

## **Information**

**from the Parliamentary Commissioner for the Armed Forces**

**Annual Report 2016 (58th Report)**

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## Foreword

What is the state of the Bundeswehr today? Are Germany's federal armed forces becoming any less overstretched? Is a healthy balance being found between personnel, resources and missions?

'We live in a world of predictable unpredictability,' to quote the European Union's new Global Strategy, which was adopted in the summer of 2016. Rarely have the feelings of insecurity been so great: jihadi terror, war and civil war in Europe's neighbourhood, failing states and the spread of authoritarian rule, the refugee and migration crisis, cyber attacks on critical infrastructure, the UK's vote to leave the EU and the election of a US president who appears to set little store by predictability; as if this were not enough, there is Russia's striving to assert spheres of influence and project its military power. The risks are growing.

During this period of stark change, as the 2016 *White Paper on Security Policy and the Future of the Bundeswehr* makes plain, Germany wishes to play an active, creative role, in part by strengthening its own military capabilities. The upgrading process that will be necessary if Germany is to do this has now begun. It is no longer the discussion of problems that stands to the fore, but the discussion of solutions. Enormous gaps in personnel and materiel are to be closed. This has been recognised. The German Bundestag is allocating the additional budgetary funds that are needed, and has approved spending even higher than that requested by the government to date. The Bundeswehr is on the path of improvement.

But: The greatest problem now is – a lack of urgency! It is taking far too long to change course. This means active servicewomen and men are still being overburdened just as much as in the past in many areas. And the number of missions is growing: from the expanded commitment in Mali and the Aegean mission to the NATO Response Force and the Lithuania battalion battle group. It is also likely to be decided in 2017 what additional contributions NATO will have to demand from its European members, Germany not least – the talk is of 'follow-on forces', and what the goal of 'strategic autonomy' formulated in the Global Strategy means at the institutional level for the European Union.

Since the 2011 Bundeswehr reform – following the suspension of compulsory military service –, the number of German temporary-career volunteers and career soldiers has been 170,000 on paper, but this target had still not been reached by the end of 2016. In addition to this, however, the armed forces will, according to their own calculations, require 14,300 more servicewomen and men in order to close the personnel gaps that have now been identified; initially, though, only 7,000 new posts are to be created and filled by 2023. Seven years for a four-percent increase in personnel! This is taking too long.

The situation is very similar when it comes to the full materiel resourcing of the Bundeswehr that is now envisaged. The equipment programme, which will be worth €130bn up to 2030 (including all the projects that had previously been decided on), undoubtedly points in the right direction. At the same time, though, everything new seems to be being put on the on hold, and nothing is happening quickly, from the new multirole combat ship to surface-to-air missile systems and the 100 second-hand Leopard 2s that will need to be modernised before they go into service alongside the 225 battle tanks the Bundeswehr currently has at its disposal. The Leopard 2s are to be available in 2023, but no contracts have been signed yet. There has already been sufficient discussion of the delays to many ongoing procurement programmes that are having such momentous consequences, from the A400M transport aircraft (Air Force) and the NH90 helicopter (Army) to the Type 125 frigates (Navy). It has not even been possible for the new combat clothing to be issued according to plan in the quantities required.

The systematic shortages of personnel and material lamented in the *Annual Report 2015* represented a factor that affected job satisfaction and the attractiveness of the services in 2016 too. The management of scarce resources continues to compromise training, exercises and the confidence with which equipment is used in action. The Bundeswehr of today will have to have the personnel and material it needs as soon as possible if it is to perform its current tasks.

Business as usual and sticking to the rules are no longer helpful in this situation. The Bundeswehr urgently needs an initiative to speed up all the projects it is carrying out to reverse previous trends, including trends in the infrastructure field (where everything always seems to take at least seven years)! Maybe the bureaucratic procedures that accumulated over a quarter of a century of continual cutbacks are no longer appropriate to the world as it is today. New arrangements to speed up the pace of change and possibly even a fresh mentality are the order of the day.

The present report again contains a large number of observations and suggestions relating to everyday life in the services. The higher command's endeavours to tackle recognised shortcomings are overwhelmingly, if not always, to be applauded. Frequently, constructive criticism of problems of the kind that have occurred with the implementation of the Military Personnel Working Hours Ordinance or the provision of assistance to refugees has come from senior military officials themselves. By speaking out, they breathe life into an essential maxim of leadership development and civic education.

I could not have done my work without the collaboration in a spirit of trust I have enjoyed with many enlisted personnel spokespersons in the services (including the General Spokespersons' Committee), staff councils, the Bundeswehr Association, the United Services Trade Union (ver.di), the Armed Forces Reservists Association, other associations and charitable foundations, gender equality commissioners and officers, representatives of disabled employees, the Lutheran Evangelical and Catholic chaplaincies, my Dutch counterpart and, of course, the many individual servicewomen and men who exercised their right to speak frankly as a matter of course on various occasions during my field visits in Germany and abroad.

I wish to thank the Defence Committee and the executive group of the Federal Ministry of Defence for what have at all times been excellent discussions about how to improve the wellbeing of the servicewomen and men in our heavily burdened parliamentary army.

**Dr Hans-Peter Bartels**

### The year under review in brief

2016 was indeed a year of decisions to reverse previous trends. In the fields of materiel, personnel and the budget, the Defence Ministry announced a move away from its course of shrinking the forces. The defence budget will rise by eight per cent in 2017 compared to the previous year. This means first steps in the direction of full personnel and materiel resourcing will be possible. Further steps will have to follow in the years to come.

The finding reached in the *Annual Report 2015* is still true of daily practice in the forces: there is too little of everything. This begins with personnel. For decades the forces' manpower was continually being cut back. Compared to its peak at more than 500,000 active servicewomen and men in 1990, there were just 166,523 career soldiers and temporary-career volunteers, and 9,492 military service volunteers in June 2016. This meant the smallest Bundeswehr of all time was being confronted with a range of tasks that was multifaceted as never before on account of the most various demands placed on it in Germany and abroad. At the end of 2016 the total number of German servicewomen and men who found themselves simultaneously on the 13 mandated deployments abroad was approximately 3,300. In addition to this, there were large numbers of servicewomen and men who were needed for standing operational tasks, quasi-operational commitments and the provision of assistance to refugees, at their height nearly 20,000 personnel altogether.

Not only that, there was discussion of the Bundeswehr participating in counterterrorism operations in Germany. Subject to particular preconditions, the German Basic Law now allows Bundeswehr 'employments in Germany' – but rightly sets high barriers to any use of the forces in this way. Soldiers are not police officers; they are trained for quite different tasks. The Bundeswehr is not there to provide a routine pool of reserve manpower for police forces that have been cut back heavily in the past. On the contrary: The Bundeswehr first of all has to be brought up to strength for its original military tasks so that the structure set out on paper actually exists in the real world.

According to the Federal Ministry of Defence's own calculations, this will require a further 14,300 servicewomen and men over and above the target strength of 185,000 servicewomen and men that has been aspired to up until now.

In order to strengthen Germany's capacity to contribute to collective defence, and fully perform its obligations under European security policy and within

NATO, it will not only be necessary to rapidly expand the Bundeswehr's manpower. Full materiel resourcing will also have to be driven ahead. There are shortages of heavy major end items such as tanks, helicopters and ships, but also munitions and personal equipment for servicewomen and men, from uniforms to night-vision devices and protective clothing. The shortages are making themselves felt everywhere. They are having impacts on training, exercises and the confidence with which equipment is handled in action. The often excessively long amounts of time taken for the repair work carried out in the private sector are part of the problem when it comes to the major end items that are in short supply. More technical skills should therefore be brought back into the forces' own formations again. Furthermore, large and small procurement projects must be sustainably speeded up. For example, planned decommissioning measures mean the Navy only has nine of the 15 large combat vessels that are supposed to be in its fleet today, and minesweepers, tenders and tankers are filling the gaps, its operational capability is in a critical state, to say nothing of the scandalous shortage of operational Navy helicopters (at a time when it theoretically has a total inventory of 43 helicopters).

But it is not only the objective shortages of personnel and materiel themselves that represent a problem, for the laborious business of administering this scarcity is burdening the Bundeswehr additionally as well. Constant dialogue and excesses of communication about projects, personnel and the resources required are taking up enormously large amounts of working time – working time that has ceased to be available in abundance, at the latest since the introduction of the Military Personnel Working Hours Ordinance on 1 January 2016. The Ordinance is certainly to be positively assessed in terms of health protection and the compatibility of service and family life, but numerous uncertainties about the implementation and practical application of the new working time arrangements have led to problems. The priority given to the compensation of overtime by time off in lieu is causing financial losses for not a few servicewomen and men, younger ones in particular. On many occasions, fears were also expressed that constraints would be imposed on the Bundeswehr's performance of its tasks. Substantial improvements to the Military Personnel Working Hours Ordinance that build on the results of the evaluation that has been conducted in the meantime by the Defence Ministry will now have to be set in train very rapidly, especially as some problems could already have been foreseeable before the evaluation.

Cheeringly, there was a noticeably greater commitment than in previous years to the reduction of the enormous backlog of construction and refurbishment work on residential accommodation and functional buildings. Nevertheless, there are still numerous construction defects at military facilities, and the implementation of attractiveness measures is not infrequently delayed. This is also to be attributed to inadequate communication and scheduling. An officer with long-term responsibility who would be able to ‘take charge’ of the infrastructure at every large barracks could remedy matters in this field.

During the year under review, the progress made on the provision of accommodation for servicewomen and men who commute, but are no longer obliged to live in official living quarters was satisfactory. The Bundeswehr is far from meeting the needs of a commuter army. The principle must apply that anyone who does not live on a base should be able to stay in its barracks when she or he wishes to do so. At least an act was finally adopted at the end of the year under which servicewomen and men are able to choose between the reimbursement of relocation expenses and a separation allowance for up to eight years: This is good news for many servicewomen and men, even if the right to choose between relocation expenses and a separation allowance for an unlimited period would be an even better solution.

The reduction of transfers, transfers close to home, the curtailment of terms of service for family reasons, questions relating to the law of separation allowances and alternative employment models (part-time working, teleworking) are still topics that preoccupy servicewomen and men a great deal. This became clear again most recently at a conference on the compatibility of family/private life and service held on 30 November 2016 that, as in the previous year, was organised by the Parliamentary Commissioner for the Armed Forces jointly with the Catholic Military Episcopal Office and the Evangelical Lutheran Church for the Bundeswehr.

Superiors do not always succeed in abiding by the principles of leadership development and civic education. The present report draws attention to individual instances in which this happened. The bureaucratisation of service personnel’s everyday lives is increasingly proving to be a real difficulty. This runs counter to the principle of mission command, while a kind of safety-first mentality is developing. Too often, self-imposed internal Bundeswehr restrictions and routines are adhered to even though they could be modified relatively easily.

It is in this context that the idea of a specific obligatory code of conduct (‘Compliance Management System’) is to be viewed, the final formulation of which the Defence Ministry was working on during the year under review. The Bundeswehr is a parliamentary army governed by the German constitution and statutory acts. All its servicewomen and men are bound by an oath or pledge. Leadership development and civic education, and the citizen in uniform represent recognised models for the Bundeswehr. There is therefore no need for a special code of conduct that goes further than these foundations.

As each year, the present report also deals with the medical care provided for servicewomen and men. In view of the gaps in staffing, the recruitment of suitable personnel for the Bundeswehr hospitals and Medical Service facilities is still a major problem. On a positive note, it is to be remarked that it has been possible to achieve progress as far as the long-standing issue of compensation for radar victims is concerned.

2016 was a special year for sport in the Bundeswehr. 49 female military athletes and 76 male military athletes participated in the Summer Olympics at Rio de Janeiro, making up 28 per cent of all the athletes who represented Germany in Brazil. They won a total of 19 medals. With these successes, the Bundeswehr was able to promote itself even more visibly than in the past and, as with the evidently very successful series of adverts shown on YouTube entitled *The Recruits*, to redouble its efforts to attract personnel.

2016 was dominated by a whole series of decisions that promise improvements. However, excessively long periods of time are clearly being allowed for the implementation of many of these decisions. Servicewomen and men are therefore not yet firmly confident that the measures announced to reverse previous trends will achieve good outcomes.



## 1. More funding for the Bundeswehr

In June of the year under review, the German Federal Government presented its *White Paper on Security Policy and the Future of the Bundeswehr*. It talks of a reversal of trends in the Bundeswehr's financial resources. In fact, defence spending will rise by €2.7bn to €37bn in the 2017 defence budget that was adopted in November 2016. However, forthcoming increases in salaries and pensions will also have to be financed out of this sum. According to the 50th Federal Financial Plan adopted by the German Federal Government in July 2016, the defence budget is to go up by 2020 to what will then be €39bn.

In view of the great challenges the Bundeswehr is facing on all sides, the increase in military expenditure that has been decided on is urgently needed. However, the growth in defence spending planned beyond 2017 is too small to guarantee the personnel and materiel gaps found in the Bundeswehr will be closed. This would require additional funding. At the end of January 2016, the Defence Minister announced an investment programme worth €130bn up until 2030 aimed at ensuring the better, more complete provision of equipment for the forces. This programme alone would have to result in the upper ceiling on armaments investments being raised by €3bn. The Bundeswehr is therefore still some way away from a sustainable 'reversal of budget trends'.

This also becomes clear when defence costs are looked at as a proportion of total German economic output. Their share of gross domestic product (GDP) rose in 2016 according to NATO criteria from 1.16 to 1.18 per cent. At 1.22 per cent for the 2017 financial year, defence spending is now moving in the right direction, as long as it proves possible to stabilise this trend and clearly raise the 2018 defence budget above the figures in the current financial planning. According to the financial plans in place so far, the proportion of defence spending as measured by NATO criteria will fall again to 1.17 per cent of GDP in 2018. On this topic, the Federal Chancellor also referred to our NATO partners' expectations when she spoke during the budget debate in the Bundestag. Nonetheless, it ought to be asked whether the German contribution (two per cent would be more than €60bn today) is to be significantly greater in absolute terms than the contributions made by the French (€40bn; 1.78 per cent of GDP) or the British (€50bn; 2.21 per cent). At any rate, the German defence budget should permit a force strength of about 200,000 fully equipped servicewomen and men to be maintained in future, if allowance is made for the 14,300 posts calculated as necessary to close the gaps in the Bundeswehr's capabilities that will be added to the

previously specified target strength of 185,000. This would definitely require less than half of the proportion of gross domestic product the Federal Republic of Germany dedicated to defence spending during the Cold War. In 1984 military expenditure was running at 3.3 per cent of GDP by NATO criteria.

## 2. Reversal in personnel trends

A reversal in personnel trends was announced in the Federal Minister of Defence's order of the day of 10 May 2016. With this step, the Minister took up one of the central demands made in the last annual report.

The Bundeswehr's **manpower strength** had constantly been shrinking in the previous two and a half decades after the end of the Cold War. In 2016 Germany had the smallest Bundeswehr of all time. Whereas it still numbered more than 500,000 servicewomen and men in December 1990, a series of reforms ('transformation', 'reorientation') subsequently resulted in the maximum target strength being set at 185,000 in 2011. This shrinkage has contrasted with the constant growth in the forces' tasks since 2014 at the latest.

The security environment has continued to change drastically over the last few years. A large number of crises, the continued efforts to combat jihadi terrorism, and new forms of hybrid and cyber warfare are having impacts on Germany as well. The restoration of the capacity to contribute to **collective defence** in Europe and within the Alliance area is coming to have equal weight alongside the concentration of German military capabilities on out-of-area missions (the Balkans, Afghanistan, Africa) that has been pursued as a priority for a long time. In view of this, it was high time to initiate a reversal of previous trends in 2016. In this respect, there is certainly something to be said for not specifying a final figure for the number of additional personnel to be recruited. Officially, the talk is of a 'breathing' body of personnel. At the moment, the forces only seem to be breathing in. The extra flexibility desired for the allocation of personnel to individual areas of assignment, career paths and status categories is evidently sensible, but should not open up new gaps straight away in the short term (example: the creation of the new Cyber and Information Domain Service).

A Personnel Requirements Planning Board modelled on the Armament Projects Board has been newly established. Organisational studies have identified a clear need for additional personnel, both military (14,300 extra posts) and civilian (4,400 extra posts). It is felt to be practicable to recruit about 7,000 servicewomen and men on the military side and fill all the 4,400 budgeted posts on the civilian side. This

growth is to be stretched out over seven years to 2023. The reversal in personnel trends must also entail an ambitious rethinking of personnel policy, which will partly be informed by psychological insights.

While the reversal in personnel trends will rely on an increase in manpower strength over the medium term, the existing structures for 170,000 temporary career volunteers and career soldiers will first of all have to be fully manned. In June 2016 the actual number of service personnel lay at 166,500. This was the lowest it had ever been. It is good that the Defence Ministry has now gone over to primarily basing its thinking about manpower needs on the personnel situation as it really is at the moment.

### Personnel shortages

The Bundeswehr is still suffering from considerable personnel shortages in a range of career paths and assignments. In view of the demographic, economic and labour-market parameters, and the particular requirements the Bundeswehr has to impose on many assignments so it can perform its tasks, there will be no simple solutions for this problem.

Whichever service or major organisational element is looked at, the vacancies are primarily affecting assignment series in all career categories that require particular physical capabilities or specific specialist skills. Such specialist skills are usually sought after on the civilian labour market as well, for example in the information and communications technology industries or the medical professions.

In the **Army**, there are significant vacancies in the administrative service officer career path in the Intelligence, Surveillance and Reconnaissance (ISR) Corps (pay grades A9 to A12 – target: 440; actual strength: 227; proportion of posts filled: 52 per cent), electronic warfare (target: 171; actual strength: 135; proportion of posts filled: 79 per cent) and the Flying Branch (target: 113; actual strength: 47; proportion of posts filled: 42 per cent). By contrast, the situation in the officer career paths in the Air Force, Navy and Medical Service is rather less strained.

Quite significant, in some respects worrying, personnel shortages are to be noted in the Army in the (senior and junior) non-commissioned officer career categories. Several training and assignment series are particularly affected: command support staff, information and telecommunications technology staff sergeant, light reconnaissance forces, joint tactical fire support, mountain infantry, transshipment/transport, catering and electronics. The proportion of posts filled in these training and assignment series ranges between 40 and 74 per cent. This is partly due to the fact that new training and assignment series have been created

and still have to be built up. But the gaps are hurting right now.

In the **Air Force**, there are particular personnel shortages in the non-commissioned officers career category, specifically in the following training and assignment series: IT staff sergeant (target: 1,021; actual strength: 603; proportion of posts filled: 59 per cent), flight engineer staff sergeant (target: 147; actual strength: 93; proportion of posts filled: 63 per cent), aircraft avionics (target: 125; actual strength: 81; proportion of posts filled: 65 per cent) and programming personnel (target: 135; actual strength: 98; proportion of posts filled: 73 per cent). In view of its situation competing against the civilian labour market, it is particularly difficult for the Bundeswehr to fill the additional posts that have been created for IT staff sergeants.

In the **Navy**, there are considerable levels of undermanning among the clearance divers (target: 120; actual strength: 66; proportion of posts filled: 55 per cent), combat swimmers (target: 93; actual strength: 55; proportion of posts filled: 59 per cent), electrical engineers (junior non-commissioned officers: target: 237; actual strength: 160; proportion of posts filled: 67 per cent; senior non-commissioned officers: target: 187; actual strength: 146; proportion of posts filled: 78 per cent) and Navy electronic technicians (junior non-commissioned officers: target: 269; actual strength: 111; proportion of posts filled: 41 per cent; senior non-commissioned officers: target: 340; actual strength: 251; proportion of posts filled: 74 per cent). The undermanning in the Navy is explained by, among other things, the levels of physical fitness and advanced technical skills that are demanded, which not every member of the services is able to offer. In addition to this, the Bundeswehr is also competing against the civilian labour market in these fields.

The proportion of junior non-commissioned officer posts filled in the electronic warfare **central speciality and assignment series** is just 45 per cent (target: 352; actual strength: 159). Here, the long amount of time taken to process security clearance checks (Ü 3), high operational workloads, unattractive locations and demanding training courses are regarded as additional causes for the personnel gaps.

Proportions of posts filled lower than 75 per cent are found in the **Bundeswehr Central Medical Service** among dental auxiliary staff (target: 215; actual strength: 112; proportion of posts filled: 52 per cent), outpatient care auxiliary staff (target: 658; actual strength: 409; proportion of posts filled: 62 per cent), medical care assistants (target: 310; actual strength: 203; proportion of posts filled: 65 per cent) and

ambulance service assistants (target: 1,067; actual strength: 797; proportion of posts filled: 75 per cent).

The figures make it clear what kind of growth the Bundeswehr will have to achieve over the next few years. In some undermanned assignments, the situation is still dramatic in view of the burden of operations: In these areas, there are still distinct deviations from the 4/20 deployment planning and implementation system, under which the aspiration is to plan for four months of deployment followed by 20 months of service in Germany.

For example, the doorgunners on the CH-53 helicopter weapon system were particularly affected during the year under review. It has been calculated that their average **operational workload** was about 41 weeks over two years. Today similar operational workloads are already foreseeable during 2017. The Air Force has announced an increase from the current 50 to 80 posts, which is to take effect as early as 2017. However, given that the training to become a CH-53 doorgunner lasts about 18 months, a noticeable reduction in the burden on this body of personnel cannot be achieved in the short term.

The Navy too was subjected to significant pressures during the year under review. This was the case in the previous years and is likely to be so again in 2017. Despite the enormous dedication shown by its servicewomen and men, many are working beyond the limit. Among other things, Navy personnel are contributing to anti-people smuggling and refugee search-and-rescue operations, and the efforts to clamp down on weapons smuggling off the coast of Libya (EUNAVFOR MED Sophia and NATO Sea Guardian), operations in the Aegean (Standing NATO Maritime Group 2), the EU's Atalanta anti-piracy operation, UNIFIL off the coast of Lebanon and other NATO standing maritime groups.

In addition to this, it has been necessary to carry on conducting normal exercises and predeployment training operations. All this is happening against the background of a strained materiel situation. At a time when there is a rising burden of deployments, the number of units is simultaneously shrinking in accordance with the plans that have been made. The Navy's staffing has been too thin for years. On average, approximately 18 per cent of all Bundeswehr servicewomen and men who found themselves on mandated deployments in 2016 belonged to the Navy, and at peak times the figure was even higher than 25 per cent. And this was the case even though the Navy only employs approximately ten per cent of the servicewomen and men in the whole Bundeswehr. Instead of serving 180 days at sea a year (target), servicewomen and men are being burdened with 190

to 250, in some cases as many as **280 days at sea a year**. Furthermore, as has been mentioned, more than half the posts are not occupied in some Navy assignment series. The personnel who are there consequently have to fill in for these vacancies as floaters who move between several units, which further increases the strain they are under. It is of existential importance today for the Bundeswehr to rapidly recruit further personnel or retain those who are already serving for longer. No matter how much understanding one may have for the complex training that has to be delivered and the time required to implement the structural adjustments envisaged as part of the reversal in personnel trends, the permanent overstretch in the areas that have been discussed is not compatible with the principles of leadership development and civic education.

As described in the last few annual reports, the personnel in the **Army's helicopter forces** have been having to deal with numerous problems due to the transfer of capabilities between the Army and the Air Force. The first to be affected were 'personnel common to all arms and areas', most of whom were not taken on by the Air Force and therefore had to be assigned to different tasks at other Army bases. However, flying personnel too found themselves confronted with a situation in which there was not a place in the new structure for every pilot. The implication of this for some of the pilots was their release from duty, that is their removal from their flying assignments, which understandably affected many of them severely. Of the original 900 posts, only 450 will ultimately still exist. With the conclusion of the restructuring of Army aviation announced for 31 December 2016, every pilot should now finally have clarity about whether he has been able to obtain one of the posts still remaining on the new NH90, Tiger and EC135 weapon systems, and will therefore be able to carry on flying. The attention paid to the affected service personnel in the Army must not obscure the fact that the **Air Force** too is still feeling the impacts of the transfer of helicopter capabilities today. For instance, when the decision was taken to transfer tactical air transport tasks with medium transport helicopters from the Army to the Air Force as part of the reorientation of the Bundeswehr, there ceased to be any need for the Army to keep regenerating its personnel in the flight engineering staff sergeant posts for the CH-53. At this time, however, the Air Force lacked the force management system data for the new structure. During this transitional period, there was no guidance on how many personnel would be required in future. The failure to recruit personnel at that time is having an impact now in the shape of increasing vacancies. Even

if a post has been established, it remains of no value without a servicewoman or man to fill it. However, there is more to filling such posts than making new appointments because a flight engineering staff sergeant needs approximately five years to be fully trained. This means the Air Force too is confronted with the challenge faced by the whole Bundeswehr of finding suitable personnel, training them and keeping them combat ready. This is not an easy task against the background of a long-term shortfall of approximately 35 per cent just among the flight engineers. In this respect, it is to be taken into consideration that the CH-53 formations have been constantly reduced since the mid-1990s – most recently to a single squadron –, without their operational commitments becoming any less onerous.

In addition to this, the situation is critical in other parts of the formation as well: For instance, **combat search-and-rescue personnel** are trained for rescue operations in mission areas. These are staff sergeants with an enhanced infantry training and equipment who belong to the Air Force and, in an emergency, have to rescue crews that have been shot down. Since there have not been many of these particularly highly trained servicewomen and men until recently, posts are vacant and some personnel are absent, the operational workload on the available service personnel has been enormously heavy hitherto at eight months a year. Not only that, further absences are now to be feared precisely on account of this overstretch. There is a need for joined-up thinking across all the individual services, at least for a transitional phase. For example, it should be made possible to reduce the burden on this group with its special functions by bringing in troops from the airborne infantry.

The motivation of Air Force **doorgunners** was boosted by their categorisation as permanent members of aircraft crews and the allowance this brought with it. However, their motivation could rapidly decline again because – as has been explained – sustainability is also limited in this area on account of personnel shortages and the lack of posts.

The materiel difficulties with the Air Force helicopters are exacerbating the personnel situation. For instance, there is in particular a shortage of the helicopters needed to train personnel. For a while during the year under review, 22 CH-53 helicopters, in other words one third of the whole fleet, spent considerably longer than envisaged with a contracted company for servicing and repair. For its part, this company was experiencing personnel bottlenecks.

There were also remarkable training problems faced by the personnel on the **Combat Support Ship Bonn**. For instance, it had still not been possible to complete

the retraining of the servicewomen and men of Flotilla 2 under the new gunnery training concept as foreseen by the end of 2014. At the end of 2016 just 86 per cent of the crewmembers had been trained. The retraining of the remaining personnel is now not due to be concluded until the end of 2018. According to Navy Headquarters, neither sufficient training staff nor the infrastructure required for the personnel in Flotilla 2 to be retrained have been available to date.

There was no change to the undermanning of the **Bundeswehr fire brigades**, which is putting pressure on military flight operations and at times resulting in their cancellation. In individual cases, the absence due to sickness of just two fire fighters on one shift was enough to cause such disruption. A study by the Major Organisational Element of Infrastructure, Environmental Protection and Services conducted during the year under review found a need for 601 additional posts. It was suggested in the last annual report that, until the Bundeswehr fire brigades are fully staffed, servicewomen and men of the squadron or regiment at a base who serve in a volunteer fire brigade in their spare time should be called upon occasionally to help out, where necessary following appropriate additional training. The argument put forward by the Federal Ministry of Defence that the effort of coordination involved in integrating such personnel would be too great and would outweigh any benefits is not persuasive. High levels of personnel vacancies have been affecting the Bundeswehr fire brigades for years now. There is evidently no sign of improvement, certainly not with any rapidity. The consequences for flight operations, and therefore for training and exercises, are significant. In so far as this is the case, it appears rather disproportionate to refuse to train suitable servicewomen and men so as to be able to deploy them in a pool of floaters when ‘every pair of hands is needed’.

### **The Bundeswehr is getting older**

Following the suspension of compulsory military service, the Bundeswehr must also come to terms with the fact that ever more comparatively older personnel are serving in the armed forces. The Bundeswehr as a whole is rapidly getting older at the moment. This is true in particular of career soldiers, junior ranks and NCO specialists with the service status of temporary career volunteers. The ageing of the forces has been most noticeable in these two latter groups, in which the average age has gone up by approximately two years within half a decade.

This is partly due to the alarming personnel situation. In future, one of the main areas of attention for personnel management in the Bundeswehr will have

to be ensuring a functionally sensible generational mix. The Bundeswehr needs professional specialists with good, lengthy training, people with experience who are capable of taking on responsibility, but also the rotation of a large number of younger people who are in the forces as temporary career volunteers. If it is to be possible for the growing number of older, experienced servicewomen and men to be deployed meaningfully in roles that use their skills, the structure of careers in the forces should be adjusted. One catchphrase from the civilian sector of our society is age-appropriate work. In order to attract and retain motivated, competent personnel for the Bundeswehr, it will also be necessary to rethink health suitability testing. For instance, it should be reviewed whether particular treatable conditions such as diabetes should actually be criteria for the rejection of recruits on grounds of physical fitness.

### Personnel recruitment

With the reversal of personnel trends in 2016, the demands made of the Bundeswehr's recruitment organisation have become tougher yet again. In 2015 a growth in the number of recruits assigned of six per cent in total could be achieved, which was improved upon by two per cent once again in 2016. However, these certainly cheering figures reveal nothing about the internal demography within the Bundeswehr, the quality of the personnel who fill posts and how the immense shortage of skilled specialists described above, which is still being experienced, is to be compensated for. The numbers of personnel assigned to the officer and administrative staff sergeant career paths each year up until now are to be increased by about 300, while the numbers assigned to the career path for temporary-career junior ranks are to go up by about 400.

Successful personnel recruitment is predicated on, among other things, effective work being done by the **careers centres and careers information offices**. Unfortunately, a not insignificant number of petitions suggests that there is still a need for improvements here with regard to flexibility, applicant-friendliness and the successful provision of advice. The number of those who do not feel they have been well advised is too high. This is also shown by enquiries made during field visits when assignments and reassignments are discussed. Too often, the impression is given that it will be easy to change assignment or career path at a later date. As a result, false expectations are awakened and young people who have been recruited end up being disappointed. Constant oversight, assessment and optimisation of the work carried out at the careers centres and careers advice offices are therefore necessary.

Pleasingly, the Defence Ministry has not implemented the originally planned reduction in the number of careers centres that are able to carry out assessments. Consequently, it will continue to be possible for recruits to be assessed at the centres in Erfurt, Wilhelmshaven and Stuttgart. Concern is prompted by the fact that the plan to build up additional advice centre capacities throughout Germany, and so reinforce recruitment and careers advice has still not been implemented. In order to be able to ensure quality standards and therefore the success of the careers advice provided, the findings reached by the Federal Office of Bundeswehr Personnel Management in its recent evaluation will have to be acted on as soon as possible. Since the evaluation was only carried out internally within the Office, a study of applicants' experience with greater scope would be desirable. Prompt implementation will mean, among other things, the 60 new posts planned in careers advice actually being filled as a priority. Furthermore, the establishment of the additional communication centre that is planned, which will have to be contactable round the clock, is to be swiftly driven ahead.

The *White Paper on Security Policy and the Future of the Bundeswehr* states, among other things, that the Bundeswehr will benefit from greater diversity of experience and qualifications, and sees **diversity as an opportunity**. With the addition of diversity and inclusion to the remit of the Equal Opportunities Staff Element, the Federal Ministry of Defence sent out a signal about the significance of this topic in the Bundeswehr. The associated objective of developing and implementing modern diversity management in the armed forces is right. As it competes for the sharpest minds and skilled hands, the Bundeswehr must be an attractive employer for all groups in our society: women and men of various generations, from different social backgrounds, with different life models, different sexual orientations and identities, of different cultures and religions. The growth in the proportion of women in the Bundeswehr is constant but too slow. There is still a great need for improvement here (see section 6, 'Women in the Bundeswehr').

According to a survey carried out by the Applied Military Psychology Branch at the Armed Forces Office and published on 10 December 2015, the proportion of **people with migrant backgrounds** in the Bundeswehr is 14.5 per cent. The highest proportion of servicewomen and men with migrant backgrounds, 26 per cent, is found in the 'ordinary service' junior ranks career path. The figure is 14 per cent in the 'intermediate service', ten per cent in the 'higher intermediate service' and a good seven per

cent in the 'higher service'. The higher the rank, the lower the proportion of servicewomen and men with migrant backgrounds. There is a need for further efforts to recruit people with migrant backgrounds for all career paths.

The establishment of the Central Point of Contact for Servicemembers of Other Faiths (ZASaG) at the Leadership Development and Civic Education Centre is a good decision. The Point of Contact is intended for servicewomen and men who do not wish to make use of the provision offered by the Evangelical Lutheran and Catholic chaplaincies.

The Bundeswehr has recognisably embarked on a pathway that will allow the diversity of capabilities and competences in German society to be used comprehensively by the armed forces. However, much still remains to be done. There are still barriers, rules and regulations that are obstructing the integration of all the capabilities urgently needed in the Bundeswehr. These barriers, rules and regulations must be identified and removed.

The Bundeswehr will not be able to cope with its personnel problems without a **flexibilisation of service statuses**. Creating greater incentives for lateral entrants and reemployed personnel with allowances, bonuses and higher ranks is one possible way of building up manpower successfully. In this respect, it remains just as important a task to continue to retain existing personnel in the Bundeswehr. Statutory instruments are already available for this purpose today – such as the payment of personal retention allowances to career soldiers in undermanned assignments. However, even though the requisite financial resources have already been allocated for them, these measures alone are unlikely to be sufficient. This is why it is necessary to think about new avenues that have been limited until now by the current law governing career paths and service personnel.

Today the Bundeswehr is both an Alliance army focussed on collective defence and an army geared towards operations abroad. All its elements are more specialised than ever before. Service in the Bundeswehr nowadays is less comparable than ever with the work done by civil servants in administrative roles. This is why there is a need for dedicated legislation that makes servicewomen and men's service statuses more flexible. The opportunities for those who wish to further develop themselves within the Bundeswehr must be improved in order to prevent high achievers from being lost to the private sector. Thought is to be given to advancement from one career group to another without prior examination and the recognition of non-formal qualifications.

Personnel recruitment for the new Cyber and Information Domain Service also demands that the authorities think open-mindedly about specialist career paths untrammelled by the current rigid provisions.

One option for personnel retention is to proactively approach suitable servicewomen and men in order to persuade them to **reenlist**. Here, the personnel management and superiors on the ground must work in an even more targeted fashion to promote the attractive opportunities on offer and the advantages of personnel extending their terms of service. These personnel managers and superiors will also potentially have to be given the scope to take their own decisions about these matters. In view of the demand for personnel, the number of petitions that sometimes express a complete lack of understanding about, and bitterness at, the fact that a servicewoman or man's request to extend her or his term of service has not been approved is amazingly high. In only a minority of these cases did the reasons for the rejection of such a request relate to the applicant's personal attributes, for instance their only limited fitness for duty, or inflexibility about their duty location or assignment. Rather, most rejections were justified by a lack of demand and the absence of opportunities for them to be assigned, for instance because the individual's post had already been reallocated or filled with a replacement, and no other possible assignment could be found. In not a few cases, however, negligence in the processing of applications was also the reason why reenlistment was not approved. Careful, flexible handling of applications for the extension of terms of service is the precondition for successful personnel retention. The Bundeswehr must take action on its own initiative, seek solutions and offer them to servicewomen and men. Young servicewomen and men, especially, are often unfamiliar with personnel management processes, and need help from the staff who deal with personnel matters and are responsible for assignments.

