

Information

from the Parliamentary Commissioner for the Armed Forces

Annual Report 2018 (60th Report)

C o n t e n t s

	Page
Foreword.....	5
The year under review in brief.....	7
1. Administrative management	11
2. The Bundeswehr’s financial resourcing	16
3. Reversal of the personnel trend	17
Personnel shortages.....	18
Efficiency of personnel deployment	21
Recruitment.....	22
Higher education in the Bundeswehr	29
Promotions	31
Appraisals	31
Security clearance checks	32
Prohibition on promotion during criminal and disciplinary proceedings.....	33
Retirement.....	34
Civilian initial and follow-on occupational training	35
Deficiencies in the processing of personnel matters	35
Basic training	36
Military service volunteers.....	37
Reservists	38
4. Reversal of materiel trends	39
Full resourcing and operational status of major weapon systems	39
Equipment for training, exercises and deployments	42
Clothing and personal equipment	44
5. Reversal of infrastructure trends	47
6. <i>Innere Führung</i>	51
Tradition.....	51
Leadership behaviour	52
Rituals	53
Violation of the free democratic basic order.....	54
Excessive harshness in training.....	55
7. Daily military life	56
Military Personnel Working Hours Ordinance	56
Waiting times when courses are planned	58
Welfare.....	59
Packed lunches.....	60
Financial matters	60
Chaplaincies and religious freedom	62
Diversity.....	64
Digitalisation.....	64
8. Women in the Bundeswehr	65
9. Deployments and Alliance issues	67
Deployments, quasi-operational commitments and standing operational tasks.....	67
RESOLUTE SUPPORT, Afghanistan	67

KFOR, Kosovo	69
COUNTER DAESH and Training Support Iraq	69
EUNAVFOR ATALANTA in the Indian Ocean.....	70
SEA GUARDIAN and SOPHIA in the Mediterranean	70
UNIFIL in the Mediterranean	70
EUTM and MINUSMA, Mali and Niger.....	71
NATO in the Aegean	74
NATO in the Baltic	74
Very High Readiness Joint Task Force.....	75
Pre-deployment preparations	76
Foreign assignment allowance	78
Award of service medals.....	79
MWR telecommunications	79
Transport to and from deployments	80
More Europe	81
10. Law violations and the administration of justice	84
Sexual harassment.....	84
Bullying	85
Social media.....	85
Legal knowledge of disciplinary superiors	86
Disciplinary attorney's offices and disciplinary and complaints courts.....	86
Crimes against the Bundeswehr	87
Requests for case reviews and information made by the Parliamentary Commissioner	87
11. Work-life balance	88
Problems of a commuter army	88
Caring for relatives	90
Childcare	91
Family-specific problems during foreign assignments	92
12. Health care	93
Medical Service	93
Deployment-related mental illnesses	93
Suicides and attempted suicides.....	94
Disability pensions and benefits	95
13. Cases and petitions: Statistical overviews	96
14. Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces and his staff	102
15. Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel's right of petition	105
16. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces	116

Foreword

A great deal must and should be improved so that our servicewomen and men can fully perform the dual role they now occupy - making a substantial contribution to collective defence in Europe whilst *simultaneously* continuing to participate in multinational crisis missions outside of Allied territory. Many levers have been activated, papers have been written, political decisions passed, additional money promised and the Bundeswehr is expanding. This deserves recognition. Improvements appear to be on the horizon. Yet, there are still too many, often self-made bureaucratic obstacles – old and new - on the road to full operational readiness. Juggling these shortfalls remains part and parcel of daily military life. For many servicewomen and men, the planned trend reversals have been scarcely noticeable thus far. The pressure remains high, expectations weigh increasingly heavy.

In a circular to the members of his formation in 2018, a marine commander wrote: “In terms of resources we are at the limit and living off our reserves. The demands placed on us, the actual state of our materiel and the availability of personnel are not sufficiently balanced to be able to establish operational readiness to the degree required and to distribute the burdens evenly.”

A discussion paper by the Army Headquarters analyses the situation as follows: “The current procurement practice is geared towards ruling out risks to the greatest extent possible and striving for the maximum (legal) certainty and regulatory compliance. Ever more complex, in some cases even contradictory rules create an ever greater need for sequential coordination and wide-ranging interfaces.”

And the Chief of Staff of the Federal Air Force stated publicly in the summer of 2018: “The Air Force has reached a low point.”

This honesty is good. It is existential to the future of the Bundeswehr. Nothing is a given. If you want to see improvements, you have to address problems. Decisions are required. Waiting and seeing can no longer be an option. As a parliamentary army, the Bundeswehr is more transparent than the armed forces of other countries, but these often struggle with very similar problems nonetheless. Our principles of *Innere Führung* (leadership development and civic education) dictate that we take complaints and reports from servicewomen and men seriously. It is their rights, providing them with the best possible training, resources and equipment that are at stake.

The fact that in the year under review almost all the tasks expected of the Bundeswehr were nonetheless performed one way or another hinges very crucially on the loyal professionalism and devotion to their work displayed by the servicewomen and men, which time and again allow them to find alternative paths when the “official route” is sometimes enough to make one despair.

Many servicewomen and men see the main obstacle to necessary improvements as the excessive micro-management of everything and everyone. They say: “We are micro-managing ourselves to death” and speak of the “bureaucratic monster that is the Bundeswehr”.

Why is the British Royal Air Force generating so many more flying hours with its EUROFIGHTER fleet than our Air Force, for instance?

Why does construction work for the Bundeswehr always have to take twice or three times as long as for civil construction?

Berlin Student Services (Studierendenwerk Berlin), a public institution responsible for 170,000 students, serves 35,000 meals a day, houses 10,000 students in its own residences, runs seven children’s daycare facilities, takes care of applications for government education and training assistance, offers psychological and social counselling – and this

with an annual turnover of €100 million. How much would all this cost - were you able to calculate it - at the €43-billion Bundeswehr?

Students and soldiers are certainly not the same, but many basic functions - catering, accommodation, daycare, advice and counselling – are by all means “comparable”: Standards, structures, costs. Learning by comparison, or *benchmarking* in modern-day speak, seeks the most efficient *best practice* – ideally good and inexpensive as opposed to bad and expensive.

One can learn from the non-military sector, for instance from the Federal Police’s creative procurement management to quickly acquire new border patrol vessels, from the *lean management* applied by Germany’s disaster relief agency Technische Hilfswerk, from the *tooth-to-tail* approach of our secondary schools; from the armed forces of allied nations, which sometimes identify good solutions at far lower financial cost. And inside the Bundeswehr, too, the very differently structured services can learn from each other when it comes to good organisation. Every day, too many servicewomen and men are forced to waste part of their time on dealing with cumbersome structures.

The “Gorch Fock” case is a prime example of the wasteful use of the resources of time and money. It shows paradigmatically the diffusion of responsibility in a fragmented responsibility culture, where it seems to be no one’s job to ask: “Is it normal for the repair price to increase thirteen-fold from ten to €135 million?”

In the year under review, 2,534 servicewomen and men addressed personal petitions to the Parliamentary Commissioner, in 2017 the figure was 2,528. The number of “reportable events” the Parliamentary Commissioner dealt with by virtue of his office was down in 2018 following the reporting boom seen the previous year. The Parliamentary Commissioner’s Office paid particular attention to the issues of sexual assault, right-wing extremism and discrimination. Here, there will also be unreported cases that are not reflected in the figures. I wish to expressly note my recognition of the Bundeswehr’s reform endeavours in the field of training, a priority in last year’s report.

I owe a debt of gratitude for the excellent cooperation I experienced with many Bundeswehr units and agencies, which worked with great commitment to investigate cases, often learning from these and taking the necessary action, too. The collaboration with the bodies that represent personnel spokespersons, staff councils, the General Spokespersons’ Committee (GVPA), the Central Staff Council (HPR), the Bundeswehr Association, the Bundeswehr Reservists’ Association and other professional associations, trade unions and charitable foundations, the gender equality commissioners, disabled employees’ representatives and inclusion commissioners, the Evangelical Lutheran and Catholic chaplaincies, my colleagues in other European countries and the Centre for the Democratic Control of Armed Forces (DCAF) was valuable and constructive. My thanks also go to the Defence Committee and the political leadership of the Federal Ministry of Defence for the consistently open, constructive exchange for the good of our servicewomen and men.

Dr Hans-Peter Bartels

The year under review in brief

In the year under review, with the Bundeswehr Concept and the new Capability Profile, the Federal Ministry of Defence defined the Bundeswehr's strategy for the future. This states that full resourcing is to be completed by 2031. Since 2016, the trend reversals in the areas of finances, personnel, materiel and infrastructure have been under way. All this is designed to allow the Bundeswehr to meet the increased demands that national and collective defence now face. What progress has been made on the individual aspects?

Good first steps have been made in the trend reversal in the area of finances. If, following the large budgetary increase planned for 2019, the defence budget does indeed increase to 1.5 per cent of German GDP by 2024, the Bundeswehr would be able to cover growing personnel costs and close the known gaps in equipment. The Bundeswehr budget would then also stand up well to international comparison. It would be in the region of British and French military spending. So the underlying conditions are improving.

Nonetheless, the Bundeswehr all too often stands in its own way when it comes to its endeavours to implement the trend reversals. Servicewomen and men are criticising an increase in bureaucracy in many areas at the expense of their actual core mandate, an over-abundance of regulations combined with too rigid an implementation of rules: The simple is made unnecessarily complicated, the tried and tested tampered with in a misguided effort to improve things but which actually only worsens the situation, inefficient use of staff, unnecessary work assignments or work steps that make no sense. This has meant that progress in the areas of the reversal of personnel trends, materiel trends and infrastructure trends has been very slow in the year under review. The fact remains: Greater speed thanks to more effective organisation is indispensable if the reforms are to be successful.

But there will also be new tasks to tackle - digitalisation being the operative term here. The new Cyber and Information Domain Service established in April 2017 was a step forward. But what is still needed is a broad debate on how the Bundeswehr will respond to future cyber attacks and which includes experts from outside the Bundeswehr and the field of politics.

According to the Federal Ministry of Defence, at the end of 2018 there were around 173,000 career soldiers and temporary-career volunteers, that is 4,000 more than in December of the previous year. Whilst

previously a force size of 198,000 service personnel by 2024 had been planned, at the end of the year under review the Ministry raised its planning target by a further 5,000 to 203,000 service personnel by 2025. This increases the pressure on the personnel recruitment organisation. Itself still not optimally staffed, its practices for generating personnel have been less than perfect to date, as many petitions attest.

Business, the police and other government employers are also increasingly trying to attract young recruits. The major advantage the Bundeswehr has to offer is its diverse training and qualification possibilities. No other employer in Germany offers so many training courses, professions and assignments - from a driving licence to doctoral studies. This means our Armed Forces can make almost anyone an offer at attractive financial conditions. Others can attract recruits with jobs for life at permanent locations, whilst the Bundeswehr initially always only offers fixed-term contracts and requires permanent mobility. This is a sort of negative unique selling point. And the overall parameters for service in the forces (materiel, infrastructure, predictable operational workloads, work-life balance) are also factors where the Bundeswehr does not necessarily shine currently.

Reservists are increasingly proving to be a valuable pool of genuine reserve manpower which can be used to close personnel gaps in the short or longer-term. On many Bundeswehr special assignments it is not always possible, though, to fill vacancies with reservists. The posts remain empty, placing a high amount of strain on the remaining service personnel in these areas. It might therefore make sense to rethink the process of separately defining each and every skill and career path and to move towards concentrating these into fewer, but broader assignment categories.

