from performing his or her functions, and from the end of his or her term of office to the beginning of the term of office of his or her successor, the Chief Administrator shall exercise the rights of the Commissioner except for the right pursuant to Section 3(4). Section 5(2) shall apply *mutatis mutandis*.

(2) If the Commissioner is prevented from exercising his or her office for more than three months, or when more than three months have elapsed after the end of the Commissioner's term of office without the term of office of a successor having commenced, the Defence Committee may authorise the Chief Administrator to exercise the right pursuant to Section 3(4).

Section 18

Official Emoluments; Other Payments

(1) From the beginning of the calendar month in which he or she takes office to the end of the calendar month in which his or her term of office ends, the Commissioner shall be paid official emoluments. Section 11(1)(a) and (b) of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that the Commissioner's salary and local allowance shall be 75 per cent of the salary and local allowance of a federal minister. The emoluments shall be paid monthly in advance.

(2) In all other respects, Section 11(2) and (4) and Sections 13 to 20 and 21a of the Federal Ministers Act shall apply *mutatis mutandis* with the proviso that, instead of a two-year term of office (Section 15(1) of the Federal Ministers Act), a five-year term of office shall apply. The first sentence of this paragraph shall apply *mutatis mutandis* to a career soldier or temporary-career volunteer who has been appointed Commissioner with the proviso that, in the case of temporary-career volunteers where Section 18(2) of the Federal Ministers Act applies, the date of retirement shall be replaced by the termination of service.

(3) The provisions of the Federal Travel Expenses Act as published in the Notification of 13 November 1973 (*Federal Law Gazette I*, p. 1621), most recently

amended by the Ordinance of 31 May 1979 (*Federal Law Gazette I*, p. 618), regarding the highest travel expense category, and the provisions of the Federal Removal Expenses Act in the version of 13 November 1973 (*Federal Law Gazette I*, p. 1628), most recently amended by Article VII of the Act of 20 December 1974 (*Federal Law Gazette I*, p. 3716), regarding removals necessary as a result of appointment or termination of office, shall apply *mutatis mutandis*.

Section 19

(Repealed)

Section 20

(Entry into Force)

Excerpt from the Rules of Procedure of the German Bundestag

in the version of the Announcement of 2 July 1980 (*Federal Law Gazette I*, p. 1237), most recently amended by the Announcement of 23 April 2014 (*Federal Law Gazette I*, p. 534)

Rule 113

Election of the Parliamentary Commissioner for the Armed Forces

The Parliamentary Commissioner for the Armed Forces shall be elected by secret ballot (Rule 49).

Rule 114

Reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall refer the reports of the Parliamentary Commissioner for the Armed Forces to the Defence Committee unless a parliamentary group or five per cent of the Members of the Bundestag demand that they be placed on the agenda.

(2) The Defence Committee shall report to the Bundestag.

Rule 115

Debates on reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall grant leave to speak to the Parliamentary Commissioner for the Armed Forces in the debate on reports submitted by the Commissioner if a parliamentary group so demands or five per cent of the Members of the Bundestag, who shall be present, so demand.

(2) Upon the demand of a parliamentary group or the demand of five per cent of the Members of the Bundestag, who shall be present, the Parliamentary Commissioner for the Armed Forces shall be summoned to attend sittings of the Bundestag; paragraph (1) shall apply *mutatis mutandis*.

Procedural principles for
cooperation between the
Petitions Committee

and the Parliamentary Commissioner for the Armed Forces

1. The Petitions Committee shall notify the Parliamentary Commissioner for the Armed Forces of a petition if it relates to service personnel of the Bundeswehr. The Parliamentary Commissioner for the Armed Forces shall inform the Petitions Committee whether he or she has opened a case file in the same matter and whether he or she will be taking action.
2. The Parliamentary Commissioner for the Armed Forces shall notify the Petitions Committee of a case if the Petitions Committee has recognisably received a petition in the same matter. If the Petitions Committee and the Parliamentary Commissioner for the Armed Forces both deal with the same matter, the case shall generally first be processed by the Parliamentary Commissioner for the Armed Forces.