With the consent of their parents, **minors**, that is young people aged 17, are already able to begin training with the Bundeswehr. They are appointed after being given intensive advice and undergoing a psychological suitability test. Young people under the age of 18 are not permitted to participate in deployments abroad, guard duties or comparable activities. The handling of weapons is limited to training purposes. According to the Federal Ministry of Defence, there were 681 servicewomen and men in the Bundeswehr who had not yet reached their 18th birthday on 31 December 2016. In total, 1,946 recruits were assigned during the year under review who would still be minors at the time of their envisaged

start of duty. Following the suspension of compulsory military service, the number of minors assigned rose continually during the years from 2011 (689 recruitments) to 2016. In 2004 Germany signed the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict. Not only that, in 2011/12 it held the chair of the Working Group on Children and Armed Conflict. Like a number of other states too, the Federal Republic of Germany makes use of the possible exemption provided for in the Optional Protocol to recruit minor service personnel. It does not appear particularly easy to reconcile with Germany's commitment to the observation of its obligations under international law in relation to the protection of children and minors if the exceptional recruitment of minors is becoming the norm and the figures indicate it is a rising trend. Interested 17-year-olds who have demonstrated their physical and psychological suitability in the relevant testing procedures should not be refused the chance to join the Bundeswehr from the outset. However, the recruitment of minors should not become more common, but remain the exception.

**Advertising** is one way of communicating with potential personnel. Here, the Bundeswehr should emphasise the special and unique aspects of military careers, as well as the extremely large number of very different fields of work the Bundeswehr has to offer. Promotional activities such as open days, Bundeswehr Days, events as part of affiliation schemes between agencies and communities, and summer camps for applicants offered by careers centres enjoy great popularity. They are not infrequently the annual highpoint of local partnerships between the civilian population and the Bundeswehr. It is all the more regrettable and quite counterproductive when accidents are to be reported from such events.

- *For instance, a tragic accident that left one person severely injured occurred at a summer camp for applicants run by a careers centre at the Baumholder Training Area. While climbing, an applicant fell from a height of six metres because both the belayers, who were also applicants, reacted incorrectly and did not perform their belaying role. The report from the competent military police team comes to the conclusion that no breaches of duty were committed and it has to be assumed human failure led to the accident. This may be correct in formal terms. However, even though it might be regarded as instructive to give the belaying role to two young, inexperienced applicants for the team building activity as which this was presented, the idea ought to have taken second place to the requirements of safety.*

*Positively delivered image work is transformed into its exact opposite by incidents of this kind.*

- *Another serious accident occurred at a Bundeswehr Day event that was held as part of a local council's holiday programme for children. A Wolf light infantry vehicle turned over on one of the off-road trips in Bundeswehr vehicles included in the programme for children and young people. According to a military police incident report, three children aged between seven and 13 suffered injuries, some of them serious. This is tragic and completely incomprehensible in view of the fact that, pursuant to paragraph 4077 of Type A General Publication 600/1, 'Information Work', 'Minors younger than 12 are forbidden without exception from riding in vehicles.' The whole activity should not have been allowed to go ahead, from the giving of the order to its inclusion in the official programme and the running of the rides.*

These incidents, which are certainly isolated occurrences, nonetheless deserve to be paid attention. They show that safety precautions are to be adhered to and, in addition to this, have to be constantly interrogated.

## Promotions

As in the past few years, there were numerous servicewomen and men who complained about their promotion situation in 2016. The available established posts are usually insufficient in order to promote all servicewomen and men as soon as they have the requisite qualifications. This understandably leads to dissatisfaction. **Promotion waiting lists** are drawn up for each monthly promotion date, partly on the basis of the individuals' most recent regular appraisals, their previous appraisals and the length of their special foreign assignments or comparable deployments. The additional criterion of theatre days is factored in with one point for every 30 theatre days, although these points expire upon the next promotion.

As a matter of principle, servicewomen and men who are due for promotion to a particular rank can only be promoted if they hold a place on the promotion waiting list that corresponds to the number of established posts available at the relevant pay grade. In this respect, no one has the right to hold on to a particular place in the ranking. Younger, but higher-performing servicewomen and men who have been in post for the minimum periods to qualify for promotion for the first time and have a bigger total points score than servicewomen and men who have served longer or are older may be placed ahead of these older or longer-serving comrades on the promotion waiting list. This problem was very recently exacerbated once again by the repeal of the Rotation Directive required

following a decision handed down by Cologne Administrative Court in 2014. This means that long waiting times occur in various areas and not infrequently can last for several years.

The available established posts are far from sufficient, in particular when it comes to promotion from staff sergeant to sergeant 1st class, with the consequence that **waiting times of several years** are common. There is also a backlog for promotion from sergeant 1st class to master sergeant. The problematic situation with regard to promotion to the highest non-commissioned rank of sergeant major is illustrated in an exemplary fashion in the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services. There are 540 posts in all for senior non-commissioned officers in the Federal Office. Of these posts, however, only 22 (four per cent) are reserved for the highest non-commissioned rank, sergeant major. There are therefore big question marks over the approach to career planning for this career category in the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services. This is ultimately resulting in senior non-commissioned officers in post looking for alternatives within the Bundeswehr after a certain period, which is making the long-term retention of personnel with specific knowledge in the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services significantly more difficult.

Officers too are not being spared lengthy waiting times. For instance, in the absence of sufficient established posts, there are backlogs of captains who are due to be assigned to pay grade A 12 and promoted to major.

The following example underlines the problem of the promotion backlog:

- *On several occasions staff sergeants felt discriminated against with respect to promotion to sergeant 1st class because they had stated they did not wish to apply to be accepted into the service status of a career soldier. Their appraisals had then turned out to be less favourable because, on account of the quota scheme, the better ratings had been given to those who wished to make applications to become career soldiers. Their poorer appraisals ultimately had the consequence that these staff sergeants were not promoted. This resulted in financial losses: firstly because they did not reach the higher rank; secondly because their transition allowances after they left the Bundeswehr were based on their lower rank. Although the discrimination described could not be proven, it appears to be possible.*

Servicewomen and men who had broken off their studies complained that they had not been promoted

to lieutenant. For various reasons, approximately 30 per cent of the students in a university cohort do not gain a degree. Usually, the term of service set on an interim basis for **higher education dropouts** is not their full term of enlistment, and the servicewoman or man is not assigned to an established post until she or he leaves the services, but a non-established post. No appraisals are carried out, and promotion is therefore not possible. Only when they switch to the non-graduate officer career path and their term of service is set at their full term of enlistment does it become possible for them to be promoted to lieutenant. Hitherto, higher-education dropouts have, in principle, been able to stay in the services if they reenlist, but this has been an exception that might be authorised depending on need. Pleasingly, the Federal Office of Bundeswehr Personnel Management has promised to examine new prospects for higher-education dropouts to stay in the Bundeswehr, combined with the possibility of further promotions. The aim must be to make the most of the potential higher-education dropouts certainly have for the Bundeswehr.

Since 1 January 2016, a **joint promotion waiting list** has been drawn up for all the individual services so that promotions are awarded in line with uniform standards. In consequence, fundamentally greater satisfaction prevails among candidates for promotion, even though, in not a few cases, the previous practice of drawing up separate promotion waiting lists in the different individual services would have resulted in an earlier promotion. With effect from 1 October 2016 the successful conclusion of particular training phases has no longer been a compulsory precondition for **promotion** to senior officer cadet in the Air Force either. The discrimination against members of the Air Force compared to those of the other individual services was remedied when this change was made.

Later retirement dates for career soldiers agreed on a voluntary basis and the **extension of temporary career volunteers' terms of service** are also to be elements in the reversal of personnel trends. However, later retirement dates may put pressure on the promotion and assignment situation, which is problematic in any case in some areas with long promotion waiting lists and waiting times. This is certainly not motivating for those comrades who face additional waiting times as a result and are therefore promoted at later dates than originally planned. Here, changes are to be made to the number of opportunities for promotion.

Servicewomen and men complained on several occasions that they felt discriminated against compared to **'lateral entrants'** or people from other vocational backgrounds who were appointed at higher ranks on account of the qualifications they had gained in their civilian careers. As a consequence of this, it



was possible for such lateral entrants to be promoted more rapidly to a higher rank than servicewomen and men who had been appointed at the lowest junior rank, and gained their qualifications within the Bundeswehr. The Federal Ministry of Defence admitted that, in individual cases, people from other vocational backgrounds require less time than servicewomen and men who have received their training in the Bundeswehr until they attain the level of a master craftsperson in a civilian trade. However, this is accepted by the Ministry in order to recruit high-performing applicants. Career advancement opportunities should therefore be created now for high-performing servicewomen and men. This would be beneficial to the Bundeswehr's attractiveness and the satisfaction of its existing personnel.

### Appraisal system

Appraisal systems always have a 'natural tendency' to grade inflation. Appraisals are not infrequently drawn up with the intention of helping the appraisee to be accepted as a career soldier on a particular career path or for a promotion. By way of example, this development will be clarified with the following case:

- *Following the repeal of the Rotation Directive, special appraisals were required to select servicewomen and men for promotion to captain, which involved drawing up a waiting list for selection by merit. As the outcome when one petitioner's submission was examined, it was found that the 27 special appraisals submitted to the Federal Office of Bundeswehr Personnel Management had an extremely high average rating of 8.85 (maximum rating: 9.00). The special appraisal conducted for the petitioner also gave him a high performance rating at 8.50, but the weakest rating in the group with which he was compared. He therefore did not come into question for a promotion.*

When this kind of approach is taken, it is not only servicewomen and men's motivation that is left by the wayside, but also compliance with the compulsory requirements that have to be part of appraisal systems, which means making a selection by merit that limits the number of top ratings that can be given and doing this on the basis of predetermined quotas, no matter how hard that may be.

As discussed previously in the *Annual Report 2015*, the appraisal system applied in the Bundeswehr in 2016 and presumably in future too reached the limits of its practicality and functionality long ago. This has been recognised in the meantime by the Defence Ministry, where efforts are being made to develop a **new appraisal system**. In the work on this issue, account is to be taken above all of the narrow

restrictions prescribed by the case law on how servicewomen and men's appraisals are to be organised, and therefore how the appraisal regulations may be formulated. The Ministry has now set up a working group that brings together all the responsible ministerial authorities and affected major organisational elements in order to develop proposals for the further development of the appraisal regulations. In particular, the legally secure application of the benchmarks, the holistic assessment of aptitude, qualifications and performance, the organisational processes and timelines during the drafting of appraisals, and the possible separation of the performance rating from the prognostic part of the appraisal (career forecast) must be reviewed.

The further thinking about the introduction of an appraisal system that would be both practical and legally secure in equal measure should be brought swiftly to a conclusion. In this respect, it is to be taken into account at an early stage that the establishment of the reformed appraisal system will be completely dependent on the implementation of changes to the personnel management system. Significant resources and priority-setting will foreseeably be necessary here in order to achieve its implementation as rapidly as possible. At present there are doubts as to whether the work on this issue is being pursued energetically enough. Moreover, on the basis of the further development of the appraisal system, greater harmonisation with the civilian appraisal system is to be demanded in order to ensure the systems are comparable and, building on this, there is greater flexibility when appointments are made to positions that are to be occupied by military and civilian personnel alternately.

### Security clearance checks

During the year under review the number of security clearance checks to be conducted in the Bundeswehr stayed at a high level (approx. 51,000). If a servicewoman or man is to be assigned to a sensitive area, a security clearance check has to be carried out by the competent agency, the Military Counterintelligence Service (MAD), before she or he takes up her or his work. It is usually only once the clearance check has had a positive outcome that the servicewoman or man is appointed to the post in question. As in previous years, the **amount of time taken for the clearance checks** by the Military Counterintelligence Service and the subsequent decision by the Security Officer at the Armed Forces Office was criticised in numerous petitions. Not infrequently, clearance checks take a year or more. There are delays to the appointment of personnel to posts, as well as servicewomen and men's training

because it often only begins once the security clearance check has been concluded positively. This has the consequence that promotions are held up and personnel suffer disadvantages in their career paths. Appraisals are drawn up later, and their chances of being accepted into the service status of a career soldier diminish with the years. Furthermore, the work of the servicewomen and men who have still not been conclusively cleared has to be covered and dealt with by others. These deficiencies have been known about for years.

The cause is that 22 per cent of the security clearance checking posts at the Military Counterintelligence Service were vacant during the year under review. Since January 2016 attempts have been made to reduce the number of existing posts that are vacant: For example, prior to their deployment to their actual posts, newly appointed Military Counterintelligence Service personnel are deployed for three months to reinforce the section that deals with security clearance checks. This is a commendable experiment, but remains no more than improvisation, for a significant proportion of these three months is spent learning how to do the job. Incentives will have to be created in order to fill the vacant posts permanently.

In 2016 too there were repeatedly problems with the security clearance checking of service personnel **born outside** Germany.

• *In one case, the Parliamentary Commissioner for the Armed Forces was contacted by a serviceman born in Kosovo who had lived in Germany since the age of two, and held both German and Serbian citizenship. The serviceman had been told by the Military Counterintelligence Service that he was a security risk because he regularly went to visit his grandparents, who were still living in Kosovo. He would be able to dispel this suspicion by not making any visits there in future. If he signed a declaration that he would not be travelling to Kosovo, there would no longer be any obstacles to the issue of the security clearance notice. This demand is unacceptable. The petitioner is being discriminated against due to his origins, and the protection of family life is being undermined.*

As of 1 July 2017 every applicant is now to be checked once she or he has received authorisation for her or his appointment at the level of Ü 1 security clearance at least. As a result, **extremists** are to be identified in advance and kept out of the Bundeswehr. In addition to this, servicewomen and men who have passed the level Ü 1 security clearance check could already be assigned provisionally to a post that requires Ü 2 security clearance. They would then also be able to begin their training earlier. However, as has

been discussed, the number of personnel available in the Military Counterintelligence Service is not enough now to complete all security clearance checks in good time. Despite additional established posts, the new arrangements will exacerbate these problems even more, because it will not be possible to remedy the personnel shortage in the short term. Against this background, apart from their implementation by the Service's personnel, a simplification of the procedures is also planned. For instance, organisational measures are envisaged so that internal processes can be speeded up and the work dealt with in good time. Cooperation with the Security Officer at the Armed Forces Office is also to be simplified in particular areas. This is to be welcomed. Irrespective of organisational measures, the number of posts in the Military Counterintelligence Service must be adjusted to take account of the amount of work to be dealt with.

### Retirement

Hitherto, the retirement of career soldiers who have reached their particular age limit or the general age limit has been ordered at the end of the month after the relevant limit is passed. As of 31 March 2017 there will only be two **central retirement dates** during the year, 31 March and 30 September, which is to ensure greater predictability and reliability. This new arrangement is part of the Attractiveness Agenda. However, the planned reforms will also have disadvantages over the medium term. Many career soldiers will have to stay in their service status for between three and five months longer as a result of this arrangement.

The individuals affected will not find it very attractive if their life plans are interfered with to their disadvantage in this way. Certainly, this criticism is understandable in cases where servicewomen and men have already received notice of their intended retirement and, trusting in this, have made concrete plans, for example to start working in a civilian occupation. Nor is this altered by the fact that the servicewomen and men who will be affected are aware such a notification has no binding legal force. In addition to this, the impression is being created that from the beginning the Bundeswehr accepted and approved of the fact that the new Attractiveness Agenda arrangements would be detrimental to the valid interests of long-serving servicewomen and men who were not far from their retirement. Pleasingly, however, the Federal Ministry of Defence and the Federal Office of Bundeswehr Personnel Management have shown themselves to be open to permitting exceptions from the postponed retirement date in individual cases and adhering to the original dates in

which the individuals affected had been trusting. In individual cases, the matter should essentially be weighed up in accordance with the principle of proportionality if affected personnel have already taken serious decisions that were dependent on the announced retirement date.

It was specified in the Act to Increase the Attractiveness of Service in the Federal Armed Forces that the reduction to an individual's pension caused as a result of the **adjustment of pension rights** on account of a divorce first takes effect when she or he reaches the special age limit in place for police officers employed by the German Federation (at present, 60 years and nine months). This has led to an improvement for career soldiers when pension rights are adjusted following divorce. The disadvantages specific to service personnel on account of the special age limits for retirement that have applied to date are now being balanced out. However, numerous former career soldiers have criticised this new arrangement. They feel unequally treated because the improved adjustment of pension rights does not apply for 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. A petition submitted by several affected individuals to the Petitions Committee of the German Bundestag, with which they wished to bring about an amendment to the legislation, remained unsuccessful. An amendment of the Military Pensions Act of the kind previously demanded in the *Annual Report 2014* is still worth striving for in the interests of the affected individuals.

The number of petitions from pensioners about the delayed **processing of applications for assistance and allowances** rose noticeably in the second six months of 2016. Not infrequently, the standard processing time of 15 working days was exceeded by as much as two months or more. According to the Federal Ministry of Finance, which is responsible for these matters, the delays were caused by training courses that had still not been concluded, and technical problems connected with the introduction of a new assistance and allowances accounting system.

### **Civilian initial and follow-on occupational training**

Civilian initial and follow-on occupational training for servicewomen and men is part of the specialist military training in a large number of assignments. What is offered depends on the level of training individuals have completed when they join the Bundeswehr, operational requirements and the individual's term of enlistment. As a matter of

principle, every temporary-career volunteer who serves for a longer period and joined the armed forces with a vocational qualification is given the opportunity to improve her or his qualifications during her or his term of service. Anyone who joined without a vocational qualification is able to attend training that can be used in civilian occupations.

The Bundeswehr's civilian initial and follow-on occupational training has the aim of improving non-commissioned officers and staff sergeants' performance of their missions and effectiveness in their posts. In addition to this, it is intended to help enhance the attractiveness of service in the armed forces. In conjunction with the exercise of the entitlement to vocational advancement, it is supposed to create favourable preconditions for integration into civilian working life after individuals have ended their term of military service, as well as enabling them to gain state-recognised vocational qualifications and other higher qualifications wherever this is meaningful and possible.

Unlike Bundeswehr vocational advancement service, which primarily serves servicewomen and men's personal interests, and contrary to the – in this respect – somewhat confusing emphasis on civilian occupations in its title, civilian initial and follow-on occupational training is first and foremost a specialist military matter. Highlighting this and also communicating it more clearly to servicewomen and men appears necessary because some petitions revealed servicewomen and men to have inaccurate ideas and expectations.

Civilian initial and follow-on occupational training is delivered over a shortened training period of 21 months by **civilian training providers** on the basis of an agreement with the Association of German Chambers of Commerce and Industry and the German Confederation of Skilled Crafts. It has an enhanced theoretical element compared to purely civilian occupational training, while the practical components are significantly slimmed down because the further training personnel receive in post is strongly practically oriented in any case. Merely in individual cases were criticisms made of the quality of the teaching and materials, the content covered, the organisation of the courses and the extremely high failure rates. It was possible for the deficiencies criticised in these respects to be remedied, and some lecturers were also replaced. These are not structural, systematic problems. Due to the necessity for these services to be put out to public tender, however, it may certainly happen that new training providers without experience in this field are awarded contracts because they have made cheaper, and therefore supposedly superior, offers but are subsequently

unable to meet the quality standards required for the training courses. This should be taken into consideration when calls for tender are being formulated.

As a matter of principle, civilian initial and extension training courses taken under the auspices of civilian initial and follow-on occupational training lead to a reduction in the individual's legal entitlement to **vocational advancement**. The criticism occasionally articulated of this rule is not shared. For instance, servicewomen and men who have served for 12 or more years have a legal entitlement to vocational advancement for up to 60 months at the end of their term of service. This entitlement is reduced by nine months if a civilian initial and follow-on occupational training course during their term of service has led to a successful vocational qualification. This not only appears acceptable for the individuals affected, but is sensible with a view to the equitable, broad distribution of available resources.

Civilian initial and follow-on training is accorded outstanding significance under the Attractiveness Agenda. It is one of the assets the Bundeswehr is able to exploit as it competes with other public and private-sector employers. Promoting civilian initial and follow-on occupational training and further expanding the staffing and financial resources for it appears a highly promising way of enhancing yet more the attractiveness of the Bundeswehr.

### Deficiencies in the processing of personnel matters

In 2016 too there were not a few servicewomen and men dissatisfied with the processing of personnel matters. Complaints were received about, among other things, the excessively long times taken to process applications, failures to process personnel matters, the disappearance of personal documents and a lack of information.

● *On 1 December 2015 a serviceman was allocated a place on a training course from 12 to 29 January 2016. The serviceman was first informed about this on 7 January 2016. This meant the training course was beginning just five days after he was informed about it. There was therefore hardly any chance for him to find someone to replace him in his voluntary role working with children and young people. The serviceman was rightly annoyed.*

Since the Bundeswehr is a very large employer and there are numerous staff who process personnel matters with completely different horizons of experience as far as personnel management is concerned, it will probably not be possible to completely eliminate errors. However, the error rate

should be kept as low as possible. Inadequate processing of personnel matters causes confusion and dissatisfaction, while in extreme cases the affected servicewomen and men may even suffer disruption to their careers or completely lose their motivation. The Bundeswehr cannot afford this.

### Basic training

Basic training is very inconsistent across the individual services and major organisational elements in which it is conducted (the Army, Air Force and Navy, as well as the Bundeswehr Central Medical Service and the Joint Support Service). This is true of assignment dates, training content and the personnel make-up of the basic training units. There is a need for optimisation in this field.

A conference on the configuration of basic training in the individual services and major organisational elements was consequently held at the Office of the Parliamentary Commissioner for the Armed Forces on 31 May 2016. Representatives from the Federal Ministry of Defence, the individual services and major organisational elements were invited to this event to present papers on basic training in their particular areas of responsibility. It was explained at the conference that the foundations for basic training are fundamentally the same in the Army, Air Force, Navy, Bundeswehr Central Medical Service and Joint Support Service. General military basic skills are to be conveyed to all servicewomen and men across the individual services on the basis of common foundations that provide for harmonised aims and content. However, the major military organisational elements expressly have significant opportunities to tailor the design of the training, so that it is not actually delivered identically in all the individual services. The question also arises of whether it is more advantageous to train officer, staff sergeant and non-commissioned officer candidates separately during their first few months, as is done in the Army, or whether they should be trained together with military service volunteers and enlisted personnel with the status of temporary-career volunteers, as in the Air Force.

A clear attraction of benefit to applicants would be the an offer that allows them to do basic training as **close to home** as possible. Were every battalion, regiment and squadron to run basic training for at least one platoon, this would be the best means of guaranteeing the Bundeswehr had an entry-level presence throughout the country. Even if every formation carried on training on a quarterly basis, all recruits could be offered an option to start training each month if the start dates were staggered. The withdrawal of

recruits before they take up their posts as a result of the amount of time they have to wait would then be a problem of the past.

Incidentally, compulsory military service was only suspended, not abolished. Even if its reintroduction is currently only a possibility in case there is a dramatic worsening of the security situation, it is necessary, at least in principle, to keep structures ready that will allow a large, six-figure number of conscripts to be trained if necessary. At present, the Bundeswehr's material and personnel resourcing is geared towards a maximum of 185,000 servicewomen and men. A revival of compulsory military service would currently only be possible with a very great deal of advance warning.

### Voluntary military service

Up to the end of December 2016, 9,727 military service volunteers had commenced their service with the Bundeswehr during the year (previous year: 9,194). The dropout rate lay at 19.6 per cent and had therefore fallen by 4.1 percentage points compared to the previous year (23.7 per cent).

Ever since the suspension of compulsory military service five years ago, there have continued to be real problems with the recruitment of fresh blood into the forces, especially now attempts are being made to reverse the previous personnel trends. The Bundeswehr has to improve its performance in this field. Unfortunately, committed military service volunteers are demotivated again and again by an inappropriate tone, their treatment at the hands of insensitive superiors or never having enough to occupy them, particularly in their parent units.

- *For instance, one young military service volunteer who was attracted by the physical challenges of service in the Bundeswehr found himself in an office job after his basic training although he had made it clear in his application that he definitely did not want a role of this kind.*

- *In another petition, a military service volunteer who had left the Bundeswehr after just two days complained about his trainer's conduct as a superior, which had been characterised by shouting and screaming. In particular, the volunteer objected to the superior's choice of words when he said that the 'next thing' he would do would be to 'kick' the petitioner 'through the corridor window if he did not ask whether he was allowed to walk past his superior.' The superior in question was advised about his misconduct. In the meantime, he is no longer deployed as a trainer in basic training.*

**Meaningful occupation** of military service volunteers in their parent unit must not result in them

being either overworked or underworked. This problem is not only raised by affected military service volunteers, but also by superiors.

- *During a field visit, a superior reported that, on account of the high degree of specialisation in his battalion, he saw no meaningful occupation for 100 military service volunteers. The command asked for its comments admitted that the various terms for which military service volunteers are enlisted, which range from seven to 23 months, represented a challenge that had to be taken seriously by the whole armed forces, and they often did not fit in with the training periods for particular functions in a highly specialised formation.*

Irrespective of this, every superior to whom military service volunteers are entrusted has a duty to deploy those servicewomen and men sensibly. Overall, the Bundeswehr still has to do more if it is to be able to offer military service volunteers meaningful, demanding occupations after their basic training. The increase in established posts for extended voluntary service conscripts by 3,500 to 8,500 intended as part of the reversal in personnel trends may contribute to these efforts.

**Planning errors** made by careers centres can have particularly serious consequences and damage the image of the Bundeswehr.

- *For instance, one careers centre incorrectly dated a military service volunteer's start of duty as 2 May 2016 instead of 1 April 2016. However, it was not possible for him to take part in general basic training at this point in time. Despite the efforts made to train the serviceman in a kind of individual training, he eventually left the Bundeswehr again without stating his reasons in August 2016.*

Voluntary military service is intended to give young people the opportunity to become acquainted with the forces, and motivate them to decide to carry on with the Bundeswehr as their employer. Unfortunately, petitions are received again and again from military service volunteers who object to the slow, bureaucratic processing of their applications to have their terms of service extended, to be accepted as temporary-career volunteers or to join the officer career path. This **approach to the processing of such matters** not only annoys the applicants themselves, it also deters others from applying. It is necessary for urgent improvements to be made in this field.

### Reservists

Reservists are indispensable for the Bundeswehr. Without their commitment and hard work, our armed forces could not successfully perform their mission and tasks in many areas. The *White Paper* rightly

draws attention to the fact that the Reserve is also accorded an important role in the development and provision of capabilities that will be demanded in future.

In their petitions, the number of which increased significantly compared to the previous year, reservists unfortunately often stated that they felt they were not made the most of by the Bundeswehr, and were discriminated against in comparison to active servicewomen and men. Particular disappointment and frustration were caused to reservists, as has already been objected to several times in annual reports, by decisions taken at short notice to **reschedule or cancel** exercises and training courses. In these cases, the Bundeswehr must get better at communicating and providing information to the individuals affected at an early stage.

Again and again, reservists complained that they had been categorised as not fit for service on account of health requirements. Highly motivated reservists were even excluded from service by the rigid **medical fitness rules and regulations** when they had what, from their point of view, were minor health impairments. Certainly, it is not possible to dispense with the maintenance of a certain standard of health. Nevertheless, in this respect the focus should always be on the particular function the reservist is to assume. The new version of 'Military Medical Assessment of Reserve Duty Personnel' that entered into force in October 2016 simplified the relevant procedures. It is to be welcomed that different standards now have to be applied for an administrative assignment during reserve service without any particular physical strain than, for example, in the case of a young servicewoman or man assigned to a combat unit.

In particular, there was criticism from some reservists of the revision of the **Conscripts and Dependents Maintenance Act** that entered into force on 1 November 2015. The aim of the revision is to enhance the attractiveness of reserve duty with a simplified benefits application procedure and the creation of financial incentives. This appears to have been done successfully on the whole. The financial incentives especially led to greater numbers of applicants and a cheering increase in the numbers doing reserve duty. In order not to cancel any periods of reserve duty that were already planned but had not been arranged with reservists, 250 additional posts were approved retrospectively for the year under review. The increase from 2,500 to 3,000 reserve posts now adopted in the 2017 federal budget is to be welcomed.

Since 1 November 2015 the Federal Office of Bundeswehr Personnel Management has taken over

the function of calculating and issuing notifications about maintenance benefits for reservists from more than 400 Land and municipal authorities. There are still delays here when it comes to the issue of notifications and the payment of the benefits in question. Some of the notifications on the basis of which benefits are granted are issued late because the information generated by the IT system has to be checked in order to rectify errors caused by the system before they are sent out. Payments may only be made under the Conscripts and Dependents Maintenance Act if all payroll data have been entered into the Bundeswehr's personnel management system by the personnel administration. Here too, errors were found that led to delays. Remedial action must now be taken rapidly to deal with the delays caused by IT systems.

The Conscripts and Dependents Maintenance Act mentions advance payments. One petitioner therefore applied for benefits under the Conscripts and Dependents Maintenance Act even before the beginning of his reserve duty. However, there is no such entitlement. The crucial precondition for an entitlement is the performance of military service, which has to be demonstrated by the commencement of duties. Only subsequent payments may then be made in advance. However, potentially awkward financial situations for individual reservists before they start their duties may be mitigated by part-payments made to them on application. During the year under review part-payments of bonuses for performing reserve duty were only paid with some delay in many cases due to the high workload caused by the transfer of administrative functions. These delays, which were unacceptable to the reservists in question, now seem to have been eliminated.

The fear expressed by reservists prior to the implementation of the revised Conscripts and Dependents Maintenance Act that the new payroll accounting methods would in some cases result in smaller payments than before the reform seems to have proven to be correct, at least for those with no entitlement to the newly introduced commitment allowance. For instance, one reservist worked out that for the 14 days of reserve duty he did in 2016 he had received only 53 per cent of the payments made to him the previous year.

In order to create a financial incentive for reservists to sign up for longer terms of service, the merit allowance has been replaced with a **commitment allowance**. This allowance is granted to reservists who have fulfilled a commitment made before they start their duties to do at least 19 or 33 days of reserve duty during a calendar year. The allowance is worth €25 or €35 a day and is paid after the commitment has been fulfilled for periods of service that, according to

the individual's call-up notification, last longer than three days. The requirement of a previous commitment helps to make the situation more predictable for the Bundeswehr. The commitment allowance is also a personnel management instrument. Reservists are to be offered an incentive for longer, predictable periods of service. Furthermore, the new allowance allows reservists to be deployed in a more targeted fashion where they are needed.

However, such a commitment is also predicated on an offer made to the reservist by the agency or unit to which she or he is assigned or in which she or he serves. Many motivated reservists who would have been happy to have made the commitment that is demanded did not receive offers. It was no longer possible for them to make commitments in their units and agencies, which had also failed to report the additional demand for opportunities to gain the allowance. By contrast, other reservists explained that they had not been able to make such a commitment because they were self-employed or could not obtain the consent of their employer. This is regrettable, and the Bundeswehr is possibly losing motivated servicewomen and men as a result. There should therefore be even more effective incentives that also motivate these reservists (and their employers) to engage with the Bundeswehr. Where bureaucratic shortcomings, inadequate communication or the fact that units or agencies have forgotten to apply for commitment allowances result in reservists not having any entitlement to the allowance, this is exasperating. The Bundeswehr will have to up its game in this field.

At the beginning of the year under review, reservists complained that the **transition allowances** paid to them subsequent to their active term of service were set off against the minimum benefits granted under the Conscripts and Dependents Maintenance Act. Pleasingly, after being reviewed while their petitions were being dealt with, this was recognised as an error and corrected.

An evaluation of the Conscripts and Dependents Maintenance Act being contemplated by the Defence Ministry that, among other things, would also involve a recalculation of messing allowances would certainly be worthwhile.

Reservists who had worked providing **assistance to refugees** at the Federal Office for Migration and Refugees (BAMF) and the International Aerospace Exhibition (ILA) in Berlin complained that they had not been reimbursed for large amounts of overtime, while time off in lieu had not been possible during the ongoing deployment. The Defence Ministry has recognised and closed a gap in the law here. The Conscripts' Pay Act (WSG) was amended

retrospectively and a new statutory instrument (Military Service Volunteers Overtime Remuneration Ordinance) put into effect to govern overtime that had been done in the past. This provides retrospectively for an increased rate of military pay in the form of remuneration for overtime subject to the same preconditions as for temporary career volunteers and career soldiers as of 1 January 2016.

In a few petitions, reservists suspected there were no longer any days available for them to do reserve duty in the forces due to the increased deployment of reservists providing assistance to refugees. According to the Federal Ministry of Defence, only approximately 60 reservist posts in total were used to directly support the assistance provided to refugees. Rather, the Ministry said the cause for the take-up of the 2,500 available reservist posts was the increased interest in doing reserve duty prompted by the measures put in place to enhance its attractiveness with the re-enacted Conscripts and Dependents Maintenance Act. This development is fundamentally positive, but also shows the necessity of increasing the number of reservist posts.

There are still individual reservists who ask to extend the period for which they do reserve duty from the current maximum of six to 24 months. With a view to the Bundeswehr's manning needs, in particular, the Defence Ministry has given assurances that it will examine whether to **revoke the time limits** on individuals who voluntarily serve in the reserve as a means of compensating for vacancies. The fundamental limit on the length of reserve duty had already been extended from six to ten months in a calendar year since September 2015 until such time as an amendment to the Legal Status of Military Personnel Act enters into force.

Other reservists asked to still be able to serve in the reserve after they had passed their 65th birthday as well, and suggested that the **age limit** up to which reservists are called up when they have made a voluntary commitment to do reserve duty be raised to the individual's 67th birthday. In this connection, they referred to the raising of the statutory retirement age. Reservists' willingness to make themselves available even once they have reached the age of 65 deserves to be recognised. It should be examined whether the rules can be made more flexible.

Previously, in the last annual report, a positive assessment was given of the amendment to the relevant legislation being contemplated by the Defence Ministry, which was intended to also allow reservists **part-time working** in order to ensure better compatibility of family life and service. Unfortunately, no draft legislation on this issue was

tabled in the German Bundestag during the year under review.

### 3. Reversal of materiel trends

Past annual reports have drawn attention repeatedly to the massive **shortages of equipment**, the improvised management of scarce resources associated with these shortages, and the consequences for training, exercises and the deployment of service personnel. In the meantime, the U-turn away from the administration of shortages to the organisation of full resourcing has been initiated. The budgetary funds for materiel maintenance are to go up by more than €360m in 2017. The estimate for capital expenditure on armaments is rising a total of 11 per cent: by just under €600m from €5.4bn in 2016 to €6bn in 2017. Complete, modern equipment is the foundation for the armed forces' performance of their tasks. It guarantees training and operational capabilities, as well as the best-possible safety for our servicewomen and men, and is not least a criterion for job satisfaction and so the attractiveness of service in the Bundeswehr.

Despite positive steps to map out the course ahead, the materiel situation still gives considerable cause for complaint. Many deficiencies are having negative impacts on the Bundeswehr's routine and active operations. This is affecting major end items, as well as little things and personal equipment.