Older career soldiers feel unsettled by the intention to change the practice of retirement being based on the special age limit towards it being based more on the general age limit in the future. Retirement at a later age should be on a voluntary basis wherever possible. Increasingly, among long-serving Bundeswehr personnel the mood prevails that incentives and attractiveness programmes only exist for new personnel, whilst the existing personnel are expected to shoulder all the strain without complaint.

Too few personnel on the one hand, a lack of materiel on the other: Often one shortfall compounds another. The Bundeswehr force is far from materiel full resourcing. Materiel is lacking in all areas. The virtually non-existent operational readiness of

LEOPARD 2, expensive retrofitting programmes for the new PUMA infantry combat vehicle, no tankers at the Navy in the second half of 2018, a large part of the submarine force defective, less than half of EUROFIGHTERS and TORNADOS flight-capable and ammunition stocks reduced to a minimum – this situation not only impacts operations and quasi-operational commitments, it is above all training and exercises that suffer. New recruits for vacant posts cannot be trained, or only with delays, posts remain vacant for longer and the existing personnel have an unduly heavy workload to contend with. Servicewomen and men want and have to practice in order to perform well and do their job, ideally in line with the principle of “train as you fight”. Only then is it possible to identify vulnerabilities, too. A lack of opportunities to practice leads to frustration and possibly even to soldiers terminating their contracts. If - like in the year under review - fighter pilots end their service prematurely for this reason, then this comes as no surprise.

The spare parts situation has not improved either, and extremely long waiting periods for commercial maintenance have now become the rule. Returning to keeping full stocks of spare parts and sensible insourcing in order to be less reliant on the economic rationale of private-sector companies in the future could be a way to improve the situation. Even basics like personal equipment items (armoured vests, boots, clothing, modern helmets, night vision equipment) are in far too short supply to be able to equip each servicewoman and man equally. Only after major efforts was the Bundeswehr able to equip the 8,000 German servicewomen and men participating in the NATO Trident Juncture exercise in Norway in the autumn with winter clothing and armoured vests.

An underlying problem is procurement processes which take far too long - nothing happens truly swiftly. A “watch your own back” doctrine has established itself throughout the entire procurement system, paralysing it over time. But in contrast to the major procurement programmes, with personal equipment it is only a matter of actually procuring the goods. The development, testing and certification phases are already complete. That is why in addition to the major plan of full resourcing by 2031 there should be smaller immediate action programmes focussing on providing personal equipment to all service personnel. This would bolster the impression among service personnel that the trend reversals have really begun and are not just on paper.

Progress in the area of infrastructure has been limited to date at best. Things that have been neglected for decades cannot be caught up in the space of three

years of trend reversals – in spite of the clearly recognisable good will on display. From shower-heads to hall roofs, the condition of too many buildings continues to be deplorable. Some positive examples listed in the report prove that even the Bundeswehr can do “quick”. But these must not remain exceptions to the rule. The force is growing, the standard of accommodation is supposed to rise. This means the Bundeswehr needs more space. A locker and a bed for truly each and every soldier at the barracks should be the standard that goes without saying. The intention of the Army to establish additional posts at the headquarters of some formations for “liaisons” (senior officers with long periods in post at the site, who can “look after” infrastructure, childcare, wireless Internet, transportation links and much more), should serve as a good example to be replicated. This is because good conditions in these areas are of existential importance to the servicewomen and men in our commuter army in order to better reconcile service with family life.

The drafting of the new Guidelines on Tradition and the Cultivation of Tradition in the Bundeswehr (Directive on Tradition), the third following those in 1965 and 1982, which the Bundeswehr presented in the year under review, proved swift. The ten-page document sets out the fundamental principles for historical and civic education in keeping with the times. The directive is good and fulfils its purpose, in particular with regard to the critical examination of Germany’s military past. The underlying values derived from the German constitution and set out in the directive enable that which is worthy of remembrance and preservation from all the epochs of German military history to be incorporated into the Bundeswehr’s heritage and traditions. The renaming of the Emmich-Cambrai Barracks to the Hauptfeldwebel-Lagenstein Barracks in honour of the fallen staff sergeant Tobias Lagenstein in the year under review is exemplary of the modern-day cultivation of tradition by the Bundeswehr. The new Directive on Tradition also affirms that rituals in the Bundeswehr that contravene the principles of *Innere Führung*, human dignity or physical integrity are prohibited. Nonetheless, there were reports of stupidity of this kind in the year under review. Fortunately, in contrast to the previous year, this time the multiple cases of excessive harshness during training reported were without any longer-term or lasting damage to the servicewomen and men affected.

The increase in “reportable events” since 2017 in the area of right-wing extremism (2016: 63, 2017: 167, 2018: 170) is also likely to be the result of heightened awareness in the wake of incidents that were

the subject of public discussion about the Bundeswehr's understanding of tradition and the principles of *Innere Führung*.

It is good and a matter of honour that service personnel are not turning a blind eye and are reporting such incidents. The Bundeswehr has pursued and punished such incidents vigilantly and systematically, all the way to discharge from service due to a lack of personal suitability. There is no place for extremism, racism and anti-Semitism in the Bundeswehr!

The same holds true for sexism. The number of “reportable events” on the grounds of suspected offences against sexual self-determination rose considerably compared to the prior year, by 23 per cent. In the year under review, 288 cases were reported, in 2017 the figure was 235. A partial explanation for this trend could be that awareness of the issue of sexual harassment has risen in the Bundeswehr, too, as a result of the “MeToo” debate society engaged in in 2018.

Healthy self-confidence, civic and historical education, being able to distinguish between right and wrong - these are important learning goals the Bundeswehr pursues in its training. But the core work of service personnel also requires special physical fitness. Physical fitness on a par with the demands of the profession of soldier is not a given any more among recruits. With its Training Agenda, the Bundeswehr has not only responded to the training scandals in 2017, caused by recruits being pushed beyond their physical limits. Correcting the training culture is above all a systematic response to the changed recruitment base. It is the right approach to first of all achieve a common starting point for all recruits through activating physical fitness training. The pilot for this met with a positive response and will be rolled out across all basic training companies in the Army starting in May 2019 and for officer training starting in July 2019.

The many servicewomen and men deployed worldwide in the year under review on the eleven mandated Bundeswehr missions abroad had to display a high level of physical fitness. One of the main points of criticism from the theatres of operations in Mali and Afghanistan was the in and outbound flights. Too often, flights were cancelled and delayed leading to service personnel having to wait for days at a time in makeshift accommodation in some cases. The situation improved at the end of the year under review, *inter alia* thanks to the operation of the Air Force's A400M. Air mobility in the theatres of operations themselves, however, is extremely poor. Rented transportation in unprotected civilian helicopters

and planes harbours great danger for the servicewomen and men. The troops in the field need their own German protected military helicopters.

Increasingly, the Bundeswehr is assuming duties in the field of collective defence in Europe. In the scope of the NATO Enhanced Forward Presence, in its capacity as the Framework Nation, Germany has been providing the multinational Battle Group for Lithuania since 24 January 2017. With 536 soldiers on the ground most recently, the presence in Lithuania is the third largest Bundeswehr mission abroad. NATO's Quick Reaction Force was another focal point in 2018, with Germany contributing 10,000 troops to this in 2018. In the year under review, the Bundeswehr also had to make the necessary preparations for Germany to be able to provide the NATO Very High Readiness Joint Task Force in 2019 as the Framework Nation. Many things are working well in the field of international military cooperation, but some criticism is to be levelled at systemic interoperability. This concerns both the flow of information in the command process and the multinational coordination of replenishments and logistics.

The controversial discussion conducted over many years on the definition of veterans was resolved in the year under review. In an order of the day dated 26 November 2018, the Federal Minister of Defence stated: “Bundeswehr veterans are anyone who is actively serving as a soldier in the Bundeswehr or who has been honourably discharged from this service.” That is more than ten million Germans, from former W6 military service soldiers to career soldiers active today. It is now a matter of filling this term with content. What is more, there is a certain need for differentiation, for instance from the term reservists.

The military athletes in the Bundeswehr had a successful year. The most memorable event in 2018 was the Olympic Games in PyeongChang. 52 per cent of all German medals went to the 60 Olympians from the Bundeswehr's high-performance sport promotion programme. Unfortunately, the general public is largely unaware that the medal winners are members of the Bundeswehr. The Bundeswehr does not really harness this for publicity. In Germany, up to seven million viewers watched the games on TV. Currently, the Bundeswehr is sponsoring 744 athletes from Olympic and non-Olympic sports.

Many things were in motion in the year under review. The balance between tasks and resources is by no means struck yet, the mood among servicewomen and men remains tense.

Regardless of the criticism and the deficiencies highlighted in this report, it is important to note that the vast majority of our servicewomen and men and the civilian employees at the Bundeswehr carry out their service duties and work with great commitment and motivation every day. When required, the soldiers put their lives on the line to ensure the safety and freedom of their fellow citizens. In addition to this,

in peacetime servicewomen and men are involved in voluntary work far more often than average. Thanks to their training as first-aiders and their organisational abilities, they protect and save lives on German soil, too - for instance when they support the civilian fire forces or set out for special winter service in the Alps. Superiors should not hesitate to commend this type of work with an “official recognition”.

1. Administrative management

The Bundeswehr is still one of Germany's largest employers. In recent decades, it has undergone unprecedented personnel and materiel changes. Its staffing levels alone dropped dramatically from more than 500,000 active servicewomen and men after the fall of the Berlin Wall to 176,000 in 2016. Since then, this figure has increased slightly again. The drop in staffing levels has not led to a reduction in the strain on the force resulting from the Bundeswehr's internal bureaucracy, however - to the contrary. Hardly a field visit by the Parliamentary Commissioner goes by without servicewomen and men complaining about the increase in paperwork and red tape.

Among those affected are company sergeant majors, for instance.

- *In the magazine "The Bundeswehr", a first sergeant reported in an interview that he had the feeling that he could only take care of the company 'on the side', which led to disgruntlement among his soldiers ('The old man spends all his time in the office these days...'). "Trying to counter this impression that you're not interested in your own soldiers is an additional strain as you are constantly on the defensive, trying to justify your actions then."*

There were also complaints from servicewomen and men involved in staff work:

- *During a field visit in Neustadt am Rübenberge, one serviceman reported that just yesterday, he had had to write another fifteen-page statement for the appraisal of a soldier's application to be reassigned to a base close to home. In addition to this there were veritable "reporting orgies", where the same information was requested every two weeks.*

The Bundeswehr, in which *Innere Führung* is the benchmark of its self-perception and identity and the principle of "mission-type command and control" is the core of all action, has already attempted to **reduce bureaucracy** on several occasions. In 1981, a directive entitled "Simplifying written instructions in the Bundeswehr" came into force. The State Secretary in charge at the time said in his introductory remarks: "The findings of the Commission on Strengthening Leadership Capabilities and Decision-Making Responsibility in the Bundeswehr established by the Federal Minister of Defence (known as the Maizière Commission) show that the number and scope of the written provisions have reached proportions which place a strain above all on the Armed Forces, but also on the Bundeswehr administration."

At the turn of the millennium this was followed by a project entitled "Modern management in the Federal Administration and the Armed Forces", and a few years later an Internal Debureaucratisation Programme." To date no major breakthrough has been made.

In the scope of the Deregulation Agenda adopted in 2016, the Federal Ministry of Defence set up its own Branch for Bureaucracy Reduction, Publication and Working Time Management, which *inter alia* maintains a bureaucracy map with defined problem areas and a catalogue of measures. In the year under review, an online survey of 5,000 respondents on what constituted the largest bureaucratic burdens was analysed as part of this. The results showed that servicewomen and men felt a particular strain in their everyday work from the overwhelming number of administrative procedures and documentation requirements.