If the Petitions Committee takes action, it shall notify the Parliamentary Commissioner for the Armed Forces of such.

The Parliamentary Commissioner for the Armed Forces and the Petitions Committee shall regularly notify each other in writing of the progress of processing and its outcome.

**Excerpt from Type A General Publication
2600/2****'Matters concerning the Parliamentary Commissioner for the Armed Forces'**Contents

- 1 Constitutional position of the Parliamentary Commissioner for the Armed Forces
- 2 Tasks and powers of the Parliamentary Commissioner for the Armed Forces
 - 2.1 Tasks
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 - 3.4 Processing of requests when a complaint has been made concurrently
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- 4 Notification of servicewomen and men
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1 Constitutional position of the Parliamentary Commissioner for the Armed Forces

101. The Parliamentary Commissioner for the Armed Forces is appointed by the German Bundestag to safeguard basic rights and act as an auxiliary organ of the Bundestag in the exercise of parliamentary oversight. The details are regulated in the Act on the Parliamentary Commissioner for the Armed Forces (Act pursuant to Article 45b of the Basic Law) in the version of the Announcement of 16 June 1982 (*Federal Law Gazette I*, p. 677), most recently amended by Article 15(68) of the Act to Restructure Civil Service Law of 5 February 2009 (*Federal Law Gazette I*, p. 160).

2 Tasks and powers of the Parliamentary Commissioner for the Armed Forces**2.1 Tasks**

201. The Parliamentary Commissioner for the Armed Forces shall take action
 - upon instructions from the Bundestag or the Defence Committee to examine certain cases,

- on her or his own initiative and at her or his due discretion, if matters come to her or his attention that suggest a violation of the basic rights of servicewomen and men or of the principles of leadership development and civic education
 - as a result of her or his visits pursuant to Section 3(4) of the Act on the Parliamentary Commissioner for the Armed Forces (WBeauftrG),
 - as a result of communications from Members of the German Bundestag,
 - as a result of petitions pursuant to Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces or
 - in any other way.

2.2 Powers

202. In performing the tasks assigned to her or him, the Parliamentary Commissioner for the Armed Forces shall have the following powers:
- a) She or he may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights may only be denied for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Federal Minister of Defence.
 - b) If instructed by the German Bundestag or the Defence Committee and in response to a petition that is based on a complaint from the petitioner, she or he may hear the petitioner, as well as witnesses and experts.
 - c) She or he shall have the right to visit units, headquarters, agencies and authorities of the Federal Armed Forces and their installations at any time, even without prior notice. This right to make such visits shall be vested exclusively in the person of the Parliamentary Commissioner for the Armed Forces. This right shall also be held by the Chief Administrator if she or he is authorised to exercise it by the Defence Committee. The exercise of this right may only be denied for compelling reasons of secrecy. To this end, the decision of the Federal Minister of Defence is to be obtained immediately through Branch III 2, Directorate-General for Forces Policy (FüSK III 2).
 - d) She or he may also attend closed sessions of criminal courts or administrative courts that

are concerned with her or his area of jurisdiction and military service courts. During such proceedings, she or he shall have the same right of access to records as the parties to the proceedings.

- e) She or he may give the authorities concerned an opportunity to settle the matter.
 - f) She or he may refer a case to the authority responsible for the institution of criminal or disciplinary proceedings.
203. With the exception of the right to make unannounced visits pursuant to paragraph 202(c), the powers of the Parliamentary Commissioner for the Armed Forces may be exercised by her or his staff. Fact-finding visits conducted by her or his staff shall be announced in advance.