According to media reports, the Defence Ministry has received a still unpublished report by the Bundeswehr Centre of Military History and Social Sciences on Bundeswehr servicewomen and men's confidence in their weapons and equipment. Nearly 800 individuals who took part in NATO's Exercise Trident Juncture in the autumn of 2015 are said to have responded to the survey on which the report is based. According to the results, eight per cent of the respondents had complete confidence in their weapons and 16 per cent had limited confidence. By contrast, 22 per cent said they had no confidence at all in their personal equipment. 21 per cent did not have much confidence and 28 per cent were undecided. This report should now be published as soon as possible and commented on by the Ministry.

#### Operational status of major weapon systems

According to the definition followed by the Federal Ministry of Defence, the operational readiness of major weapon systems is found from the ratio between the available inventory and the inventory of systems that are actually operational. The available inventory includes all end items that are available to the troops under the responsibility of the chiefs of

service for training, exercises and operational commitments. If operational readiness were to be calculated from the total inventory, it would be even lower because the total inventory is considerably greater than the available inventory. The total inventory also includes items that have been sent away to private companies for servicing, repair and, in certain circumstances, upgrading.

According to the most recent report on the operational status of major weapon systems published on 28 November 2016, only a fraction of the **A400M** aircraft required for air transport operations are actually available. In addition to this, the unrestricted deployment of the available aircraft is still by no means possible, for instance due to the lack of self-protection systems. At the end of 2016 the Bundeswehr possessed seven A400Ms. The average available inventory of approximately 45 per cent was primarily due to faulty power gearboxes. Following the attachment of the first German A400M to the European Air Transport Command in February 2015, it was possible for merely 154 (58 per cent) of the 265 deployments planned to be conducted up to the end of October 2016. It has therefore been necessary to fall back on US air transport capabilities for journeys to and from Afghanistan, which means it is often difficult to plan flights reliably. In consequence, servicewomen and men not infrequently had to put up with long waiting times.

As far as the forces' **helicopters** are concerned, improvements in the operational readiness of the individual types were to be noted during the year under review. The average operational readiness of the Bo 105 light multipurpose helicopters, which have now been taken out of service, and the Bell UH-1s was just under 70 per cent. However, this cannot conceal the fact that there is only very limited operational readiness in significant areas: According to figures from the Bundeswehr, 44 per cent of its Tiger combat helicopters, 29 per cent of its Sea Kings and 23 per cent of its Sea Lynxes were operational ready in 2016. The NH90 and CH-53 transport helicopters were 31 and 43 per cent operational respectively. In addition to this, evidence gathered during a field visit suggests that it is only by expending a massive amount of effort that Germany is in a position to keep five Type CH-53 helicopters sustainably in operation, even though it currently has approximately 60 of them at its disposal in total.

Among other things, spare parts in short supply and lengthy maintenance measures were partly responsible for the fact that, of its available fleet of **Eurofighter** weapon systems, only approximately half the aircraft were operational on average.



Slow delivery and delays in the establishment of operational viability, among other things on account of its weapons, give rise to fears that the **Puma infantry combat vehicle** will only achieve full operational readiness in 2024. It is therefore intended to keep the Marder infantry combat vehicle operational and in use at least until the establishment of the Puma infantry combat vehicle's full operational viability.

The operational readiness of the Eagle IV/V **armoured vehicles** has risen to an average of approximately 75 per cent – relative to the available inventory. It was possible for this to be achieved thanks to deliveries from the private sector, vehicles repaired on their return from Afghanistan, improved supplies of spare parts and greater use of private sector capacities.

According to an action plan to increase material operational readiness, a similar development is to be observed as far as the Boxer armoured transport vehicle is concerned. Nevertheless, it has not been possible to date to remedy the shortage previously complained of in 2015 by the Parliamentary Commissioner for the Armed Forces following a field visit to 345 Artillery Battalion in Idar-Oberstein.

The Navy is greatly in need of operational ships. For example, several large ships are unavailable because the **decommissioning of older frigates** was not coordinated with the delayed commissioning of its new frigates. Now, thanks to an initiative from the Budget Committee of the German Bundestag, the Defence Ministry is going to order the procurement of another five more K 130 corvettes. Since this is a second batch, it may prove possible for them to be procured within a comparatively short period of time. They should of course be equipped as modernly as possible.

The Bundeswehr's servicewomen and men have an entitlement to be equipped exactly as required for the performance of the tasks they are entrusted with and their own safety.

### **Equipment for training, exercises and deployments**

In its report on the task-oriented equipment of the Bundeswehr (March 2016), the Defence Ministry estimates the investment needed in armaments over the next 15 years at approximately €130bn. To a large extent, the replenishment procurement necessary to build up munitions stocks again is to be implemented on a priority basis. This is a good thing because the stock levels of some munitions are little more than symbolic. However, the purchase of a smaller proportion of the munitions and the great majority of

the other equipment is only planned between now and 2030. In fact, extensive stockpiling of munitions will only be achieved after 2030. This is taking too long.

The Defence Ministry responded to the equipment situation of **371 Armoured Infantry Battalion**, the then core of the battle group for the NATO Response Force's 'spearhead' (Very High Readiness Joint Task Force, VJTF), which had been discussed in the last annual report, by setting measures in train that are intended to ensure it has the equipment appropriate to its structures. The success of these measures will have to be observed attentively.

Shortages of equipment for servicewomen and men are regularly the subject of criticism on field visits and in petitions. During a field visit to **413 Light Infantry Battalion** at Torgelow, a shortage of items of equipment and munitions was criticised that was leading to unacceptable and at times ridiculous improvisations. The motto for some exercises was 'just imagine ...' This is rightly regarded as unreasonable and demotivating. Furthermore, it may mean servicewomen and men on deployments face a raised level of danger if they have not previously exercised in accordance with the 'train as you fight' principle. Servicewomen and men claimed it was not possible to practise in line with the new gunnery training concept at the base either due to the lack of munitions. Weapons for snipers and MILAN anti-tank missiles were in short supply. The Boxer armoured transport vehicle, the Fuchs armoured transport vehicle and the Dingo protected wheeled transport vehicle were being replaced with other vehicles. The prevailing mood was understandably one of dissatisfaction and frustration, both on the part of the trainers, and among the personnel who were being trained.

**8 Mountain Engineer Battalion** is suffering from a shortage of materiel for explosive ordnance disposal. The materiel situation is also unsatisfactory in the Battalion because it undermines the efforts made to provide optimal training for its servicewomen and men. This is true in particular of the supply of metal detectors and remote-controlled explosive ordnance disposal robots, which are used to carry out controlled explosions of improvised explosive devices. Of an authorised inventory of 414 VMR3 dual-sensor metal detectors for the whole Bundeswehr, only 45 are available. Furthermore, the priority is to use what little materiel there is on ongoing deployments, which is having detrimental impacts on training and routine operations in Germany.

It was explained by **130 Armoured Engineer Battalion** during a fact-finding visit that the Battalion did not possess a single complete set of explosive

ordnance defence equipment, although at least three sets are required in order to be able to guarantee the conduct of training, exercises and, in particular, appropriate predeployment preparations. Action is urgently needed in this field.

Concepts such as ‘dynamic availability management’, which has already been abandoned again, and other measures for the management of bottlenecks have not been (and will not be) able to resolve the problems that have been mentioned and similar issues, but at best mitigate their impacts. It is clear that, as has also been concluded by Army Headquarters, a short-term solution will not be possible even after the planned return to full resourcing. The reality of life in the forces will still be dominated for some considerable time by the **management of scarce resources** and extensive movements of materiel in response to an evolving mission situation. One example is what is known as controlled cannibalisation: Often, for instance, when Navy units return from a deployment, the first parts are unbolted as soon as they have berthed in their home port so they can be installed again on ships that are going on another deployment. For example, this is done with the APAR (radar) arrays on the F-124s. As a result of the numerous times they are installed and removed, the parts break sooner, making this process a vicious cycle. The management of scarce resources also leads to difficulties building up at training institutions. Generally, there is always a danger of personnel being insufficiently confident in their ability to handle the equipment used in action, which can in turn entail possible dangers to the health and lives of the servicewomen and men deployed on these ships.

Some of the problems in the field of equipment and materiel are also caused by the fact that large volumes of **repair work have been outsourced to the private sector**. Some companies do not seem to be aware of the urgency and delicacy of getting jobs finished more quickly. A U-turn is required here. The goal should be for the forces to do more of this work for themselves. The Bundeswehr’s capacity and authority to carry out repairs should be expanded and, where necessary, its workshops staffed with additional personnel, who could also be civilians. This would give the Bundeswehr greater control over its materiel readiness – and cost savings might be achievable. For example, in its report of 20 April 2016 on the procurement of 30 guided missiles for the Navy’s corvettes, the Bundesrechnungshof (Germany’s Supreme Audit Institution) also argued that savings worth €66m could be made over the missiles’ whole service life if the mandatory inspections of the guided missiles were to be carried out by in-house personnel. The Bundeswehr had initially planned to contract the private

sector with these activities, but is now following the Bundesrechnungshof’s recommendation. The Bundeswehr could save another €16m by cooperating with another nation on the use and servicing of the guided missiles. This last point militates once again in favour of a deepening of cooperation between the armed forces in Europe.

### Personal equipment and clothing

A lack of budgetary funds, mismanagement, delays to public procurement procedures and slow decision-making about the further development of equipment may endanger servicewomen and men’s safety and reduce their job satisfaction.

One example is the persisting criticism of the poor availability of **night-vision devices**. Since 2009 there have either been no budgetary funds for this, or the Bundeswehr’s procurement principles have been called into question by suppliers during the contract award procedure. Tendering procedures have been delayed as a result. In turn, there was no conceptual foundation for the quantitative frameworks that were needed. 11,704 ‘lightweight intensifier goggles’ could only be procured to improve the dismounted infantry forces’ night vision capability by applying the Urgent Operational Requirement procedure. The procurement of further devices is now to be driven ahead in a targeted fashion on the basis of the new Platform-Based Night Vision Capability concept. This will be done for the ‘lightweight intensifier goggles’, but also for night-vision devices used by drivers and special forces.

The problem already familiar from previous years that the standard-issue **ear defenders** are not infrequently inadequate has still not been resolved. In such cases, unit physicians usually prescribe alternative ear protection measures in consultation with the unit occupational safety officer, such as the use of other kinds of defenders, banded ear plugs or the manufacture of ear moulds. Frequently, however, the alternative ear protection prescribed by physicians is not compatible with the Bundeswehr’s **combat helmet**. In cases of this kind, the servicewomen and men affected are exempted from firing exercises at the recommendation of their unit physician, and are not available for either deployment preparation activities or the deployments themselves. This can have negative consequences for the affected individuals’ advancement in the services, but is not in the interests of the Bundeswehr either. Health protection must fundamentally have priority when it comes to the performance of military tasks. This is why the initiative taken by the Army Concepts and Capabilities Development Centre to develop a new

combat helmet is to be welcomed since it is to be compatible with ear defenders that will be worn beneath it. In the interests of optimal gunnery training, however, it must also be possible for trainers to communicate verbally with trainees without hindrance. In consequence, overear defenders with integrated communication systems should become the standard. The identified gaps in ear defender capabilities must now be addressed promptly so that it is possible to set the procurement process in train.

There has also been criticism of the Bundeswehr's **body armour**. Servicewomen and men complained about the considerable weight of the infantry armoured vest (Standard Protection Class 4). The serious intervertebral disc problems suffered by one serviceman as a result of wearing it required an emergency operation. The extent to which a reduction in the weight of the armoured vests could potentially be achieved without compromising safety should be examined. It would be sensible to expeditiously draw up regulations for the quality of military body armour that are focussed on the hazardous risks faced in specific situations and therefore the protection actually needed by servicewomen and men.

The **combat boots** used in the Bundeswehr display significant quality defects. This situation is being tackled by the Federal Ministry of Defence with the implementation of the new armed forces combat footwear system, which began in 2016. The concept is to take account of new functional demands with regard to durability, fit, traction, wearing comfort and camouflage. In order to do greater justice to users' individual needs, servicewomen and men are to be able to choose between various products. According to the Defence Ministry, however, its across-the-board implementation is not expected to be concluded until 2020. That is too late. It appears urgently necessary to speed up the provision of new combat boots for the whole of the forces, given they are an item of equipment that is so important for physical welfare.

The forces' **load-carrying equipment** no longer meets current requirements either. A replacement is planned as of 2017 as part of the modular ballistic protective and load-carrying equipment for service personnel project. This equipment includes both a new modular bullet-proof armoured vest and load-carrying equipment designed to be worn with it. The system's capacity and wearing comfort will be significantly improved by the new concept. Here too, there is no sensible reason to drag out the efforts to achieve full resourcing.

In addition to this, there were complaints in petitions and on field visits that not all articles of the new **combat clothing** for forthcoming operations abroad

could be supplied when kit was issued by the LH Bundeswehr Kleidungsgesellschaft mbH (LHBw) service points that are responsible for doing this. In particular, combat shirts, and water-resistant trousers and jackets were out of stock. According to the Federal Ministry of Defence, it has been possible to deal with the reasons for the delays to the procurement of combat shirts in the meantime. They are expected to be available in the second six months of 2017. The technical specification for the water-resistant clothing (trousers and jacket) had not been finalised when the Ministry reported on this issue. No statements could be made about the timing of the invitation to tender and the delivery of the water-resistant clothing at that point in time. It was explained that, in order to ensure servicewomen and men on deployments were equipped, recourse was now to be had to the 3-colour print tropical combat clothing, which did not mean that any servicewoman or man would be sent off on a deployment with substandard clothing. This combat clothing was perfectly acceptable for service use, according to the Defence Ministry. Nevertheless, it is understandable when servicewomen and men say they cannot understand why it is not possible for the Bundeswehr to be consistently equipped with its new combat clothing.

According to LHBw, the **complete issue of clothing** to newly recruited servicewomen and men is also taking at least 45 weeks when uniform items with finalised specifications (for example, new field trousers) have to be procured in various sizes for the first time. In the case of uniform items that can be procured under the existing framework contracts, the time required to issue clothing is still about 30 weeks. This is far too long. One possible way of shortening the length of these processes would be the deployment of body scanners to measure clothing sizes. This would mean the data from recruits who had already been measured at the careers centres when they were enlisted would be used to draw up service documents as part of the procurement procedure, provided data protection law considerations did not stand in the way of this. In the Netherlands, the deployment of body scanners for the procurement of well-fitting clothing and equipment for the armed forces is already customary.

Servicewomen and men not infrequently complained about items of clothing that were in short supply on account of reduced stock inventories, delayed deliveries and the lack of information about certain items. LHBw therefore announced it would establish complaints offices by the end of 2017 that will directly deal with such complaints. This measure is to be welcomed. It means there will be an opportunity to

raise the quality of service and restore customer satisfaction. Apart from this, the additional budgetary funds that are required should be provided in order to completely replenish LHBw's reduced stock inventories.

As a result of an order of the day issued by the Chief of Defence, **self-suppliers and partial self-suppliers** have only been able to pay for items of clothing in the authorised allowance using their individual trust account with LHD Group GmbH since 30 September 2016. The account is made up of clothing grants for the authorised allowance, plus compensation for wear and tear. Further uniform items, such as dress uniforms, four-season jackets, windcheaters and pullovers, have to be paid for by service personnel themselves. This decision to restrict what can be bought with the trust accounts has been justified by what the Ministry regards as irregularities in the use of the credits held in trust to pay for items. Self-suppliers who had been affected firstly criticised the short notice that was given (the lead time was only just over four weeks) of the changes to a system for the payment of bills from the trust accounts that had been in place for decades. Secondly, they demanded an appropriate expansion of the authorised allowance. In this connection, the fear was also articulated that the product range available to date in the LHD clothing shops would be cut back. The unhappiness about the billing system being changed at short notice is understandable. Instead of a possible reduction in the product range, an expansion of the authorised allowance that can be paid for using the accounts should be considered. The planned new clothing concept with a certified shopping basket that is to be launched as a pilot procedure in 2017 offers hope of a more attractive clothing range.

#### 4. Reversal of infrastructure trends

It was possible for the enormous **backlog of construction and refurbishment work** on residential accommodation and functional buildings addressed in last year's Annual Report to be reduced to some extent in 2016 thanks to the Bundeswehr Immediate Action Programme on Barracks Refurbishment. In particular, the performance of this construction work, for which the civilian building authorities of the German Federation and the Länder are responsible, was speeded up by personnel and organisational measures. However, sports halls and sports facilities benefited little from this. Many are closed on account of the poor state of their buildings, which is having negative impacts on the physical fitness essential to military professions. Not only that, major construction projects with volumes of more than €2m are still lasting at least five years on average, even up to eight

years in individual cases, and so definitely too long. What is pleasing is that the authorities that manage infrastructure and construction projects, which have had insufficient personnel and structural resources in the past, have had their staffing significantly increased for the implementation of the Immediate Action Programme. In addition to this, refurbishment and new build projects have been bundled at the construction competence centres.

The **provision of single rooms** for servicewomen and men obliged to live in official accommodation, with the exception of recruits, for whom dormitories continue to be foreseen, is currently being implemented. It is believed that (including the Bundeswehr schools and colleges) there will be a total need for at least 55,000 residential rooms for individual accommodation. The Bundeswehr currently possesses more than 33,400 single rooms of different standards. However, the single room concept is evidently not meeting with enthusiasm from all servicewomen and men: Complaints are expressed in particular by younger servicewomen and men that camaraderie is being lost as a result of this change. The surprising scepticism about the single room concept is evidence of the tension between servicewomen and men's expectations concerning their specific military working environment, and what are regarded by their employer as meaningful attractiveness measures.

All in all, however, the ongoing reduction of the backlog of modernisation work cannot conceal the fact that there are still numerous significant construction defects at Bundeswehr facilities, as well as unacceptable hygienic conditions in toilets and shower rooms, while the implementation of attractiveness measures is being delayed in many residential buildings. The reasons for this are primarily inadequate communication and scheduling. Reorganisations and the rescheduling of projects within the Bundeswehr also cause **delays to the performance of construction work**. During phases when the military organisational structure is being reconfigured, whole construction projects are halted, even if the building work, the construction of living quarters for example, will continue to be carried out under the new structure.

- *One example of a delay to a new-build project is the construction of a fire station at the Kiel Naval Base that has been urgently required since May 2013 at the latest. Whereas it was still assumed by the Federal Ministry of Defence in 2015 that it would be finished in 2018, the current progress of the building work suggests the completion of the project is not to be expected until August 2020.*

Many infrastructure projects possibly also last so long because there is often no individual to take charge of them on the ground who would be able to exert pressure for progress to be made with the construction work. On account of their short periods in post, many of the individuals who share responsibility for infrastructure measures at bases have only a very limited overview of the whole project, the authorities and companies involved, and specific regional issues.

There is one noteworthy approach to the more rapid reduction of the refurbishment backlog in the Army. Since 2014 there has been an infrastructure support group manned with competent specialist personnel in **9 Armour Demonstration Brigade**. This group is capable of clearly accelerating construction procedures by getting involved in the initiation and planning of projects, including the drafting of the necessary military user requirements. The posts for the support group's personnel that have not been included in the target organisation to date should be established permanently, and it ought to be examined whether this model can be rolled out across the board at the brigade level in the Army.

### Accommodation standards

The attractiveness measures described in the last annual report are focussed on the improvement of accommodation standards, among other things by ensuring dormitories and rooms are furnished in a contemporary style. These measures are to be welcomed. Unfortunately, their implementation too is sometimes hampered by avoidable delays.

- For instance, one serviceman rightly complained about the fact that televisions and fridges delivered to furnish living quarters had been kept in a warehouse for several months before they were installed in the rooms and dormitories. This temporary storage was explained by the desire to prevent excessive disruption to the running of training courses at a training area, which is not convincing. This case is an exemplary illustration of the way the rapid implementation of sensible measures often fails because competences have not been clearly defined.

- The infrastructure at the **Eckernförde Naval Base** has been one big building site for years. Apart from the old, cramped accommodation blocks, which cannot be replaced with new buildings before 2024, the mess hall and the diver training pool are particularly in need of refurbishment. The mess hall was closed in 2013 due to the hygienic conditions there. Since then food has had to be prepared five kilometres away at the **Preußner Barracks** and brought to the naval base. On account of the interruption of the construction work due to planning issues, the

*construction of the messing facilities is now planned to begin as of 2018, and it is envisaged they will first be used as of 2020. The diver training pool has not been usable for years since the building work on it was stopped because of a structural defect. According to the current planning, the possible resumption of its use is foreseen in 2019 at the earliest. Until then, diver training for the Navy special forces is being conducted on an improvised basis at Neustadt (Holstein) or Bremerhaven, which is leading to trainers and trainees being away for weeks on end.*

- Unacceptable working conditions were also found in offices at the **Kiel Naval Base**. The reason was demolition work on an air raid bunker that dated from the Second World War. The amount of noise and dust in the offices was described by Navy Headquarters as verging on the unacceptable. It was clear here that the planning of the construction work, in particular the provision of alternative offices for personnel to use, had not been coordinated.

- A residential building exhibited grave construction defects at the **Bundeswehr University in Munich**. Among other things, it was found to be contaminated with Legionella. The hot water supply in the building had to be turned off and the wet cells had to be closed. A sanitary facility container was installed as a replacement. The refurbishment measures for the building were initially supposed to have been concluded in September 2015, but were delayed until the first quarter of 2016. The students accommodated in the building rightly complained about the stop-gap solution that was resorted to for almost a year with the container outside, in particular having to use it during the winter. In addition to this, it is no longer possible for the building to be refurbished as a whole, which is why only building work to patch up its fabric can be carried out until the planned new build has been completed.

- Parts of the infrastructure at the **Colonel Hauschild Barracks in Mayen** are also in an inadequate state. In mid-July 2015 a guard fell ill with a hantavirus infection transmitted by rodents. The guardhouse that came into question as the possible place where he had picked up the infection has been refurbished in the meantime. No living quarters will be available for personnel obliged to live in official accommodation until the completion of the planned new residential block at the facility in March 2018 at the earliest. Until then, they are having to use living quarters in Coblenz, which is approximately 40 kilometres away. Even the officially organised shuttle service that transfers the affected servicewomen and men between the sites cannot prevent their performance of their duties being significantly restricted. It has been practically impossible to do physical training and

*sport any longer at the Colonel Hauschild Barracks since February 2016. Only half of the sports hall can actually be used for sport and physical training because the other half is taken up with lockers for servicewomen and men who are not obliged to live in official accommodation. It has not been possible to use the fitness suite installed for this reason in one of the buildings since February 2016 due to mould in the room. Service personnel have been referred to civilian gyms in Mayen without any assurances being given that their extra expenses will be met.*

These examples underline the necessity of experienced contact persons on the ground. One solution could be full-time senior barracks officers with long periods left in post. As responsible contact persons, they would also, among other things, be called upon to deal with all infrastructure measures.

Occasionally, the question of the purposefulness with which funds are spent arises in connection with the **relocation of Bundeswehr institutions**, for instance the Air Force Officer School's move from Fürstenfeldbruck to Roth. According to figures from the Federal Ministry of Defence, the costs that will be incurred as a result of this are currently estimated at about €144m. During a field visit, servicewomen and men affected by the relocation stressed that the Fürstenfeldbruck base fostered a shared identity for all the Air Force's officers, the loss of which was feared after the move to Roth. Not only against this background, it is to be considered whether it would not be more sensible to modernise and renovate the Fürstenfeldbruck base – especially as modern infrastructure to host a flying unit (Tiger combat helicopters) has been newly built at Roth and may possibly be needed again later for this very purpose (instead of a completely new facility then being built somewhere else). A thorough cost/benefit analysis of the move should be conducted.

### **Shortage of living quarters and accommodation**

The popular notion that every servicewoman and man has a bed and a locker at their barracks has not been accurate for a long time now. Even for servicewomen and men aged up to 25 who are obliged to live in official accommodation, sufficient living quarters are not available in the barracks at some bases, as is the case at the moment at Mayen. In addition to this, it is not infrequently only thanks to a great deal of ingenious improvisation that overnight living quarters can be made available to servicewomen and men who are not obliged to live in official accommodation but, for example have to be present at a barracks during exercises, watch duties and standby duty when this is

necessary for military reasons. It is estimated there is a need for 13,500 dormitories in communal living quarters (four to a room). The biggest group of service personnel looking for accommodation in the Bundeswehr is still that of weekend commuters (on this issue, see also the section 'Problems of a commuter army').

The Navy has a considerable need for additional accommodation on shore at **Wilhelmshaven** and, if not to such a great extent, **Eckernförde** as a result of the vacation of ships and boats on which personnel previously used to live (fleet service vessels and tenders). This problem, which is being faced by on-board crews, was touched upon previously in the last annual report. It is pleasing that the Navy command at Wilhelmshaven is undertaking considerable efforts to meet the demand for accommodation. Contrary to the original plans, for example, the Ebkeriege Barracks are now not to be given up, but renovated. At Eckernförde, it is only possible for personnel obliged to live in official accommodation to be housed on shore by cramming twice or more than twice the number of personnel they are designed for into living quarters, something that is being done in accommodation blocks where the showers and toilets are no longer up to date. According to the current plans, the completion of the new buildings there is not to be expected before 2024.

Problems are being caused at both bases by the provision of living quarters for servicewomen and men who are not entitled to live in forces accommodation. During a field visit to Wilhelmshaven, though, it became evident that there were options to also make housing available for limited numbers of personnel who were not entitled to live in forces accommodation, for example by offering them cheap rental properties. However, the majority of the personnel not entitled to live in forces accommodation, in particular at Eckernförde, are having to rent apartments at high cost on the private housing market.

An offer from the **Bundeswehr Welfare Association** would have contributed to a fundamental resolution of the accommodation problem back in 2011. It suggested to the Federal Ministry of Defence that living quarters be created in suitable buildings, which would be loaned to the Association free of charge by the German Federation. The Association would then take charge of their operation. Unfortunately, this offer was not pursued further at that time. The Bundeswehr Welfare Association is continuing to maintain its offer. In major conurbations, in particular, this would be a great help for those who are looking for accommodation. The Bundeswehr Welfare

Association's offer should therefore be taken up again.

At some bases, those who are obliged to live in official accommodation make space in their rooms so that servicewomen and men who are not obliged to live in official accommodation can be offered the opportunity to find a place to live at low cost. Such generosity inspired by **comradely solidarity** is a great support for servicewomen and men who have no entitlement to separation allowance, but it is not the solution.

**Private models** for the provision of accommodation for servicewomen and men represent an alternative that could make more rapid solutions possible. It has been recommended in several annual reports that models of this kind be examined. At the Augustdorf, Wilhelmshaven and Stetten am kalten Markt bases residential units that are popular with the commuters who use them have already been built as a result of local base initiatives undertaken in cooperation with the municipalities and private investors. Similar initiatives should also be taken with private assistance at other locations. At Navy bases, for example, consideration could be given to the construction of seamen's homes, where crewmembers without permanent on-site living quarters would be accommodated at low cost during on-shore periods.

## 5. Implementation of the Military Personnel Working Hours Ordinance

The Military Personnel Working Hours Ordinance introduced at the beginning of 2016 is fundamentally to be welcomed. For reasons of occupational health and safety, it places the working times to be done by servicewomen and men on more reliable foundations and makes it incumbent upon superiors to adopt a more conscious approach to the management of time, a resource that is valuable in the armed forces as well. Many servicewomen and men view the new working time arrangements as advantageous because they are able to plan and coordinate their duty hours and family life better.

Numerous petitions and complaints on almost all field visits reveal, however, that the implementation and practical application of the Ordinance and its implementing provisions are still causing major problems. Regardless of the fact that the codetermination process had not even been concluded when it was introduced – servicewomen and men enjoy employee rights too –, superiors criticised the **uncertainty** they felt had arisen **about how the rules should be handled** and the high levels of effort involved in their administration. The lack of confidence about how to deal with the legislation

results from the fact that it did not prove possible to make all the accompanying provisions and instructions available to the forces early enough in order to permit thorough familiarisation, piloting and application when the Military Personnel Working Hours Ordinance was introduced. The Ordinance's introduction was not supported by a project organisation, as is customary for other new measures undertaken on this scale. Despite an information campaign run in advance and numerous information events, superiors complain to the present day about the Ministry's delayed and inadequate communication with the forces concerning the handling of the working time provisions. As a result, the scope for decision-making about exceptions and deviations from the principle of the 41-hour week is being used inconsistently by superiors. The most varied working time models have developed in the units and subunits within formations.

The **software** developed internally within the Bundeswehr to record daily working times (Working Time Recording Tool) was also made available with some delay and without sufficient training. This is only a transitional solution. Not only that, orderly room personnel describe it as being extremely time-consuming to administer. The software is not capable of representing special working patterns such as shift work. An automatic time and attendance recording system with chip cards of the kind already customary in the civilian world of work is hardly to be expected in the Bundeswehr before 2020 in view of the protracted tendering procedure that, experience suggests, is to be anticipated. A workforce planning tool for hospitals that is already available on the market has not been procured to date, making workforce planning more difficult or at least very time and labour-intensive in the Bundeswehr hospitals given the more than 100 individual working time models they have to cope with.

The new working time legislation assumes the principle that the compensation of overtime by time off in lieu enjoys priority. This is supposed to give family and private life space and predictability. Nonetheless, the purposefulness of **time off in lieu** is to be interrogated in individual cases where it is ordered, for example if the end of duty hours is ordered at 16.30 hrs during a stay at a training area, and servicewomen and men are left to their own devices with the – at best – merely limited, but usually non-existent leisure options training areas have to offer. In addition to this, there is the fact that, although the Defence Ministry recognises the carrying of weapons that is also necessary during free time ordered at a training area as the performance of a duty, this is not recognised as working time that

counts towards overtime. Nor does the practice of ordering weekend commuters to take time off in lieu for duty hours the following day after a 24-hour guard duty in the middle of the duty week make much sense. It is understandable that the individuals affected would prefer to use their time off in lieu to extend a weekend at home with their families. The establishment of annual working time accounts would be desirable in the interests of service personnel and their families. Overtime days could then be taken off at times that enriched family life wherever this was possible.

Many servicewomen and men are demanding greater scope when it comes to **financial compensation for duty hours**. According to Section 15(3) of the Military Personnel Working Hours Ordinance, leave from duties in compensation for overtime is to be taken within 12 months. Only if compelling military reasons exceptionally stand in the way of such leave being taken can the overtime be compensated for financially. In practice to date, superiors have been exploiting the scope they have during these 12 months to the furthest possible extent and not granting financial compensation within the period during which overtime may be compensated for by time off in lieu. It is felt to be too much effort to provide the evidence of compelling reasons required for the prompt payment of monetary remuneration for overtime. In addition to this, information technology shortcomings prevented approval being given for the payment of such compensation until October 2016. Now that these deficiencies have been eliminated, financial remuneration for overtime is provided for retrospectively as of 1 January 2016 for eligible temporary career and career soldiers. Overtime done by military service volunteers and reservists was also paid for retrospectively under the Military Service Volunteers Overtime Remuneration Ordinance up to 1 January 2016. In order to guarantee prompt compensation for overtime that has been done, the reference period must be clearly shortened, for example to the four months recommended by the European Working Time Directive.

The reorganisation of working times represents a particular challenge for the **Navy**. Firstly, there are problems defining what is part of routine operations on Navy ships, and therefore results in the application of the Military Personnel Working Hours Ordinance, and what counts as an exceptional circumstance, with the consequence that the Ordinance is not applied to it. This means there are no clear distinctions between different categories of activity during mission training, classic training, sea voyages and missions abroad that are not classified as deployments.

● *In February 2016 the Frigate Mecklenburg-Vorpommern took part in the German Operational Sea Training exercise off the coast of England near Plymouth. Navy Headquarters gave an instruction that the Military Personnel Working Hours Ordinance was not to be applied when German units participated in this training. Rather, the Military Personnel Remuneration Ordinance would be in force. Consequently, the days laid up in port that accrued during the exercise could only be compensated for financially if at least 12 hours of duties had been done in the day ('low overtime compensation'). In anticipation of the participation in German Operational Sea Training, the weekly working time had been reduced to 31 hours for a while in order to compensate for the overtime that would foreseeably be worked during the port stays. However, the overtime worked during the training could not be credited to the 'routine operations' working time account as had been planned. Rather, the time accounts of the crewmembers had balances of between minus 20 and minus 25 hours after the training finished. Furthermore, large parts of the crew were off duty and able to go on shore without restrictions on the great majority of their days in port. This resulted in most of the servicewomen and men not receiving any financial compensation for the in-port periods, despite having been away from home. The annoyance of the affected servicewomen and men about the way orders had been changed several times and the lack of financial compensation for in-port periods is understandable.*

The new working-time arrangements also demand more effective organisation of working time in routine operations. The military activities that belong to core military duties have largely gone undefined. This is particularly relevant for crewmembers of ships and boats because they are currently still burdened with the most diverse additional duties. As discussed in the last Annual Report, it had been the practice up until then that crews living on board at the home port had to do guard duties (**in-port watch**) and look after the vessels' technology round the clock. The new working time law standards no longer make sufficient allowance for such time-intensive activities. Guard duty during in-port periods was therefore increasingly taken over by external Navy personnel during the year under review. This prevents overtime being worked. However, it inflicts double financial losses on shipboard personnel who are not obliged to live in official accommodation: Following the vacation of the ships, there are no free-of-charge living quarters for servicewomen and men on board. They have to rent somewhere to live on shore. Apart from this, they lose their financial compensation for guard duties. These



are financial blows that do not make it more attractive to serve in the forces. The implementation of the Military Personnel Working Hours Ordinance therefore throws up social questions as well.

However, at least in the first six months of 2016, significant hours of overtime were done in the Navy, in particular because numerous guarding commitments could not be transferred to the new guard units in good time. Apart from this, significant overtime hours also accumulate due to the additional work done by the on-board crews during the (often excessively long) periods when vessels are in dry dock. The large total of time off in lieu for Navy personnel that results from this is impacting on their availability, at least into 2017. This is true of shipboard personnel and Navy special forces with particularly high operational workloads and burdens of exercises, but also for those involved in time-intensive search-and-rescue operations. It is foreseeable that the personnel resources in these fields, scarce as they in any case are, will be no longer be adequate to deal with the mission situation at times. There are already significant bottlenecks now in Navy units when it comes to **key personnel**, such as chief engineering officers and Navy divers, which are leading to restrictions on the performance of missions. The operational workload borne by the servicewomen and men on the Frigate Augsburg was approximately 200 theatre days during the year under review, for example. Special arrangements are therefore required for the Navy that, apart from time off in lieu, provide for suitably proportionate monetary remuneration for overtime.

However much the compensation of overtime with time off is to be welcomed, it must also be guaranteed at the same time that it continues to be possible for the Bundeswehr's tasks to be performed. On many field visits, fears were expressed by unit commanders that restrictions on the **performance of tasks** would have to be accepted due to the significant numbers of servicewomen and men taking time off in lieu. They said there was also a tendency for units to lose their cohesion. For example, crewmembers criticised the way a valued Navy tradition was withering away with the vacation of the ships: sailors' attachment to their ship and sense of belonging among the shipboard community were being lost.