These are issues that are also discussed at commanders' conferences or first sergeants' conferences. The leadership is listening and taking this seriously. But is it also taking action to rectify the situation?

- *A company sergeant major reported that the same problems were repeatedly addressed at the first sergeants' meetings but that no changes were noticeable. It was particularly bad that whilst introducing new programmes went quickly, if, on the other hand, they were obviously not working, it took forever to roll them back, if this was attempted at all.*

Since 2013 the Bundeswehr has undertaken a certain **streamlining** of its corpus of rules and forms. According to the Ministry, there are now 3,500 general rules instead of 6,500 and 1,500 forms instead of 2,000. This is contrasted by other, rising figures:

- *Whilst it used to be the case at the Navy that a one-page form had to be completed for embarkation, service personnel say that there are now far more pages due to the formalities relating to the payment of the foreign assignment allowance.*

This takes up time, and many servicewomen and men are complaining that they do not have enough time to do their actual job - also against the backdrop of the new working hours regulations. Work steps that make no sense are all the more burdensome as a result. At the top of the list here, as already stated in the last annual report, is the practice which is widespread in the Bundeswehr of "everything to everyone" e-mails containing orders. Huge amounts of time are being lost just to read these e-mails and to come to the conclusion that you are only "involved"

but do not have to take any action or do not even actually need to be made aware of it at all.

Just as time-wasting and demotivating are unnecessary work assignments:

- *Service personnel on the MINUSMA operation noted the frequency and intensity of command supervision visits, for instance. Four members of the military post supervision team had first of all travelled to Gao and then to Niamey for two days. Recently, nine occupational safety experts and six soldiers for command supervision of the IT security officer had come to Niamey at the same time. There may have been good reasons for this, but they were not clear to the service personnel tasked with organising the visit. This is not what Innere Führung is supposed to look like.*
- *Another case: In the scope of vacating the camp in Prizren in Kosovo, servicewomen and men could not understand why they had received the order to perform animal disease prophylaxis on all the equipment in the decontamination facility, as the painstakingly decontaminated equipment was later loaded onto commercial low-loaders, which had not first been decontaminated.*

The Bundeswehr tends to make things unnecessarily complicated, as the following cases demonstrate:

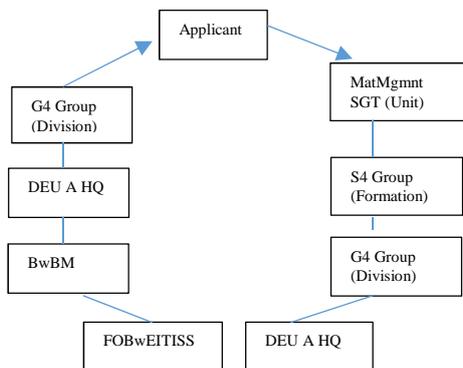
- *According to reports by servicewomen and men, considerable extra work was caused at formation and company level as a result of changes in the procedures for determining the **field service allowance**. The major military organisational elements can define posts in catalogues whose command or training tasks routinely predominantly entail field service (over 50 per cent). The holders of the posts then receive a field service allowance based on what is*

called the simplified procedure - generally without having to provide further documentation. As some post catalogues contained out-of-date information, the major organisational elements initiated reviews of these. This entailed them suspending the simplified procedure for a period of six months and instructing individual documentation to be produced for everyone affected. The supervisors in charge locally had to check all these individual pieces of documentation every month and then rule on the allowance entitlements on this basis.

- *The change in the regulations governing the wearing of breathing equipment on board also led to additional work, as was reported during a field visit in Lebanon. The regulations were aligned with the considerably more extensive and stricter civilian regulations that apply to professional fire-fighters. But the **breathing equipment** is only worn on board in an emergency, whilst for professional fire-fighters it forms part of their daily work. This was precisely why, according to the Bundeswehr, the considerably more extensive training was necessary. This means, however, that training has now become so extensive that fewer service personnel can be trained in how to use breathing equipment.*
- *In numerous petitions and during field visits at the flying units, there were complaints about the very cumbersome way shortages in flying suits are managed. In the event of a soldier having a suit that was no longer suitable for use, an application for a replacement had to be lodged with the command authorities. It could take up to three months to process the application. One formation affected provided the following sketch of the procedure to the Parliamentary Commissioner:*

Clothing/personal equipment

Invenient application procedure to replace sage green flying suit:



Lead times of between 1 week, but also 3 months!!!

Staff affected:

All standing (pilots/fight mechanics) and non-standing (door gunners/aeromedical/technical inspectors) aircraft crew

- 1.) Applicant makes application (digitally)
- 2.) MatMgmt SGT Unit reviews application (based on order request)
- 3.) S4 Group Formation reviews application
- 4.) G4 Group Division reviews application
- 5.) DEU A HQ reviews application
- 6.) FOBwEITISS decides on application
- 7.) BwBM delivers to the relevant service unit
- 8.) DEU A HQ informs G4 Group Division
- 9.) G4 Division Group informs applicant

Anyone involved in **procurement** has to contend with what is probably the largest bureaucratic maze known. This is astounding given that there have already been various reforms of armaments management and Bundeswehr logistics aiming to reduce bureaucracy. The idea was: fewer contracts, fewer personnel, fewer costs. The aim: more standardisation, more digitalisation, quicker delivery. There were countless overarching events across the major organisational elements, joint sub-projects, reports and measures to this end. SASPF in combination with a software solution for public procurement agencies and units was supposed to facilitate and speed up purchasing. But then a lot failed to work particularly well. Instead, the patience of those waiting for the equipment and the nerves of the staff in purchasing were worn thin for good. Procurement processes, whether for clothing and equipment, small or large machinery all take too long.

- *Members of Flotilla 2 put the delivery times for spare parts at up to six months, if there were any available at all and they did not have to be remade at great expense that was. After tasks and posts had been transferred from the Navy to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support the management process had now become far more bureaucratic, it was reported. There were now three separate versions of some order lists.*

A **discussion paper published by the Army Headquarters** in the year under review on arming digitalised land forces comes to the following conclusion:

“The current procurement practice is geared towards ruling out risks to the greatest extent possible and striving for the maximum (legal) certainty and regulatory compliance. Ever more complex, in some cases even contradictory rules create an ever-greater need for sequential coordination and wide-ranging interfaces. The people acting within this framework often feel overwhelmed and what is more, are being measured against targets which are out of touch with those of the troops, the ones actually performing the work for the whole Bundeswehr enterprise. This is making the agility required within these processes structurally impossible. Furthermore, the battle to produce incontestable calls for tender and to award main contracts is engendering additional delays and problems downstream during the use phase, and the price of being unable to harness innovative solutions is being knowingly accepted. This means the operational readiness required and quite rightly expected by servicewomen and men is already - and this will apply all the more so under

the conditions of future innovation cycles - impossible to achieve, ensure and preserve.”

This paper describes part of the problems and the ramifications very aptly. It should have a galvanising effect and also encourage other areas of the Bundeswehr to highlight mistakes and problems openly and ruthlessly.

But the users, for instance the major military organisational elements, must also take a critical look at their own behaviour. If in their order requests they formulate demands going beyond what is required for their mission or whose market availability is uncertain, but also if they make additional demands during an on-going process, the inevitable upshot is lengthy delays.

The procurement of the **180 multirole combat ship (MKS180)** is one example: After the procurement process for this tender - the largest and first Europe-wide tender for the German Navy - had begun in 2018, during the process itself, adjustments had to be made - the ship needed an upgrade to be equipped to deal with cyber attacks, it was said. In the age of digitalisation this should have been realised earlier. The Ministry declared the project's increased price tag necessary. As is so often the case, in the discussion revolving around the MKS-180 tender, it became evident that all the agencies involved had never put a foot wrong - only at the end of it all nothing decent came out of it. When it comes to procuring new pieces of ordinance for the Navy it seems as if nothing has been learnt from the Frigate 125 project. Learning could mean creating the position of a Special Commissioner for the MKS180 project early on in the proceedings, who - as is the case currently with the F125 - can assume the coordination for the Navy on the long road to introducing the system.

Additional Navy projects are in the pipeline for the coming years: Alongside the multirole combat ship, new corvettes, tankers, minesweepers, tenders, helicopters, reconnaissance aircraft and submarines will have to be introduced. Better planning and coordination would be desirable both from the perspective of the taxpayer and from the perspective of service personnel.

Imprecisions in order requests, unnecessary complications and a failure to react adequately to critical reports are one part of the picture. Add to this the understaffed Procurement Office. At the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support, the proportion of posts filled is just slightly over 80 per cent, although this was slightly up at the end of the year according to official sources. This ratio needs to be

improved, however, because complex armament projects and long-term procurement contracts require a high level of expertise and certainty.

Power workshops, round tables, scorecards and the entire “denglish” superstructure have not helped staff in the opinion of an expert essay in the staff magazine “vbb Magazin”. On the contrary, they perceived these “practical aids” as action overkill that robbed them of their time. Many highly qualified staff at the Coblenz office would be happy if there were finally an end to the buck-passing and a clear division of responsibilities were established - in whatever direction.

The counter-productive diversity of competencies is highlighted particularly clearly in the support structure for the **TORNADO** fighter bomber. Twelve Bundeswehr agencies are involved in this: Alongside the Military Aviation Authority in Cologne-Wahn for type approval and the drafting of operational regulations, these are the Directorate-General for Equipment of the Ministry in Bonn and Berlin on matters of contracting and budgeting, the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support in Coblenz for negotiations and contracts, the Bundeswehr Technical Centre 61 in Manching and the Bundeswehr Research Institute for Materials, Fuels and Lubricants in Erding for studies, testing and assessment, the Air Force Headquarters in Berlin Gatow for the administrative operational requirements, the Joint Support and Enabling Service with its Logistics Command for managing maintenance and servicing and logistics in Erfurt, Air Force Forces Command in Cologne-Wahn for provisioning and ensuring operational and support readiness, the two tactical air wings in Jagel and Büchel for training planning, and finally: the Weapon Systems Support Centre 1 in Manching, the Air Force Engineering Training Centre in Faßberg and Kaufbeuren and the Electronic Warfare Centre in Kleinaitingen for the technical and electronic support of the project. It seems hard to imagine the technical complexity of the TORNADO project the Bundeswehr has been dealing with since the 70s becoming more manageable as the complexity of the military support structure grows.

The revision of procurement management and its agencies the **Coalition Agreement** sets forth is therefore the right course of action and needs to produce results as quickly as possible. The crux of the matter is a more streamlined, effective and manageable procurement system. Here, the spotlight has to be not just on the major weapon systems, everyday orders also need to be quicker. What is more, appro-

priate stocks of spare parts should be kept so that constantly having to place micro-orders becomes a thing of the past.

At its 2018 autumn meeting, the Bundeswehr Civil Servants Association decided with regard to the deliberations on the restructuring of the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support that a “context-based analysis” of the established procurement problems was necessary. Among the problems criticised were public procurement regulations that were getting out of hand and a “damaging restructuring merry-go-round which was tying up resources”.

More decision-making powers and returning responsibility to the field units themselves would also go some way to **reducing bureaucracy**. The troops in the field have long since expressed their wish to be able to carry out repairs themselves more again, be it the technical groups of the air wings, or Army formations and their workshops. This could shorten maintenance and repair times considerably. The Naval Arsenal is leading by example at the site in Kiel. To establish the repair and maintenance capability for the new K130 corvettes from 2022, they will start conducting training there again as of 2020.