3 Procedural arrangements

3.1 General remarks

301. Matters concerning the Parliamentary Commissioner for the Armed Forces shall be dealt with as matters of urgency. Should an extended period of time be required to deal with such matters, the Parliamentary Commissioner for the Armed Forces shall be informed of the progress made at appropriate intervals by the agency that has to comment on the matter.

Should doubts arise as to whether compelling reasons of secrecy demand the denial of a request when the Parliamentary Commissioner for the Armed Forces requests information or access to records, or during a visit, a decision of the Federal Minister of Defence is to be obtained immediately through Branch FüSK III 2. The Parliamentary Commissioner for the Armed Forces shall be informed of the decision reached.

3.2 Processing

302. If the Parliamentary Commissioner for the Armed Forces has written personally to members of the Bundeswehr, the individual to whom the letter has been addressed shall reply. If the Commissioner has written to an agency, the head of the agency shall reply. As a matter of principle, final comments shall be signed by the agency management.
303. Investigations that are required shall be conducted by the disciplinary superior competent to do so in each case. Any deficiencies identified shall be remedied. The same shall apply if an agency of the Federal Armed Forces is tasked by the Federal Ministry of Defence (FMoD) with

- answering a request from the Parliamentary Commissioner for the Armed Forces.
304. The processing of matters concerning the Parliamentary Commissioner for the Armed Forces within the Federal Ministry of Defence shall be guided by the relevant provisions of the Supplementary Rules of Procedure of the Federal Ministry of Defence (GO-BMVG).
305. Should higher superiors be asked to comment, they shall arrange for the facts of the matter to be reviewed and shall convey the results of the investigation, together with their own comments, to the Parliamentary Commissioner for the Armed Forces.
306. Should agencies subordinate to the Federal Ministry of Defence be immediately concerned with cases raised by the Parliamentary Commissioner for the Armed Forces, that is without the involvement of the Ministry, Type A General Publication 500/1, ‘Cooperation of the Federal Ministry of Defence with its Subordinate Agencies’, shall apply as a matter of principle. With regard to cases of significance for the management of the Federal Ministry of Defence, the relevant specialist authority within the FMoD is to be notified for information only. In cases of outstanding fundamental and/or strategic significance, the authority within the Ministry responsible for this specialist area is to be notified through official channels prior to the dispatch of the comments. Branch FüSK III 2 is to be notified for information only in both cases.
307. Comments from agencies of the Federal Armed Forces that have been submitted following requests from the Parliamentary Commissioner for the Armed Forces made in response to reports pursuant to Type A General Publication 2640/34, ‘Estimate of Bundeswehr Morale Incident Reporting’, or pursuant to Type A General Publication 200/5, ‘Bundeswehr Reporting Systems’, in the cases specified below or in response to petitions, shall be forwarded immediately to Branch FüSK III 2, with the main case files that have been compiled, following their dispatch via the Leadership Development and Civic Education Centre, Internal and Social Affairs Unit.
- This applies to
- petitions or reports concerning ‘suspicions of criminal acts under the Military Penal Code’ pursuant to paragraphs 321 to 325 of Type A General Publication 2640/34,
 - petitions or reports concerning ‘suspicions of offences against sexual self-determination and sexual harassment by or against members of the Bundeswehr’ (paras 341 and 342 of Type A General Publication 2640/34),
 - petitions or reports concerning ‘suspicions of espionage, extremism or violation of the free democratic basic order, committed by or against members of the Bundeswehr’ (paras 361 to 363 of Type A General Publication 2640/34).
308. In addition to this, upon request, all comments submitted by agencies of the Bundeswehr are to be forwarded through official channels to the Federal Ministry of Defence, with the main case files that have been compiled, following their dispatch, if
- the matter is to be assigned political or public/media significance, or
 - judicial disciplinary proceedings or criminal proceedings have been instituted concerning the case in question, or their institution is to be expected.
309. In so far as servicewomen or men release the physicians who have treated them or medical assessors from their duty to maintain medical confidentiality in connection with their petitions to the Parliamentary Commissioner for the Armed Forces, this shall, in case of doubt, relate exclusively to comments made directly to the Parliamentary Commissioner.
- Copies of these comments and annexes attached to them that are to be forwarded to other agencies within the jurisdiction of the Federal Ministry of Defence through official channels must not contain any facts or assessments that are subject to medical confidentiality.
310. Comments addressed to the Parliamentary Commissioner for the Armed Forces shall, where applicable, be drafted in such a way that statements subject to medical confidentiality are summarised in a separate annex and shall be conveyed only to the Commissioner directly together with the original copy of the letter.
311. With regard to petitions, their contents and the comments on them, all concerned shall also have a duty to observe confidentiality in their dealings with one another pursuant to the provisions of the relevant legislation and/or collective