The **Army and Air Force** are also being affected by personnel shortages on account of time off in lieu. This is true, for example, of the Army's special forces and air surveillance operations, as well as the Air Force's flying units and aeronautical inspection staff. Against this background, it has to be asked whether the organisation of work in routine operations has been sufficiently and expediently coordinated with the

new working time arrangements. Apart from this, additional tasks, for example during periods spent at training areas or new NATO commitments, demand the constant adjustment of routine duties. It cannot be ruled out that the increased levels of absence caused by entitlements to compensation for overtime will lead to a deterioration in operational readiness. All this makes it clear: If personnel are to work a mean of 41 hours a week over the year in routine operations, constant manning levels will no longer be sufficient to ensure the growing number of tasks can be performed properly.

It still remains to be observed how the implementation of the Military Personnel Working Hours Ordinance will impact on the design of **general basic and specialised training**. Gaps would be just as unacceptable in gunnery and physical training as in ethical and political education or instruction on the principles of leadership development and civic education. Under the current conditions, Army and Navy special forces' training and sustainment training will no longer be fully assured. This will have impacts on their operational preparedness.

Another consequence of the new working time arrangements is the administrative support from the internal administration necessary for their implementation. According to information from the Federal Ministry of Defence, 1,300 posts to be newly created for junior ranks are required just for this purpose. These posts are to be filled with existing personnel.

There were also objections to the fact that the option for parents of children under the age of 12 to reduce their regular weekly working time from 41 to 40 hours is tied to the receipt of child benefit. Child benefit is only paid to one parent, so it is this parent alone who has the opportunity to reduce her or his working time. This is consonant with the provisions that have already applied to civil servants for years. The legality of tying the reduction in working time to the **receipt of child benefit** has been confirmed several times by Germany's highest courts. Since the receipt of child benefit also has an influence on health insurance, assistance and allowances, subsidised 'Riester pension' plans and separation allowances, transferring the entitlement to child benefit to another parent could have disadvantageous impacts. The legally anchored tying of the reduction in working time to the receipt of child benefit sometimes builds up bureaucratic barriers that appear neither justified on grounds of care nor in tune with contemporary society. It would be desirable if it was possible to choose between different options.

The ongoing **evaluation** of the working time provisions, with first stocktakes and interim reports from the major organisational elements, shows that the Bundeswehr has recognised the problems with the implementation of the Military Personnel Working Hours Ordinance and is taking them seriously. Necessary improvements have been identified in all the major organisational elements, and numerous suitable approaches to the resolution of problems developed. At a conference held at the Defence Ministry on 24 October 2016, the individuals responsible within the different major organisational elements presented the results reached up until that point. According to their remarks, adjustments will be required in 23 fields of action. The timescale for their implementation will now depend on whether legislation will have to be amended or the measures can be implemented internally within the Bundeswehr. In so far as solutions are possible without the need for external regulation in the short term, they will have to be implemented without further delays. There is no convincing argument any longer for interrogating and putting off the conclusions drawn from the evaluations. The following case offers an exemplary illustration of how corrections can be made promptly:

- *Trainers with 2 Recruit Company at Merzig complained that, on account of the Military Personnel Working Hours Ordinance and the discontinuation of lights out it involved, recruits were on pass from the unit until reveille and sometimes arrived for their duties half-asleep. Apart from this, camaraderie was suffering. When the first steps were taken to introduce the Military Personnel Working Hours Ordinance, there had been an erroneous assumption at Army Headquarters that the time between the specified end of duty hours and lights out was to be counted 50 per cent as working time. In order not to waste any training time, lights out was dispensed with. This mistake had already been corrected in the first revision of the Army's implementing provisions.*

Overall, it will of course be possible to resolve the numerous problems around the Military Personnel Working Hours Ordinance. The reform must not be a money-saving scheme. Greater **flexibility** when it comes to appropriate compensation for overtime (for instance, for stays at training areas: one third in time off, one third in money and a choice between time off and money for the last third) should also be the aim in order to boost the attractiveness of the Bundeswehr. With a view to aspects of health protection, and better compatibility of service and family life, an opportunity should be created to compensate for any entitlements acquired in the near future, for example by taking extended weekends, when personnel do

special duties, such as on-call duty and standby duty. Apart from this, the authorities should aspire to put in place financial compensation for particular burdens, for instance in the form of a *per diem* training area allowance, and revoke the rules that prevent personnel from being simultaneously entitled to both foreign duty pay and additional pay for overtime work done outside Germany. The intention to apply the current foreign assignment allowance in a revised form in future to quasi-operational commitments (such as the Lithuania battalion battle group) as well, something that has already been discussed with the Federal Ministry of the Interior, is to be welcomed.

## 6. Women in the Bundeswehr

### Increasing the proportion of women in the services

During the year under review, the proportion of women in the Bundeswehr was over 11 per cent for the first time: At the end of December 2016, the number of women in the forces had risen in comparison to the previous year from 19,284 to 20,079. The proportion of women was 5.9 per cent in the Army, 7.6 per cent in the Air Force, 9.4 per cent in the Navy, nine per cent in the Joint Support Service and 39.7 per cent in the Central Medical Service. The proportion of career soldiers who are women was 4.9 per cent (previous year: 4.4 per cent), and the proportion of temporary career volunteers 13.8 per cent (previous year: 13.5 per cent). The proportion of women among military service volunteers rose from 13.9 per cent the previous year to 16 per cent during the year under review, and has doubled since 2012.

Of a total of about 55,000 applications received in 2016, about 9,600 were from women (previous year: about 54,500 applications, of which about 8,900 were from women), which represents an eight-per-cent increase. The **proportion of female applicants** to become officers was 26 per cent, while 17 per cent of applicants to become both senior and junior non-commissioned officers, nine per cent of applicants to join the junior ranks and 16 per cent of applicants to become military service volunteers were women. This steady rise in the proportion of women in the services is to be applauded. Nevertheless, the total percentage is still below the target of 15 per cent (50 per cent for the Medical Service) set in the Act on Equal Opportunities for Female and Male Personnel of the Bundeswehr, as well as being lower than the proportions of women serving in comparable foreign armed forces (for example, USA: 14 per cent, France: 15 per cent, Norway: 17 per cent). Further determined efforts will be needed in order to achieve the target that has been set at least. Of course, the figure of 15

per cent specified in the legislation can only be an interim target, as the Defence Ministry stresses again and again.

Women are still almost invisible in leadership positions and particular assignments, in the Special Forces Command (KSK) for instance. The Bundeswehr will have to redouble its efforts when it comes to the recruitment, retention and personnel development of women. This is why, for example, the plans for the KSK's personnel recruitment organisation to make targeted approaches to potentially suitable servicewomen are to be welcomed. Recruiting women for the Bundeswehr and retaining them in the forces over the long term is not just a matter of equality. Following the suspension of compulsory military service and in view of the demographic changes that are taking place, it is quite simply crucial to the continued existence of the forces.

As far as **careers advice** is concerned, the Bundeswehr is still not responding adequately to the specific ideas and expectations of female applicants. Young women, especially, frequently go into careers interviews with concrete ideas about the kind of assignment they would like. If these ideas cannot be translated into reality, they are more likely to stop considering an application to join the services than young men when other possible assignments are merely suggested to them. Many women evidently expect concrete offers and detailed explanations of the preconditions and requirements of a different assignment. The Bundeswehr's careers advice centres will have to adjust to these expectations and remedy the deficiencies in the advice they offer.

Female role models can make military career paths attractive for interested women. Servicewomen who are completely at home in day-to-day military life and are recognisably enjoying success in their careers act as role models. At least the forces now have their first female Army mountain guides and warship commanders. The Bundeswehr's public relations work could make greater use of these successful examples than in the past for its advertising. It will be necessary to explore various avenues of thought in order to increase the number of **women in leadership positions** within the Bundeswehr. Improving the compatibility of family life and service is an important building block if the Bundeswehr is to be made more attractive to women. Simultaneously, however, the same career opportunities must also be open to women in the forces as to men. This must become something that goes without saying. The initiatives that have already been taken by the Equal Opportunities, Diversity and Inclusion Staff Element within the Federal Ministry of Defence are to be welcomed. They include, among other things, the

agreement to select six suitable female medical officers who are working as consultants and, by sending them on targeted assignments and advanced courses, train them with the prospect that they will eventually take on assignments as heads of clinical departments.

The Mentoring Pilot Project, which was launched in August 2016, also represents an additional personnel development instrument with which to increase the proportion of women in leadership positions. The mentees who have participated so far have been 13 female physicians and one female pharmacist in pay grades A 14/A 15. The mentors belong to pay grades A 16 and higher. Both the mentor and the mentee benefit from their dialogue and the passing-on of experience. Furthermore, this pairing enables each side to understand the other much better. Following the successful conclusion of the pilot project, this scheme is to be open in future not only to servicewomen in the Medical Service, but also in other major organisational elements of the Bundeswehr and servicemen as well.

The evaluation of servicewomen's appraisals by the Equal Opportunities, Diversity and Inclusion Staff Element has found that **part-time working** has disadvantageous impacts. From the fact that women with children make use of opportunities to work part-time during a particular phase of their lives, superiors seem to infer they lack the will to pursue careers. They assess servicewomen as having worse prospects of development. Temporary part-time employment must not mean women's careers suffer. Training for superiors on the treatment of part-time working in appraisals is to be advised.

There are still too few women applying to be accepted into the service status of a **career soldier**, even though they are qualified to do so. As mentioned in the last annual report, the reason for this primarily referred to in discussions and petitions is the lack of compatibility of service with private life. The phase of their lives when servicewomen are starting families usually coincides with the point when they have to decide whether they wish to be accepted as career soldiers. Serving in the Bundeswehr appears risky, especially during this phase. Assignments far away from home, frequent relocations, deployments abroad, and periods of separation from children and partner due to work commitments are not family-friendly. If the lack of acceptance for women and mothers, an inappropriate tone and a lack of career prospects for servicewomen who work part-time are factored in, the decision not to serve permanently in the Bundeswehr is the logical consequence. In this connection, the further results of the study of career soldiers and their motivation commissioned by the Defence Ministry

from the Bundeswehr Centre of Military History and Social Sciences will be anticipated with interest.

The following cases demonstrate that women in the Bundeswehr sometimes still suffer from discrimination:

- *A female flight lieutenant in the Medical Corps who is married to a male Medical Corps flight lieutenant was passed over when her further assignments were being planned by the Federal Office of Bundeswehr Personnel Management, despite the fact she had been prioritised to become a flight surgeon. As the reason for this, she was informed that she was not suitable for a post as a flight surgeon because she had stated she wanted to have children. The post was given to a serviceman in a lower prioritisation category. Although the Federal Office of Bundeswehr Personnel Management admitted she had been discriminated against, the servicewoman could only be promised preferential consideration for appointment to flight surgeon posts that become vacant in future.*

- *In another case, a lesbian servicewoman was discriminated against in comments made by her superior. He said, for example, 'You are even capable of looking like a woman', and, 'Marriage and the family are specially protected by Article 6 of the Basic Law: mother + father + children; the nation needs German children.' It was decided not to institute judicial disciplinary proceedings against the superior because he was being released from his duties to take up a political office and would soon be leaving the Bundeswehr. However, it was found he had contravened the principles of leadership development and civic education, and failed in his duty of care towards his subordinates.*

### **Military gender equality commissioners/officers**

The military gender equality commissioners and officers have the task of promoting and supporting the implementation of equal opportunities legislation. They are organs of their agencies, but are not subject to instructions from their superior officers in the performance of their duties. They are involved in all personnel, organisational and social measures taken by their agencies that are relevant to the equality of servicewomen and men, the compatibility of family life and service, and protection against sexual harassment in the workplace. Pleasingly, the **Implementing Provisions to the Act on Equal Opportunities for Female and Male Personnel of the Bundeswehr** that were announced the previous year and had been called for in several annual reports were finally put into force during the year under review. The rights for the military gender equality

commissioners and officers to take part in disciplinary and military complaints proceedings that had been demanded by the Parliamentary Commissioner for the Armed Forces are now clearly regulated in these implementing provisions as well. This has strengthened the position of the gender equality commissioners and officers as organs of their agencies.

The statutorily guaranteed human resources **required to support the work** of the military gender equality commissioners and officers are still not guaranteed everywhere on the necessary scale. The Chief of Defence already issued a directive on this issue in December 2015. The gaps that are to be found must be closed expeditiously.

Military gender equality commissioners and officers complained in petitions of being discriminated against in their own military careers on account of the work they did – for example when it came to promotions. According to the provisions of the Act on Equal Opportunities for Female and Male Personnel of the Bundeswehr, office-holders must be neither discriminated against nor favoured in their **career development**. In consequence, in order to clarify the competitive situation when personnel decisions are taken that will help individuals progress in their careers a notional simulation of the servicewoman's aptitude and performance is carried out. This is used to make up for the fact that, on account of their release from their duties to work as military gender equality commissioners and officers, it is not possible to assess their performance over an appraisal period. The unit that processes personnel matters compiles a reference group that includes at least nine other servicewomen and men whose average performance is used to generate a performance ranking for the gender equality commissioner or officer. They have to belong to the same speciality and assignment series as the released servicewoman, and have been transferred to a post comparable in terms of its assignment level in the same year as her. In the past, this procedure has often not been applied in accordance with the relevant provisions, if at all. The Federal Ministry of Defence has responded to petitions concerning this matter by drawing the attention of those who work in personnel management to the significance of the procedure that has been described.

### **Uniform and body armour**

As in the previous year, there still continue to be shortcomings when it comes to the supply of well-fitting clothing and equipment for servicewomen. According to the Federal Ministry of Defence, 400 size S and 200 size XS armoured vests were procured

back in 2015 in order to meet the increased demand for bulletproof armoured vests in small sizes. An additional 272 size S armoured vests were due to follow in 2016. However, the priority is to issue these armoured vests to deployment participants. This means there is still a lack of armoured vests for training and exercise purposes. To ensure servicewomen's safety, they should now be procured at an accelerated pace. In future, an infantry armoured vest modified in the XS size is to be available that will be specially adapted to servicewomen's needs. It is expressly to be welcomed that the competent gender equality commissioners and officers were involved from the very beginning in the introduction of this armoured vest.

Despite being announced repeatedly by the Federal Ministry of Defence, steps to meet servicewomen's requests for feminine-cut variants of uniforms have not been taken either during the year under review. Nor has the demand made by the Parliamentary Commissioner for the Armed Forces for uniforms to be supplied for pregnant women yet been acted on. The provision of this clothing is first to be implemented by 2018. Apart from this, it has been well known for years that the combat boots available in the Bundeswehr are unsuitable for servicewomen. These deficiencies in the clothing for servicewomen, which have been acknowledged for a long time, must now finally be eliminated without further delay.

## 7. Leadership and daily military life

### Leadership behaviour and no-blame culture

Again and again, servicewomen and men complain of not being able to resolve particular problems due to the rules that are in place (administrative instructions, ordinances, acts). This feeling of being constrained by bureaucracy is increasing, which undermines the principle of mission command. Instead, a safety-first mentality is too often manifested as individuals stick rigidly to the rules. Time, money and the effort expended on justifying decisions are wasted in clinging to things that no longer make sense. At the same time, many of the Bundeswehr's self-imposed rules could be changed relative easily. In many situations, the experts on how to formulate better rules are the forces' servicewomen and men themselves.

But is there any real desire for initiatives to change or improve these rules? Many servicewomen and men, including individuals in positions of responsibility, do not want to make mistakes, fail to overcome resistance or make themselves unpopular at higher levels. In the last annual report, the inadequate no-blame culture in the Bundeswehr was addressed in

this connection. The Army Chief of Staff responded to the suggestions that had been made by holding a two-day **conference on 'leadership and no-blame culture'** in August 2016 with the participation of the Parliamentary Commissioner for the Armed Forces. It was attended by 50 servicewomen and men of different ranks from all parts of the Army, who discussed various aspects of the topic and debated improvements in eight working groups. The participants estimated the ratio of good to bad leadership behaviour in the Bundeswehr at 70 to 30 per cent. As far as this was concerned, they judged leadership behaviour on deployments to be significantly better than in routine operations. Mission command, clear tasking, mutual trust, an environment in which errors could be admitted without fear: this was how the situation on deployments was described.

In routine operations, by contrast, it was felt there were usually shortages of manpower, funding and above all time. The participants believed too many tasks were being performed alongside personnel's actual jobs, and additional operational commitments were too frequently having to be discharged (partly as a result of the detachment of key individual personnel). Structural turbulence, for instance as a result of superiors' excessively short periods in post, was making it difficult to build up relationships of trust. The rules and regulations were characterised by their formalism, while too many of them were vaguely formulated but nevertheless motivated by very concrete expectations. Independence was blocked by 'control freakery', while mission command broke down as personnel tried to work out what they were supposed to be doing from mails that were sent to everyone in their unit and covered every conceivable eventuality. It was claimed safety-first thinking inhibited decision-making processes and led to frequently unmanageable internal email correspondence and sometimes utterly excessive levels of communication. Not infrequently, personnel were supposed to make the impossible possible, and bad news and reports about errors were not desired.

One of the causes of the problems in routine operations is the management of scarce resources that has been going on for years. The gaps in personnel and materiel for day-to-day operations, training and exercises require constant coordination and improvisation from superiors and their subordinates. This situation is not only a breeding ground for shortcomings and errors, it also demands constant information from all sides, ties up manpower and costs the time of all involved. The implementation of the action that has been announced to reverse current trends in manning and materiel, and attractiveness measures such as the extension of periods in post are

certainly first steps towards an improvement of the situation in this field.

However, it will only be possible to talk of a reversal of trends in respect of the handling of errors if mentalities that have become ingrained habits over the years, in particular the desire for high levels of control and safety-first thinking, are cast aside. Responsibility is personal and cannot be shared. Time is a factor that is also to be newly assessed and its use focussed on essential tasks. In this respect, the introduction of the Military Personnel Working Hours Ordinance represents a challenge for the Bundeswehr as well. Ultimately, there is a need for clear cultural change as far as styles of **leadership in routine operations** are concerned. Mission command must again become the basic leadership method.

Irrespective of these factors, good leadership behaviour and the appropriate handling of mistakes depend primarily on the personality of the superior. This is why the consciousness of responsibility should be given even greater consideration than in the past when personnel are selected for these roles. The capacity to act with composure, authority and respect, and the awareness of not being infallible oneself are important characteristics in this context. Good leadership behaviour and a positively interpreted no-blame culture should therefore be covered by course-based training from the very beginning, and accompany servicewomen and men throughout their professional lives. In this respect, the postulation of an unachievable, idealised image must not stand in the foreground. On the contrary, it should be unambiguously stated, and made clear with negative examples, what forms of behaviour are unsuitable and to be avoided.

A solid **relationship of trust** between superiors and subordinates plays an elementary role in military professions more than in many other vocations. Superiors – at all rank levels – must always be conscious of this and concentrate their actions on the building of such relationships. Within her or his remit, every superior should pursue the aim of creating a climate that is characterised by openness, honesty and mutual trust. Giving servicewomen and men the security to admit to errors and to be able to report shortcomings at any time is a good style of leadership. Trust and appreciation can only flourish where they are not demanded unilaterally, but lived out on both sides. Good, comradely, communicative behaviour is decisive, especially in superior/subordinate relationships. A superior who takes the concerns of her or his subordinates seriously, addresses errors, analyses them, gives assistance and in case of doubt protects subordinates when things go wrong, will reap appreciation. For many servicewomen and men, such

a way of dealing with people is a clearer attraction than some of the other measures that are intended to enhance the attractiveness of the Bundeswehr.

One of the superior's duties is also to care for the servicewomen and men placed under her or his command. This duty requires the superior to behave benevolently towards the servicewomen and men she or he commands, while her or his actions must be aimed at preserving subordinates from disadvantages and harm, and ensuring they are dealt with in accordance with the law. Unfortunately, some superiors have not lived up to these aspirations.

- *One staff sergeant punched and kicked subordinates, and choked them in a headlock. By doing this, he wanted to demonstrate his skills in the Krav Maga self-defence system and challenge them to fight. The serviceman was sentenced non-appealably in criminal proceedings to a custodial sentence for the ill-treatment and degrading treatment of subordinates, the enforcement of which was suspended on probation. Judicial disciplinary proceedings were also instituted.*

- *In another case, a lieutenant ordered his platoon to do press-ups and knee-bends after a march back from gunnery training. When two of the servicemen collapsed with exhaustion, and some of their comrades wanted to hurry to their aid, he repeatedly said, 'Let them lie there, they've only fainted, they're not dead!' The judicial disciplinary proceedings instituted initially were stopped although it was found a disciplinary offence had been committed. The imposition of a simple disciplinary penalty was no longer possible at this point due to the lapsing of time under Section 17(2) of the Military Discipline Code.*

An inappropriate **tone** and uncomradely manners are unlikely to foster constructive, trusting relationships between superiors and subordinates. If, as happened, a company commander refers to a subordinate as a 'slave' and 'the company boot cleaner', this is not to be tolerated and constitutes a disciplinary offence at least. In other cases too, superiors clearly adopted the wrong tone. In petitions, servicewomen and men from various units quoted superiors who had said things like, 'you're the last person I want to see,' 'loser', 'disabled', 'piss off', 'shut your gob,' 'you're so stupid they ought to shoot you,' 'scumbag', 'dirty bastard', 'morons' and 'homos'.

- *One staff sergeant told mustered servicemen after a training session: 'That was good, but even so you're shit.' He defended his behaviour by claiming it had been his aim to use this 'joke' way of addressing them to prevent them 'getting too big for their boots'. In fact, the servicemen felt the manner in which they had been spoken to had belittled their dignity. A*

*simple disciplinary penalty was imposed on the staff sergeant.*

- *In another case, a sergeant 1st class told a subordinate serviceman to pack away his mobile telephone during a parade or he would break the subordinate's legs. A short time later, the sergeant 1st class said that if he was on deployment and that happened to him as a section leader he would take his P8 and shoot the subordinate in the face. When this happened, the subordinate's mother could be sure her son would be dead then because he was a good marksman. The criminal proceedings against the sergeant 1st class were stopped in exchange for the payment of a substantial amount of money to the public purse.*

Correct manners and an appropriate tone are integral to military camaraderie. They are expressions of military discipline and order. Subordinate servicewomen and men are positively influenced in such an environment. No one becomes a better soldier by being insulted and humiliated. Of course, criticism of soldiers' performance must be allowed, and this must also be articulated in a clear, military tone and manner. However, the superior is responsible for ensuring that the limits of the acceptable are not overstepped when this is done.

Particular attention is paid to **basic training**. This training phase represents an important caesura in servicewomen and men's lives, and is at the same time the first impression they are given of the Bundeswehr. Nevertheless, some trainers evidently feel it is necessary to impress their subordinates with a tone they incorrectly feel to be military or even motivating.

Respect is not synonymous with fear. Motivation depends not on a particularly harsh or insulting tone, and certainly not on excessive demands being made during training. If, as happened in 2016, several comparable cases are reported from the same basic training unit, it is to be assumed that negative patterns of behaviour have evidently developed into the identity of a whole community of trainers. The following exemplary cases are incidents from various basic training units:

- *During a gunnery training session, a staff sergeant ordered the recruits under his command in basic training to do press-ups for as long as it took for two of their comrades to smoke a cigarette. Another staff sergeant in the same unit stuck a piece of adhesive fabric tape over a recruit's mouth, painted a laughing mouth on the tape and made the serviceman march with it on his face to a bus on which he was due to be redeployed. The disciplinary attorney's office is*

*investigating both cases, in one of which judicial proceedings have already been instituted.*

- *In another case, judicial proceedings were brought against a sergeant 1st class. Among other things, he was accused of having told the recruits mustered before him for the first time: 'As a sergeant 1st class and career soldier, I am untouchable. I report directly to God, only He can give me orders', and also having behaved in accordance with this attitude. Further charges include accusations of having excluded a female recruit from training because he viewed her behaviour as 'bitchy', and in another context having said: 'Stop bitching, bitches deserve to be shot.' Due to their height, female recruits were described as 'the hobbit club'. In case recruits did not follow his instructions, he said, 'The only thing you'll hear then is the shuck-shuck when I'm standing behind you with my pump-action shotgun.' The serviceman was replaced as a trainer after these accusations came to light.*

Careful investigations when the suspicion arises of a **breach of official duties** and the consistent punishment of disciplinary offences that have been proven are core elements of leadership development and civic education, and foster trust in the leadership. This makes it possible to avoid giving the impression that disciplinary superiors allow servicewomen and men to get away with disciplinary offences or that particular breaches of duty are tolerated. However, the efforts to do this are not always successful:

- *For instance, one company commander did not conduct sufficient investigations, although he had been given reason to believe by a report from a subordinate that a serviceman in his company had committed several breaches of official duties. A simple disciplinary penalty was imposed on the company commander.*

During the year under review it was noticeable that a disciplinary punishment or the institution of judicial proceedings were dispensed with on various occasions, even when sometimes not insignificant disciplinary offences had been proven. This is particularly alarming in cases where, following a decision not to institute judicial proceedings, the imposition of a simple disciplinary penalty no longer comes into question either due to the lapse of time under Section 17(2) of the Military Discipline Code. The Parliamentary Commissioner for the Armed Forces clearly expressed his objections in the relevant cases to the agencies that were to comment on them when he reviewed the circumstances in question.

### Assistance for refugees

In providing assistance to refugees, the Bundeswehr has been engaged in its most personnel-intensive, longest deployment within Germany to date. The strain on the competent federal authorities, the Länder and the municipalities was relieved decisively, especially at the beginning of the refugee crisis. They were given time to build up their own personnel and materiel capacities. Just up to June 2016, servicewomen and men did more than 2.2 million hours of work. On the foundation of technical administrative assistance under Article 35(1) of the German Basic Law, the Bundeswehr has been delivering numerous support services such as the provision of personnel, transport capacities, medical support, catering and fire protection. In addition to this, it has made a total of 51,000 accommodation places available. In view of the fact that staffing is thin in any case in many parts of the Bundeswehr, the support services provided while helping to assess refugees were a major challenge. At times as many as 9,000 servicewomen and men were on standby for these civilian tasks.

According to the Federal Ministry of Defence, 390 members of the Bundeswehr were still deployed at the **Federal Office for Migration and Refugees** at the end of 2016, working on the registration and analysis of asylum applications and reducing the backlog of asylum procedures. A number of the servicewomen and men who were serving there complained that some of them had been told about their temporary assignment at very short notice without its duration being set. Decisions about follow-on temporary assignments had only been taken very late. The unpredictability this meant for the individuals affected, as well as for their parent formations is to be criticised. Furthermore, there was criticism of the absence of a contact person who would be able to deal with applications, and settle additional financial matters such as allowances and travel expenses. The directives in place on these topics are evidently only insufficiently well known or are not being implemented. There were also complaints that, for example, no physical training could be ordered due to the failure to transfer disciplinary powers. This gap should be closed on similar, long temporary assignments to bodies such as the Federal Office for Migration and Refugees. For instance, the situation could be remedied by establishing a function similar to that of the Senior German Officer on foreign assignments.

Finally, servicewomen and men criticised the financial **compensation** for additional expenses, in particular daily meals, as insufficient. To begin with,

they had been granted a flat rate of €25 a day. However, the Federal Ministry of the Interior ruled that there was no legal foundation for this cash benefit granted solely to members of the Bundeswehr, which was why the allowance was cut again from February 2016. No action can be taken against this decision for legal reasons. Nonetheless, the unhappiness is understandable. After all, the individuals affected have also had to repay the previously granted monetary benefits. They will now receive a markedly lower level of compensation under the general provisions of the law on separation allowances and the Federal Travel Expenses Act. Nor do a monthly subsistence allowance of €200, which incidentally expired at the end of March 2016, and a post allowance granted since January 2016, which varies between €85 and €140 a month depending on the individual's pay, fully compensate for the losses that have been described.

The intention to rapidly further reduce the number of personnel engaged in administrative assistance and allow them to go about their actual jobs again is to be welcomed. The swift deployment of the Bundeswehr was successful and helped the German Federation, the Länder and the municipalities enormously. This particular effort was also recognised in a letter from the then Head of the Federal Office for Migration and Refugees, Frank-J. Weise, to the Parliamentary Commissioner for the Armed Forces, in which he wrote, 'The Bundeswehr's servicewomen and men are making an inestimable contribution within the Federal Office with their composure, their attitude and the quality of their work. The mobility and flexibility that is ensured by this personnel support for the Federal Office for Migration and Refugees is [...] of great significance. It confirms the best impressions we have of our Bundeswehr.' At present the Federal Ministry of Defence is examining **how the esteem felt** for all the members of the Bundeswehr who have been deployed providing assistance for refugees in Germany should be **expressed**, for example with a certificate and/or an official ceremony. This initiative is expressly welcomed.

100 Syrians took part in a 12-week civilian **training programme** run by the Bundeswehr at Delmenhorst, Berlin and Ingolstadt up to mid-November 2016. The aim of this pilot project was to teach knowledge and skills for medical care and the reconstruction of destroyed infrastructure. The Bundeswehr deployed 32 trainers, 36 support staff and 12 linguists for this course. At the base in Berlin (Julius Leber Barracks), the servicemen involved complained of having to wait for weeks on end for some of the teaching materials requested for the training. They therefore resorted occasionally to using private materials. The



servicemen felt it would be sensible if dedicated budgetary funds were to be made available for special projects of this kind that would enable them to procure the materials they needed rapidly and uncomplicatedly. This project is fundamentally very well intentioned. However, the number of personnel deployed seems far too high, particularly when it is borne in mind that this is something of a symbolic contribution on the Bundeswehr's part. It would have been possible to use the infrastructure that already exists at civilian Bundeswehr-run training workshops. This training initiative could therefore have been implemented with less additional effort and expenditure.

### Chaplaincies

On 28 August 1956 the Joint Service Regulation on Military Chaplaincy was issued. Six weeks later Cardinal Josef Frings celebrated the first Catholic service at a base after the establishment of the Bundeswehr in the Basilica of St. Gereon at Cologne. The following year the Evangelical Lutheran chaplaincy in the Bundeswehr was established with the Military Chaplaincy Agreement. The two Christian churches have been doing their indispensable work in the forces for what is now 60 years. This has been characterised by, among other things, good ecumenical collaboration between the Catholic and Evangelical Lutheran chaplaincies. An exemplary manifestation of this collaboration was a joint event held during the year under review by the Catholic and Evangelical Lutheran chaplaincies with the Parliamentary Commissioner for the Armed Forces on the compatibility of service in the Bundeswehr with family and private life. Both churches possess profound knowledge about the concerns of service personnel and their relatives, and not just in this field. This wealth of knowledge has been gathered by dedicated chaplains who are prepared to take on the special challenges of this job.

There were no petitions from servicewomen and men who made critical remarks about the chaplaincies in the Bundeswehr during the year under review. Nor did any evidence come to light that servicewomen or men felt their fundamental right to **freely practise their religion** was being infringed. This is not something that goes without saying, especially compared to the situation in other countries. Rather, it reveals on the one hand how the principles of leadership development and civic education have been internalised, and on the other the quality of the work done by the churches in fulfilling their responsibilities to service personnel and their relatives. It became clear again and again in discussions with servicewomen and men how much military chaplains

are valued as spiritual advisers and shoulders to cry on, and how much use is made of the welfare provision offered by the two Christian churches. The chaplaincies' provision is expressly intended for servicewomen and men who do not belong to either of the two Christian churches.

Apart from people without any religious affiliation, **Muslim service personnel**, in particular, play a particular role in the Bundeswehr in this respect. The figures quoted for the size of this group vary between 1,400 and 1,600, which represents approximately 0.8 per cent of all the servicewomen and men in the Bundeswehr. According to the Federal Ministry of Defence, the Central Point of Contact for Servicemembers of Other Faiths at the Leadership Development and Civic Education Centre has definitely received enquiries from Muslims about the establishment of an Islamic welfare organisation within the Bundeswehr. During the year under review one serviceman, who was supported by an Evangelical Lutheran military chaplain, also asked the Parliamentary Commissioner for the Armed Forces to give his backing for a Muslim section to be added to the chaplaincies. The Ministry has been examining these requests for a long time. This is pleasing, but has now been going on for too long. It is understandable that judicious answers to some significant questions will have to be found before the military chaplaincies are expanded with a serious Muslim section: For instance, there is no shared central institution among the large number of different, sometimes competing mosques and Muslim associations that would be capable of concluding an agreement – analogous to the Military Chaplaincy Agreement with the Lutheran Evangelical Church or the Concordat with the Catholic Church – on the establishment of a welfare service for Muslim personnel. Nor is there anybody at present who would be capable of running such an organisation. However, these problems are resolvable and the matter should now be brought rapidly to a constructive outcome. The Austrian Armed Forces are already some way ahead in this field: there has been a prayer room for Moslems at the Maria Theresa Barracks in Vienna since February 2004. The recruitment of two imams, which had been planned as early as 2008, was eventually implemented in 2015 with the appointment of an imam who works part-time for the Austrian Land Forces.

### Bundeswehr infopoints

An important part of the Attractiveness Agenda is the setting-up of what are known as infopoints, which offer support from a single source for servicewomen and men, their family members and former service

personnel at all 263 Bundeswehr bases. The contact person at an infopoint is supposed to provide information about who can answer questions competently, as well as offering advice and assistance. Individuals may, for example, have questions when they are looking for an apartment, a doctor, a child daycare place, a school or a job for their partner, or want to know how to contact the Bundeswehr Social Services or a military chaplain. The infopoints enjoy great popularity. Committed active servicewomen and men, and reservists are contributing to their success. At many smaller bases, though, there are not enough people to staff the infopoints. The garrison senior officer is already burdened with numerous tasks. Instead of meeting someone to talk to, personnel merely find a binder that can be consulted, but is not even updated regularly. This is not how communication works. The quality of the infopoints must be improved at some bases.

### **New avenues for welfare**

Care and welfare are central elements in successful leadership. Meaningful leisure activities for servicewomen and men not only have positive impacts on their physical and mental operational preparedness, but also boost their motivation. The leisure offices set up at barracks are supposed to be used to provide information about possible leisure activities. During a pilot project to improve welfare provision, however, it was found that the leisure offices set up so far are failing to do adequate justice to this task. This is why leisure offices were reorganised into **welfare offices** at 12 bases under this project during the years 2014/15. These welfare offices are intended to provide more up-to-date welfare services that also integrate the families of service personnel. It was concluded from the project that a welfare office's potential can only be exploited to the utmost if it has full-time staff with broad knowledge of the leisure opportunities in the region. The positive results of this welfare project should now be drawn on to reorganise the current leisure offices throughout Germany along the lines of the new welfare offices with their full-time staff.

The Bundeswehr had already changed the **MWR food service** in 2012 with its Concept for the Reorientation of Government-Furnished Meals and MWR Food Service in the Bundeswehr. This was supposed to create sustainable, economically adequate structures. In the form of what are known as 'trio buildings' the previous welfare landscape with its range of different services has been consolidated into a single welfare facility for all rank categories at some bases. During the year under review, there were 31 trio buildings of this kind. The range of functions they offer is

overwhelmingly praised. At individual bases, though, Holzminden for instance, some of these buildings, which were constructed at considerable cost, cannot be operated due to hygiene problems. Remedial action will have to be taken in the short term at these locations.