Even on a small scale, shifting resource responsibility and competences to the level of formations would help. Why not provide each commander with a set amount of money? There has to be oversight, but it should not become an end in itself. If a wing commander is responsible for 1,500 service personnel and civilian employees as well as for 34 aircraft with a price-tag of €100 million, then it should be possible to entrust him or her with €50,000 per year to purchase small items for the formation. Sometimes it is simple parts that are needed and that are available at any DIY store. It cannot be that soldiers are paying for these types of purchases out of their own pocket so that they can do their work and in turn fulfil the Bundeswehr’s mandate, or otherwise face waiting months or years for their requests to be processed.

An example of unconventional solutions worthy of note is the Bundeswehr **Cyber Innovation Hub** (CIH) in Berlin. The CIH is designed to serve as an interface between the start-up scene and the Bundeswehr. The aim of aligning current digitalisation trends with the needs of the military on an ever-changing battlefield is innovative. However, it might be helpful to give the CIH a legal status in line with its mandate.

An innovation push is also needed in the implementation of Bundeswehr **infrastructure projects**.

These are currently suffering both as a result of self-imposed rules which slow down the procedure and due to federal competencies and the legal regulations governing public procurement and construction. One example is the plans to build a new utility building at Camp CASTOR in Gao (Mali):

- *This new building is scheduled for completion in May 2020. After taking over responsibility for the camp from the Netherlands in December 2017, the Bundeswehr has been feeding 1,400 service personnel, at peak times up to 1,600, with a mess hall designed to cater to 600 service personnel. The utility building currently used for this does not fully meet hygiene standards, its structure is of poor quality and not sufficiently hardened to protect against munitions fire. This means a new building is essential and above all urgent. Yet it will take almost another three years for it to be completed. In the first quarter of 2019, the construction work for the utility building first has to be put out to a public tender. Timelines like this are already at the limit of what is acceptable on home territory. For a German contingent abroad they are unacceptable. The completion of the requisite infrastructure for the deployment of the Heron drones or the TIGER combat helicopter at Camp CASTOR shows that things can go quicker.*

The need to comply with certain **construction regulations** but also other regulations seems strange at times in the context of military construction projects, as one expert article stated:

- *At the Altmark training area, a training city was erected for urban combat training of the Bundeswehr and allied nations, inter alia with a high-rise housing estate. Instead of the seven to eight storeys planned, only six storeys were allowed to be built for these housing blocks - which are uninhabited and purely for training purposes. Otherwise, lifts would have been required to be installed under the relevant federal state construction regulations. There is also a river - but this was only allowed to be a maximum of 80 cm deep, otherwise life-jackets would have had to be worn during training drills.*

There are exemptions that apply to the Armed Forces, but they do then have to be made use of. And the relevant superiors should be able to decide on exemptions from some of the idiosyncrasies of military regulations depending on the context if they obviously make no sense, like in the example below:

- *A commander reported that he had wanted to carry out a team-building exercise with his commander corps on the Danish coast. After placing an initial request, about half a year passed before the authorisation to carry out the exercise was granted.*

In the intervening period he had had to grapple with additional administrative battles, the height of which was that first of all a veterinarian from the division had to travel to the planned team-building site (a holiday rental) to check the kitchen met minimum hygiene standards and to attest that the conditions were acceptable.

There is a purpose behind every regulation, and not every circumstance fits the bill. No organisation can work if its components only follow the written rules to the letter. “Working to book” would almost inevitably lead to the collapse of normal operations.

- *During a field visit, the Parliamentary Commissioner learnt that it was prohibited to fire certain types of naval gunnery ammunition (127mm) for environmental reasons. There was a plastic part on the cartridge case that would be left in the sea after it was fired, as would the hit target.*

The experiences of excessive bureaucracy seem almost grotesque next to the explosion in costs to repair the sail training ship “Gorch Fock”: Since January 2010, up until its complete overhaul in January 2016, Gorch Fock had already been at the shipyard for a total of almost 17 months for various repairs. The ten million originally earmarked for the overhaul have turned into restoration costs of €135 million to date. The training ship has not been available to train officer candidates for years now. Did everyone do everything right here? If that is the case, then the rules that lead to such results urgently need to be reviewed.

The next case from the field of medical care also highlights what the consequences can be if regulations are applied too rigidly:

- *A career soldier who wanted to change his insurance policy for reinstatement of health care coverage after suspension needed an up-to-date doctor’s certificate on his current dental health. The insurance policy for reinstatement of health care coverage after suspension supplements the entitlement to aid after the end of service. The unit dentist in charge ruled that this did not qualify as an “examination” and was merely the preparation of an “expertise”. Preparing an expertise did not come under the scope of the catalogue of benefits and services for military dental care, which was why a certificate of this kind was not allowed to be issued. The soldier was advised to have a copy of his dental records made and to have the expertise issued by a private dentist for a fee. Another alternative would be to approach a unit dentist “with a private licence”, who could also issue the expertise for him at the*

soldier's own expense. To confound the astonishment of the petitioner even more, he was finally also told that making a copy of the dental records (for presentation to the private dentist) already constituted a disciplinary offence as it also caused costs which were not covered by military medical care. But they were prepared to do this nonetheless. No further explanations are required to understand that this approach is diametrically opposed to the duty of care standards applicable in particular in the field of medical care.

The Bundeswehr wants to become more modern. This approach is good, but it must not lead to the tried and tested being revamped for the sake of it and actually being **made worse**.

- *During a field visit, service personnel reported, for instance, that the vibration forces they were subject to had increased by 70 per cent in the LEOPARD 2 battle tank following the replacement of the leather seats with foldable rigid foam seats. The review of the matter found that while there was no health risk, in some battle tanks the original rigid backrests had been reinstalled and industry had been commissioned to look for alternative solutions for a foldable backrest.*
- *There are question marks next to the state-of-the-art PUMA infantry combat vehicle, too. Its design means that the maximum height for the servicewomen and men to be transported is 1.84 metres due to the applicable safety regulations. Taller servicewomen and men already assigned can no longer be deployed as armoured infantry soldiers. In the future, the maximum height of 1.84 metres will therefore be one of the requirements for admission to the career path of armoured infantry soldiers.*
- *One instructor pointed out that there were also problems for small servicewomen and men being trained on the PUMA. The personal equipment of the "infantry of the future ES GLADIUS" armoured infantry soldiers was too heavy and bulky for them and impaired their mobility.*
- *During a field visit in Nörvenich, soldiers voiced the criticism that the EUROFIGHTER weapon system's flight operation was being impaired by the use of SASPF. During server maintenance, flights had to be stopped completely. What was more, the SASPF documentation requirements were taking up half of their daily working hours. All in all, they were reliant on a system whose additional benefits bore no relation to the additional work it generated. The nationalised Engineering Support System, which worked on the basis of SASPF, also required a huge amount of administrative work. Without the green*

light from this system, aircraft on the ground which had actually already been deemed airworthy according to the check-list could not take off.

There are also bureaucratic procedures leading to delays at **NATO partners**:

- *Soldiers reported that in the first half of 2017, the German contingent for the Enhanced FORWARD PRESENCE Battle Group Lithuania in Rukla had the MILAN antiarmour system on site, but no missiles. In actual fact there were some missiles available, but they could not be used. The reason was Lithuanian rules on the radioactivity levels in some types of the MILAN guided missiles, which required a permit. The level of radioactivity these contained was so low that under German regulations it did not have to be reported. In Lithuania the maximum level was far lower than in Germany, however. This meant that an import permit had actually been required, which the Bundeswehr had not initially applied for. After this was then done it took until the end of February 2018 for the import permit to be granted. Only then could the existing missiles be used and more imported. This meant that the weapon was out of use for training and drilling for almost a year.*

The examples cited from the year under review show the multifaceted problems that can be subsumed under the heading of bureaucracy. Improving administrative management is an on-going task for all the different areas of the Bundeswehr. Regulations should be restricted to what is necessary and they should be easy and straightforward to apply. Command and resource responsibility should be able to be assumed as de-centrally as possible in each case and by a single source. Things that are common knowledge do not need to be described and non-stop messages and reports should be reviewed to see whether they really are necessary. The procurement system needs to be more streamlined, quicker and efficient in the future and infrastructure measures should entail fewer hurdles. Service personnel need to be given more time again for their core tasks rather than juggling shortfalls and shortages. This will have a positive impact on the attractiveness of the Bundeswehr, increase its training and operational capabilities and motivate each and every soldier to happily assume more responsibility.

2. The Bundeswehr's financial resourcing

In the 2018 Coalition Agreement, the governing parties stated their commitment to "pursuing the target corridor of the NATO agreements". In specific terms, this means the goal is to disburse 1.5 per cent

of Gross Domestic Product on defence spending by 2024 (2018: 1.24 per cent). According to current estimates, based on continuously moderate economic growth, under NATO criteria Germany would then be looking at around €60 billion in the target year. For 2019, the German Bundestag has approved a budget increase of just under €5 billion, from €38.5 billion in 2018 to €43.2 billion. A further gradual increase of around €3 billion per year would put the Bundeswehr on track to the **1.5 per cent targeted** for 2024 announced to Brussels and help to swiftly close the gaps in materiel and personnel in the Armed Forces. The plans for reversing the personnel trend and materiel trend are based on this. A lower financial increase would endanger the trend reversal targets. If the 1.5 per cent of Gross Domestic Product (GDP) by 2024 agreed by the coalition is implemented, in absolute figures, the German defence contribution would then likely be above the contributions of the United Kingdom (defence budget 2018: equivalent to €50.5 billion, GDP percentage under NATO criteria: 2.1 per cent) and France (defence budget 2018: €34 billion plus €4 billion in pension payments, GDP percentage: 1.8 per cent).

The German Ministry of Defence was able to improve the outflow of earmarked budgetary funds for defence investments in 2018 compared to 2017. In the year under review, out of the earmarked €6.06 billion, €5.74 billion was actually disbursed for the designated purposes, a good €300 million was used to cover other expenditures. In 2017 the amount was still €600 million.

3. Reversal of the personnel trend

At the end of 2018 the Bundeswehr's military staffing levels totalled 181,274 active servicewomen and men. 119,977 of these were temporary-career volunteers, 53,045 career soldiers and 8,252 were completing voluntary military service. In addition to this are positions for 3,800 reservists, which were fully used in 2018. The move past the 170,000 mark for career soldiers and temporary-career volunteers, which was already planned for 2016, was now durably achieved in 2018. At the end of 2018, a total of 173,022 career soldiers and temporary-career volunteers were serving in the Armed Forces. The Federal Ministry of Defence has concluded on this basis that the reversal of the personnel trend has successfully begun, become more permanent and is continuing to gain steam. A nuanced look at the figures for the reversal of the personnel trend for 2018 makes the following problem clear, however:

Applicant numbers have been in decline for years now (2018: 52,200; 2017: 56,940; 2016: 58,439). The number of people entering service is also decreasing. In 2018 there were 20,012 entries into service, in 2017 there were 23,410 and in the year prior to this 23,582. This decline shows that the increase in headcount has been achieved mainly by personnel retention measures. Later retirement dates have the same mathematical effect on the increase in headcount. Fewer people entering service should actually mean less need for training. But in actual fact, service personnel and superiors are still complaining to the Parliamentary Commissioner that sergeants are being reassigned from the formations to training facilities to help train additional personnel.

The November 2018 Executive-Level Board for Personnel Planning in the Federal Ministry of Defence set forth an increase of around 5,000 servicewomen and men by 2025 compared to the goals previously established for 2024, including 1,000 posts for reservists. This means that in the future, the Bundeswehr should grow to a force of around 203,000 servicewomen and men (instead of the original 198,000 planned for 2024).