agreements (e.g. Section 14 of the Legal Status of Military Personnel Act, Section 67 of the Federal Civil Service Act, Section 37 of the Act on the Status of Civil Servants and Section 3(1) of the Collective Agreement for the Public Service), in so far as they do not concern the immediate processing of the petition.

312. It shall only be permissible to evaluate the case to examine whether advice should be issued following the conclusion of the proceedings. The names of the individuals concerned may not be published when this is done. In particular, when servicewomen and men or witnesses are interviewed, they shall only be given knowledge of the part of a petition that relates to themselves or concerning which they are being interviewed.
313. As a matter of principle, proceedings shall be concluded by a letter from the Parliamentary Commissioner for the Armed Forces. Should the Parliamentary Commissioner give notification of the conclusion of proceedings, this is to be made known to the agencies involved and the individuals affected by the petition along with their outcome.
314. Petitions that the Parliamentary Commissioner for the Armed Forces forwards to agencies of the Federal Armed Forces for them to comment on may only be dealt with as complaints under the Military Complaints Regulations (WBO) when construing them in this fashion is consistent with the express will of the petitioner.

3.3 Hearings

315. Should the Parliamentary Commissioner for the Armed Forces exercise her or his rights to information and access to records (para 202(a)), this is to be supported in every respect. In so far as this is required, administrative or special leave shall be granted for a hearing pursuant to Section 9 of the Leave Regulations for Military Personnel (SUV) in conjunction with paragraph 307 of Type A General Publication 1420/12, 'Implementation of the Leave Regulations for Military Personnel'.
316. In so far as matters are to be dealt with at a hearing that are subject to mandatory confidentiality, persons to be heard may give evidence on matters up to the classification level 'restricted' (VS-NfD). In the case of matters with a higher security classification, the person to be heard shall have to obtain permission to give evidence through the competent disciplinary superior. Should the persons to be heard be employees,

the regulations set out in civil service law are to be applied *mutatis mutandis*.

317. Should the competent disciplinary superiors not be able to grant permission, they shall obtain a decision from their superiors. The right to refuse permission shall remain reserved to Branch FüSK III 2.
318. The persons heard shall be reimbursed in accordance with the Judicial Remuneration and Compensation Act of 5 May 2004 (*Federal Law Gazette I*, pp. 718, 776), most recently amended by Article 13 of the Act of 5 December 2012 (*Federal Law Gazette I*, p. 2418). This shall be done upon application by the Office of the Parliamentary Commissioner for the Armed Forces.