Since the demand for welfare facilities varies widely from base to base because the local infrastructure is so diverse, existing **member-run welfare facilities** such as officers' club associations, non-commissioned officers' club associations and tenant-operated junior ranks' clubs must also continue to be actively involved in local welfare concepts. Diversity should not be a disadvantage here. What is important is not uniformity, but attractive provision. In this respect, at the latest now against the background of the impacts of the Military Personnel Working Hours Ordinance, the employment of servicewomen and men as stewards in officers' messes will have to be clarified once again. Furthermore, it is not only necessary to give consideration to the demand for ceremonial events at each base. The weighting should also take account of how club associations that are already running facilities on the ground help to nurture an awareness of tradition.

## **8. Deployments and Alliance issues**

### **Lessons learned from previous deployments**

In June 2016 the Parliamentary Commissioner for the Armed Forces of the German Bundestag, the German Bundeswehr Association, the Armed Forces Reservists Association and the Aspen Institute held a conference of leading experts from the military, the public administration and society about the lessons to be learned from the ISAF mission (2001–2014). To the present day, no comprehensive official evaluation report has been produced, by NATO or the German Federal Government for instance. During the discussion in Berlin, it became clear in particular that the international community had not had clear shared objectives. Nor had the interests of the states that border Afghanistan and the country's societal structures themselves been given sufficient consideration. A reconciliation concept had been lacking from the beginning. Multinational missions of this size would have to be better coordinated and centrally led in future. The troop ceilings for such mandates should be flexible enough to ensure it is possible to respond quickly to changes in the situation. Furthermore, better coordination between national government departments, the military, civilian governmental organisations and non-governmental organisations will be required in the

spirit of the German ‘networked approach’. The establishment of Directorate-General S (Crisis Prevention, Stabilisation and Peacebuilding) at the Federal Foreign Office may have been informed by this learning experience.

### **Deployments, quasi-operational commitments and standing operational tasks**

At the end of 2016 the Bundeswehr was mandated for **13 deployments abroad** by the German Bundestag. The total number of German servicewomen and men who simultaneously found themselves serving on these deployments was approximately 3,300 at the end of 2016. Apart from this, the Bundeswehr was involved in further deployments that did not need to be mandated by Parliament. The large number of deployments and the broad geographical spread of their mission areas reflect Germany’s more expansive understanding of its security-policy role. It is regrettable that the German Bundestag has not so far taken the publication of the *White Paper* as an opportunity to conduct a **debate about the fundamentals** of security-policy.

The lower number of servicewomen and men on the different deployments abroad in comparison to earlier periods still confronts the Bundeswehr today with similarly great challenges managing the associated logistics, air transport and medical provision as in 2002, when more than 10,000 servicewomen and men were deployed abroad, the great majority of them in the Balkans. Although other commitments have higher troop ceilings (KFOR: 1,350; the fight against IS: 1,200; Resolute Support: 980; Mali: 950 in total), the largest deployment in terms of boots on the ground during the year under review was actually Resolute Support in Afghanistan with 980 servicewomen and men. Following the withdrawal of the task force company from Kosovo in the fourth quarter of 2016, the commitment in Mali (EUTM and MINUSMA) came in second place with what have until now been up to 700 servicewomen and men in theatre.

On 4 December 2015 the German Bundestag decided to deploy armed personnel to combat the activities of the terror organisation IS. On Operation Inherent Resolve, Germany is making a contribution to the implementation of not just United Nations Security Council Resolution 2249 (2015), but also the mutual assistance clause laid down in Article 47(7) of the Treaty on European Union, which was invoked for the first time by France (following the terror attacks in Paris). From the NATO base at Incirlik in Turkey, the Air Force’s Counter Daesh Operational Wing is supporting the international alliance with six Tornado

reconnaissance aircraft and an Airbus A-310 MRTT aerial refuelling aircraft. The Navy is also contributing to the protection of the French carrier group. Furthermore, 16 November 2016 saw the first NATO AWACS flight with the participation of German personnel to support the international anti-IS coalition from Konya in Turkey. In the north of Iraq – apart from substantial deliveries of materiel –, the Bundeswehr is providing training support to the security forces of the government of the Kurdistan-Iraq region (Peshmerga) under a mandate whose troop ceiling has now been raised from 100 to 150 servicewomen and men.

The mandate for sea surveillance and counterterrorism activities in the Mediterranean as part of the NATO-led Article 5 operation Active Endeavour expired on 15 July 2016. The Navy had only occasionally taken part in this operation, attaching seagoing units to it for short periods, mostly while they were on transit to other deployments. The Bundestag approved German participation in NATO’s follow-up operation, Mission Sea Guardian (non-Article 5), on 29 September 2016. Sea Guardian is also contributing to sea surveillance, and counterterrorism operations in the Mediterranean, and the mandate permits the deployment of up to 650 servicewomen and men. Germany first participated in this NATO mission a few days after it commenced on 9 November 2016 with the short-term attachment of the Frigate Augsburg. There has been no change to the Navy’s commitment in the Mediterranean as part of the European Operation Sophia with up to 950 servicewomen and men who are working on operational picture compilation and the prevention of illegal migration activities. Furthermore, the Navy is contributing up to 300 servicewomen and men to the UN UNIFIL mission off the coast of Lebanon, which has been ongoing since 1978 and was expanded with a marine element in 2006. Not only that, up to 600 Navy personnel are serving on the European anti-piracy mission Atalanta at the Horn of Africa, which was set up in 2008.

In addition to this, the German Bundestag authorised the armed forces to take part in humanitarian missions under the umbrella of the United Nations in Sudan (UNAMID) and South Sudan (UNMISS) with a troop ceiling of 50 servicewomen and men for each deployment. As part of the European Union Training Mission in Somalia (EUTM Somalia), the Bundeswehr is providing training support for the Somali armed forces delivered by up to 20 servicewomen and men.

Apart from the numerous deployments abroad, servicewomen and men are having demands made upon them by standing operational tasks and quasi-operational commitments. Mention may be made here

of, for instance, the support for the registration of refugees by the Federal Office for Migration and Refugees. In addition to this, there are the servicewomen and men kept on standby in Germany, who have to be ready to deploy within 14/30 days in case the situation deteriorates in Kosovo or Afghanistan. Furthermore, these commitments include NATO's integrated airspace surveillance to protect its own territory, air policing operations in the Baltic (Estonia), and the Bundeswehr's participation in four Standing NATO Maritime Groups, and a European Battlegroup that included about 2,000 German servicewomen and men in the second six months of the year under review. Finally, 5,300 servicewomen and men are serving with NATO's rapid response forces (Enhanced NATO Response Force/Very High Readiness Joint Task Force). At their peak, in mid-January of the year under review, nearly 20,000 servicewomen and men were directly engaged on these deployments, quasi-operational and other commitments, and standing operational tasks.

### Resolute Support, Afghanistan

Since leaving the air transport base at Termez/Uzbekistan at the end of 2015, the Bundeswehr has only been in a position to ensure strategic protected **air transport** is provided between Germany and Afghanistan to a limited extent on account of a lack of transport aircraft. The US Air Force has undertaken to run a flight between Germany and Afghanistan and back once a week until June 2017. These flights are very frequently delayed:

- *On the Friday before Whitsun, for example, 94 German servicewomen and men were supposed to deploy from Cologne to Afghanistan: Their departure was delayed ever longer, eventually until the Tuesday after Whitsun. Having bid farewell to their families and friends, the majority of the servicewomen and men therefore had to spend a long weekend at the Air Force barracks at Cologne-Wahn and hotels in the surrounding area.*

These delays are to be regarded with concern. The Bundeswehr is failing to do sufficient justice to its duty of care to servicewomen and men if it is not capable of reliably organising their transport to and from mission areas at any time with its own resources or support from Germany's allies.

In this respect, it is to be welcomed that Germany and France are planning to jointly procure and operate Hercules C-130J protected aircraft as a new part-replacement for the C-160 Transall aircraft that are being phased out and a means of filling the gap left by the A400M. This will not only close a capability gap by giving the forces aircraft that are able to take off

and land on short runways, but European integration will also be driven ahead in the defence sector. A sense of urgency would be desirable here.

Servicewomen and men complained that the costs of **postdeployment workshops** had to be borne by participating family members themselves. In the meantime the Federal Ministry of Defence has clarified that these costs will be reimbursed to family members on application. The Bundeswehr must provide better information about this situation.

Further petitions were concerned with the topic of **intercultural sensitivity**:

- *For instance, out of consideration for Muslim local employees, servicewomen and men with a contingent in Afghanistan had been banned from listening to music in commonly accessible areas during Ramadan. At the same time, they had been recommended not to drink, eat or smoke in the presence of Afghan helpers in the daytime during Ramadan. The order on listening to music has been cancelled again in the meantime.*

The recommendation not to drink is inappropriate in view of the climatic conditions in Afghanistan in June and July. It is not compatible with superiors' duty of care, as well as their duty to preserve servicewomen and men's health, in addition to which it conflicts with the efficient performance of the military mission.

### KFOR, Kosovo

On 30 September 2016 the German KFOR contingent discontinued patrols by the task force company at Novo Selo. However, the Bundeswehr will maintain a presence in Kosovo with several hundred servicewomen and men. Servicewomen and men from the task force company had previously complained in particular about the lack of crowd-and-riot-control equipment, including protective helmets and body armour. Only seven weeks after the beginning of their deployment was it possible for all servicewomen and men to be issued with this equipment in the required sizes. Their free-of-charge welfare telecommunications were only up and running after they had been in Kosovo for eight weeks. Due to the vacancy of a post in the armoury, nearly half the P8 pistols were no longer available over a period of more than three months on account of technical defects. In addition to this, numerous petitions were concerned with the transport arrangements for the return journey to Germany at the end of the contingent's tour of duty. Among other things, these complaints mentioned frequent postponements to the date of travel and the fact personnel had to travel back together with their Dutch allies to Eindhoven, a destination that is

inconvenient for some German servicewomen and men.

### **Counter Daesh, Turkey and the Mediterranean**

When the Parliamentary Commissioner for the Armed Forces visited the German Counter Daesh Contingent at the Incirlik Air Base near Adana in Turkey, servicewomen and men told him that the materiel situation left much to be desired. In particular, **obtaining spare parts** was problematic. Some servicewomen and men had already privately ordered missing materiel such as tools and spare parts, for example to repair air conditioning systems. Overall, according to the individuals affected, the procurement process via the Bundeswehr Logistics Centre was too slow.

Not only that, there were problems with their **accommodation**: The German servicewomen and men are currently put up in living quarters at the air base and a hotel. The living quarters are dilapidated light-frame buildings that are no longer needed by the US Armed Forces. The dormitories there are occupied by up to seven servicemen, although the space is merely sufficient for four people. The accommodation situation on the ground could only be tangibly improved by the implementation of the construction measures that have been planned. Whether and when the building work will actually be carried out has remained uncertain so far on account of the political situation. In addition to this, mould in sanitary facility containers and infestations of mosquitos as a result of standing water left by inadequate drainage pose dangers to servicewomen and men's health.

Contrary to the assurances given by the Federal Ministry of Defence that the **medical care** for German servicewomen and men with the contingent at Incirlik was ensured at all times, servicewomen and men were afraid the medical situation would deteriorate as a result of the raised security level (even before the attempted putsch on 15/16 July 2016). For instance, it was claimed the medical infrastructure of hospitals and specialist physicians in Adana was no longer available. Personnel were only permitted to leave the air base for an appointment with a Turkish specialist physician if life-threatening symptoms had been diagnosed. Nor were there any rescue vehicles at the base. A Turkish ambulance had to be requested to transfer patients to a Turkish hospital. It was explained this was very time-consuming. In this respect, it was also unclear whether it was allowed for servicewomen and men going for treatment to be accompanied by medical personnel from the Bundeswehr, and how their security could be

guaranteed at the hospital. The only limited options to fall back on Turkish medical support provided by the hospitals in Adana placed an additional burden on the Bundeswehr medical personnel there. The Defence Ministry was confident that both German general and emergency primary medical care (ROLE 1), and US emergency surgical provision (ROLE 2) were available. If German servicewomen and men had to be transferred to a Turkish hospital as a consequence of a life-threatening condition, they would be accompanied by German medical staff and Turkish employees of the US armed forces who were familiar with local conditions. Communication would be ensured in any case. Up until this point, it had been possible to leave the Incirlik Air Base without difficulties or significant delays when medical emergencies had occurred. The timelines for the transport of a patient stabilised at the US ROLE 2 facility to a civilian Turkish hospital had been acceptable within the framework laid down by the German standards.

In March 2016 the highest **Force Protection Condition (FPCON) level, DELTA**, was announced at the air base. The US Armed Forces increased their security personnel and flew their families out, patrols were redoubled and fragmentation walls were erected. The new FPCON level imposed significant restrictions on the servicewomen and men there: They were only allowed to move about the site when this was required for their duties, no sporting or physical training activities were to take place outdoors and crowded places were to be avoided. Furthermore, it was forbidden to leave the air base, and the civilian airport at Adana could not be used. Even after the end of the military putsch, access to the Incirlik Air Base continues to be subject to special safety precautions. Some servicewomen and men's sense of security was being disturbed by other factors: For instance, shooting outside the air base could be heard in the living quarters at night, and small drones had been sighted over the complex during the day. Apart from this, there was harassment of servicewomen from other nations.

### **Training Support Iraq**

At the end of 2015 Camp Erbil in Iraq, where the German servicewomen and men are accommodated, still looked like a building site. The camp's overall condition has improved since then. The additional accommodation area that had been demanded for 50 servicewomen and men was completed in April 2016 and is in operation. Several further minor construction projects, including an extra welfare container, have been applied for by the contingent and approved by Bundeswehr Joint Forces Command. The individual

contracts will each be awarded to a subcontractor. Close supervision and consistent monitoring of the subcontractors during the implementation of the measures and the maintenance of camp operations by the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services appear urgently necessary in view of the experience of the previous year. As of 1 June 2016 a procedure was introduced with which smaller facility-related projects worth up to US\$5,000 can be implemented by the contingent without protracted authorisation formalities. This initiative is expressly welcomed.

### **Sophia and Sea Guardian in the Mediterranean**

Since June 2015 Germany has been participating continually in EUNAVFOR MED Operation Sophia with two ships. The force's ships are contributing to the reconnaissance of migration networks on the Central Mediterranean route and are able to take action on the high seas against boats used by people smugglers. Since the German ships began taking part in maritime search-and-rescue operations in the Mediterranean on 7 May 2015, German Navy personnel have saved 19,100 people who were in distress at sea. On 7 July 2016 the German Bundestag gave its consent for the continuation and expansion of Germany's participation in Sophia. The mandate was expanded to include involvement in information exchange, training and capacity building for the Libyan coastguard and navy, as well as the enforcement of the United Nations weapons embargo on Libya on the high seas.

Germany is also taking part in the NATO-led Sea Guardian maritime security operation, the follow-up to Operation Active Endeavour. This mission is intended to detect critical developments and maritime terrorism in the Mediterranean area at an early stage. The information obtained is also of benefit to other missions in the Mediterranean, including EUNAVFOR MED Sophia and the Standing NATO Maritime Group in the Aegean.

### **UNIFIL in the Mediterranean**

The comprehensive Bundestag mandate for UNIFIL, which encompasses action to secure Lebanon's maritime borders, was most recently extended for a further year on 23 June 2016. There are currently 124 servicewomen and men deployed at sea, in Lebanon and on Cyprus. During the year under review, servicewomen and men who are deployed there said they did not understand the differentiation between the personnel attached to the UN mission and those who belonged to the national support element. They

felt this gave the UN servicewomen and men a privileged status, as shown by the granting of additional *per diem* allowances and the award of the UN medal as well as the German Foreign Duty Medal. These and all the other consequences of German servicewomen and men's attachment to a UN mission should be communicated comprehensively to the individuals concerned at an early stage. Where relevant, national compensation could make up for unequal treatment during a Bundestag mandate.

Another problem is the **supply of medications**:

- *In August 2016 servicemen reported that 159 of the 200 most frequently prescribed pharmaceutical products had not been restocked for eight weeks at Limassol (Cyprus). In one case, a serviceman had had to take the insulin he needed for the whole duration of his deployment with him from Germany in cooler bags because a supply was not guaranteed on Cyprus.*

When personnel are stationed in European Union states or countries with standards comparable to those in Germany, the Bundeswehr should also provide for opportunities for the decentralised procurement of pharmaceutical products. Furthermore, there were complaints about the long waiting times of up to five weeks for clothing and personal equipment at the beginning of the contingent's tour of duty. The resupply of materiel and spare parts was also organised too bureaucratically and sluggishly.

### **EUTM and MINUSMA, Mali**

Towards the end of the year under review there were 535 servicewomen and men serving on the MINUSMA mission (including Niamey/Niger), the overwhelming majority of whom were based at Gao in the north of Mali. 124 servicewomen and men were deployed with EUTM Mali, stationed at Bamako and Koulikoro.

In September 2016 servicewomen and men of the German EUTM Mali and MINUSMA mission contingents criticised once again the fact that only unprotected vehicles were available to transport personnel from the airport at Bamako to Koulikoro. Furthermore, they claimed significant capacities were tied up looking after the frequent official **visitor groups**. In this respect, it must be clear that visits by delegations from home are a significant part of Germany's deliberately high-profile commitment in crisis regions. Chances to see what is being done and transparency are necessary preconditions for the legitimisation of our parliamentary army's deployment in the public sphere. However, it would be helpful for the recurrent routine functions involved in looking after visitors to EUTM Mali and MINUSMA to be managed as necessary by a shared joint visitors

bureau (as in Afghanistan). Furthermore, as a matter of principle, additional (temporary) foreign posts should be established at the German embassies in each of the countries where the Bundeswehr is deployed with substantial numbers of personnel. These staff would be able to specifically cultivate contacts with the troops and relieve the mission contingents of non-military tasks.

The servicewomen and men continued to complain about the numerous delays to **flights** at the beginning and end of contingents' tours of duty. Apart from this, they said Cologne was often the only destination for flights to Germany, and servicewomen and men were transported from there by the Bundeswehr to their bases, from where they had to travel on to their places of residence.

The amounts of time it takes for letters to be delivered have evidently improved since July 2016. It is a different matter when posted packets are returned to their senders due to their content – for example, deodorant sprays or devices powered by lithium batteries such as mobile telephones. This occasionally holds up whole shipments from Germany on account of the rules on hazardous cargoes in air traffic. Pragmatic solutions should be found for this issue.

With regard to the **resupply of materiel**, there were complaints about the long delivery times and the lack of trust shown by staff in Germany in the necessity of the requests made by mission contingents:

- *In one case, for instance, the delivery of urgently required munitions for a heavy machine gun took nearly seven weeks because transports of hazardous goods normally have to be notified three or four weeks prior to the planned flight.*

According to the reports from servicewomen and men, the material that arrives at Gao is not infrequently damaged when it is transported overland from Bamako by civilian transport contractors. Furthermore, there are many attacks on the supply convoys with improvised explosive devices on the road from Bamako to Gao. It is not possible for strategic air transports to fly directly to Gao Airport on account of the state of the runway. With a view to a longer-term Bundeswehr commitment in the north of Mali, alternative air transport options and the rapid upgrading of the airport should be given consideration.

**Shortages of water** placed personal restrictions on the servicewomen and men in the camp at Gao. Each individual was limited to showering for two minutes a day (if they were allowed to take showers at all). Even though the responsibility for the water supply at Gao lies with the United Nations, Germany should argue for more water from the Niger River to be treated in

order to improve conditions for the servicewomen and men on the mission. This would also forestall further falls in the groundwater level in the City of Gao.

The climatic conditions represent a significant strain, particularly for the servicewomen and men who are working in the open air at Gao. A shortened period in post in the mission country should be considered for the personnel deployed to secure the camp, who work daily 12-hour shifts.

The foreign assignment allowances for servicewomen and men deployed with MINUSMA and EUTM in Mali were equalised during the year under review and have now both been set at Level 5, which is worth €94 a day. A number of servicewomen and men are demanding an improvement in the position for the personnel stationed at Gao compared to those deployed in the less dangerous south. This is a difficult question to weigh up.

Numerous petitions related to the **clothing and personal equipment** for servicewomen and men. For instance, there were different authorised allowances for EUTM Mali and MINUSMA, of which the LH Bundeswehr Kleidungsgesellschaft outlets at bases were not always aware. Furthermore, not all items were always available in the required sizes. Generally, it was a cause of dissatisfaction among the servicewomen and men that not all personnel could be equipped with the newly introduced armed forces combat clothing set. Instead, they have been issued the 3-colour print tropical field clothing. Even though this has previously proved its worth in Afghanistan and is suitable for the deployments in Mali, the servicewomen and men affected feel they have been discriminated against. It is not acceptable for the procurement of items of clothing and equipment that have already been introduced for mandated deployments abroad to be delayed on account of licensing or public procurement law problems in Germany.

The evacuation of seriously ill and wounded servicewomen and men has been ensured so far by 42 German servicewomen and men deployed at **Niamey/Niger**, whose numbers will go up to 150 in future. These personnel complained of not having received any foreign assignment allowances, even retrospectively, for the first three weeks of their deployment, which were not covered by a mandate. The problem of the retrospective payment of foreign assignment allowances for periods when a mandate has not yet been granted should be included in the terms of reference for the Defence Committee of the German Bundestag when it looks at pay in the Bundeswehr (on this issue, see the section 'Foreign assignment allowance').

Another problem at Niamey is the quartering of non-flying personnel in tented accommodation close to the diesel generators. It was claimed this had already impaired the health of some servicewomen and men. Apart from the high temperatures, the hygienic conditions at the camp, which is not administered by the German authorities, were difficult. For instance, there had already been a rodent infestation in the encampment. The restocking of pharmaceutical products that had been used up or needed to be replaced due to the climatic conditions was also taking too long (three to four weeks).

Not only that, there was criticism of the fact that the prepaid cards for a Nigerian network operator supplied by the Bundeswehr free of charge as part of its welfare telecommunications provision did not last very long. The times taken for military post to be delivered also gave grounds for criticism.

- *For instance, a serviceman who originally came from Lower Saxony complained in August 2016 that he might not be able to exercise his right to vote in the local elections on 11 September 2016 because the postal voting documents sent out to him three weeks previously had still not arrived.*

### NATO in the Aegean

The ships of Standing NATO Maritime Group 2 have been present in the Aegean since 19 February 2016, supporting the Greek and Turkish coastguards, as well as the European Border and Coast Guard Agency FRONTEX in the compilation of an operational picture that is intended to assist the action taken against human trafficking networks. No mandate from the German Bundestag is required for this Alliance mission, to which the Bundeswehr initially contributed with the Combat Support Ship Bonn, the Group's flagship. From June to September 2016, it was replaced by the Frigate Karlsruhe. Since the beginning of the mission in the Aegean Sea, the Group has been led by a German Admiral, at the end of the year under review from on board a Dutch frigate. Additionally, 11 German servicewomen and men have been deployed to work in the staff of the Group.

The inability to transfer palettes, for example of **drinking water**, from the Combat Support Ship Bonn at sea is proving to be problematic. The replenishment-at-sea system is not capable of bearing the loads to which it is subjected. As a result, the combat support ship does not have an essential capability at present.

In addition to this, servicewomen and men on the combat support ship complained that the crew were having to live in more than usually cramped

conditions on account of the international staff unit on board and further reinforcements for the international staff of Standing NATO Maritime Group 2. Not all the officers could be accommodated on the officers' deck. It was necessary for **cabins to be occupied** by several officers. A number of cabins could not be inhabited because they had been flooded by burst fire extinguishing pipes. Furthermore, there were complaints about the high degree of wear and tear on the bulkhead seals, problems with the ventilation system in the galley, the procurement of spare parts and the available clothing.

### Baltic Air Policing/Persistent Presence

As a consequence of the annexation of the Crimea by Russia in contravention of international law, NATO has strengthened its presence in the north-east of the Alliance area, in particular. During the year under review the Bundeswehr participated in 23 exercises overall with a total complement of approximately 5,500 servicewomen and men. Since 1 September 2016 the Bundeswehr has once again taken on some of the NATO air defence operations for the Baltic Alliance partners, Estonia, Latvia and Lithuania, with about 200 servicewomen and men in the region. Five Eurofighter aircraft have been deployed to Estonia for this purpose. Another Eurofighter is in reserve on 96-hour standby in Germany.

In 2016, furthermore, the Bundeswehr sent Army companies to Lithuania, Estonia and Poland for two to three months each, as well as deploying an Air Force combat operations centre to Latvia to take part in planned training and exercises. To implement the decisions taken at the NATO summit held in July 2016, the Bundeswehr will contribute about 450 German servicewomen and men to the multinational battalion battle group that is to be formed in Lithuania, and assume its leadership.

### Predeployment preparations

Without complete preparations for a deployment, gaps remain that compromise servicewomen and men's safety, and may ultimately call its success into question. The omissions in this field identified during 2016 are all the more astonishing.

Seven servicewomen and men of the 2nd German Counter Daesh Mission Contingent had not taken part in the **language and cultural capability module** to prepare for the deployment. One participant did not even have his language and cultural capability module recognised, so that he had to transfer back from the deployment for four weeks. According to Bundeswehr Joint Forces Operations Command, this was to be blamed on the short lead time prior to the deployment



at Incirlik. However, this justification only holds water for the 1st German Counter Daesh Mission Contingent. The number of servicewomen and men with the 2nd Mission Contingent who had not done a language and cultural capability module was actually higher than with the 1st Mission Contingent. This is unacceptable.

Servicewomen and men who have benefited from the training conducted centrally at the Germersheim Base complained about the long journey to the course venue by coach or minibus, welfare facilities that were not open when they arrived at the course venue and the content covered by the course. For instance, recourse was had to learning content from the Afghanistan deployment that had nothing to do with the reality of life in Turkey.

Several servicewomen and men deployed on the UNIFIL mission had, according to their own statements, not been able to attend the requisite **predeployment training**. It had been expected of them in advance that they would sign the checklist for the deployment without actually looking at it, even if particular requirements had not been fulfilled. The lack of predeployment training is explained by assignments to this deployment at what was sometimes very short notice. It is completely unacceptable if necessary vaccinations have not been carried out as a consequence of this, something that contravenes the Bundeswehr's duty of care as an employer. Servicewomen and men's safety and health are also jeopardised when essential instruction about technical equipment is not given.

- *A serviceman deployed as a military driver reported that he had not received the necessary instruction for the Wolf SSA that was used in the mission country. Consequently, he was to transfer from the mission country to Germany for an induction course. Induction by another military driver in the mission country was not possible because no one on the ground held the formal qualifications to certify the validity of the induction.*

- *Servicewomen and men on the Combat Support Ship Bonn complained that some of its permanent crew had been removed from the ship in the middle of the ongoing deployment for training courses in Germany. This was done on account of the low course capacities, which meant that every available course place had to be used. This was said to have affected a total of ten servicewomen and men on the current Aegean deployment, who were then absent from the ship for the duration of their courses and could not be replaced.*

- *One serviceman with the German element on the MINUSMA mission at the air base at Niamey/Niger*

*complained that he had had to transfer to the mission within 14 days on account of someone else dropping out. He had been given practically no predeployment training. His certificate of fitness for foreign assignment and the vaccination certificate required for the mission country had not been received at the time of his transfer. Another serviceman stated that he had not been able to take part in the language and cultural capability module during his predeployment training because no course was being held at the time.*

- *Yet another serviceman described how, although he had applied early on for the security clearance check required for a forthcoming deployment, it had not been completed by the time of his planned assignment. He had passed all his predeployment training, had the required vaccination certificate and was fit for foreign assignment. On account of the failure to conduct the security clearance check, the serviceman was unable to go on the deployment, and his post in theatre could not be filled with someone else in good time.*

These examples show there is a clear need to optimise predeployment preparations. Errors that occur in the run up to a deployment can ultimately make it unnecessarily difficult or even impossible for the individuals affected.

### Foreign assignment allowance

On several occasions there were complaints during the period under review that, since the introduction of the Military Personnel Working Hours Ordinance, servicewomen and men on Bundeswehr deployments abroad had been discriminated against compared with those serving on routine operations in Germany as far as their financial compensation or the possibility of release from their duties were concerned. The foreign assignment allowance, in particular, is intended to compensate for additional expenses incurred as a result of particularly difficult conditions on an assignment or strains caused by the accommodation of personnel in provisional living quarters, specific threats to a mission or its location in a conflict area.

Since January 2016 servicewomen and men on routine operations with regular weekly working time have had an entitlement to release from their duties or financial compensation for overtime that has been done on planned exercises and training under the Military Personnel Remuneration Ordinance, subject to particular conditions. They receive €33 for continuously being on duty for more than 12 and a maximum of 16 hours, and €65 for being on duty for more than 16 and a maximum of 24 hours. Alternatively, service personnel may receive a half or full day of release from their duties ('low' or 'high')

overtime compensation). By contrast, as of Level 2 (€46), the tax-exempt foreign assignment allowance gives them a flat-rate sum for each day of the deployment, which also compensates them for the particularly long hours worked throughout the whole assignment. Accordingly, unlike on routine operations, the hours worked are not remunerated separately or compensated for by release from duties. There is a need for action in this field: The hours worked on Bundeswehr deployments should be better rewarded in future.

In December 2015 the Defence Committee of the German Bundestag asked the Defence Ministry to establish a body that would draw up a report by mid-2017 on what a competitive salary structure could look like that would take account of the distinctive characteristics of service in the Bundeswehr. In this respect, the Ministry had already taken up the question of how the **equal financial treatment** of servicewomen and men who are deployed on mandated deployments abroad with those on quasi-operational commitments can be ensured. The unequal treatment of the crews of fleet service ships, who may only be deployed on national missions, in comparison to the members of internationally mandated deployments has been criticised in the last few annual reports. According to the Federal Ministry of Defence, this question will also be covered by the comprehensive terms of reference for the Defence Committee when it looks into pay in the Bundeswehr.

Even after a MINUSMA mission patrol was attacked on 6 July 2016 during a stop to the north of the City of Gao, the Ministry is persevering with a Level 5 foreign assignment allowance for servicewomen and men deployed in **Mali**. This means the deployment ranks below Resolute Support in Afghanistan (maximum allowance: Level 6). The servicewomen and men are upset about this. MINUSMA in Mali is currently regarded as the most dangerous United Nations mission. The value of the foreign assignment allowance for MINUSMA should be reviewed once again and adjusted as necessary to take account of the actual strains, health hazards and threat situation.

**Foreign assignment allowances****West Africa:**

[Grafik]

MINURSO Westsahara = MINURSO Western Sahara

MINUSMA Mali = MINUSMA Mali

EUTM Mali = EUTM Mali

**MINURSO, Western Sahara** Level 4 (€78.00/day)**EUTM Mali** Level 5 (€94.00/day)**MINUSMA, Mali****Operational personnel in Mali:** Level 5 (€94.00/day)**Operational personnel at Niamey/Niger:** Level 4 (€78.00/day)**Flying personnel at Niamey:** Level 5 (€94.00/day) for days when flight operations are conducted in an area where a Level 5 foreign assignment allowance is granted**East Africa:**

[Grafik]

UNAMID Sudan = UNAMID Sudan

UNMISS Südsudan = UNMISS South Sudan

EUTM SOM Somalia = EUTM SOM Somalia

ATALANTA Horn von Afrika = ATALANTA Horn of Africa

**UNAMID, Sudan** Level 5 (€94.00/day) in Darfur  
Level 4 (€78.00/day) in Khartoum**UNMISS, South Sudan** Level 5 (€94.00/day)**EUTM SOM, Somalia** Level 5 (€94.00/day)**ATALANTA,  
Horn of Africa****Personnel on ships at sea**

Level 4 (€78.00/day) in the area of operation (AOO),

Level 3 (€62.00/day) outside the AOO, including port stays

Level 4 (€78.00/day) for port stays at Djibouti

**Personnel stationed at Djibouti**

Level 4 (€78.00/day)

**MPA P-3C Orion flying personnel**

Level 3 (€62.00/day) for days with reconnaissance flights

**Manama/Bahrain**

Level 2 (€46.00/day)

**Asia:**

[Grafik]

UNIFIL Libanon = UNIFIL Lebanon

Ausbildungsunterstützung Irak = Training Support Iraq

Resolute Support Afghanistan = Resolute Support Afghanistan

<b>UNIFIL, Lebanon</b>	Level 4 (€78.00/day) at Lebanon Headquarters (HQ) Level 2 (€46.00/day) on Cyprus and on board ships in the area of interest
<b>Training Support Iraq</b>	Level 4 (€78.00/day) in the Erbil area/northern Iraq Level 3 (€62.00/day) in Kuwait (HQ) Level 5 (€94.00/day) in Baghdad (HQ)
<b>Resolute Support, Afghanistan</b>	Level 6 (€110.00/day)

### Europe and the Mediterranean

[Grafik]

ITALIEN = ITALY

KFOR Kosovo = KFOR Kosovo

EUNAVFOR MED Sophia Mittelmeer = EUNAVFOR MED Sophia Mediterranean

<b>KFOR, Kosovo</b>	Level 3 (€62.00/day)
<b>EUNAVFOR MED Sophia, Mediterranean</b>	Level 4 (€78.00/day) in marine areas Level 3 (€62.00/day) during port stays

### Middle East

[Grafik]

TÜRKEI = TURKEY

ANKARA = ANKARA

INCIRLIK = INCIRLIK

SYRIEN = SYRIA

MITTELMEER = MEDITERRANEAN

BAGDAD = BAGHDAD

DAMASKUS = DAMASCUS

IRAK = IRAQ

IRAN = IRAN

SAUDI-ARABIEN = SAUDI ARABIA

<b>Counter Daesh</b>	Level 3 (€62.00/day) for forces at sea and during port stays Level 3 (€62.00/day) at the Incirlik Base/Turkey Level 5 (€94.00/day) for flying personnel on reconnaissance and air refuelling flights Level 3 (€62.00/day) in Qatar, Kuwait and Jordan (HQ) Level 5 (€94.00/day) in Baghdad (HQ)
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### Award of Foreign Duty Medals

The Bundeswehr Foreign Duty Medal is awarded for participation in humanitarian, peacekeeping and peacemaking deployments abroad. In June 1996 servicewomen and men were decorated for the first time for their deployment in the Balkans, in Bosnia and Herzegovina (IFOR). They were the first bearers of a decoration that represents an externally visible symbol of the armed forces' transformation from an army focussed on national defence into an army engaged in deployments abroad. Previously, in the last annual report, reference was made to the fact that servicewomen and men have hitherto not been awarded Foreign Duty Medals for their participation in deployments prior to the start date for the eligibility period (30 June 1995), such as UNOSOM in Somalia in 1992. They rightly perceive this as showing a lack of gratitude. In the meantime, the idea of moving the start of the eligibility period for the award of the Foreign Duty Medal to an earlier date has been taken up by the Defence Ministry and the Office of the Federal President, and this is currently being examined.

So far, it is unclear whether the servicewomen and men deployed to Niamey/Niger (EUTM, MINUSMA) are entitled to the United Nations Medal. According to the Ministry, the German air transport operations have officially been notified to the United Nations as a supplementary, voluntary German contribution to MINUSMA. Recognition as a Military Contingent or National Support Element is not possible at present under the United Nations' rules. Consequently, attempts are being made to integrate the German contribution into the MINUSMA mission with a special agreement. The negotiations about this issue are continuing.