Since the low in June 2016 (with 166,523 career soldiers and temporary-career volunteers), by the end of 2018 the Bundeswehr had generated a plus of 6,500 career soldiers and temporary-career volunteers. Doubts remain, however, as to whether enough traction has been gained going forward and how the increasingly difficult underlying conditions will impact the situation once the possibilities for re-employing personnel have been exhausted and it is no longer possible to further increase the share of career soldiers. Demographic developments alone are cause for concern. And the police and other government employers are looking to hire additional new recruits in the high five digits.

Against this backdrop, in its current Personnel Board, the Federal Ministry of Defence is also exploring the question of which military posts could just as easily be held by civilians. This substitution method would mean that military personnel would only be used where knowledge and skills as a soldier were required. Beyond this measure, the Ministry intends to review in which areas structural military posts could be shed for the purposes of internal optimisation. Both approaches are good.

The Bundeswehr is by all means an attractive option on the labour market. But the shortage of skilled and specialist staff remains glaring. Deliberate measures to retain the valuable existing personnel as well as attractive and competitive conditions for new personnel, be they young recruits, re-employed person-

nel or lateral entrants – these approaches need to be rigorously further pursued as the stock take below shows.

Personnel shortages

There have still been no significant improvements in filling posts in assignments which entail high physical demands, special expert activities or that require specific specialist knowledge. In a good 350 assignment areas, across all the different career paths, there is a shortage of personnel to varying degrees. In total, 21,490 posts above the level of junior-ranking soldiers were vacant at the end of November 2018 (November 2017: 22,240). This means the existing staff continue to be under a great deal of strain due to the **workload situation**. At the end of November 2018, in the junior ranks there were 3,100 posts vacant (November 2017: 3,400).

The review of the areas hardest hit by shortages listed below took place in the middle of the year under review. As the Bundeswehr structures its shortfall areas by uniformed services, the Joint Support and Enabling Service is not listed separately.

In the **Army**, the officers of the ISR Corps are particularly hard hit by personnel shortages: The vacancies among officers of the Military Intelligence Organisation (target figure: 723; actual figure: 460; proportion of posts filled: 64 per cent) are striking. The proportion of posts filled among Army sergeants in the area of light reconnaissance forces has also stagnated at 45 per cent (target figure: 148; actual figure: 67), making it the most problematic training and assignment category for Army sergeants. For the sergeants in the light infantry, armoured infantry and mountain infantry, a quarter of posts are unfilled. The assignment category of signallers also has a significant shortage of staff with a proportion of posts filled of 60 per cent (target figure: 4,320; actual figure: 2,602).

For noncommissioned officers in the assignment category of aircraft mechanics, more than one in two posts continue to be vacant (target figure: 270; actual figure: 121; proportion of posts filled: 45 per cent). Among the junior-ranking troops, there is also a shortage, but one which displays a regional specificity: The largest number of vacancies here is in the assignment category automotive/tank engineering (target figure: 1,620; actual figure: 1,264; proportion of posts filled: 78 per cent) for the 23 Mountain Infantry Brigade, 4 Supply Battalion and at the location in Stetten am kalten Markt. A vacancy situation of this kind concentrated in the southern part of Germany also exists for the assignment category

transshipment/shipment in the area of responsibility of 23 Mountain Infantry Brigade and 4 Supply Battalion (target figure: 2,110; actual figure: 1,696; proportion of posts filled: 80 per cent). The figures illustrate the difficulty, already outlined in the last reporting year, in finding suitable and motivated personnel for the force in the south of Germany.

For **Navy** officers, the vacancies in the Naval Aviation Operations Service have increased significantly. Whilst in the previous reporting year, the proportion of posts filled was still 85 per cent (target figure: 106; actual figure 90), the proportion of posts filled this year has dipped considerably (target figure: 105; actual figure 57; proportion of posts filled 54 per cent). Among the minesweeper petty officers, the proportion of posts filled in the prior reporting period was 60 per cent, since then it has now increased by four per cent (target figure: 91; actual figure: 58). Like with the Army infantry, the small marine corps (naval security service) recorded major vacancies (target figure: 258, actual figure: 178; proportion of posts filled: 69 per cent).

And the areas of electronics (target figure: 352; actual figure: 259; proportion of posts filled: 74 per cent) and information technology (target figure: 443; actual figure: 349; proportion of posts filled: 79 per cent) attest to how difficult it is to attract specialist staff. The area of naval electronics is even harder hit by the problem of vacancies for junior noncommissioned officers (target figure: 202; actual figure 113; proportion of posts filled 56 per cent) than for senior noncommissioned officers. For the sea assignments in the naval command services, too, one in four soldiers is lacking in the group of noncommissioned officers (target figure: 711; actual figure: 543; proportion of posts filled: 76 per cent).

The **Air Force** continues to have problems in filling the gaps in officers in the jet flying branch (target figure: 204; actual figure: 131; proportion of posts filled: 64 per cent) and officers of the air transportation flying branch (target figure: 189; actual figure: 116; proportion of posts filled: 61 per cent). But the vacancies in the small segment of the flying branch for unmanned aircraft are also - albeit only percentage-wise - still considerable, both among officers of the officer specialist service (target figure: 7; actual figure: 1) as well as among the officers of the operational service (target figure: 34; actual figure: 16; proportion of posts filled: 47 per cent). If you look at the figures for Air Force sergeants, what first strikes you are the gaps in the staff for the EURO HAWK weapon systems. Among aircraft electronics technician sergeants alone, the proportion of posts filled is a mere 20 per cent (target figure: 35; actual figure:

7). The figure is particularly striking given the discontinuation of the EURO HAWK programme in 2013. To date, not a single one of these drones has entered operation in Germany. It is true that there are plans to sign the agreement for the procurement of a modified successor model under the project name PEGASUS in 2019. But even then, the systems would probably not be available until 2025. This gives rise to the question of why personnel are even assigned to this at the moment.

The shortage of almost 600 servicewomen and men for the tactical air command and control service is striking (target figure: 2,614; actual figure: 2,044; proportion of posts filled: 78 per cent). But for the aircraft electronics technicians for the transport aircraft A400M now arriving, too, the gaps are still glaring (target figure: 167; actual figure: 83; proportion of posts filled: 50 per cent).

The difficulty in finding specialist staff is being felt with noncommissioned officers in the Air Force in many different areas, from cabin crew to staff clerks all the way to electronics specialists. In the areas of electronics maintenance at the repair yards, currently only four out of 18 posts are filled (proportion of posts filled: 22 per cent). Among junior-ranking personnel the situation does look better, but here, too, there are isolated areas hit by shortages. Although one might assume that it would be easier to find personnel for staff work in the area of junior-ranking personnel, the situation does not reflect this with 285 unfilled posts (target figure: 1,457; actual figure: 1,172; proportion of posts filled: 80 per cent). And sufficient numbers of infantry soldiers for the Air Force security force (target figure: 1,263; actual figure: 1,039; proportion of posts filled: 82 per cent) and Air Force protocol soldiers for the Guard Battalion (target figure: 137; actual figure: 88; proportion of posts filled: 64 per cent) also evidently cannot be recruited unless additional incentives are created.

At the **Central Medical Service**, there is a shortage in particular of senior medical officers for anaesthesiology (target figure: 176; actual figure: 138; proportion of posts filled: 78 per cent). The lowest proportion of posts filled for sergeants continues to exist in assistant dental personnel (target figure: 217; actual figure: 145; proportion of posts filled: 67 per cent), but also in the area of assistant rescue service personnel, the 411 empty posts are considerable (target figure: 2,253; actual figure: 1,842; proportion of posts filled: 82 per cent). The situation with regard to noncommissioned officers deployed as laboratory assistants (target figure: 27; actual figure: 6; proportion of posts filled: 22 per cent) has not improved

either. In addition to this, the area of out-patient care assistants is strikingly sparsely staffed with just 64 per cent of posts filled (target figure: 639, actual figure: 406).

The **Geoinformation Service** is also suffering from a shortage of personnel. The proportion of posts filled for officers across all uniformed services is 61 per cent here (target figure: 129; actual figure: 79).

The **Cyber and Information Domain Service** has been in place since April 2017. Whilst this is a new major organisational element, the units themselves are mostly not entirely new. As a result of restructuring, the formations, schools and commands that up until now belonged to the Joint Support and Enabling Service have now been placed under the new cyber command. The entire Bundeswehr, but also the units of the new major organisational element have a high demand for specialised personnel in the field of information technology. Out of all the IT posts in the Bundeswehr, 41 per cent are assigned to the Cyber and Information Domain Service. The proportion of posts filled ranges from 87 per cent for officers to 69 per cent for senior noncommissioned officers to 65 per cent for junior noncommissioned officers. In total, one quarter of all posts are empty at the Cyber and Information Domain Service.

For information technology senior NCOs, the situation is particularly bad with 61 per cent of posts filled. The Bundeswehr intends to raise this proportion to 75 per cent by 2021 by implementing various measures. First successes have now been recorded. In 2017, around 500 information technology senior NCOs were already recruited, an increase of 16 per cent compared to the prior year. But it is still far too early to give the all clear. In the area of information technology in particular, the possibility of recruiting qualified or graduate IT experts, who would be available far more quickly as employees than the soldiers and civil servants who would not be deployable until much later after lengthy internal training, should be considered. But the opposite is actually happening: The number of employees in the entire personnel body of this major organisational element amounts to just four per cent. This shows that the Bundeswehr is continuing to opt for the usual statuses. Given the time-consuming career training soldiers and civil servants undergo, this means that it will take several years for there to be noticeable improvements, if all goes well.

The individual examples from all major military organisational elements listed below are particularly striking:

For **explosive ordnance disposal sergeants**, the proportion of posts filled is only 62 per cent (target figure: 494; actual figure: 304). The necessary machinery is not available to them on a sufficient scale, and on the front of new recruits, too, the Bundeswehr is experiencing problems. The high demands of the requisite “ammunition fundamentals” course lead to high failure rates of over 50 per cent. If someone opts for a career as a senior NCO and does not wish to pursue a higher education degree, they are likely to be put off this career due to the heavy theoretical focus. They may look for other, simpler alternatives to become a senior NCO and career soldier. To get the problem under control in the medium term, the Bundeswehr has changed the “ammunition fundamentals” training course and adjusted the career path for explosive ordnance disposal sergeants. This has been moved from the specialist branch to the operational service with the result that the career examination now takes place after not one but three years. This gives the aspiring explosive ordnance disposal sergeants more time. The “explosive ordnance reconnaissance sergeant” career path is new. Whilst this does require sufficient training in the field of explosive ordnance disposal, it does not require the “ammunition fundamentals” part, which means that the servicewomen and men trained here are ready quicker. The impacts of the restructuring will not be felt until 2021, however, as the first new course took place in the third quarter of 2018.

In the Navy there is also a lack of the right specialist personnel. The **pyrotechnicians** in the Navy have an auxiliary function attached to the artillery personnel. To qualify as a pyrotechnician you have to pass a specialist course at the Land Systems Technology Training Centre in Aachen. Here, the failure rates are so high, however, that so far it has not been possible to train sufficient numbers of pyrotechnicians. In 2018, in the entire assignment category for gunnery personnel, out of 34 posts only 20 were filled. The Navy compensated for this shortage by temporarily using personnel from the new type F125 frigates being introduced. In 2019, the Navy expects the situation to ease as then at least seven newly trained senior noncommissioned officers are to be assigned to the assignment category “gunnery personnel”.

The personnel situation for **minesweepers** has not been good for a long time now. One petitioner suggested aligning their allowances to the much higher allowances paid to combat swimmers. The Federal Ministry of Defence rejected this proposal citing the much higher demands placed on the combat swimmers. They have to undergo parachute training and complete other qualifications, for instance as snipers

or explosives specialists or signaller specialists. The Ministry’s take on this is understandable. But this should not prevent it from moderately raising the allowance for the minesweepers to create an extra incentive.