3.4 Processing of requests when a complaint has been made concurrently

319. Should a complaint have been submitted under the Military Complaints Regulations (WBO), including a disciplinary complaint under Section 42 of the Military Discipline Code (WDO), and should a petition on the same matter have been submitted, the Parliamentary Commissioner for the Armed Forces shall be informed about the current status and progress of the complaint case. A copy of the decision shall be forwarded to her or him immediately. She or he shall be informed separately of any recourse to legal remedies or of the non-appealability of the ruling delivered on the complaint.
320. Should a matter raised by a petition have import wider than a complaint submitted under the Military Complaints Regulations, this part of the petition shall be dealt with in the same way as other petitions.
321. Should disciplinary investigations be instituted on account of the matters raised in a petition, the Parliamentary Commissioner for the Armed Forces shall be informed of this. Following the completion of the proceedings, the Commissioner shall be informed of the decision reached. Should judicial disciplinary proceedings be conducted, she or he shall also be informed of any significant interim rulings by the authority that instituted the proceedings or the disciplinary attorney's office that is acting on its behalf.
322. The legal remedies available under the Military Complaints Regulations and the Military Discipline Code shall not be replaced by a petition to the Parliamentary Commissioner for the Armed Forces. Even if a petition to the Parliamentary

Commissioner for the Armed Forces is to be regarded as a complaint or application under the Military Complaints Regulations or Military Discipline Code, the time limits set in the Military Complaints Regulations and Military Discipline Code shall only be observed if the petition has been received by the authority competent to accept such a complaint or application within these time limits.

3.5 Processing within the jurisdiction of the agency concerned

323. The following arrangements shall apply for the processing of cases that the Parliamentary Commissioner for the Armed Forces refers to agencies of the Bundeswehr for them to settle within their own jurisdiction:

- a) Should the case be directed against a servicewoman or man, it shall be forwarded to the immediate disciplinary superior who is competent to deal with it.
- b) Other cases shall be forwarded to the authority that has to judge on the subject matter of the case.

324. The authority referred to in paragraph 323(b) shall have to deliver a decision to the petitioner through official channels, but it may also be communicated orally by the competent disciplinary superiors.

3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces

325. Visits conducted by the Parliamentary Commissioner for the Armed Forces on special grounds (e.g. in connection with special incidents, or should several identical or similar petitions have been submitted from the same agency) shall be reported by the heads of the agency concerned to the Federal Ministry of Defence by fax/email using the following template:

Federal Ministry of Defence
Branch FüSK III 2
Stauffenbergstraße 18
10785 Berlin
(Email: BMVgFueSKIII2@BMVg.Bund.de)

for information only through official channels:

Higher commands and higher federal authorities of all major organisational elements or military agencies immediately subordinated to the Federal Ministry of Defence

(Army Headquarters (Kdo H), Air Force Headquarters (Kdo Lw), Navy Headquarters (MarKdo), Joint Support Service Command (KdoSKB), Bundeswehr Medical Service Command (KdoSanDstBw), Bundeswehr Operations Command (EinsFüKdoBw), Bundeswehr Planning Office (PlgABw), German Military Aviation Authority (LufABw), Federal Office of Bundeswehr Personnel Management (BAPersBw), Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw), Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (BAIUDBw), Federal Office of Languages (BSprA), Bundeswehr Education Management Centre (BiZBw), Bundeswehr University Hamburg/Munich (UniBw HH/M), Office of the Evangelical Lutheran Church for the Bundeswehr (EKA), Catholic Military Episcopal Office (KMBA), Disciplinary Attorney General for the Armed Forces at the Federal Administrative Court (BWDA))

Subject:

Re: Field visit by the Parliamentary Commissioner for the Armed Forces on special grounds

- Date and time
- Unit/agency
- Location and living quarters
- Grounds

4 Notification of servicewomen and men

401. All servicewomen and men shall be notified of the functions and powers of the Parliamentary Commissioner for the Armed Forces by their disciplinary superior at the beginning of their basic training and, once again, following their posting to their parent unit.

Every servicewoman and man has the right to submit petitions to the Parliamentary Commissioner for the Armed Forces directly without having to go through official channels.