### Welfare telecommunications

On 1 July 2016 the Bundeswehr concluded a framework contract with a private company that is intended to secure welfare telecommunications (telephone and Internet) for all land-based Bundeswehr commitments abroad. For the first time **private telephone calls and Internet use** are provided under this contract irrespective whether the troops are on a deployment or exercise outside Germany. The framework contract provides for at least half the members of the Bundeswehr at any operating location to be able to communicate simultaneously with their family members free of charge. At least ten per cent of the servicewomen and men deployed in theatre are to be enabled to make video telephone calls simultaneously. At peak times, however, video telephone calls are limited to one hour

whenever the number of users who have signed in is so great that there is not enough bandwidth available for uninterrupted use. The bandwidth provided by the contract partner may fulfil the contractually specified minimum standard, but significantly greater bandwidths were assured in the past by regional providers in individual mission areas.

The contract could not be implemented promptly on all the Bundeswehr's foreign commitments. According to the Federal Ministry of Defence, the delay was due to different interpretations of the remuneration for the services to be provided. Furthermore, the domestic political conflicts in Turkey meant that the services could not be provided for the German Counter Daesh mission contingent until November 2016.

Nor could free-of-charge telephone services be delivered to begin with using the technology installed at the Koulikoro base on the EUTM MALI deployment. To bridge over the teething problems, all the German servicewomen and men were therefore handed out prepaid cards worth €90 from a local provider. These cards allowed them to telephone for 90 minutes free of charge each week – regardless of the technology that had been installed. The Internet at the Koulikoro base functioned well until the transfer of welfare telecommunications on 21 July 2016 as agreed under the framework contract. After this, the Internet service could only be used on certain days. Down times of seven days in a row had been more the rule than the exception, it was said. Here too, it was possible for the situation to be remedied by converting some of the €90 credit on the prepaid card from the local provider into an Internet credit.

The long down times were made worse by the fact that the reporting chain is not efficient after the occurrence of a fault: When the service goes down, the German EUTM Mali mission contingent, as the end client, contacts the framework contract partner. Since this party delivers the services in the mission country through a local subcontractor, the fault report is passed on by the framework contract partner to the subcontractor. Every link in the chain requires at least a day to deal with the report and pass it on. In addition to this, communication with the framework contract partner's service centre has proven to be very difficult, since only the first level of hotline support is guaranteed in German. At the second level, which is based in Paris, even communication in English is only possible to a very limited extent. Furthermore, it is not an option for the contingent to remedy problems on its own initiative because only the local provider's engineers have the necessary access data and authorisations. There is need for action here: It was suggested to the Federal Ministry of Defence that the

contractual conditions agreed with the framework contract partner concerning the reporting chain when a fault occurs be amended so that any down times that will potentially occur in future can be shortened. Furthermore, it would not be asking too much for German to be spoken at the second support level in order to improve the service when the system goes down as well. This is a national contract. The insourcing of the ‘welfare telecommunications’ capability might also be expedient now that all the Bundeswehr’s other IT systems are being operated 100 per cent by the German Federation again.

Servicewomen and men at the Niamey air base in Niger reported that the welfare telecommunications on the ground were delivered through a local provider. Each month the German servicewomen and men received a prepaid card credited with €45. This was just enough to stay in contact with their family members in Germany via WhatsApp. The credit allowed them to telephone Germany for a maximum of one hour during the month, an average of two minutes a day. There can be no talk of the promised implementation of free-of-charge welfare telecommunications in the Bundeswehr’s mission areas at the Niamey base. A solution must now be rapidly set in train there, as desired by the individuals affected.

### Armed forces cooperation in Europe

In September 2016 the EU defence ministers met for an informal Council of Ministers at Bratislava in order to deliberate on the German-French initiative for stronger European cooperation on safety and defence following the Brexit vote. Among other things, a permanent EU headquarters, the optimisation of the EU battlegroups that have existed since 2005, the creation of a European medical command, and better cooperation on the transport of troops and materiel, the evaluation of satellite images and investment in armaments were looked at. In November 2016 the EU foreign and defence ministers adopted their Implementation Plan for these proposals. These projects are important steps on the way to a common **European Security and Defence Union**. On 15 December 2016 the European Council too adopted conclusions that called for a deepening of cooperation on security and defence policy. The instrument of Permanent Structured Cooperation provided for by the Lisbon Treaty is to be implemented.

In its comments on the *Annual Report 2015*, the Defence Ministry announced that the formats already in place for military cooperation with France, the Netherlands and Poland are to be supplemented with other, similar arrangements. This path should be

pursued further in a consistent manner, for instance with the Czech Republic, Austria and Belgium. Multinationality is already saving personnel, materiel, money and time in routine operations. For almost all the European Alliance partners (apart from maybe the UK and France), whether it is for the purposes of collective defence or whether it is out of area, every deployment is multinational today from the beginning to the end; there is no longer a policy of unilateral military action and exceptionalism. This is why the principles ‘train as you fight!’ and ‘organise as you fight!’ should be upheld ever more resolutely. Multinational organisation will then become the rule as of a particular level, and the purely national use of armed forces (as in the administrative assistance provided during the refugee crisis or on rapid evacuation deployments) will be the exception.

The **cooperation between Germany and the Netherlands** is exemplary, for instance in the newly formed German 414 Tank Battalion at Bergen, which includes one Dutch company and is attached to a Dutch brigade (which in turn belongs to the German 1 Armoured Division). This binational cooperation is a kind of laboratory for what could become possible more and more all over Europe in future.

In another step, this also means thinking about **international standards** for the democratic oversight of the armed forces. There have been no such standards so far. The rights of the Parliamentary Commissioner for the Armed Forces of the German Bundestag have force exclusively in relation to the German armed forces. They have force in relation to German servicewomen and men on foreign deployments, and in multinational headquarters and formations, at least in principle. It has not yet been clarified how the rights of the Parliamentary Commissioner for the Armed Forces (or corresponding institutions of other states) can also be enforced in multinational formations, for instance, or on multinational training courses.

- *A second binational training course for Army mountain guides was held during the year under review in Austria. German trainers who had worked on it contacted their German commander and the Federal Ministry of Defence after the pilot training course with constructive suggestions for improvements. After they gained the impression they were not being listened to sufficiently by their commander and the Ministry, they addressed petitions to the Parliamentary Commissioner for the Armed Forces. These petitions were illegally passed on by a German colonel to the Austrian authorities for their information. In response, the Austrian college commander removed two German trainers from the training course on the grounds of a loss of confidence.*

*He was not entitled to do this, which was why the trainers have been reinstated to the training team in the meantime. Pleasingly, the legal principle enshrined in Section 7 of the Act on the Parliamentary Commissioner for the Armed Forces, according to which servicewomen and men may not be discriminated against because they have contacted the Parliamentary Commissioner for the Armed Forces, has been upheld here.*

This case demonstrates how important it is in a binational or multinational context to clarify the rights and duties of the servicewomen and men from all the participating nations in advance. As far as this is concerned, there should be uniform standards for the oversight of the armed forces. Over the long term joint rules would be sensible, at least within the EU and NATO. In October 2016 the 8th International Conference of Ombuds Institutions for the Armed Forces (ICOAF) in Amsterdam deliberated on the role of military ombuds institutions during international missions. The representatives from 29 states, among them the Parliamentary Commissioner for the Armed Forces of the German Bundestag, and a number of international organisations were in agreement that a deepening of the cooperation between these institutions was required, for example through joint field visits, reciprocal visits and the institutionalisation of the networking between ombudspersons. Mandates for international missions should take account of the role of military ombudspeople.

A first step in this direction was taken with the Netherlands during the year under review. The Parliamentary Commissioner for the Armed Forces visited the German and Dutch troops in Mali jointly with Lieutenant General Hoitink, the Inspector-General of the Dutch Armed Forces, and they gathered information together about the problems on the ground. Such visits should be continued and expanded, also taking in formations, headquarters and agencies of the routine duty organisations in Europe. In 2016 both institutions jointly carried out field visits to the staff of the Rapid Response Forces Division (to which the Dutch 11 Air Mobile Brigade now belongs) at Stadtallendorf and 414 Tank Battalion at Bergen.

The opening of the Bundeswehr to **EU citizens** is no longer a taboo either. Hitherto, it has only been permitted for German citizens to be appointed to the service status of a temporary-career volunteer or career soldier. There may have been exceptions from this rule where there was a particular military interest in such an appointment. However, an exception has only been permitted to date for one temporary career volunteer in the career path of a Bundeswehr Medical Service officer. In the 2016 *White Paper on Security*

*Policy and the Future of the Bundeswehr*, the German Federal Government now argues for an expansion of these opportunities. It feels they have the potential to integrate foreign citizens into German society, while regenerating the Bundeswehr's personnel and so ensuring robust manning levels. This is a good sign. There has been nothing exceptional about EU citizens for a long time now in other parts of the public sector, for example in schools or the police service. The legislation of the German Federation and the Länder on the status of civil servants is to be amended accordingly. Allied armed forces too are not unfamiliar with the recruitment of citizens of other nationalities, something that happens, for example, in Denmark, France, Ireland, Luxembourg and Cyprus. Approximately 5,000 'Green Card soldiers' are integrated into the US Armed Forces each year, and Canada has opened its armed forces to foreign citizens.

Numerous questions will have to be clarified as Europeanisation advances. Leadership development and civic education, mission command, the need for parliamentary consent, compulsory military service – all these issues will have to be discussed carefully and intensively, and clarified in advance at the national level. A comparative legal study of the rules that pertain in Europe would be helpful in this respect.

### **Cyber defence**

At their summit in Warsaw on 8 July 2016, the NATO Alliance partners agreed on a 'Cyber Defence Pledge'. In October 2016, a Directorate-General for Cyber/Information Technology was established within the Federal Ministry of Defence, and a new military Cyber and Information Domain Service is being set up with its base at Bonn. It is to commence its work in April 2017. Apart from this, a Bundeswehr/German Federal Government Cyber Defence Research Centre is being built up at the Bundeswehr University in Munich. The biggest challenge will be to rapidly find IT specialists for this growing field. However, the **demand for cyber personnel** should not result in massive numbers of servicewomen and men now being withdrawn from other major organisational elements, and additional vacancies opening up there. In view of the spectrum of tasks, it certainly seems possible that the new Cyber and Information Domain Service will be disproportionately staffed with civilian personnel.

During its final deliberations on the 2017 budget, the German Bundestag topped up once again the resources for the Cyber and Information Domain Service. The Defence Committee asked the Defence Ministry to include a separate budgetary title for the

new Service in its departmental budget in future. Furthermore, the Budget Committee has urged the Defence Ministry to present an annual progress report on the ‘cyber and information domain’. Clear legal foundations are important for the Bundeswehr here. The **participation of Parliament** must be secured. The inclusion of the cyber and information domain in future mandates will throw up questions that will have to be answered promptly. It is not enough for the current *White Paper* to talk of reaching ‘a common understanding on the application of international law to the cyber and information domain’. Maybe a Parliamentary Subcommittee on Cyber Issues could be helpful here.

## 9. Law violations and the administration of justice

### Extremism, anti-Semitism and xenophobia

As a parliamentary army, the Bundeswehr is firmly integrated into the value system and legal order of the Federal Republic of Germany. Consequently, servicewomen and men in the Bundeswehr have a duty to advocate the free democratic basic order anchored in the Basic Law. Even the appearance that a servicewoman or man has articulated political convictions hostile to the constitution or trivialised extremist activities constitutes a contravention of this core military duty. According to the Bundeswehr’s current rules and regulations, incidents of this kind are reported by the forces as **reportable events** if there is a suspicion of extremism or a violation of the principles of the free democratic basic order. Such events are evaluated by the Parliamentary Commissioner for the Armed Forces with particular care. During the year under review, the Bundeswehr reported 63 reportable events. In the two previous years, the figure was 63 (2014) and 57 (2015) reports of this kind. It was possible for the investigations into 21 reports to be concluded during the year under review. According to the conclusions of these investigations, no disciplinary offences were proven, or no servicewomen or men identified as the perpetrators in seven suspected cases. With one exception, it was exclusively propaganda cases that were to be recorded during the year under review. Once again, these cases involved, among other things, right-wing extremist, anti-Semitic and xenophobic images and texts on smartphones that had been brought into barracks, as well as music associated with this part of the political spectrum, the performance of the Hitler salute, shouts of ‘Sieg Heil’, the singing of right-wing extremist songs, and the posting of relevant content on Facebook and in WhatsApp groups. In isolated cases, completely

inappropriate remarks and comments about the refugee situation that had been made orally and on the Internet were also identified.

Further to reportable events, as part of its statutory responsibilities, the Bundeswehr Counterintelligence Office also observes extremist activities in and around the Bundeswehr. These include, among other things, cases relating to suspected Islamic extremism. There were about 50 new cases in this field during the year under review.

Hitherto, applicants for military service have merely had to present a criminal record statement and disclose any possible membership of and links to extremist parties, organisations or institutions, as well as declaring their loyalty to the Basic Law. Amendments to the Legal Status of Military Personnel Act and the Military Counterintelligence Service Act are now to prevent extremists from gaining access to the Bundeswehr and taking part in military training. It is planned that, as of 1 July 2017, all applicants will go through a simple security clearance check under the Security Clearance Check Act if a careers centre or the Assessment Centre for Executive Personnel of the Bundeswehr intends to appoint them for the first time to a service status. The same also applies for women and men who wish to do voluntary military service, as well as individuals without prior military service who are appointed with a reserve service status. The Bundeswehr Counterintelligence Office is to be involved in the 20,000 new security clearance checks forecast each year. However, it needs to be given the human resources with which to do this.

### ‘Social networks’

The use of ‘social networks’ on the Internet is now part of everyday life. Servicewomen and men too present themselves in these online communities, and use words and images to convey their views. Once again, an uncritical and sometimes ‘borderline’ approach to this issue was to be noted among some personnel during the year under review. The Internet does not exist in a legal vacuum. Not all texts, images and videos posted on the Internet are covered by the freedom of expression anchored in the Basic Law.

- *In response to an article published on Facebook about two foreign citizens suspected of committing a crime, a corporal posted, among other things, the following comments in a discussion that was open to all Facebook members: ‘One day the criminal government scum will also realise the integration of this rabble has been a complete balls-up and these vermin only want our money’, and: ‘Another so-called regrettable isolated case hahahahahahaha. Deport*



*the scum.’ Judicial disciplinary proceedings were instituted against the serviceman.*

- *A recruit posted an uncommented image of a poster that evidently dates from the National Socialist period. It shows a Waffen SS soldier and a member of the Hitler Youth with SS runes to their left. The caption at the bottom reads: ‘German youth sign up voluntarily for the Waffen SS’. The approximately 40 members of this WhatsApp group were recruits in his unit. The recruit was dismissed summarily from the service status of a temporary career volunteer. In addition to this, a fine was imposed on him.*

- *A light infantryman posted an image of a black boy in a WhatsApp group with the remark, ‘This is Matubo, he walks three hours to school every day. Donate five euros now and we will buy a whip and guarantee the lazy nigger gets there in eight minutes.’ A severe disciplinary fine was imposed on the serviceman.*

At this point, it is not to go without mention that there were also instances of sexual harassment again and again in ‘social networks’, which also prompted disciplinary investigations.

### **Bullying and sexual harassment**

The Federal Labour Court defines bullying essentially as persistent, systematic hostile treatment, intimidation or discrimination. It is often difficult to prove in individual cases. During the year under review, the accusations of bullying brought forward by servicewomen and men in isolated cases could not be confirmed sufficiently, if at all, despite thorough investigations. Nonetheless, unbecoming conduct and the use of an inappropriate tone by superiors or comrades were to be objected to in some of these instances. The individuals affected may suffer mental or physical illnesses on account of such incidents. Nor are negative impacts on their private and family situations to be ruled out.

It was noted that personnel occasionally failed to treat each other in a respectful and comradely manner. This relates to the behavioural habits of both superiors and comrades.

- *One servicewoman complained about the tone on a training course. She stated that misogynous remarks had been made by trainers on many occasions. The investigations conducted into this matter found that one trainer had indeed expressed himself and behaved in a manner that did not meet the expectations of a military superior. Remarks such as, ‘As I always say: Too stupid to eat, too stupid to fuck, but the main thing is they mess everything up’, are intolerable and in no way compatible with trainers’ exemplary role.*

The number of reportable events and special incidents reported due to suspicions of offences against sexual self-determination rose in 2016 to 131 (2015: 86). The actual number of sexually motivated attacks is probably higher. The 2014 study *Troop Portrait without Lady?* found that 50 per cent of the servicewomen surveyed claimed to have been harassed at least once during their time in the Bundeswehr. Affected individuals are still reluctant to report instances of harassment to the authorities out of concern about suffering disadvantages in their career or personal life. Shame also plays a role in this context. Affected individuals who had opened up about their experiences often felt helpless and believed they were not taken seriously. There are still fears that sexual harassment is regarded as a trivial offence. It could be helpful to set up a **hotline** in the Bundeswehr that victims of sexual harassment could contact.

Superiors’ responsibility cannot be emphasised often enough in the context of protection from sexual harassment. With their behaviour, they contribute crucially to an atmosphere in which servicewomen and men’s personal integrity is respected. This is all the more important because particular parameters under which servicewomen and men perform their duties encourage sexual harassment. For example, the cabins on Navy ships and boats are often occupied by both sexes for organisational reasons.

Nor is there to be any toleration of training that makes use of methods with which the intimate sphere is encroached upon or trainers and trainees’ modesty offended. This is not justified on special training courses either.

Servicewomen and men in superior functions must be trained regularly to handle complaints about sexual harassment and prevent such developments. They are called upon to also raise their subordinates’ awareness that sexual harassment does not first begin with concrete sexual acts. Jokes with sexual connotations, suggestive comments about a servicewoman’s figure or letters and telephone calls that feature sexual innuendoes are also to be placed in this category. They are perceived by the individuals affected as degrading and insulting. Superiors bear the responsibility for ensuring all evidence of bullying or sexual harassment is followed up without delay. They must make sure that those who draw attention to shortcomings are protected from possible ostracism by their comrades. The constant promotion of comradely behaviour, and the fostering of an atmosphere or reciprocal respect and tolerance as preventive protection against bullying and sexual harassment are tasks to which all servicewomen and men must contribute equally.

### Legal knowledge of disciplinary superiors

Superiors who infringe the rights of the servicewomen and men placed under their command due to their inadequate legal knowledge undermine confidence in their capabilities as superiors and compromise routine duties. After all, the operational preparedness of the forces may also be impaired as a result of this. Sometimes significant deficiencies in the conduct of **disciplinary investigations** were once again to be noted during the year under review.

- *For instance, when a superior in a supervisory role failed to give an accused serviceman an adequate hearing – the serviceman's evident desire for access to his records was not satisfied –, this led to the rescinding of a disciplinary penalty by the next higher superior. The result was that it was decided not to impose a disciplinary penalty on the serviceman in question although a disciplinary offence was found to have been committed.*
- *In another case, a disciplinary penalty imposed by the competent company commander was rescinded by the battalion commander due to the incomplete account of the facts that had been presented. A second disciplinary order also had to be rescinded because the disciplinary offence could no longer be punished with a simple disciplinary penalty due to the lapse of time.*
- *In yet another case, a disciplinary and complaints court rescinded the disciplinary penalty that had been imposed and the appeal decision that confirmed this penalty because the enlisted personnel spokesperson had not been heard adequately.*

It is to be pointed out that, where there is a suspicion of a disciplinary offence, the suspected servicewomen and men, and any servicewomen and men who come into question as witnesses are always to be interviewed officially in accordance with the Military Discipline Code. The official interview is to ensure that both the suspect and the personnel interviewed as witnesses are advised properly of their individual rights and duties. Not only that, in the course of such interviews, the disciplinary superiors who investigate each case have the opportunity to adequately investigate the facts by putting matters to the interviewees and asking supplementary questions. Reliance on a merely written statement, for example by a witness, fundamentally does not satisfy these requirements. This is also true for informal questioning. In addition to this, impermissible reformatory measures are used over and over again, and sometimes result in judicial proceedings. The permissible reformatory measures are conclusively listed in Type A General Publication 2160/6 so that errors should not be made.

### Disciplinary attorney's offices and disciplinary and complaints courts

The understaffing in the administration of justice has been a topic dealt with in annual reports for several years. In 2016 too some disciplinary attorney's offices were shouldering a **workload** that far exceeded the available capacities. This was the case, for example, at the disciplinary attorney's office of the Bundeswehr Logistics Command, which was initially resourced with three posts, although two of them were unfilled for months on account of sickness. The delegation of individual legal advisers from the most varied agencies could only cushion the consequences of this understaffing to a certain extent. On account of the acknowledged heavy workload, a fourth post was established, but could only be filled with a new appointment in the last quarter of 2016.

All five posts provided for by the budget for the Bundeswehr Territorial Tasks Command disciplinary attorney's office were filled in 2016, but a review of the resourcing for these posts found that the establishment of three further posts would be justified. The impacts this may have on affected servicewomen and men are illustrated by the following case:

- *In June 2013 disciplinary investigations were instituted by the competent disciplinary attorney against a serviceman due to two incidents that had occurred in December 2010 and August 2011. He was only charged in November 2015, that is more than two years after the investigations were instituted and four/five years after the acts of which he was accused. The long duration of this procedure was explained by the restructuring measures undertaken as part of the reorientation of the Bundeswehr, transfers of competences that were associated with this and the difficult personnel situation. The requirement for disciplinary matters to be processed in a timely manner laid down in Section 17(1) of the Military Discipline Code is reduced to an absurdity when it takes so long to process a case. Since, as a matter of principle, measures that will help the accused person progress in her or his career are not possible for as long as disciplinary proceedings are ongoing, the serviceman was unable to take part in a selection procedure for acceptance as a career soldier, although this was not viewed by the unit that processed his personnel matters as discrimination, because the serviceman had a sufficient remaining term of service in order to be able to make further applications for acceptance into the service status of a career soldier. The argument against this is that it is in the interests of every servicewoman and man to have clarity about her or his future prospects at an early stage. Every servicewoman or man who would*

*like to become a career soldier is interested in being accepted early.*

Apart from filling all posts in the administration of justice as rapidly as possible, the additional creation of a pool of floater posts would be sensible in order to ensure the timely handling of disciplinary matters in accordance with the legal situation, and the principles of leadership development and civic education. This would make it possible to respond promptly and sustainably to particular personnel bottlenecks that recur again and again.

The workload on some of the disciplinary and complaints court chambers is still considerable as well. This is reflected in the time taken to deal with individual cases. What is noticeable in this connection is that the disciplinary and complaints courts already took on their new structure as long ago as 2012 – at the same time as they lost three disciplinary and complaints court chambers –, while the armed forces will have completely taken on their target structure in 2017 at the earliest. Furthermore, the pattern of proceedings has changed. The number of proceedings that are easy to deal with procedurally has fallen while the number of proceedings that require a great deal of effort to deal with has risen. If the reversal in personnel trends is taken into consideration in addition to this, the cuts inflicted on the disciplinary and complaints court chambers are to be questioned from a current perspective. The duration of disciplinary court proceedings must be shortened in the interests of the affected servicewomen and men, and action taken to prevent the disciplinary and complaints court chambers being overstretched. This is why it is necessary for all posts for judges in the disciplinary and complaints courts to be permanently filled, and legal secretaries employed to support them.

The Federal Administrative Court too made critical remarks on this issue during the year under review concerning two cases in which there were procedural delays of two and four years. It stated that the delays were not to be blamed on the presiding judges of the disciplinary and complaints court chambers in question, but entirely on the state. There was no justification for subjecting a serviceman to the strains of judicial disciplinary proceedings for longer than necessary.

### **Requests for cases to be reviewed by the Parliamentary Commissioner**

Under the Act on the Parliamentary Commissioner for the Armed Forces, the Parliamentary Commissioner possesses fundamentally unrestricted rights to demand information and access to records in performing the tasks assigned to her or him. In addition to this, the

procedural provisions set out in Type A General Publication 2600/2, ‘Matters concerning the Parliamentary Commissioner for the Armed Forces’, specify that comments submitted to the Parliamentary Commissioner for the Armed Forces are to be treated as matters of urgency. Should an extended period of time be required to deal with such matters, the Commissioner is to be informed of the progress made at appropriate intervals by the agency that has been tasked with reviewing the matter. Against this background, it is not acceptable if the agencies that have been involved in a procedure initially do not attach further documents to substantiate their comments, only attach incomplete documentation, fail to answer enquiries about the current status of the complaint or only answer such enquiries with significant delays. In one case, eight months passed after the receipt of the comment before the Bundeswehr forwarded all the documents requested to the Parliamentary Commissioner for the Armed Forces so that the allegations made in a petition could be assessed.

Not only that, Bundeswehr agencies were not always able to ensure the **priority processing** of matters concerning the Parliamentary Commissioner for the Armed Forces during the year under review. For instance, 1 Armoured Division in particular repeatedly highlighted the personnel situation in the section responsible for dealing with petitions and complaints, which had been difficult for a protracted period, as well as the large number of cases it was having to deal with overall. In order to reduce the section’s workload, it was agreed with Army Headquarters in the middle of 2016 to direct petitions that concerned 1 Armoured Division via Army Headquarters for review in future. This meant that, although there was still a heavy workload on 1 Armoured Division, the amount of time taken to process petitions could be tangibly reduced. Irrespective of this, 1 Armoured Division drew attention to the fact that it would only be possible to deal with petitions and complaints without delay to a limited extent with the manpower strength provided for in its structure. There were delays of several months in dealing with petitions at the Bundeswehr Medical Service Command too on account of personnel shortages. Individual cases from 2015 are still open. The excessively long amounts of time taken to deal with these matters are unacceptable for all concerned, particularly petitioners, and hinder the Parliamentary Commissioner for the Armed Forces in the orderly performance of his statutory task. Delays to the processing of petitions at the divisional or command level were also explained by referring to the accumulation of special orders from the Federal Ministry of Defence, which are also to be

dealt with as priorities. Here, it is necessary for the higher leadership to ensure the situation is permanently remedied by taking suitable measures.

For these reasons, it is finally to be emphasised that any **contradictions** that are found must be clarified in the course of investigations. If one of the individuals concerned contradicts the account given by the petitioner, witnesses who have been mentioned by name or who are able to shed light on the situation being investigated should also be heard as a rule. When a remark is assessed, it is necessary to consider how it may have been understood by the receiver of the message, and not only how it may possibly have been intended by the sender. As a rule, all sides are to be heard in order to ensure there are no doubts about the assessment of the workplace atmosphere. It is not sufficient to merely rely on a file note written by superiors who have been criticised without hearing how other members of the agency or authority in question view the matter. In addition to this, it contradicts the orderly clarification of the facts if an interview with an individual accused of a breach of official duties is dispensed with because she or he has been transferred to another agency in the meantime.

The subordinate agency or authority involved in drawing up the comments often does not receive any **information** about the outcome of the petition procedure. On this point, Type A General Publication 2600/2 states, '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.' In view of this, superior agencies have a duty to pass on the relevant information.

## 10. Compatibility of family/private life and service

Despite the measures already initiated by the Bundeswehr in the Lead – Active. Attractive. Different. Agenda and the provisions of the Act to Increase the Attractiveness of Service in the Federal Armed Forces that have been put into effect, 'work-life balance' remains a prominent topic for petitions. It is remarkable that, according to a survey of personnel published by the Bundeswehr Centre of Military History and Social Sciences (ZMSBw) in August 2016 entitled *How Attractive is the Bundeswehr as an Employer?*, approximately 30 per cent of temporary-career volunteers have still not heard of the Agenda measures.

## Problems of a commuter army

**Mobility** throughout Germany and the willingness to be transferred or temporarily assigned to locations far away from home as well are essential elements of the soldier's occupational profile. It is this unique aspect, especially, that makes the profession interesting for some servicewomen and men. Others view a transfer that involves moving to a different location as massive disruption to their lives, particularly if they have a family of their own or family members to be cared for. Evaluation of the results of the survey on occupational mobility in the Bundeswehr (*Mobility Study*) commissioned by the Defence Ministry and published in 2016, in which the partners of members of the Bundeswehr were also consulted for the first time, confirms the impression of the Bundeswehr as a commuter army. According to the study, almost two thirds of members of the Bundeswehr are 'occupationally mobile' (long-distance, weekend and daily commuters). In comparison, this is only true of one fifth of all German residents in gainful employment. It is primarily training courses, requested assignments, the relocation of posts, career opportunities and the jobs of both partners that are mentioned as factors in the mobility that is demanded in the Bundeswehr. The respondents mainly mention family concerns and the maintenance of existing social contacts as considerations that militate against occupational mobility. Occupational mobility is experienced as stressful or very stressful both by the servicewomen and men concerned, and by their partners (60 to 90 per cent, depending on the form of mobility). These findings are consistent with the observations made by the Parliamentary Commissioner for the Armed Forces.

The recommendations set out in the study correspond to the suggestions made in the last few annual reports and have already been incorporated into the measures being taken under the Attractiveness Agenda. They include a reduction in the frequency of transfers, longer periods in post, more flexible working time models and the involvement of partners in assignment planning. Since most of the Agenda measures were still being implemented at the time when the survey was conducted from November 2014 to January 2015, the Defence Ministry intends to repeat the survey in order to gain information about the Agenda's effects and, where relevant, identify further steps that are necessary.

In more than half the petitions concerned with the compatibility of family life, private life and service, servicewomen and men express a desire to be **transferred or stay close to home**. Frequently, the individuals in question explain this by referring to the

promises made in the Bundeswehr's advertising that it is an 'attractive, family-friendly employer'. These expectations are disappointed if operational requirements lead to the rejection of such applications. The rejection of a request for a transfer on account of the lack of a replacement is particularly difficult to explain to a servicewoman or man if she or he is not fully occupied in her or his post at the same time.

• *On this issue, one serviceman writes, 'I am really willing to work, but there are too few jobs to be done [...] However, after the whole dilemma I have now withdrawn my application for acceptance into the service status of a career soldier because I imagine my everyday duties rather differently and there is no compatibility between family and work for me. I feel in the meantime as if I was living in a prison during the week. I sit in my room in the evening and start brooding. This really can't be all there is, just whiling away your time during the week, exactly as many other comrades in the barracks are doing. I could use the time far more meaningfully, but there isn't even Internet in the rooms because the mobile signal is so bad.'*

It is frequently stated in petitions and during discussions on field visits that applicants have been lured to a base a long way from their home by the advisers at careers centres with the promise that, once there, they would be able to successfully make an application for transfer to their desired location. However, these requests are usually not fulfilled on account of the lack of replacements. It was no longer possible to verify what had happened during interviews in individual cases. Nonetheless, in view of the frequency with which this claim is made, a certain tendency is to be identified here.

Servicewomen and men's absences from their families accumulate as a result of their attendance at training courses, training extension courses and workshops at locations far from home. **Absences** from the family **at short notice** may also force servicewomen and men with family duties to confront major challenges. They may have to arrange childcare, for example, or care for close relatives. Cheerfully, it was possible for the problems still being experienced in particular cases with childcare for training course participants to be resolved individually when they came to light. In addition to this, there are opportunities to do some training courses on a computer at home or in the workplace and limit the obligation to be present at the training course venue to a few days. This should be publicised among the troops and offered on a larger scale. Attendance at postdeployment workshops far from home also places additional strains on military

families, particularly following lengthy deployments abroad.

• *One serviceman reports, 'In fact, the aim of a postdeployment workshop like this is also supposed to be to make reintegration into the family easier, and I believe precisely this has already been a failure in advance. After nearly six months being away from my family and relatives, I don't want to have to be away from them again for almost five days.' It was possible for a solution to be found by mutual agreement when this petition was processed thanks to the offer of a workshop at a more convenient time and venue.*

Many career soldiers still ask for support for their applications for early **retirement**. After years of commuting, they would finally like to live permanently with their families. In most cases, there were particular family reasons that required their constant presence at home. As a matter of principle, it is not possible for someone to take early retirement if the forces have an interest in her or his further assignment as a career soldier. In this respect, the Bundeswehr's interest depends on its manpower needs. This interest is therefore always affirmed, especially in undermanned assignments, that is areas with too few personnel. Exceptionally, the forces' interest may be set aside if a serious personal reason is recognised by a military physician. Among other things, the health status of the servicewoman or man, her or his spouse, or a child may constitute serious personal reasons. Caring for family members may also be recognised as a serious personal reason. Where there are several different burdens that do not constitute serious reasons in and of themselves, the sum of these burdens should also be recognised as a serious personal reason.

Temporary-career volunteers not infrequently hope the **curtailment of their term of service** will allow them to accept a job offer close to home, preferably in the public service. The impression is occasionally conveyed by superiors and personnel staff sergeants that anyone who wants to have their term of service curtailed will have very few difficulties, if any, gaining approval for this. The subsequent disappointment is all the greater when the hopes invested in this possibility are not fulfilled. Just as for career soldiers, it is only possible for a temporary-career volunteer's term of service to be curtailed if this is in the interest of the forces. Private interests are not taken into consideration in this respect. Rejections are mostly perceived by servicewomen and men as personal hardships. However, it is to be borne in mind that personnel have entered into a commitment to serve for a particular period. With a view to the intended growth in the armed forces, the curtailment

of terms of service is not in the interest of the forces in most cases.

Weekend commuters who have not moved house for family or other reasons and therefore require accommodation at their bases still make up the largest group (about 60 per cent) of commuters. Of weekend commuters, in turn, more than half are not entitled to a separation allowance. Hitherto, it has not been possible for large proportions of them to be accommodated at barracks. According to a survey of garrison senior officers, there are currently about 20,500 servicewomen and men who would like to have a place in a barracks. These individuals are suffering particularly under the worsening shortages on the private housing market at several locations. For instance, individual commuters complained about being left with additional costs of about €500 a month. The base housing offices support affected servicewomen and men in looking for suitable, value-for-money accommodation. Their endeavours are praiseworthy and help many people who are searching for flats to actually find something in the first place. Despite this, further efforts will be necessary to create reasonably priced **commuter apartments**. Accommodation is needed at more than 230 bases. It is assumed that there is total demand for between 20,000 and 30,000 apartments for commuters. It is cheering that, in contrast to its formerly negative approach, the Federal Ministry of Defence is now examining the possibility of creating additional residential accommodation for commuters, whether they are entitled to a separation allowance or not. On this issue, see also the remarks in section 4, 'Reversal of infrastructure trends'.

On account of two decisions delivered in 2012 and 2013 by North Rhine-Westphalia Higher Administrative Court, commuters have no entitlement to a **separation allowance** (any longer) if they are transferred back to an earlier duty location for which the reimbursement of relocation expenses has previously been authorised – at any point in time –, even if it was not taken up. As described in last year's report, this led to unhappiness. In 2015, with a view to the implementation of this case law, the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services – Centre of Expertise for Travel Management instructed the Bundeswehr authorities that pay separation allowances to ask all applicants whether they had previously been transferred to their current duty location at an earlier point in time and the reimbursement of their relocation expenses had been approved then. The applicants were called upon to present the relevant documents, personnel orders for instance. Some of the individuals affected are unable to meet this

requirement because they no longer have the documents in question. With justification, they drew attention to the expiry of their six-year duty to retain documents in personnel files under the Official Military Personnel Files Ordinance. In the meantime there have been delays to the payment of separation allowances due to missing personnel files. This is why the Defence Ministry consented to the practice adopted by the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services when it ordered that, in these cases, the authorities responsible for paying the separation allowances were to be entitled to demand documents required for the examination of applications from the agencies in which servicewomen and men are employed or the central agency that processes personnel matters (Federal Office of Bundeswehr Personnel Management).