There are also special difficulties when it comes to the instructors at the Bundeswehr **Medical Academy** in Munich. Here, on 1 October 2017 the posts for the career of paramedic (instruction sergeant) were increased from 14 to 27. In addition to this were a further four posts for instructor paramedics. Out of this total of 31 posts for instructors, in August 2018 only 24 posts were filled, so just 77 per cent. From May 2018, there were additional, newly established but unfilled posts: In the area of administrative service senior NCOs, three armoured infantry sergeants, one paratrooper sergeant, two light infantry sergeants and one mountain infantry sergeant, all planned as instruction sergeants. By the fourth quarter of 2019, half of these posts are scheduled to be filled - with a remarkable proportion of women of zero per cent.

The difficulties in regenerating are understandable. If new posts are created and the training of a paramedic sergeant alone takes four years, then gaps cannot be avoided. Munich as the location of the Medical Academy - especially for sergeants - does not exactly enhance the appeal. Accepting a post almost right in the city centre with what is probably Germany’s most expensive housing market is something some soldiers will think twice about. Personnel management can order the reassignment of a soldier against his or her will. But, first of all, for an employer aiming to be attractive this should be the last resort. Second, for a teaching assignment in particular you need highly motivated servicewomen and men. So the Bundeswehr Medical Academy has a long way to go with regard to the vacancy situation described above.

The vacancies among full-time youth officers (target figure: 94; actual figure: 69; proportion of posts filled: 73 per cent) continue to persist. This is unfortunate given that the **youth officers** make an important contribution to how the Bundeswehr is perceived by the outside world and to the civic education of young people. When talking to young people, each youth officer can contribute to a realistic perception of the Bundeswehr and arouse interest in security-policy issues. Especially now that compulsory military service has been suspended, efforts need to be made to ensure that our Armed Forces and society do not lose touch with each other. The greater importance their work now generally signifies should also be reflected in the career opportunities for youth officers. The posts, apart from the posts of

area youth officers (A12), are categorised as A9 to A11. This means they are in competition with traditional assignment categories like platoon leaders or company operations officers. When it comes to securing subsequent employment as a career officer, the assignment harbours no advantages. It would make sense to create a separate career path for youth officers in information activities. This would also enable a realistic comparison during career soldier selection. Interested and suitable soldiers might then be more likely to opt for this, as they would not have to fear any career disadvantages.

The **causes of the personnel shortages** are to be found in part in the reduction in personnel pursued for many years, which is now juxtaposed by a reversal which is taking place by increasing the levels of personnel with many new, not yet filled posts.

In 2018, 43,600 servicewomen and men were assigned not to regular posts, but to what are known as non-established posts. The vast majority of these are servicewomen and men who do not occupy a post due to their attendance of training courses, for instance at officer or noncommissioned officer schools (around 33,400). For these servicewomen and men, the Bundeswehr has set aside a certain number of trainee positions. 34,800 currently. The high number of posts not filled is also impacted by the servicewomen and men who were entitled to exemption from military service for the purposes of vocational advancement under the Military Pensions Act in place until 2012. They number around 5,900 - not a low figure, but on the decrease. In addition to this, assignment close to home in non-established posts in 390 cases completes the picture as does exemption for instance for parental leave or family care leave in 1,700 cases. In 900 cases, organisational reasons were the cause and in 600 cases the reason was admission to the protection period under the Act on the Continued Employment of Personnel Injured on Operations. Apart from the category of servicewomen and men in vocational advancement measures during duty hours, it cannot be assumed that the number of servicewomen and men listed under a non-established post will significantly decrease. The various different reasons cited for deployment in a non-established post beyond trainee positions are ultimately also an expression of the Bundeswehr honouring its overall care responsibility.

The personnel shortages described not only mean that there is a discrepancy in many areas in terms of the work to be done and the human resources available. They also mean the impacts on existing personnel are immense in some cases. Soldiers are reporting that for leadership personnel in particular, the

excessive workload is barely manageable - leading *inter alia* to the provisions of the Military Personnel Working Hours Ordinance frequently not being able to be complied with.

Efficiency of personnel deployment

Given the high number of vacant posts described above, the Bundeswehr should only establish new posts that are indispensable for performing its tasks. The Bundesrechnungshof (Germany's Supreme Audit Institution) called for this in its 2018 Annual Report, too. It had noted that in 2016, for the "reversal of the personnel trend" the Ministry had recognised 2,500 posts for the Federal Office of Bundeswehr Personnel Management and the Federal Office of Infrastructure, Environmental Protection and Services, although there had been no calculations of the personnel requirement using appropriate methods to back this up. For instance, 33 posts were approved for the pre-induction examination of reservists at Career Centres, although since mid 2016, this examination has usually been conducted by the unit physician at the place of service at the start of reserve duty training.

In other areas, too, the Bundeswehr is deploying personnel without the sense of this being immediately apparent. Whilst, for instance at an upper-level secondary school the management staff comprise just a few individuals with the headteacher, secretariat and caretaker, for each of its **service schools**, the Bundeswehr affords itself an entire HQ with all the staff departments from HR to IT. Do you really need the same structure as a manoeuvre battalion to achieve good results at a service school? Sometimes fewer personnel would also make decision-making easier. At any rate, it would achieve greater clarity on whom responsibility was assigned to. And why is there a preference for assigning active soldiers to Bundeswehr schools as instructors who then familiarise themselves with the subjects for just a few years? It would make sense to review where it might be better to permanently deploy former temporary-career volunteers with an additional qualification for their specialist teaching post as civilian instructors at the service schools. The constant back and forth is not always good for the quality of the teaching at any rate.

Nor is it immediately apparent why the training situation in the different services and major organisational elements varies to such a great degree. Whilst in the Army and the Air Force each school needs its own headquarters to lead it, the command of the naval schools is assumed directly by the German

Navy Headquarters. Whilst for the Army it may still seem half plausible, albeit very expensive and time-consuming, for there to be a headquarters just for the **training infrastructure**, the Air Force operates a kind of additional intermediate command that replicates all the command functions in the German Air Force Headquarters again. It is likely that past stationing decisions are behind the current structure. But this should not serve as an excuse for duplicate work and an unclear division of responsibilities. The lean training structure of the Central Medical Service seems very effective incidentally.

At the Bundeswehr one repeatedly encounters endeavours to act as if its organisational state were already ideal. Most of the time, this is not the case, however. Wherever hollow structures remain firmly in place for periods of years and there is no prospect of a quick remedy, the commanders on the ground should therefore be free to apply interim solutions. Battalions and regiments could, for example, adopt a kind of temporary division of work so that not all companies were required to plan full operations, although each individual company has too little of everything.

Recruitment

The “Act on the Sustainable Strengthening of the Bundeswehr’s Personnel Operational Readiness” (Omnibus Act) aims to make a key contribution to becoming more attractive and competitive. The ministerial draft was still being finalised at the end of the year under review. It contains a host of measures designed to improve the general conditions for active servicewomen and men and reservists when it comes to their recruitment, career but also from a social perspective. In addition to this, changes to the Military Career Regulation by mid 2019 should make the career paths more attractive and expand them to include new target groups. The plan is to do away with age limits for applicants, for example, and to create new access opportunities, in particular for officers in the officer specialist service. In some cases there are also plans to scrap provisions stipulating a minimum period of service as a prerequisite for promotion. In addition to this, the Bundeswehr should also further expand the permeability of career paths and encourage internal upward mobility more than it has done in the past.

To cope with its growth tasks, today more than ever what is needed is a **personnel recruitment organisation** which is well positioned from an organisational, personnel and infrastructural point of view. But the Bundeswehr’s problematic personnel situa-

tion is having an impact here, too. The basis for the new structure of the personnel recruitment organisation that has been in place since 1 October 2018 was an evaluation that dates back to the time of personnel cutbacks. Despite criticism voiced by the Bundesrechnungshof in April 2017, the adoption of the new structure seems to have been unwaveringly pushed forward. In its decision on 28 September 2018, the German Bundestag Auditing Committee called on the Federal Ministry of Defence to “stop the reorganisation until valid findings from an organisational study including a calculation of required personnel levels are available.”

In the structure now to be adopted by the end of 2019, in addition to the Assessment Centre for Bundeswehr Leadership Personnel, which is in charge of assessing officer candidates, there will be five large Career Centres in Hanover, Mainz, Düsseldorf, Munich and Berlin with assessment capacity and 16 smaller, regional Career Centres generally without assessment. Three regional Career Centres in Wilhelmshaven, Stuttgart and Erfurt are an exception to this, which will assume additional assessment tasks. This does at least in part comply with the calls made by the Parliamentary Commissioner in the last annual reports to make more extensive assessment capacities available nationwide. In addition to this, there are 110 career advice offices and 86 local teams of the vocational advancement service spread out across Germany, which will be merged into 113 advice offices under the new structure.

It is remarkable that more than one year after the criticism levelled by the **Bundesrechnungshof**, the structural decision is still being upheld, evidently without there having been sufficient communication between the Federal Ministry of Defence, the Federal Office of Bundeswehr Personnel Management and the Bundesrechnungshof. The escalation that is now taking place, all the way to a decision by the German Bundestag Auditing Committee calling for the restructuring to be stopped, could have been avoided. Of course the restructuring of an agency or authority takes time, due to the requisite infrastructural measures alone. The personnel affected also have to be able to prepare for the upcoming changes. At the same time, personnel recruitment has to be able to operate at full steam in times of restructuring, too. Still, so far individual components of the plans are no longer being pursued at least. Further transformation of old into new Career Centres has now been suspended. And the final decision on the distribution of assessment capacities is still pending. The Federal Ministry of Defence has stated that this means the Auditing Committee’s demand has been implement-

ed. Since June 2017, the Federal Office of Bundeswehr Personnel Management has been the subject of an organisational study. In addition to this, the Federal Ministry of Defence has commissioned another study of the new structure currently being implemented at the Bundeswehr Career Centres. Its findings are not expected to be available before the summer of 2020, however. That is late.

The **proportion of posts filled** in the personnel recruitment organisation itself was only partly satisfactory in the year under review. For career advisors, the largest gaps were in the area of civil servants (target figure: 136; actual figure: 104; proportion of posts filled: 76 per cent). For officers, too, the proportion of posts filled can still not be deemed satisfactory at 84 per cent (target figure: 83; actual figure: 70). Among sergeants, 22 posts remained vacant (target figure: 255; actual figure: 233; proportion of posts filled: 91 per cent). This figure does not seem dramatic compared to some of the other assignment categories. But, if potential applicants cannot be advised because personnel are lacking, then the reversal of the trend in the area of personnel will not be able to be implemented. The situation is comparatively good when it comes to the Medical Service on the other hand. For civil servants, only seven posts have not been filled (target figure: 56; actual figure: 49; proportion of posts filled: 88 per cent). Each of the posts generated for soldiers is filled, the Parliamentary Commissioner is happy to report. The area of psychologists (target figure: 77; actual figure: 72; proportion of posts filled: 94 per cent) and of assessment officers (target figure: 51; actual figure: 49; proportion of posts filled: 96 per cent) is very well resourced.

For the personnel recruitment organisation, too, the following applies: Establishing a post is not a solution in and of itself. It has to be filled with capable personnel. Otherwise, application procedures cannot be carried out efficiently and motivated and qualified applicants will turn to other employers.