402. The Commissioner's address is:

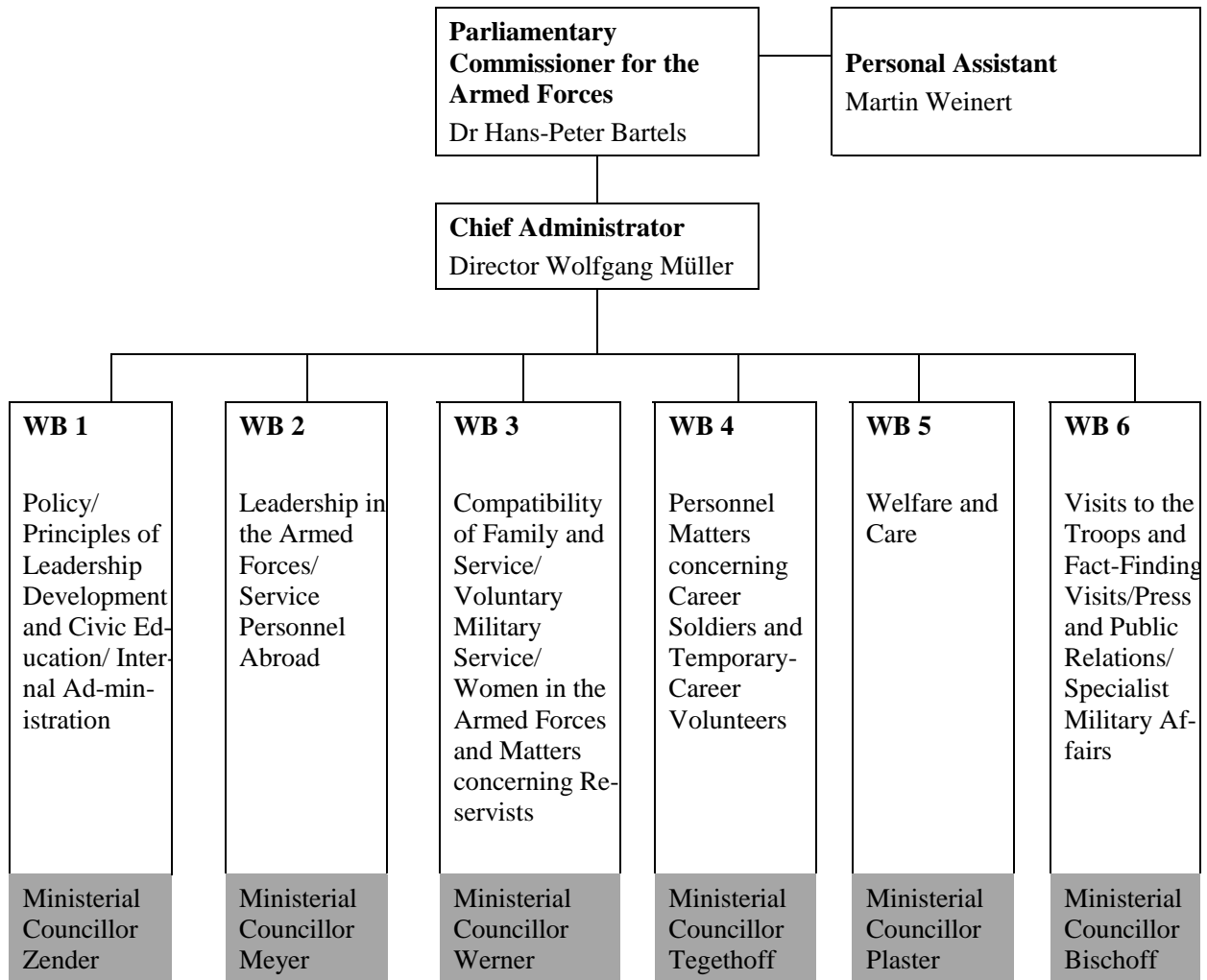
The Parliamentary Commissioner for the Armed Forces
Platz der Republik 1
11011 Berlin

(Email: wehrbeauftragter@bundestag.de)

Pursuant to paragraph 329 of Type A2 General Publication 2630/0-0-2, 'Life in the Military Community', this address shall be displayed on