According to the decision of the North Rhine-Westphalia Higher Administrative Court that has been cited, recipients of separation allowances who are already maintaining a residence at an earlier duty location and running two households, weekend commuters as they are known, also continue to be granted a separation allowance. By contrast, no separation allowance is received by servicewomen and men who commute daily between their residence and their duty location, 'daily commuters' as they are known, after their transfer to an earlier location for which the reimbursement of relocation expenses has previously been approved. The inconsistent treatment of daily and weekend commuters should be harmonised in a way that benefits daily commuters.

In the meantime, the **processing times** for separation allowances and travel expenses have developed satisfactorily. Thanks to the setting of additional personnel and organisational priorities, the standard of a maximum of 20 working days between the receipt of the application and the approval of payment could be complied with to a very great extent.

At the end of 2016 an act was finally passed under which servicewomen and men will be able to choose between the reimbursement of relocation expenses or a separation allowance for up to eight years in future. Affected individuals will be permitted to draw a separation allowance for a period of three years from the time of their transfer instead of receiving the reimbursement of relocation expenses that has been provided for until now. An extension of this arrangement by a further five years will be possible. This '3+5 scheme' does not yet represent the 'solution' and unfortunately remains less ambitious than the objective set in the current government's coalition agreement. However, it will minimise problems and win time for a further-reaching decision

that ensures the freedom to choose between these options at any time.

Divorced individuals who do not live with their children in a common household feel disadvantaged by the current provisions on separation allowances. While individuals entitled to separation allowances who live with their spouse, domestic partner and/or children in a common household have an entitlement to a **travel allowance** for each half-month, a divorced individual is treated as a single person. Where a divorced individual has an entitlement to a separation allowance, she or he merely has the right to one travel allowance per month. Instead of travelling home to her or his place of residence, she or he is also able to use this for a journey to see her or his child or children, but the maximum amount reimbursed is equivalent to that of an allowance for travelling to the individual's place of residence. Divorced individuals who do not qualify for a separation allowance are not entitled to an allowance for journeys to see their children at all. Even if a married couple's relationship has been dissolved by a divorce, this does not mean both parents' ties to their children are severed. The particular burdens that are part and parcel of military professions make it difficult for divorced individuals to cultivate their relationships with their children in any case. The additional financial expenditure that divorced servicewomen and men with parental duties have to bear is felt by the individuals affected to be a double punishment. The regulations on the granting of travel allowances in the Bundeswehr are definitely too complicated and in some respects out of touch with reality. They will have to be simplified and, above all, formulated equitably in the interests of divorced individuals with family obligations.

### **Deployments, quasi-operational commitments, assignments abroad**

Again and again, servicewomen and men in posts on assignments abroad express the desire for a general **extension of the length of foreign assignments** to improve the compatibility of family life and service. In particular, avoiding disruption to children's schooling is mentioned as a reason for longer assignments. Generally, the length of an assignment abroad is limited to three years, and four years for senior non-commissioned officers in the Military Attaché Service. Where a servicewoman or man wishes to extend her or his foreign assignment, she or he is only able to submit the necessary application once she or he has started the foreign assignment. The length of the assignment may then be extended individually beyond the standard three or four years for military reasons, with account being taken of personal concerns. It is even possible for assignments

to be extended to longer than six years in occasional cases. The Defence Ministry intends to regulate the procedure for the approval of longer foreign assignments unbureaucratically. As a result of the removal of barriers to the approval of such extensions, personnel managers are to be given greater scope to take decisions about these matters. In future, they will then be able to decide independently at their level about the length of such assignments.

However, the Ministry rejects setting the length of assignments abroad at longer than three or four years from the beginning. The justifications given for this are that these periods are equivalent to the tours of duty for NATO, and that foreign assignments have a function in the context of personnel development. In individual cases, it would be desirable for there to be an option to set the length of a foreign assignment at more than three years from the beginning as a means of ensuring greater predictability and consideration for the interests of family members.

In response to one petition, the Federal Ministry of Defence announced it would examine the possibility of assuming the costs of reuniting servicewomen and men on quasi-operational commitments with their families:

- *A commander had been deployed on a quasi-operational commitment that meant being absent for five months because he was at sea. He was unable to leave the formation to take a trip home to his family because he was its commander. Nevertheless, in order to be able to see his family during this period, he submitted an application for the assumption of the costs of a travel allowance for his family members. Under the statutory provisions of the Foreign Separation Allowance Ordinance, the assumption of such costs is possible in principle if the beneficiary is the recipient of a foreign assignment allowance. According to the current legal situation, however, the petitioner has no entitlement to a foreign assignment allowance for a quasi-operational commitment. No provision is made for exceptions.*

The equal treatment of quasi-operational commitments and deployments is urgently required in this case. An amendment to the statutory provisions on travel allowances for the reunification of families during quasi-operational commitments is therefore advocated.

Every deployment abroad represents a great strain for service personnel and their whole families. This is why transparent planning and intensive **communication** that involve the entire family are required. Should planned deployments be rescheduled several times at short notice for organisational reasons, it is unacceptable for the individuals affected

not to be informed comprehensively and reliably about these changes.

- *In one particularly crass case, a highly motivated serviceman had declared his willingness to go on a short-notice assignment to the deployment in Turkey (Incirlik) on 18 December 2015. The date for his flight, 25 December 2015, was then postponed several times over a number of months for reasons that were at first unknown to the individual affected and later incomprehensible to him as well: initially to 7 January 2016, then to 22 February, then to 25 February, then between 14 and 20 March, then to 22 March. The petitioner turned down an assignment to the deployment on the date of which he was finally informed, 29 March 2016. The unreliability of the information about the assignment led not only to massive uncertainty as far as the planability of his duties and family life was concerned, but also imposed an unacceptable mental strain on the serviceman and his family. The individual reasons for the changes of date – restricted accommodation options at the place of deployment, a lack of places on the flights run by the US Armed Forces – may not have been the responsibility of the Bundeswehr, but the disappointment and frustration felt by this motivated, hard-working serviceman could have at least been mitigated by comprehensive, transparent explanations of the problems that led to the constant postponements.*

The legal situation when servicewomen and men claim separation allowances after the **ending of a foreign assignment** is still in need of improvement. Given the customary length of foreign assignments, which usually last three years, unreserved approval of the payment of relocation expenses is to be given as a matter of principle when personnel are transferred abroad from Germany. The same is true when personnel are transferred back to Germany. What is problematic is that the payment of relocation expenses is merely approved unreservedly when personnel move to new duty locations. If a family's place of residence is outside the catchment area of the new workplace, and if the servicewoman or man would like to return there for understandable reasons, she or he suffers considerable financial disadvantages. She or he has to reckon with having less of her or his relocation expenses paid and receiving a lower flat-rate removal costs allowance. Apart from this, as a general rule, there is no entitlement to a separation allowance if she or he commutes to the new duty location. This means that, as a daily or weekend commuter, she or he has no entitlement to the reimbursement of travel expenses or housing costs. This is anything but caring. Personnel who have returned from abroad must be placed in a position in

which they do not run the risk of suffering the financial disadvantages that have been described if they move to their former place of residence.

The refusal to approve the payment of relocation expenses when personnel **move from one location to another abroad** is also to be viewed critically.

- *In one case in Belgium, a serviceman had to move to another flat because the landlord had terminated the tenancy on the grounds that he needed the property for his own use. The payment of relocation expenses for which the serviceman applied was rejected by the Federal Office of Bundeswehr Personnel Management on the grounds that, according to the case law of the administrative courts, the termination of a tenancy so the property could be used by the landlord was not a 'compelling reason specific to foreign assignments' that would have allowed approval to be given for the payment of relocation expenses to someone moving within a particular locality under the Foreign Relocation Expenses Ordinance. According to the rules of the Federal Foreign Office, however, approval for the payment of relocation expenses would usually be granted to its employees posted abroad because the termination of a tenancy agreement under local law certainly constitutes a 'compelling reason'.*

The practice followed by the Federal Foreign Office is convincing as an expression of the idea of care that benefits personnel posted abroad. The same must also apply for servicewomen and men.

If a servicewoman or man is transferred abroad, this has the consequence that it is no longer the Family Benefits Office at the Federal Office of Administration that pays child benefit, but the Federal Employment Agency. What is decisive for servicewomen and men is that this monetary benefit also continues to be received without delay. This has not always been the case, as several servicewomen and men stationed abroad complained. One serviceman reported that he had had to wait a year for the payment of child benefit. Apart from this, after he had moved abroad, it had taken approximately six months until the previously competent Family Benefits Office had delivered the documents to the Employment Agency. There must be clearly better coordination and monitoring of the transfer of competences for the payment of child benefit from the Family Benefits Office to the Federal Employment Agency. Child benefit must be paid without delay.

### **Alternative employment models**

The increased offer of **teleworkplaces** has been received well. In 2013 there were just 150 servicewomen and men who were doing their duties



as alternating teleworkers, but by the end of 2016 the figure was 844 (754 servicemen, 90 servicewomen). Alternating teleworking is a combination of times spent working at home and times when the individual is present in the workplace. This makes teleworking a valuable instrument with which to improve the compatibility of family/private life and service in the forces. The organisation of childcare or long-term care for close family members is facilitated, in addition to which the strains of commuting are reduced if duties can be performed temporarily from home. The original upper limit of 1,250 teleworkplaces for servicewomen and men and civilian employees was increased to a total of 3,055, and is to be raised to 8,000 by 2023.

As a result of the strongly increased demand for teleworkplaces since the beginning of 2016 with an average of 170 applications a month (2015: 70 a month), and due to technical difficulties with the recording of the applications, the processing time of two months provided for in Type A General Publication ‘Teleworking’ could not be complied with. Apart from this, there was a backlog when it came to the technical installation of teleworkplaces as a result of the delayed allocation of budgetary funds and the contractually agreed limitation of the roll-out capacity to 100 teleworkplaces a month. The Defence Ministry assumes that the increase in the roll-out capacity to 300 that has been decided on will make it possible for the backlog in the implementation of this scheme to be eliminated by the end of 2017. In many cases, however, it was also possible for the situation to be remedied in the short term: For instance, mobile workplace IT equipment was made available under the Roaming Workplace project. Problems with the compatibility of family life and service could be mitigated in this way.

Superiors are confronted with challenges by the need to deal with servicewomen and men who are not always present in the workplace on account of their alternating teleworking. Remarks such as ‘oh, but you won’t be here tomorrow’ or ‘he’s teleworking, you can’t disturb him’ reveal a lack of confidence in how to deal with this situation and communicative weaknesses. It is the job of the leadership to actively involve teleworking employees in operations and communication with the team, even on days when they are away from the workplace.

- *A colonel contacted the Parliamentary Commissioner for the Armed Forces with a request for support for his application for teleworking. He had been told orally that teleworking was not envisaged for someone in his function as a head of division or would at most be limited to exceptional cases. Nonetheless, he intended to move onto*

*alternating teleworking with one day present at the workplace each week. Up until this point, he had had to use electronic media to perform his leadership role because his assistant head of division was frequently away on military business. The application for teleworking was rejected. It was recognised as a matter of principle that teleworking was also possible in leadership positions. However, presence in the workplace for one day a week was not viewed as being compatible with his responsibilities for leadership and the appraisal of subordinates. It was possible for a compromise to be found when this petition was processed: Following the conclusion of an individual agreement on working conditions, the petitioner initially worked one day a week at his home workplace for a trial phase, which was later to become two days a week and then, after the expiry of the trial phase, two days a week on a permanent basis as of 2017.*

Pleasingly, the opportunities for **part-time working** have been expanded for service personnel. Since 1 January 2016, for instance, special reasons have no longer been required for the approval of part-time working. Where militarily justifiable, it may also be approved for reasons other than caring for family members or looking after children. The high demand shows the significance of this instrument for ‘work-life balance’. In many cases, superiors look critically on the approval of part-time working. They object above all to the part-time vacancies that open up when servicewomen and men go part-time, unless additional personnel are made available. They feel the workload on other personnel becomes heavier.

The necessity of **vacancy management** for vacancies that arise on account of part-time working and for other family-related reasons (parental leave) has been stressed in several annual reports, most recently last year. The establishment of what are termed ‘floating posts’ for part-time vacancies that arise as a result of part-time working held out in prospect by the Defence Ministry still does not offer a satisfactory solution. These floating posts are not posts for which additional funds are budgeted. Rather, the part-posts that arise due to the approval of part-time working are to be used to temporarily reinforce the staffing of organisational units that report the need for such assistance. This post management instrument, which is also customary in other administrative bodies, is only advantageous for the organisational unit that actually has its staffing reinforced. Other units, however, have to give away part-posts without receiving any compensation. To date, just three such posts have been established at the Bundeswehr Hospital in Westerstede, while 14 other floating posts have been applied for in the Central Medical Service,

the Navy and the Major Organisational Element of Personnel.

The inclusion of 3,000 additional servicewomen and men assigned to unfunded established posts in the personnel structure model (to date: about 1,700, of whom 1,139 are in the Medical Service) has not resulted in vacancies being compensated for to any tangible extent in the forces so far either. During absences of less than one year on account of parental leave and family care leave, the personnel management usually seeks to leave posts unoccupied in consultation with the parent unit, provided the vacancy can be coped with on the ground. Where this is not possible, plans are made to fill the vacancy with another servicewoman or man but, according to the Federal Ministry of Defence, it is only possible for a vacancy to be filled temporarily during an individual's absence if a suitable successor is available on account of assignment planning or the planned end of their term of service. This means that such appointments to fill vacancies can only be made in very few cases during periods when there are personnel shortages. It is therefore not possible to speak of real vacancy management in relation to part-time vacancies and vacancies for family reasons. The demand for effective vacancy management therefore remains topical. It continues to be stated occasionally by superiors that servicewomen and men who are working part-time cannot be occupied meaningfully during their working time, as a consequence of which it is not possible to appraise them either. Of course, individuals who are working part-time must be given appropriate duties to perform. This is a leadership task and a matter for the units that process personnel matters.

1,503 servicewomen and men were working part-time at the end of 2016. There have only been a very few opportunities to **lead part-time**, whether under a job-sharing leadership arrangement or in a nearly-full-time part-time post (80 per cent). The Bundeswehr reported about 300 cases in June 2016. This figure appears all the smaller against the background of the Bundeswehr's own definition, according to which it is possible for every servicewoman and man to play a leadership role for at least some of her or his career. This part-time model expresses the esteem in which a servicewoman or man with family obligations is held and helps to make the most of her or his potential. Furthermore, equality of opportunity for women is increased because 90 per cent of part-time employees in the Bundeswehr are female. Part-time leadership must be further expanded to improve the compatibility of family life and service, and interested individuals should be encouraged to make use of this opportunity.

## Parental leave

A dramatic decline in the number of petitions in which the time taken to process parental leave applications is objected to was to be noted during the year under review. There were no longer any petitions about difficulties with 'paternity months' in 2016. Pleasingly, the possibility of drawing up preliminary parental leave notifications that can be converted into final notifications after the presentation of the birth certificate appears to be generally known now among the staff who process personnel matters.

However, several servicewomen reported discrimination in relation to **promotions** because they had taken maternity leave and parental leave. According to the provisions of the Military Career Regulation, absences for family reasons (parental leave, family care leave) are not counted fully towards the period in post required for a promotion. When parental leave or family care leave is only taken once, the length of the actual delay is counted towards the individual's period in post, but one year at the most. If parental leave or family care leave is taken repeatedly or in succession, a maximum of two years is counted towards the period in post. For example, in a case in which a servicewoman takes a year's parental leave for each of her three children, merely two years are counted towards the period in post for her promotion. The precondition for the consideration of such periods is that the release from duties for family reasons commenced after 31 December 2004. The practice currently followed when leave granted for family reasons is counted towards periods in post is based on the Act on Equal Opportunities for Female and Male Personnel of the Bundeswehr, which entered into force on 1 January 2005.

- *In one case, a servicewoman explained that her child had been born in 2003. Since there had still not been universal childcare provision for children under the age of three at that time, she had been forced to extend her parental leave to three years. Due to the provisions in place concerning the start of the eligibility period, none of these three years had been counted towards the period in post for her promotion.*

Discrimination in career paths for servicewomen who take parental leave or other periods of leave for family reasons was identified when petitions were processed. This was why an amendment of the statutory provisions so that parental leave and family care leave could be counted towards periods in post was suggested in previous annual reports. The Federal Ministry of Defence has taken up this suggestion and initiated a review of the current legal situation that has taken account of the increasing significance of the compatibility of family life and service in the forces.

Since scope for action to amend the Military Career Regulation was identified as legally possible during the review, a proposal is now being drawn up in the Ministry for parental leave and family care leave to be counted towards periods in post to a greater extent.

### Care for family members

Following the extension of the Act to Improve Compatibility between Family, Care and Work to servicewomen and men as well, they have a legal entitlement to family care leave and long-term carers leave. They are able to look after close family members who have fallen sick or are in need of long-term care at home. When family care leave is taken, part-time employment with a weekly working time of at least 15 hours is possible for a maximum of 24 months. When long-term carers leave is taken, part-time employment with a weekly working time of less than 15 hours or unpaid leave may be approved for a maximum of six months on application. In order to compensate for lost income, there is an entitlement to an advance payment. Close family members include parents, grandparents, siblings, children, adopted or foster children, grandchildren, step-parents, persons related by marriage, and partners in cohabiting mixed-sex and same-sex couples. The compatibility of family life and service for Bundeswehr personnel has been improved by these new statutory provisions. They should now be communicated and implemented in the forces without delay.

In contrast to when there is a legal entitlement to family care leave and long-term carers leave, for example, grandparents are still not included in the group of family members in need of care to be taken into consideration for the recognition of serious personal reasons for a transfer or temporary assignment close to home. This should be changed.

- *A serviceman who wanted to be temporarily assigned close to home in order to be able to care for his grandfather wrote to the Parliamentary Commissioner for the Armed Forces, 'I appeal here simply to humanity and ask you to think about what I have said because for me here he is a quite special person who has looked after me more than my parents all my life. Family doesn't just mean that parents and brothers and sisters belong to it, but also the old people in our society.'* The petitioner's grandfather died before a decision could be taken.

The opinion expressed by a superior in one comment that questions ought to be asked about health conditions suffered by family members as early as the aptitude assessment procedure at the careers centre and, where relevant, taken into account when a servicewoman or man was recruited is not to be

accepted. Family members in need of long-term care must not become a criterion for the exclusion of applicants from recruitment into the forces.

### 11. Medical Service and health

#### Growing tasks and personnel shortages

The extremely high workload on the personnel in the Medical Service on account of its scarce personnel resources remains a source of uncertainty about the provision of medical services. Apart from outpatient and inpatient unit medical care for servicewomen and men on mandated foreign deployments and in routine operations, the Medical Service is also required to take on expensive, time-consuming additional tasks. These have included, for example, quasi-operational commitments and administrative assistance for authorities that are dealing with refugees. In addition to this, there is the fact that, to the present day, it has not been possible to meet the personnel targets specified under the various reforms at any time. In its comments on the *Annual Report 2015*, the Defence Ministry expressly confirmed the structural **personnel deficit** described in earlier annual reports. The proportion of posts filled in the Central Medical Service may appear satisfactory at about 90 per cent for medical officers, non-physician practitioners and specialist health professionals. However, there are significant differences between the proportion of posts filled and the (daily) staff attendance rate, which represents the actual availability of the personnel who hold the posts. The mean rate is running at just 85 per cent, while only half of staff are in attendance in some fields, at regional medical facilities in particular.

There are too few medical officers, above all in general practice. In consequence, there is a lack of **unit physicians**, in particular, at the regional medical facilities. Contracted civilian physicians are only able to replace these personnel to a limited extent because, unlike unit physicians, they are at most able to go on deployments as reservists. Apart from this, despite numerous additional posts established since 2006, there is still a shortfall of 150 **specialist physicians** in the Bundeswehr hospitals according to the calculations of the Federal Ministry of Defence. The posts required are to be established, but there will be major problems meeting the demand for additional physicians in the short term on account of the strong competition on the health market. Even the recruitment of 70 to 80 physicians a year as lateral entrants cannot make up for this understaffing. This is why the Medical Service is advertising for additional civilian clinical specialist physicians and medical officers who have left the forces. The Bundeswehr must position itself even better as an attractive

employer for physicians and, above all, create incentives for them. What are required are probably further improvements to the pay packages on offer. Apart from this, dentists/maxillofacial surgeons, pharmacists and veterinary surgeons should finally be granted the allowance for specialist physicians.

The premature departure of personnel from the forces because they have been recognised as conscientious objectors is causing a personnel gap in unit medical care for which the Bundeswehr is unable to plan. More than half of the 30 to 40 conscientious objectors each year are medical officer candidates. In line with a suggestion made by the Parliamentary Commissioner for the Armed Forces, the number of places to study medicine for medical officer candidates has been increased in order to compensate for the personnel who are being lost in this way. Not only that, measures are currently being drawn up to strengthen the priority of retaining and promoting specialist medical personnel. In particular, there is a need for action when it comes to the acceptance of female medical officers as career soldiers, because too few women are still deciding in favour of this career path.

**Personnel recruitment** stands and falls by the workforce's job satisfaction and motivation. The restructuring of the Service's body of personnel required by the reforms, which has brought about a growth in the numbers of physician medical officers, a scarcity of medical staff sergeants and a massive reduction in junior ranks, has led to a redistribution or new distribution of the remaining functions. This has been accompanied by changes of location while operations have continued and the workload has stayed high. Deep-seated uncertainty and concern about the future of the Service are consequently felt by a large proportion of its personnel. It is not surprising that these negative parameters are clouding the mood among the Bundeswehr's medical staff.

Apart from this, motivation and job satisfaction also depend on the compatibility of service and family/private life. Pleasingly, progress is identifiable in this central area of care: The childcare provision at the Bundeswehr hospitals is being expanded at present. Increasingly family-friendly personnel planning is also a positive sign from the point of view of medical personnel. A large proportion of the personnel at the Bundeswehr hospitals are weekend commuters. The provision of cheap residential accommodation would be an important contribution to job satisfaction in their eyes.

As far as military **auxiliary and nursing staff** are concerned, there has been no change in the precarious personnel situation to which reference was made in

previous annual reports. On the contrary: on account of the increasing numbers of missions and commitments, the shortage of skilled staff, particularly specialised nursing staff such as assistant theatre technicians, has reached a new dimension. In this field, not even half the personnel in post are in attendance sometimes. Despite attractiveness measures – such as reenlistment bonuses and personnel retention allowances –, it continues to be extremely difficult to recruit and retain trained medical auxiliary and nursing staff on account of the competition with the civilian labour market. Apart from this, the personnel situation among paramedics is being made more difficult by their lengthy training. At present, only approximately 75 per cent of the posts for paramedics can be filled in total. In some units, the proportion of posts filled is far lower than this. In consequence, routine operations are no longer fully guaranteed in the medical regiments and squadrons, in particular training and support for exercises. The consequences are delays to medical training for the forces and constraints on exercises due to the lack of emergency medical provision. Unit medical care at medical facilities too finds itself confronted with extreme challenges as a result of the lack of skilled staff. At the Bundeswehr hospitals, posts for medical assistants and nursing professionals cannot always be filled in ways that meet demand and satisfy requirements. This means most of the additional posts that have been established due to the more stringent clinical performance requirements will remain vacant. There is urgent need for action to fill posts for senior and junior non-commissioned officers. The Defence Ministry is therefore currently examining the introduction of additional allowances. Pleasingly, the Federal Ministry of the Interior, which is responsible for this matter, intends to amend the Hardship Allowances Ordinance. However, there is still no timetable for the implementation of this amendment.

The shortage of specialist staff in the Bundeswehr hospitals is already having consequences with the restriction of hospital services at times, for instance as a result of the (partial) closure of departments/sections, the reduction of the numbers of operations or the non-use of hospital beds. Although their high calibre is widely recognised, the narrowing of the range of clinical services that they offer will be fatal for the reputation of the Bundeswehr hospitals in their competition with civilian hospitals.

The **medical information systems** for the Bundeswehr hospitals and regional medical facilities are still not fully mature. The NEXUS hospital information system, which is initially only envisaged as a transitional solution, is viewed as less than user-

friendly by some clinical staff, but the hospitals will have to cope with it over the medium term until a uniform telematics infrastructure has been built up in the Medical Service. The Defence Ministry has confirmed that the administration of data in the system is markedly more labour-intensive than the original calculations had suggested. Furthermore, there are shortages of system administrators and coordinators. The relevant personnel are now to be increased. It is clear, though, that the central patient data storage and electronic medical records that have been demanded cannot be implemented in the current system.

There is still an almost complete lack of information technology support at the regional medical facilities. Nonetheless, a basic capability is to be tested as of the third quarter of 2017. This means the facilities will still be far removed from the kind of practice information system that has been customary in the civilian health sector for a long time. The secure management and orderly documentation of servicewomen and men's medical records remains an unresolved problem. At present, all medical records, including loose leaves and medical opinions in paper form, are filed without additional documentation. Only once a servicewoman or man has been discharged are her or his records deposited with the Bundeswehr Institute of Military Medical Statistics and Data Management to be archived. The records of long-serving servicewomen and men can take on dimensions that mean they are hardly possible to administer any longer and are extremely difficult to use, given they are sorted so confusingly and the entries in the folders and the loose leaves are so hard to read. The secure availability of the records at the locations where servicewomen and men are treated is still not guaranteed either. At present, they are sent out by post. Their loss cannot be ruled out – as demonstrated by some petitions:

- *In one case, a serviceman's medical files were lost when he was transferred. It was difficult to reconstruct his medical file, and this could only be done by asking the serviceman about his illnesses and how they had been treated.*

- *In another case, it was found that a former serviceman's medical records were not archived at the Bundeswehr Institute of Military Medical Statistics and Data Management. Nor did other agencies have any information about their whereabouts. This meant it was no longer possible to find evidence about the former serviceman's health problems during his term of service.*

The practice followed until now of handing out records to sick servicewomen and men for them to

take to the location where they will be treated has also led to the loss of records in individual cases.

The specialisation of the **Bundeswehr hospitals** as regional trauma centres, and the focus on centres of excellence for acute and emergency medicine discussed critically in previous annual reports are being continued. Disciplines that support medical specialisms of relevance to deployments, such as nuclear medicine, are being abandoned more and more for reasons of personnel rationalisation. This is not consistent with the statement made by the Federal Ministry of Defence in its comments on the *Annual Report 2014* that the existing range of medical specialisms would not be restricted or reduced. Particular types of specialist clinical expertise are only available within the integrated system of all the hospitals or through contractual cooperation and partnership with civilian facilities. As far as inpatient hospital treatments are concerned, military patients make up just about one fifth of all patients. The position of the Bundeswehr hospitals as additional actors in the civilian health system may be justifiable because the greater numbers of patients acquired contribute to training for deployments and sustainment training. At the same time, however, comprehensive inpatient hospital provision must be guaranteed for servicewomen and men.

The treatment of patients with multiresistant infections by the Bundeswehr has to be seen in this context as well. Both protected transport capacities under the STRATAIRMEDEVAC system and specially protected wards at the Bundeswehr hospitals should be available for highly contagious patients. The necessary funds must be allocated for this purpose.

The organisational reform of the **regional medical facilities**, which was also discussed critically in previous annual reports, is to be concluded by the end of 2017. The transitional phase from the old healthcare structure to the new structure with the introduction of the integrated system of unit physicians and contracted (civilian) physicians for very small bases in the field of primary medical care has so far met with surprisingly little criticism. Whether it is already possible to draw conclusions from this about the satisfaction of the individuals concerned with their medical care still cannot be determined conclusively.

The dissatisfaction occasionally expressed with the internal organisation of unit medical care has to be taken seriously. For instance, there are complaints in particular about the practice organisation at medical facilities. Criticisms are raised of waiting times for appointments, errors made when appointments are

arranged and difficulties contacting the facilities by telephone. Apart from this, the information for patients is regarded as sometimes being inadequate. This is to be learned, among other things, from *Optimisation of Customer Satisfaction at Bundeswehr Regional Medical Facilities*, a study drawn up by Prognos AG on behalf of the Bundeswehr Office for Defence Planning and published in 2016. It is based on a survey of military patients that dates back to 2014. Dissatisfaction is also continuing to be felt under the new structure. Another survey on unit medical care is planned in 2017.

A couple of examples:

- *As a result of the cancellation of an appointment at short notice when he was due for a deployment returnee examination and the fact he was only offered a new appointment four weeks later, there was a danger that it might not be possible for a serviceman to go on the preventive cure he wished to apply for prior to the beginning of his full-time vocational advancement. Only the personal intervention of the head of the medical facility during the petition procedure allowed the deployment returnee assessment to be conducted in good time and the preventive cure to be applied for.*
- *In another case, inconsistent diagnoses were arrived at as a result of the need to consult different physicians at different locations due to the failure to pass on medical findings. No clear line could be guaranteed for the patient's treatment and care. This is stressful and unacceptable, especially for a mentally ill patient.*

In other cases, disrupted physician-patient relationships lead to problems and unnecessary delays to treatment. Sometimes it is military patients who disrupt the communicative relationship between the unit physician and the patient. For example, they may make unfulfillable demands concerning the arrangement of appointments or behave inappropriately towards medical personnel. The high turnover of unit physicians is often a barrier to prompt treatment and holds up the finalisation of diagnoses as well. These organisational deficiencies are at least indirectly the consequence of the difficult personnel situation in the regional healthcare facilities discussed above. The years to come will show whether the new regional medical structure can actually be implemented at all with the personnel who are available.

### **Deployment-related mental illnesses**

The total number of servicewomen and men with newly diagnosed deployment-related posttraumatic stress disorders went down slightly in the first six

months of 2016 compared to the same period the previous year. However, the fall in posttraumatic stress disorders is put into context by the rise in other deployment-related mental disorders, such as anxiety disorders and affective disorders, which may be exacerbated even more by additional stresses in Germany (such as those caused by commuting). The incidence of these illnesses went up 40 per cent during the year under review. Apart from this, there are more cases that have become chronic and in which additional physical illnesses sometimes occur. These problems then demand lengthy periods of treatment as well. Years and decades after the ending of their deployments, for example in former Yugoslavia, there are still people being diagnosed for the first time with mental illnesses that are connected with their experiences when they were deployed.

Pleasingly, it is to be noted that the underestimation of the problems posed by deployment-related mental conditions that was seen for years has become less common, and the care and treatment of those who suffer from such conditions has markedly improved. Despite this, there continues to be a need for adjustments to be made. The evidence of increasing demand for treatment, some of it published in the last few annual reports, was fully confirmed by the Defence Ministry in its comments on the *Annual Report 2015*. However, even the new Bundeswehr Hospital Target Structure 2020 for the Bundeswehr-operated medical facilities only provides for a target of meeting 75 per cent of the demand for curative treatment services in the specialisms of psychiatry and psychotherapy. The limited opportunities for treatment at the Bundeswehr hospitals will have to be adapted better to take account of the demand for care.

The demand for outpatient therapies at psychiatric **day clinics**, for example for individuals with chronic conditions, was recognised as a meaningful addition to the existing inpatient treatment capacities. Day clinics are already well established in the civilian sector. The creation of day clinics at the Bundeswehr hospitals announced during the previous year by the Defence Ministry has, however, not so far been implemented. According to the Ministry, it is planned to moderately reduce the size of the inpatient psychiatric capacities (evidently by two beds) in favour of outpatient day clinics. Should this reduction actually take place, it would be counterproductive in view of the waiting times for inpatient treatments, which are still averaging up to three months. In order to improve inpatient care, day clinics will have to be created as rapidly as possible with their own premises and additional personnel. This is equally true for the eight additional specialist outpatient psychiatrist posts

that are planned. In this respect, the regeneration of the required personnel is also to be ensured.

At present, outpatient psychotherapeutic treatments are overwhelmingly carried out by civilian medical and psychological psychotherapists. As a result of the agreement concluded between the Federal Ministry of Defence and the Federal Chamber of Psychotherapists in 2013, therapists without a licence to practice as a physician may also be used. In addition to this, thanks to continuing training events organised in cooperation with the Federal Chamber of Psychotherapists, therapists in private practice have increasingly been sensitised to the unique characteristics of military patients. This has helped to ease the search for practices that will take on outpatient therapy patients as close as possible to home, something that is often difficult for affected individuals. It is regrettable, however, that psychotherapists who are not licenced to practice as physicians are remunerated less well when they treat military patients than when treating patients with health insurance. This difference in their fees will have negative impacts on these psychotherapists' willingness to treat military patients, unless the Defence Ministry arranges for its remuneration rates to be adjusted soon.

The **specific forms of welfare provision** delivered by the Bundeswehr hospitals and the military chaplaincies, as well as the Bundeswehr's Support and Care under One Roof workshop are still important components of the welfare services offered to individuals with deployment-related mental disabilities and their family members. They are assessed very positively by users and participants. However, users and participants complained that these services are still not sufficiently well known. Often, it is only thanks to the networking of mental health sufferers that they learn about this provision. Information about the provision of welfare for mentally ill individuals must be further improved and disseminated even more broadly within the forces.

The work of the Commissioner of the Federal Ministry of Defence for Deployment-Related Posttraumatic Stress Disorders and Traumatised Personnel and his staff is to be highlighted positively. Not only are many affected servicewomen and men being helped, it has also been possible for improvements in the handling of individuals with deployment-related mental disabilities to be initiated again and again by learning from the experiences of affected servicewomen and men.

Apart from the treatment of mentally ill servicewomen and men, **prevention** is of particular significance in the context of care for service personnel. The Bundeswehr has recognised this and

developed precautionary measures with its Framework Concept for Maintaining and Improving the Mental Health of Servicemen and Women. The screening of mental fitness, which was trialled in the pilot project described in the last Annual Report, is now to be gradually implemented. Initially, it is to be conducted for personnel who have returned from deployments as part of their debriefings. The screening is then also to be conducted following recruitment or basic training and finally at regular, three-yearly intervals, unless a special diagnosis has been made in the meantime following a deployment. Where there is need, individual measures can be taken to maintain or strengthen mental fitness. These measures include, for instance, the preventive cures that are already well known and special psychological measures to compensate for psychoreactive effects of deployments, which are available to both outpatients and inpatients.

One important aim in the context of prevention must continue to be to train superiors and unit physicians even better on the topic of deployment-related mental illnesses. In particular, unit physicians are accorded an important role in the identification of symptoms. It is therefore to be welcomed that one or two unit physicians at every medical clinic are to receive additional psychotherapeutic training. With its new PTSD Coach App, the Bundeswehr offers a guide to first assistance for consequent mental disorders attributable to deployments. It is already being used frequently.