Currently, the Bundeswehr still enjoys a relatively good **applicant situation**. In 2018, 52,200 people applied for military service in the Bundeswehr. This constitutes a further decline compared to the previous years (2017: 56,940; 2016: 58,439 applicants). In 2018, 13,513 applicants were designated to join the service status of temporary-career volunteers, and 7,439 applicants were designated to join the service status of military service volunteers. But it is already clear now that the number of school leavers will continue to drop and that competition for young people will grow fiercer. 2014 to 2016 were the “plateau years” for school leavers. Since 2017, the

number of school leavers has been decreasing significantly - from 2016 to 2020 by around ten per cent, after that by another three per cent by 2024.

When it comes to the applications situation, it must always be borne in mind that six per cent of applicants already do not meet the Bundeswehr’s health or medical requirements and four per cent do not meet the physical requirements. So from the very start, ten per cent of applicants cannot be used for a military career at the Bundeswehr. Out of the assigned applicants, in 2017, two per cent failed to even take up their service, another 18 per cent made use of their right of withdrawal in the first six months of service. The Bundeswehr itself decided to part ways with another two per cent in the first six months of service. In sum total, this means the Bundeswehr is losing 22 per cent of the servicewomen and men it recruits again right at the very beginning. The demand for personnel is increasing, supply is decreasing. You do not have to be a mathematician to realise that the trend reversal in the area of personnel - currently still operating under decidedly good conditions - will be more difficult to implement with each year that passes.

Career advisors play a key role in personnel recruitment. Committed and motivated themselves, they have to be able to respond appropriately to the applicants and win them over for the Bundeswehr. What personal aspirations does an applicant have? What skills does he or she have to offer? How can the Bundeswehr’s needs be met as well as the wishes of an applicant? Above all, an advisor has to know what the opportunities are for joining the Bundeswehr under the current laws governing the different career paths. Military experience is helpful for this. But thorough additional training is also a must.

This takes place at the Bundeswehr Centre for Information Activities in Strausberg. The training is divided up across a minimum of four weeks to quickly prepare the career advisors for their role. This already short training course is now supposed to be divided up into modules so that the course participants can be sent to the career advice offices even more quickly, initially just after basic legal training of one week. The practical exercises on how an advice interview is organised are supposed to take place later. This plan should be abandoned. Vacancies hurt - but insufficiently trained career advisors can permanently damage an applicant’s perception of the Bundeswehr.

An internal survey of servicewomen and men who had left the Bundeswehr during or after the probationary period of six months conducted by the Feder-

al Ministry of Defence corroborated this: 36 per cent of the temporary-career volunteers surveyed and 25 per cent of the military service volunteers surveyed stated as the reason for them leaving that they had been given a different impression of what their future job would be during the career advice interview. Nine per cent of the temporary-career volunteers and twelve per cent of the military service volunteers surveyed cited the Bundeswehr Career Centre's failure to deliver on the assignment promised. Four per cent of both groups had not been deployed at the location promised. These negative experiences with the career advice service and where personnel are assigned are also reflected in a wide range of petitions.

To improve the situation, in the future there is to be a nationwide "**First Point of Contact** for People Interested in the Bundeswehr". In addition to answering initial questions about serving in the Bundeswehr, this is where appointments for the career advice centres will be issued centrally. This should relieve the advice centres of administrative tasks so that they have more time for their actual core task of "informing and advising". A pilot project has been launched for the area of responsibility covering Bavaria and Baden-Württemberg as the first step. This should then be rolled out nationwide in 2019.

One solution to further improve the situation is the **orientation day** which has been taking place since March 2017 at all the training and support companies of the Army. Here, recruits can inform themselves about further opportunities at the Bundeswehr. Alongside talks on the history, mission and deployment areas, they can also learn more about the career prospects on offer to them. This day has been very well received. The major military organisational elements of the Air Force, Navy and Central Medical Service on the other hand use what they call advice teams. These comprise one officer and one non-commissioned officer, who give a talk to those completing voluntary military service in the third or fourth week of basic training, informing them about career development opportunities and who then advise them individually in the tenth week in tandem with a personnel officer. Following the great success of the orientation day at the Army, the other major military organisational elements should also consider introducing this tool.

The number of applicants for admission to the career path of **administrative service officers** is pleasingly high. Due to its limited assessment capacities, the Federal Office of Bundeswehr Personnel Management had initially only invited those applicants that appeared most suited to take part in the assessment

process. To preselect candidates, the following procedure is applied: First of all, what is called the pre-classification figure is calculated based on the candidate's average school-leaving grade from their *Abitur* or restricted university entrance certificate and for applicants with prior military service additionally based on their career performance appraisal. Applicants successful in this round are admitted to the assessment round. Candidates whose pre-classification figure is not sufficient can be admitted to the assessment round as an exception, though. This requires certain final grades or grades in certain school subjects, depending on the course of study they wish to pursue. At this second stage, career performance appraisal no longer plays a role. What initially sounds like a good system can lead to undesired effects in practice:

- *A servicewoman, sergeant major, complained that using her final school grade in the selection procedure was not fair. Despite her good career performance appraisal, she failed in the pre-classification round due to her mediocre grade average in her school-leaving certificate qualifying her for universities of applied sciences.*

The criticism voiced by the servicewoman is understandable. Is it expedient to apply the same parameters to school leavers and experienced servicewomen and men? For experienced service personnel, their school grade already played a role when they were first recruited. Since then they have developed further, however. There are appraisals available, especially their career performance appraisal and they may have new qualifications. These evaluations are likely to more accurately reflect their current performance than an old school grade. So they should not be used for pre-selection.

Personnel recruitment is hampered by what are often **long application procedures**. Here is one extreme example:

- *A former temporary-career volunteer applied to re-join the Bundeswehr in August 2015. First of all he was deferred due to his body-mass-index being too high. Half a year later he was invited to take part in an aptitude test at the relevant Career Centre, his application this time rejected on health grounds. He successfully challenged this. For the next part of the aptitude test, the Career Centre in question was instructed to examine the applicant again, which it commissioned a Bundeswehr Hospital with. Here, the applicant was deemed "temporarily not fit for service" and it was recommended that an exemption be granted. But this was only for service as a reservist and not as re-employed personnel. For this reason, the Federal Office of Bundeswehr Personnel*

Management ordered a new examination at another Bundeswehr Hospital. Due to a lack of available capacities, however, an appointment was made at a specialist medical centre instead - which then had to be postponed due to personnel shortages there. In the meantime, contradictory diagnoses from specialists were found in the applicant's file and the Federal Office of Bundeswehr Personnel Management ordered another expert opinion from a third Bundeswehr Hospital. Here, the applicant was supposed to first of all present himself in person. This was decided against, however, after weighing up the costs and benefits and the decision was made based on what was in his file. The decision was negative. Almost three years had since passed. After another two months, in August 2018, the applicant received a rejection letter which did not even state the specific reason for his application being rejected. It takes a sizeable amount of enthusiasm not to lose motivation for the application procedure under such circumstances.

Often, the Bundeswehr also finds it difficult to communicate and implement provisional and definitive changes to procedures. One example is the switch from the body-mass-index method to what is known as the **waist-to-height-ratio method**. The regulation to this effect was supposed to be issued by the start of the training year for officer candidates in July 2018, which did indeed happen. But from autumn 2017, applicants with a body-mass-index of over 30 were already supposed to be admitted to the assessment round, and eligible for recruitment if they were able to display sufficient physical fitness. Even more astounding were several cases in the year under review where soldiers who had already been recruited were discharged from the Bundeswehr again due to their body-mass-index being too high. In one case, it was only upon the repeated intervention of the Parliamentary Commissioner that indemnification could be secured. Even in September 2018, the personnel recruitment organisation was still rejecting people with a body-mass-index above 30 although the new regulation was already in force. But it was not until the end of August 2018 that the unit physicians and the personnel recruitment organisation had started to be briefed on the new regulations. Better communication and swifter implementation on matters of such importance as recruitment and dismissal should go without saying.

Article 12a of the German Basic Law sets forth compulsory military service for men only once they have attained the age of 18. Minors are prohibited from being required to serve. Compulsory military service was suspended in 2011, since then the Bundeswehr has been a purely voluntary army. The prin-

ciple of an army of adult citizens in uniform continues to apply nonetheless. This is why it must remain the exception for **17-year-olds** to be appointed as voluntary service personnel in the Bundeswehr.

In 2018, the Bundeswehr appointed 1,679 17-year-olds with the consent of their legal guardians. This is a share of 8.4 per cent of the total number of entrants into service in 2018. Of these, 35 per cent turned 18 within the first three months of service. In 2017, 2,128 (9.1 per cent) 17-year-olds were appointed. This trend is positive. Anyone who is not an adult yet requires special protection. International law shares this view. The Convention on the Rights of the Child obligates the States Parties to the Convention to refrain from recruiting persons who have not yet attained the age of fifteen for their armed forces. If they recruit persons between the ages of 15 and 18, they should endeavour to recruit the oldest. The optional protocol to the Convention adds that the States Parties should raise the minimum age of 15 for the recruitment of volunteers for their national armed forces and bear in mind that under the Convention on the Rights of the Child, people under the age of 18 are entitled to special protection. The Bundeswehr honours the principle of protection by refraining from sending 17-year-olds on missions abroad and from assigning them to services in Germany where they might risk having to use a firearm.

- *In the year under review, however, a 17-year-old servicewoman was assigned to guard duty with a firearm. Even if this is an isolated case, a mistake of this kind can have a horrific impact on the public's trust and that of parents who give their consent to their children serving in the Bundeswehr in good faith.*

To avoid incidents of this kind, the Federal Ministry of Defence updated the practical guide on "Dealing with minors in the Bundeswehr" in May of the year under review and sent this to all the disciplinary superiors and heads of agencies. The size of the practical guide alone, which covers 15 pages, gives an idea of the burden this constitutes for superiors when it comes to studying and dealing with the special requirements governing the treatment of 17-year-olds. From the Parliamentary Commissioner's perspective, there are many arguments in favour of continuing to advocate the principle of the exception not being allowed to become the rule.

Some parents of minors have criticised **Bundeswehr advertising campaigns**. Adolescents had received unsolicited postcards, on the front of which the name of the minor is printed in the style of a name badge on a combat uniform. This is combined with the question to the addressee of whether they are ready

to serve. In relation to minors in particular, the Bundeswehr should be more restrained in its actions and rethink its personalised advertising. This also applies to YouTube series like “The Parachutists” or “SOFCOM”, which are by all means powerful for the Bundeswehr’s image in a certain way - but which do not address its real personnel needs. The Bundeswehr has no shortage of applications for the paratrooper career path, and Special Forces senior NCOs are recruited from within the Bundeswehr, not externally. By contrast, there is a great need for personnel assigned as minesweepers, IT staff sergeants or technicians for the transport aircraft A400M. The Federal Office of Bundeswehr Personnel Management must not be circumvented when it comes to developing and designing central advertising campaigns.

Alongside the multimedia image campaigns and the major cross-regional activities on social media and online networks, the possibilities of conventional **adverts** in regional daily newspapers should not be neglected. Local formations and agencies - in consultation with the Federal Office of Bundeswehr Personnel Management - could take action themselves and place adverts tailored to their needs. A certain budget could be made available to them for this. Anyone who thinks this old-fashioned should bear in mind that in reality, when young people make career choices the entire family, including parents and grandparents, are often involved in the discussions. Aside from this, servicewomen and men are wondering quite rightly why the Bundeswehr is not using vehicles from its own fleet for cost-effective advertising alongside commercial Bundeswehr advertising on city buses, for instance.