- the agency's information board or information portal.
403. Petitions/letters from members of the Bundeswehr to the Parliamentary Commissioner for the Armed Forces shall be conveyed by the internal postal service. They may be posted in the unit/agency.
404. Servicewomen and men may only contact the Parliamentary Commissioner for the Armed Forces individually.
405. Anonymous petitions shall not be dealt with (Section 8 of the WBeauftrG).
406. Should a servicewoman or man contact her or his disciplinary superior before writing a petition, she or he shall be given advice and assistance. It shall be a disciplinary offence and simultaneously a criminal offence under Section 35 of the Military Penal Code if superiors use orders, threats, promises or gifts, or any other means that run counter to service regulations to persuade subordinates not to submit petitions to the Parliamentary Commissioner for the Armed Forces, or suppress such petitions. Any attempt to do so shall also be prosecutable and may be punished as a disciplinary offence.
407. No servicewoman or man may be officially disciplined or discriminated against because she or he has submitted a petition to the Parliamentary Commissioner for the Armed Forces. Compliance with the prohibition of discrimination pursuant to the second sentence of Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces is to be ensured. Should the petition contain breaches of official duties or criminal acts, for example insulting or libellous remarks, this may be punished through disciplinary channels or prosecuted in the criminal courts as a disciplinary offence (cf. para 3323 of Type A General Publication 2160/6, 'Military Discipline Code and Military Complaints Regulations').
408. Servicewomen and men may not enclose documents with security classifications higher than 'restricted' with their petitions to the Parliamentary Commissioner for the Armed Forces. This prohibition also extends to the detailing of individual facts that, to their knowledge, are subject to security classifications higher than 'restricted'. Should the communication of such circumstances seem necessary from the point of view of the petitioner, a reference to this may be included in the petition, or the petitioner shall make contact directly with the Office of the Parliamentary Commissioner for the Armed Forces in order to present her or his concerns while abiding by the provisions on confidentiality.
409. On request, the Parliamentary Commissioner for the Armed Forces shall, as a matter of principle, be provided with information about the documents and facts specified in paragraph 408, and allowed to consult documents that have security classifications higher than 'restricted'. A request to this effect may only be denied for compelling reasons of secrecy by the Federal Minister of Defence in person, or her or his permanent official deputy (cf. Section 3(1) of the WBeauftrG). Enquiries from agencies concerning the decision reached shall be submitted through Branch FüSK III 2.
- In this respect, the instructions given in paragraphs 202(a) and (c), 301, 316 and 317 are to be complied with.
- ## 5 Data protection
501. The Federal Data Protection Act (BDSG) and Type A General Publication 2122/4, 'Data Protection', shall be complied with when matters concerning the Parliamentary Commissioner for the Armed Forces (obtaining of comments, drafting of reports/briefing notes, forwarding of reply letters, etc.) are dealt with. In this respect, the safeguards foreseen in Type A General Publication 2122/4 shall be taken into consideration – up to level 3 data (personal data).
- ## 6 Cooperation in a spirit of trust
601. It shall be expected of all superiors that they cooperate in a spirit of trust with the Parliamentary Commissioner for the Armed Forces and therefore give her or him the opportunity to gather information quickly and thoroughly.
- This will make it possible to significantly promote servicewomen and men's understanding of our country's constitutional system and legal order, as well as their confidence both in democracy and in the Bundeswehr.
602. All disciplinary superiors are called upon to report their experience of the application of this General Publication through official channels to Branch FüSK III 2.

15. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces



Postal Address

Platz der Republik 1
11011 Berlin

Address for visitors:

Neustädtische Kirchstraße 15
10117 Berlin
Tel.: +49 30 227-38100
Fax: +49 30 227-38283
IVBB tel.: +49 30 1818-38100
wehrbeauftragter@bundestag.de
www.bundestag.de/parlament/wehrbeauftragter

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