Cases of **former servicewomen and men** with mental illnesses that first occur after they leave the services have been raised repeatedly in annual reports. In response to a resolution adopted on 13 October 2015 by the Defence Committee of the German Bundestag, a working group was established by the Defence Ministry during the year under review with the involvement of the Parliamentary Commissioner for the Armed Forces. It will draw up a care concept, which is to include measures relating to improved information about deployment-related mental illnesses and the different forms of assistance that are available, measures to speed up affected individuals' access to the Bundeswehr's medical care system, and further coordination and support measures. The situation of servicewomen and men who have left the forces and fallen ill must be significantly improved. They often have difficulties connecting their illness with a deployment during their time in the Bundeswehr, as well as actually proving this connection to the Bundeswehr so they can receive the treatment, care and support they need.

Where it is applicable, the Deployment-Related

Accident Ordinance contributes noticeably to a significant speeding up of procedures for individuals with deployment-related mental disabilities when it comes to the recognition of deployment-related accidents after applications have been submitted under the Act on the Continued Employment of Personnel Injured on Operations. For instance, it is now not necessary to wait for the outcome of the service-related disability procedure for a deployment-related accident to be recognised. It is good that, for example, the launching of rockets from a camp (when the affected individual can be proven to have been present) is now also acknowledged as grounds for automatic recognition under the Deployment-Related Accident Ordinance.

### **Suicides and attempted suicides**

In 2016 there were reports of 12 suicides and 46 attempted suicides by servicewomen and men (previous year: 25 suicides and 44 attempted suicides). The (happily) declining number of suicides recorded in the files does not give grounds for speculation about connections between military matters and suicide.

### **Duration of disability procedures**

Several previous annual reports referred to the long, sometimes unacceptable processing times for disability pensions and benefits. Disability procedures were also repeatedly the subject of deliberations conducted by the Defence Committee. Despite this, procedures for the recognition of service-related disabilities still last too long. This is true in particular for procedures concerning the recognition of deployment-related mental conditions. In these cases, especially, more rapid processing would be urgently required in order to promote the recovery process.

The Defence Ministry has now set measures in train in response to a resolution adopted by the Defence Committee on 14 October 2015. These measures are to lead to a speeding-up of the procedures at the Federal Office of Bundeswehr Personnel Management, which is competent to deal with these matters. If its performance does not improve, it would be thinkable to specify a binding time limit for the processing of these cases, which would mean the entitlement was regarded as granted once the time limit had passed, as is already the case in other areas of the administration.

During the year under review, individuals with recognised service-related disabilities increasingly complained about the processing of applications for medical and therapeutic treatments and/or orthopaedic care by the Federal Office of Bundeswehr Personnel

Management. On account of internal problems within the administration, delays were experienced when benefits and pensions files were transferred from the Land authorities as part of the merging of the disability pensions and benefits systems. It is highly surprising that, despite many similar transfers of functions between authorities in previous years, assistance and allowances for example, the same transitional problems occur over and over again.

### **Problems with benefits and pensions for special foreign assignments**

When a **deployment-related accident** is recognised, a servicewoman or man receives one-off compensation of up to €150,000, provided the statutory preconditions are satisfied. In cases of deployment-related mental conditions, in particular, it is problematic to demonstrate someone fulfils the criterion of a permanent 50-per-cent reduction of earning capacity (degree of disability). Since there is still a possibility in many cases that the individual's health status may be improved by therapeutic treatment, it has been specified by the Federal Ministry of Defence that a degree of disability of at least 50 per cent must be confirmed two years later in a follow-up examination. As far as the Defence Ministry is concerned, the two-year period until the second examination starts on the date of the notification of service-related disability in which the degree of disability has been recognised. This practice does not always seem justifiable, as the following case makes clear:

- *An individual with a deployment-related mental disability had been recognised in 2012 as having a service-related disability and a degree of disability of 40 per cent. In March 2014 he submitted an application for recognition of the worsening of his condition. Subsequently, in July 2015, he was recognised retrospectively as of March 2014 as having a degree of disability of 50 per cent. The application he made in response to this for the payment of one-off compensation was rejected on the grounds that his earning capacity had still not been permanently reduced by 50 per cent. It would be necessary to wait for the follow-up examination, which could not be conducted until two years after the notification issued in July 2015, in other words 2017. Here, it was disregarded that the 50-per-cent degree of disability had been recognised retrospectively as of March 2014, in other words it had been assumed that the earning capacity of the individual affected had already been reduced to the greater degree as of this point in time. Accordingly, the follow-up examination could have been scheduled as early as March 2016. Regrettably, the Ministry is adhering to its opinion.*



It is not to be ruled out that the need to fulfil the criterion of the permanence of a high degree of disability to qualify for the payment of one-off compensation makes a successful therapy more difficult. The prospect of receiving one-off compensation, which promises a certain degree of security for the future, may have greater weight with the individuals affected than a rapid, successful therapy. This should be taken into consideration in a caring fashion in the interests of the individuals affected when the permanence of disability is assessed in individual cases.

### **Progress on compensation for radar victims**

Until the 1980s about 4,000 servicemen in the Bundeswehr and the National People's Army worked on radar equipment that did not have radiation shielding. Many of them fell ill and later died of cancer. The consequences have been numerous lengthy pensions and benefits procedures, and court cases. What makes the assertion of the claims raised by radar victims more difficult is that the doses of ionising radiation from radar equipment are usually very difficult to assess after the event if there are no records of measurements taken at the time. The problem of compensation has always been accorded a great deal of significance in previous annual reports.

In 2016 it was possible for **progress** to be made on the compensation of victims of radar radiation who have remained without entitlements to pensions and benefits to date. The final report about the expert symposium on radar radiation held in February 2015 mentioned in the last annual report was finally published on 2 March 2016. It set out new scientific findings with recommendations on how to improve the approach taken to the provision of compensation in practice. Having evaluated the report, the Defence Ministry issued a comment, according to which most of the Commission's recommendations are to be implemented. For example, it announced that individual clinical symptoms that have been ruled out to date as factors that reduce the burden of proof for the acceptance of pensions and benefits applications will be added to the catalogue of recognised conditions. Specifically, these are intracranial tumours (tumours inside the cranial cavity) and certain benign tumours.

What is still disputed is whether only radar technicians/mechanics and operators or other personnel too were exposed to relevant harmful radiation. Cases in which this question is material are pending before the courts. The striking raised occurrence of testicular cancer among radar personnel has not been recognised to date as a radiation-induced

condition. The possible causation of conditions by luminous paint that contained radium (Ra 226), among other things on radar equipment in older types of aircraft (for example, the Starfighter, Transall and Tornado), has still not been clarified yet either. Court proceedings are frequently ended by the death (from cancer) of radar technicians after they have been pending for ten years or longer without a decision being handed down. Family members are able to continue such proceedings as the deceased person's legal successors. With regard to these cases, the expert symposium that met in February 2015 recommended that, among other things, further measurements be conducted where necessary.

A motion was tabled on 5 July 2016 by the parliamentary groups of the Christian Democratic Union/Christian Social Union (CDU/CSU), Social Democratic Party of Germany (SPD) and Alliance 90/The Greens on further improving the compensation for radar victims of the Bundeswehr and the former National People's Army (NVA) (Bundestag Printed Paper 18/9032). Following this, the German Federal Government was called upon by the German Bundestag to immediately implement the recommendations set out in the final report on the expert symposium on radar radiation. The motion contains further demands that, among other things, concern the initiation of steps to shorten administrative procedures. In November 2016, the German Federal Government communicated a first interim report on the progress made towards the implementation of the final report to the Defence Committee. According to the interim report, a scientific study of possible DNA damage suffered by descendants of radar personnel will now be commissioned. Apart from this, the recommendation that benign tumours be added to the catalogue of recognised radiation-induced conditions will be implemented. To this end, the cases of former radar personnel who had previously claimed for benign tumours or who, according to the records, were suffering a condition of this kind, will be reopened. The aim must now be to ensure the dangers to health posed by radiation exposure, which were underestimated for a long time, are acknowledged in an appropriate fashion in the still open pensions and benefits procedures concerning affected radar technicians.

### **Commitment of the German Foundation for Hardship Cases**

The German Foundation for Hardship Cases is becoming ever more a lifeline for (former) servicewomen and men of the Bundeswehr and the former National People's Army who fell ill or were

injured while serving in the forces, as well as family members or surviving dependents who urgently need financial support. This means it is assuming functions and delivering services that the Bundeswehr does not, or is unable to, take on. Since 2012, the Foundation has dealt with more than 300 applications for support, most of them so far from servicemen disabled as a result of their exposure to radar radiation. In the meantime, the numbers of applications from servicewomen and men who have fallen mentally or physically ill on deployments abroad are rising as well.

In total, it was possible for approximately 64 per cent of all applications to be accepted. Up to the end of 2016 the German Foundation for Hardship Cases had disbursed about €4.1m of financial support. At present, budgetary funds of €1m a year are made available to the Foundation. The resolution of the German Bundestag on the above-mentioned cross-party motion of 5 July 2016 also called upon the German Federal Government to involve the German Foundation for Hardship Cases to an even greater extent in radar cases outside the remit of decisions taken under the law of pensions and benefits, and to provide it with even better financial resources. In order to be able to finance the necessary support payments, it was decided during the budget deliberations to raise the allocation of budgetary funds in 2017 to €1.5m. In addition to this, the Foundation's consumable assets were topped up by an additional €50,000 in 2016. An increase in the annual allocations to the German Foundation for Hardship Cases would also be desirable beyond 2017 so that what is acknowledged to be the rapid, unbureaucratic assistance provided by the Foundation can be successfully continued at a time when rising numbers of applications for support are being received.



**Dr Hans-Peter Bartels**

Parliamentary Commissioner for the Armed Forces

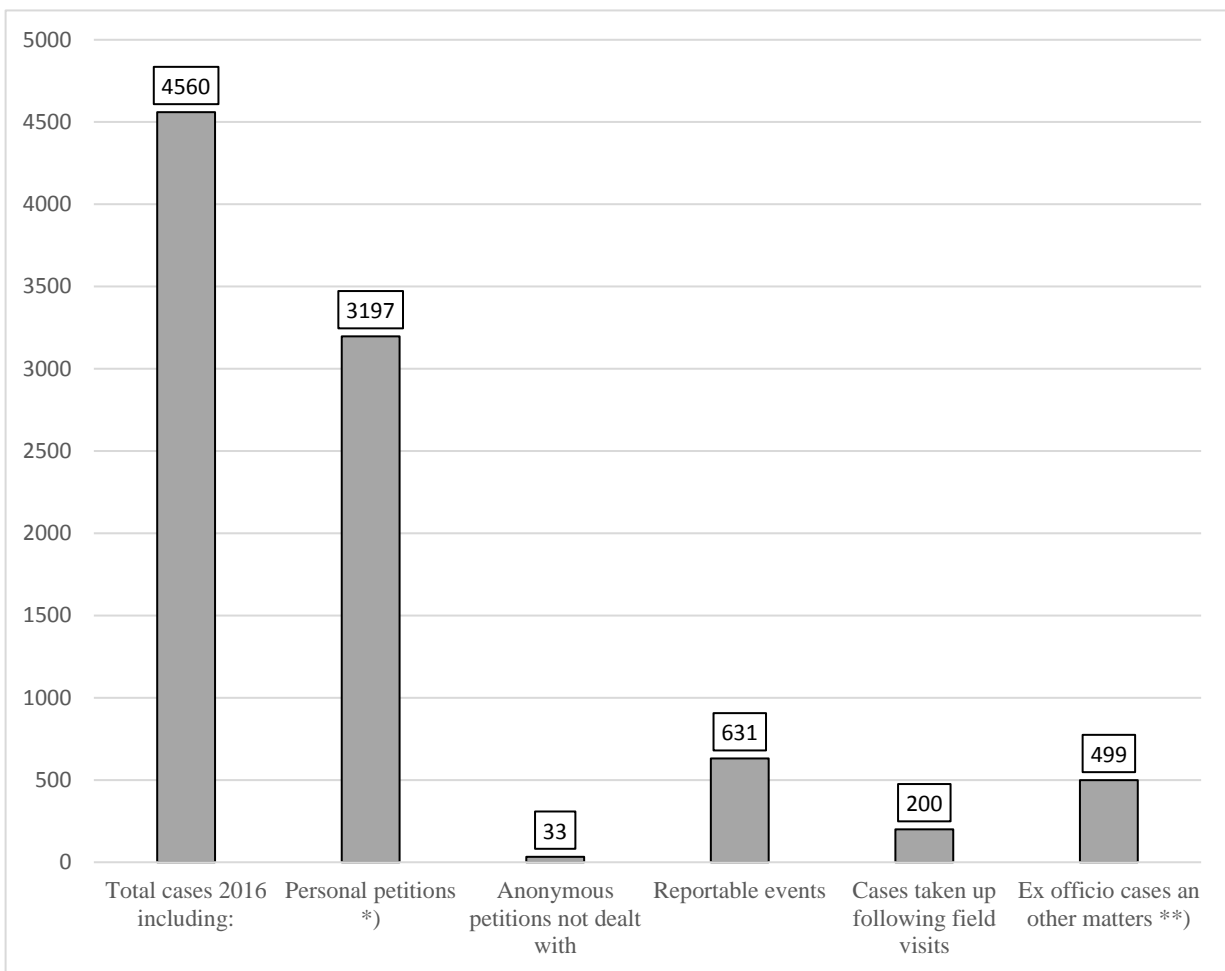
## 12. Cases and petitions: statistical overviews

In total, **4,560 cases** were recorded during the period under review.

Cases are all matters processed to which a file reference number has been attached. Apart from petitions 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 for the Armed Forces deals with *ex officio*. The cases dealt with *ex*

*officio* include files on policy issues (for example, on the Military Personnel Working Hours Ordinance, training and professional development for civilian occupations, criticism of the Bundeswehr’s structures) and press reports (for example, on ‘Islamism in the Bundeswehr’). In addition to this, letters from civilian employees and general enquiries from private individuals are recorded by the Office of the Parliamentary Commissioner for the Armed Forces as ‘other matters’.

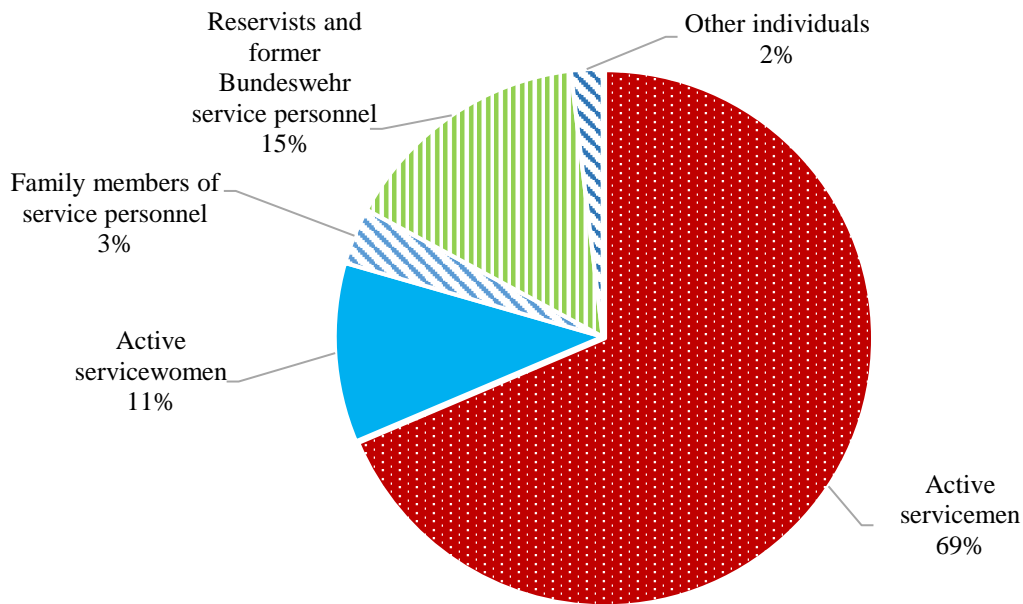
### Breakdown of cases – absolute figures



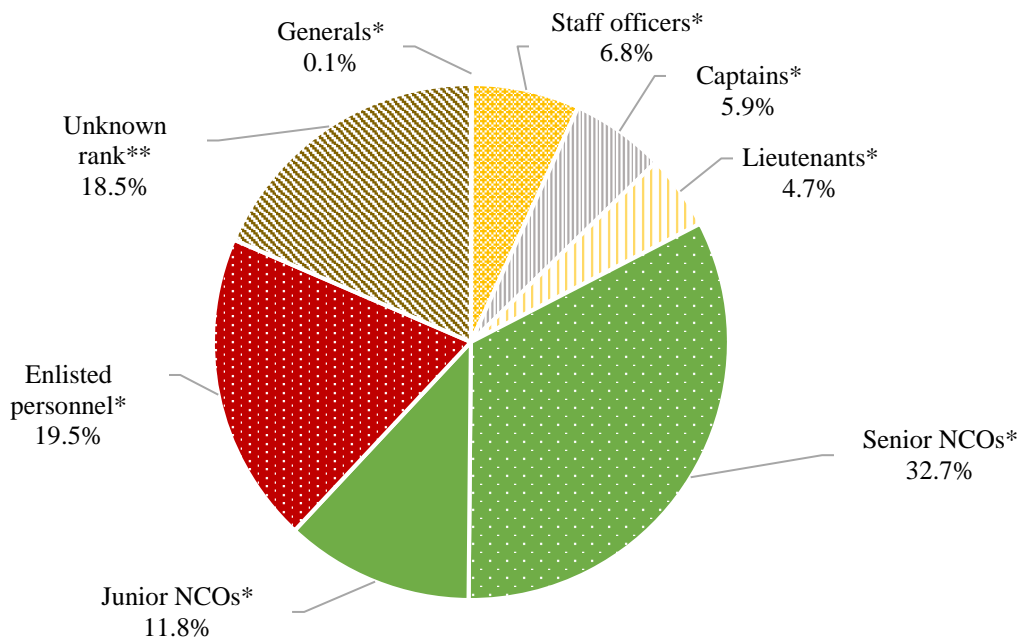
\* Petitions from service personnel and their family members.

\*\* Files on policy issues, letters from civilian employees, general enquiries from private individuals, press reports.

**Breakdown of personal petitions (3,197) by petitioners in per cent**



**Breakdown of cases (4,560) by rank categories in per cent**



\* Including equivalent Navy ranks.

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

**Breakdown of cases (4,560) by requests (8,228)\***

	<b>Number</b>
<b>Personnel matters relating to active servicewomen and men</b>	<b>2,601</b>
<u>Including:</u>	
Establishment and termination of service statuses	546
Assignment planning, appraisal, promotion	604
Processing of personnel matters and personnel management	598
Pay and subsidiary areas of pay law	665
Personnel structure	30
Conscientious objection	12
Matters relating to reservists	73
<b>Leadership and camaraderie</b>	<b>717</b>
<b>Disciplinary law, law violations</b>	<b>529</b>
<u>Including:</u>	
Offences against sexual self-determination	179
<b>Behaviour and conduct of servicewomen and men on and off duty</b>	<b>116</b>
<u>Including:</u>	
External appearance	13
<b>Training, equipment for training</b>	<b>251</b>
<b>Deployments abroad and equipment for deployments</b>	<b>398</b>
<b>Safety issues and accidents</b>	<b>110</b>
<b>Compatibility of family/private life and service, matters relating to commuters</b>	<b>641</b>
<u>Including:</u>	
Matters relating to commuters	64
<b>Health/Medical Service/free medical care</b>	<b>583</b>
<b>Infrastructure and accommodation</b>	<b>146</b>
<b>Catering/clothing/welfare</b>	<b>257</b>
<b>Pensions and benefits, social affairs</b>	<b>1,088</b>
<b>Working times</b>	<b>317</b>
<b>Diversity</b>	<b>125</b>
<u>Including:</u>	
Women in the armed forces (equality issues)	114
Service personnel with migrant backgrounds	5
Sexual diversity	6
<b>Suicides and attempted suicides</b>	<b>58</b>
<b>Other matters**</b>	<b>291</b>

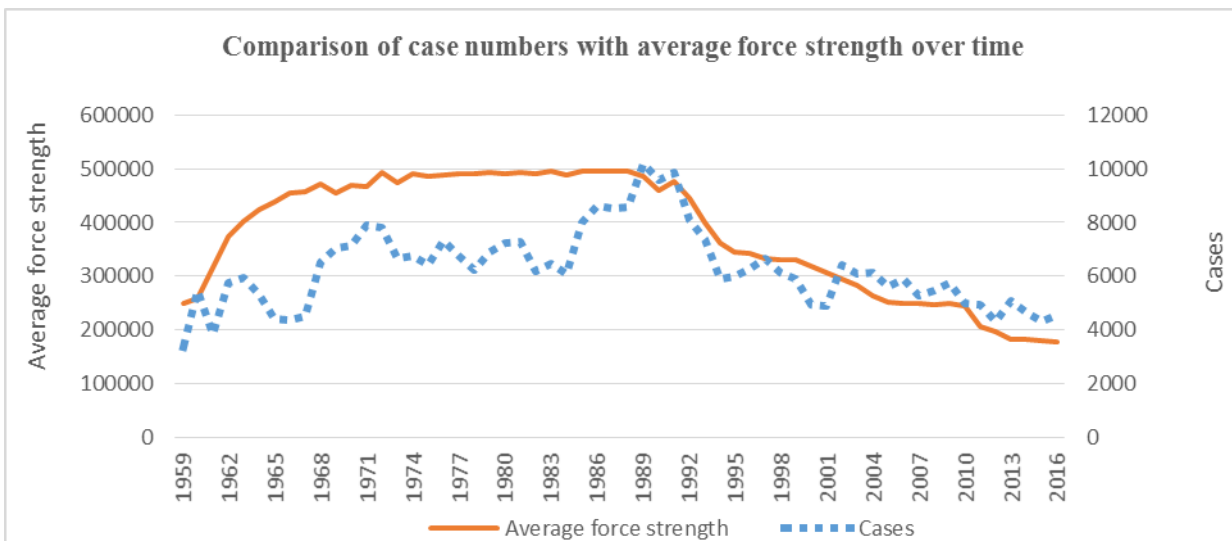
\* Up to three requests are brought together in one case, which is why the number of requests is higher than the number of cases.

\*\* Military personnel representation, work of the Parliamentary Commissioner for the Armed Forces, matters relating to petitions, the Bundeswehr in state and society, policy issues, structure of the Bundeswehr.

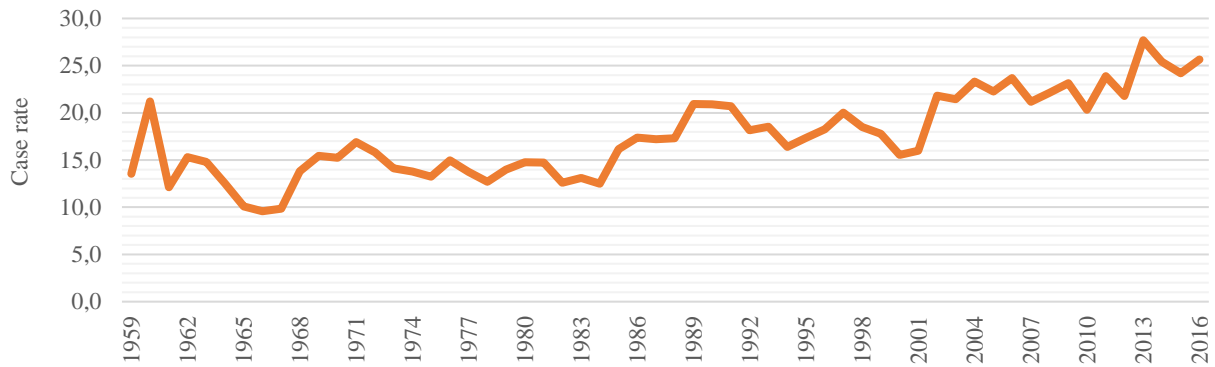
**Development in the number of cases between 1959 and 2016**

<b>Year under review</b>	<b>Total number of cases recorded</b>	<b>Average Bundeswehr force strength (servicewomen and men)</b>	<b>Case rate per thousand servicewomen and men</b>
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 (servicewomen and men)	Case rate per thousand servicewomen 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
<b>2016</b>	<b>4,560</b>	<b>177,800</b>	<b>25.6</b>
Total	364,604		



**Case rate per thousand servicewomen and men since 1959**

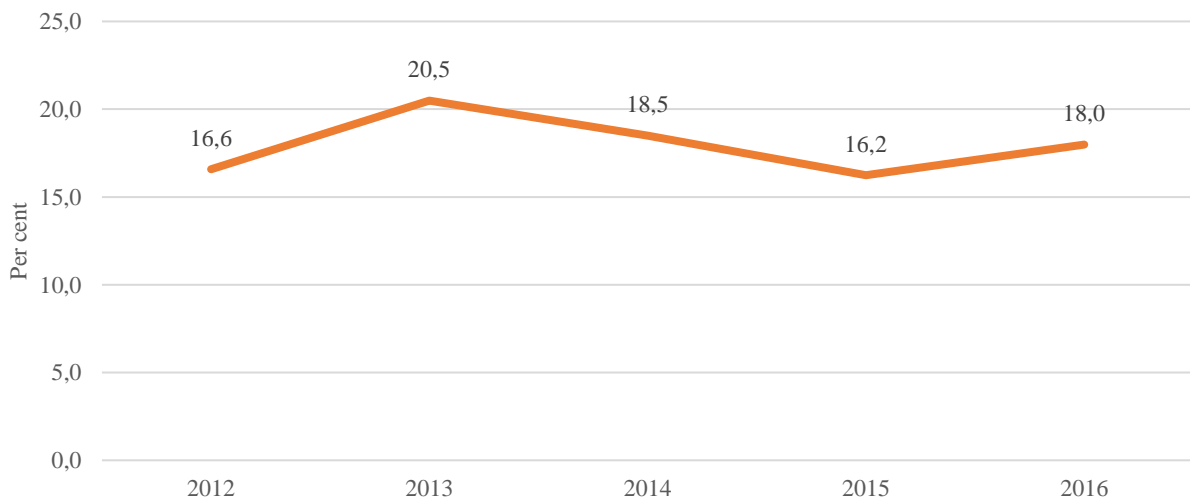


**Development in personal petitions relative to average force strength since 2012\***

Year under review	Average Bundeswehr force strength (servicewomen and men)	Total number of personal petitions	Rate of personal petitions 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

\* The statistical recording of personal petitions 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.

**Rate of personal petitions per thousand servicewomen and men since 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

	Location	Unit/agency
02.02.	Stadtallendorf	Rapid Response Forces Division
03.02.	Neubiberg	Bundeswehr University Munich
25.02.	Sanitz	21 Surface-to-Air Missile Group
29.02.	Hamburg	Bundeswehr University Hamburg
03.03.	Zweibrücken	26 Paratroop Regiment
03.03.	Merzig	2 Recruit Company
10.03.	Dresden	Army Officer School
22.03.	Büchel/Cochem	33 Tactical Air Wing
06.04.	Cologne	Federal Office of Bundeswehr Personnel Management, Assessment Centre for Executive Personnel of the Bundeswehr
07.04.	Brunssum/Netherlands	Headquarters Allied Joint Force Command Brunssum
11.04.	Munster	1 Officer Cadet Battalion
19.04.	Minden	130 Armoured Engineer Battalion
21.04.	Calw	Special Forces Command
25.04.	Thessaloniki/ Greece	Combat Support Ship Bonn/Standing NATO Standing Maritime Group 2
26.04.	Incirlik Air Base/Turkey	German Counter Daesh Mission Contingent Incirlik
03.05.	Brussels/Belgium	NATO Headquarters
05.-06.05.	Lisbon/Portugal	NATO Joint Analysis and Lessons Learned Center
18.05.	Fürstfeldbruck	Air Force Officer School
26.05.	Berlin	Bundeswehr Band Federal Ministry of Defence Guard Battalion
02.06.	Storkow	381 Command Support Battalion
14.06.	Leipzig	Army Training Command
27.06.	Rostock	Navy Headquarters, Warnemünde Naval Base
29.06.	Torgelow	413 Light Infantry Battalion
15.07.	Hamburg	Bundeswehr Command and Staff College
10.08.	Stettin/Poland	Multinational Corps Northeast
11.08.	Bonn	Joint Support Service Headquarters
15.-17.08.	Beirut, Naqoura/Lebanon Limassol/Cyprus	HQ UNIFIL UNIFIL Maritime Task Force Corvette Braunschweig

	Location	Unit/agency
25.-26.08.	Niamey/Niger	German MINUSMA Mission Contingent, Niamey Air Base
21.-24.09.	Gao, Bamako, Koulikoro/ Mali	MINUSMA, EUTM Mali
29.08.-01.09.	Kabul, Mazar-i-Sharif/ Afghanistan	Camp Quasaba, Resolute Support Mission Camp Marmal, TAAC North
10.10.	Prenzlau	610 Signal Battalion
12.10.	Lohheide/Bergen	414 Tank Battalion
25.10.	Cologne	Military Counterintelligence Service
26.10.	Bonn	Staff Council of the Federal Ministry of Defence
26.10.	Bonn	Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services
01.11.	Appen	Air Force Non-Commissioned Officer School
07.11.	Laupheim	64 Helicopter Wing
14.-15.11.	Jerusalem, Tel Aviv/Israel	HERON training, Israel Aerospace Industries
17.11.	Sanitz	21 Surface-to-Air Missile Group
01.12.	Kalkar	Air Operations Command
07.12.	Nuremberg	Federal Office for Migration and Refugees
14.-15.12.	Geilenkirchen Konya/Turkey	NATO E-3A Component (AWACS) Forward Operating Base
19.12.	Wiesbaden	US Army Europe Headquarters
21.12.	Dresden	Army Officer School

### 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 a further **261** appointments connected with his statutory task. They included numerous conferences and discussions, for example with branches of the Bundeswehr Association, charitable foundations, the General Spokespersons' Committee (GVPA), the Armed Forces Reservists Association, Members of the German Bundestag, the state secretaries at the Federal Ministry of Defence, the chiefs of the individual services, military chaplains and the presidents of supreme federal authorities.

### Field and fact-finding visits 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 conducted a total of **80 fact-finding visits** to units,

headquarters, agencies and authorities of the individual services and major organisational elements.

### Visitor groups

**88** visitor groups were welcomed to the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or his staff. 21 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, Ukraine, Uzbekistan, Senegal, the USA, France, China, the Philippines, the UK, South Korea, Columbia and Thailand. 64 visitor groups came from the Bundeswehr's individual services and major organisational elements. Finally, the Office of the Parliamentary Commissioner for the Armed Forces was visited by three groups of politically interested citizens, for instance from the Federal University of Public Administration.

**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**

**Right of petition**

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**

**Restriction of basic rights in specific instances**

(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**

**Parliamentary Commissioner for the Armed Forces**

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 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. Reelection 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
  - 2.2 Powers
- 3 Procedural arrangements
  - 3.1 General remarks
  - 3.2 Processing
  - 3.3 Hearings
  - 3.4 Processing of requests when a complaint has been made concurrently
  - 3.5 Processing within the jurisdiction of the agency concerned
  - 3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces
- 4 Notification of servicewomen and men
- 5 Data protection
- 6 Cooperation in a spirit of trust

**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](mailto: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
- 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.

402. 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.

403. The Commissioner's address is:

Parliamentary Commissioner for the Armed Forces  
Platz der Republik 1  
11011 Berlin

(Email: [wehrbeauftragter@bundestag.de](mailto: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 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).

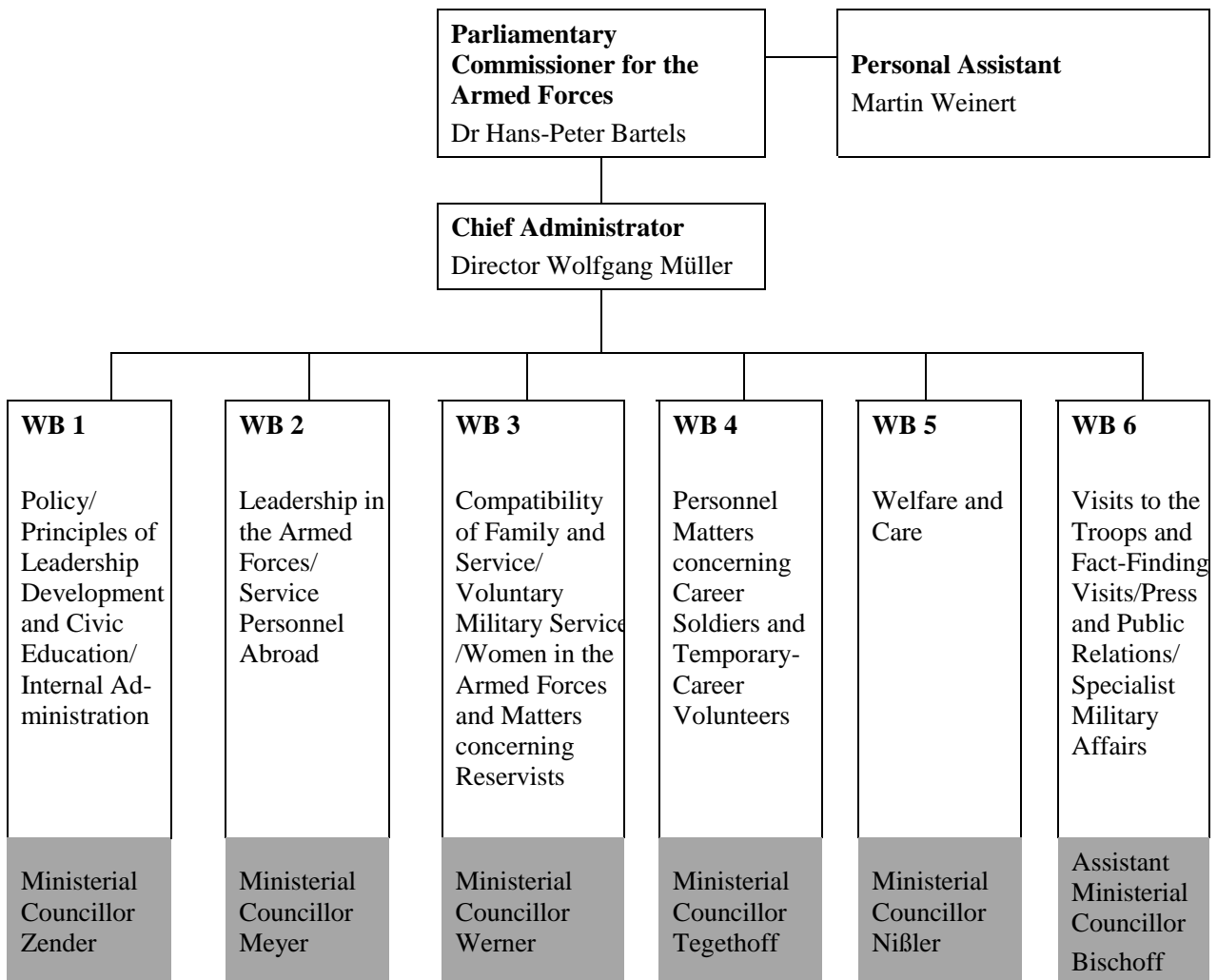
## **6 Cooperation in a spirit of trust**

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

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