For some service personnel it is hard to understand why on the one hand there is a shortage of soldiers in important areas, but in the selection conference for career soldiers, many temporary-career volunteers are not being taken on. Rejected applicants wonder how serious the personnel shortages they are constantly hearing of can really be, if they are offering their services but still have to leave after completing their contracts. Nonetheless, this practice of rejecting some of the applicants is not to be objected to in principle. If the Bundeswehr were to employ all the applicants to become career soldiers all at once in one year, it might have to select even fewer in the years that followed and have to reject even more as a result. But these might be better suited than those already employed. An approach of this kind would run contrary to the principle of always selecting the best to become career soldiers.

But can this principle apply in the long term in light of the issues of “personnel shortages” and “attractiveness”? Other government employers can attract staff with a lifelong service status, in some cases even with fixed locations, offering the security desired by a lot of young people - above all the police, for instance, a major competitor to the Bundeswehr. The Bundeswehr would therefore be well advised to adopt a more flexible approach on the quotas for employing career soldiers, the operative term here being a **“living, breathing body of personnel”**. Life-long prospects and the promise of being assigned to a particular region are incentives which harbour the potential to be effective. Under the Draft Omnibus Act, in the future NCO specialists and junior noncommissioned officers will also be able to be appointed career soldiers. This could be beneficial.

The possibility of already being employed with the status of a career soldier as a junior-ranking soldier - as some service personnel in the junior ranks have called for - is not going to be pursued further by the Federal Ministry of Defence. Junior-ranking soldiers can switch to the NCO specialist career path, where since recently there has also been the possibility of becoming a career soldier. The obstacles to becoming a career soldier are now no longer so high for junior-ranking soldiers.

In addition to the recruitment of applicants with no prior military service and re-enlistment of servicewomen and men, **re-employment** is another key component of the reversal of the personnel trend. Re-employed personnel have already served in the Bundeswehr. In many cases, re-employment is a win-win situation both for the people re-joining the Bundeswehr and for the Bundeswehr. They have already completed military training and have acquired knowledge and skills from professional civilian life. The re-employment of applicants over the age of 40, which is already possible now, should be further simplified.

The efforts to attract people to re-join the Bundeswehr appear to be bearing fruit: The percentage of applicants in this category for the career paths of junior-ranking personnel, noncommissioned officers and sergeants regularly reaches between fifteen and twenty per cent of all the applicants for these career paths. The percentage among those recruited is even twenty-five per cent. In 2017, there were a total of 5,450 applicants for re-employment at the Bundeswehr, in 2018 the figure was 6,100, 3,050 of which were successful. The main **rejection reasons** were unsuitability on the grounds of health and lack of physical fitness. Often, the application also fails

because there is no demand for staff in the requested assignment or at the requested location. From the Bundeswehr's perspective, many applicants lack mobility. Some applicants, on the other hand, criticise the lack of flexibility in the assignment of personnel. This highlights problems that also come through in petitions. Rejected applicants point to the large-scale advertising campaigns by the Bundeswehr and headlines about the shortage of personnel and then fail to understand when they are not accepted.

Under the current procedure in place, which has not yet been simplified, in the period under review the Bundeswehr re-employed around 300 applicants aged 40 and over, who as a general rule were re-employed at the same rank as they had previously held. Under certain conditions, it is possible to be re-employed with a higher rank. With the future simplified procedure, the Bundeswehr expects even more applicants. For sergeants and noncommissioned officers, there were around 400 re-employments with a higher rank, for officers the figure was twelve.

The personnel recruitment organisation should make full use of all the possibilities provided for here by the law governing career paths. Too rarely are older re-employed personnel who have proven their loyalty to the force through numerous duty drills and their aptitude through good appraisals offered an immediate contract as a career soldier. The Military Career Regulation sets forth options for this (Section 22(3)).

- *An older senior noncommissioned officer only learnt years after being re-employed that it was possible to re-enter as a career soldier. It is too late to clarify whether the soldier was not properly advised at the time of his re-employment. But a lot would suggest this was the case. Why would he have opted to be a temporary-career volunteer had he known? It seems almost grotesque when the Federal Ministry of Defence points out that the petitioner - who to top it all serves in the IT area where there are shortages - should first of all complete a probation period to honour the principle of equal opportunities. If the Bundeswehr fails to use the instruments for personnel retention provided for in career path law then this is not propitious to reversing the personnel trend.*

The Federal Ministry of Defence points out in this context that the possibility of **direct entry as a career soldier** for former sergeants is part of the routine advice provided by its Career Centres. This does not reflect the facts. The Parliamentary Commissioner was forced to conclude that some personnel assigners are quite simply unaware of this possibility

provided for in the Military Career Regulation. When the Federal Ministry of Defence then also points out in another context that a procedure is "currently" being developed to enable re-employment with career soldier status, then this is confusing. The cited regulation in the Military Career Regulation was created long before the reversal of the personnel trend.

If, after a change in uniform, an active soldier is treated like someone re-joining the Bundeswehr or a recruit, then it quite rightly feels like a step back for them. The following case illustrates this too:

- *A duty petty officer had joined the Bundeswehr in 2012 and had completed his basic training in the Navy. After a change of career which also entailed switching to the Army, he was supposed to take part in the basic training set forth for all newly appointed noncommissioned officer candidates again. After his petition was reviewed, he was exempt from part of the designated training.*

The practice on the part of the individual services of establishing their own rules for **career training** may make sense to a certain extent, as may the idea that all servicewomen and men on a course should have the same initial training. But a fully trained journeyman baker would also have zero understanding if he were supposed to attend a three-month course to learn to bake bread again. No matter how much standardisation is prized, one must not lose sight of what makes sense in individual cases. The Navy is on the right track. It has attached a Centre for Re-employed Personnel to its Petty Officer School, enabling targeted training.

In spite of all the endeavours to attract new personnel, a key element in meeting staffing requirements has to continue to be **personnel retention**. Here, the potential of existing personnel needs to be better harnessed. To this end, the Bundeswehr has concentrated personnel retention activities organisationally in a newly created division at the Federal Office of Bundeswehr Personnel Management. A Director, Personnel Retention, supported by a core team, has been tasked with informing and advising the field units locally - with specialist support from experts from the Federal Office of Bundeswehr Personnel Management. His task is also to identify any shortcomings and develop new ideas for staff augmentation. Also new are personnel advisor teams at the Career Centres. Their task is to advise and support the superiors and the S1 specialist personnel locally on matters of personnel retention. The teams' other responsibilities include tailored information for servicewomen and men, for instance at universities or at institutions providing military vocational training

recognised in civilian life and presentations at conferences and training institutions with specialist and leadership personnel. The approach of shoring up personnel retention to a greater degree both organisationally and in terms of content is good.

For a long time now, the principle of centralism has applied at the Bundeswehr when it comes to personnel recruitment and retention. It is not the individual units and formations that are responsible, but the Career Centres and the Federal Office of Bundeswehr Personnel Management. Commanders and officers commanding expressed their regret to the Parliamentary Commissioner on numerous field visits about not having any influence over the re-enlistment of a soldier. After all, personnel retention is simplest and most effective for the relevant local superiors. They are the ones who have a direct impression of the performance and conduct of service personnel. This enables them to approach specific servicewomen and men about re-enlistment or a career promotion. But to be able to do this, they need a certain scope for co-decision in the form of decentralised personnel responsibility.

When it comes to **dismissing** soldiers, the field units would also like to have more of a say and greater flexibility. Soldiers repeatedly report that it is too difficult to let go of new, unsuited service personnel. In the last few years - this is what some long-serving personnel say - the selection of staff has become far worse. They speak of drug and alcohol problems and that physical aptitude is lacking sometimes. Whether this is an objective trend or just a more critical perception of the situation on the part of an ageing Bundeswehr is not something the Parliamentary Commissioner can judge on the basis of his own knowledge. It would be good, at any rate, if the Bundeswehr were to investigate the question of the possibly changed quality of newly recruited staff in an empirical study.

Another element of personnel retention is the establishment of new careers. In the Air Force, for instance, a separate career is being created for the personnel of unmanned aircraft.

But personnel retention measures can also lead to incomprehension. In the year under review, the Air Force was given the opportunity to raise a number of posts to the next level up of chief master sergeant. For inspection personnel, it selected the posts of inspectors from the operational formations entrusted with commanding a subunit. The soldiers from stationary maintenance units perceived this as a demotion for them. To avoid bad feeling of this kind, these types of decisions need to be well founded and ac-

cordingly communicated. There must be no suspicion that the decision was arbitrary.

The Draft Omnibus Act sets forth the improvement of entitlements to vocational advancement measures for longer-serving soldiers. This is good. But there is a group of soldiers, who despite having served for a longer period, have few possibilities to be supported in their professional development through services and benefits provided by their employer: **higher-education dropouts**. Officer candidates or officers who re-enlist after discontinuing their degree have to deduct the time spent studying from the benefits for professional reintegration. Depending on the length of their studies, their entitlements may already have been fully used up. The Federal Ministry of Defence has recognised this problem and created a minimum entitlement of six months of vocational advancement for this group in the Draft Omnibus Act. This is designed to serve as an incentive to re-enlist whilst avoiding making it attractive to discontinue higher education. Whether this half-year will lead to higher-education dropouts being more likely to opt to re-enlist is doubtful. What additional training is an outgoing officer supposed to complete in this short time?

The Bundeswehr aims to offset the severe shortage of skilled staff in the career paths of administrative service officers, the Medical Service, the Military Music Service and the Geoinformation Service by also using **lateral entrants** with no prior military service. In 2018 (2017), in the administrative service officer career path there were 211 (77) assignments of lateral entrants, including 94 (17) for people aged over 40. Applications in both years numbered around 800. For medical officers there were 56 (67) assignments, including 14 (ten) for people aged over 40. Applications totalled 187 (253). For the career of Geoinformation Service officer, there were 15 (13) assignments out of 117 (92) applications. There were no recruitments from the few applicants for the area of military music (2017: 2, 2018: 6) in 2017 or 2018. For 2019, there will be increased demand for staff in the area of administrative service officers and Geoinformation Service officers equivalent to around 250 new appointments. The Federal Ministry of Defence has not yet fully clarified how it will also be possible to recruit the right specialist personnel for the career paths of sergeant and NCO specialists this way.

Lateral entrants - like re-employed personnel - often have specific ideas of their own on their area of activity, location and salary which do not tally with what the Bundeswehr offers. For instance, the number of applications from specialised doctors in the specialisations of interest to the Bundeswehr (anaes-

thesia, surgery) is very low. It is rather unlikely that demand will be able to be covered overall by external applications in the long term. This also holds true for other areas. So why not try new **unconventional approaches**? One extraordinary example of this was demonstrated recently by the Israeli Army. It recruited autistic people to harness their special talents for highly sensitive secret service tasks, for instance for analysing satellite footage. An idea that also puts the philosophy of diversity into practice.

Active service personnel often view lateral entrants with scepticism. If you have worked your way up from the lowest rank in the Bundeswehr all the way to the rank of senior noncommissioned officer or officer, you are likely to feel it is unjust if a lateral entrant with no military experience is immediately appointed with the rank of first lieutenant or higher. Measures to enhance attractiveness towards one group then lead to the perceived undervaluing of the other. The Bundeswehr must not lose sight of striking the right balance here. Existing personnel must not feel left out in the cold. This could result in demotivation and a drop in performance. It cannot be ruled out either that those affected might advise potential applicants not to join the Bundeswehr as a result of their own inner resignation. In some cases, this is already having a very pronounced effect on morale. The following case illustrates the conflict of aims between the will to offer lateral entrants attractive entry conditions and the need to value existing personnel and keep them on board:

- *A servicewoman, a sergeant major, in the Bundeswehr since 2006, had successfully completed her auxiliary training in the medical area in 2009 and was promoted to the rank of sergeant the same year. Under the Bundeswehr's promotion policy, she cannot expect to be promoted to master sergeant until 2025 after meeting the minimum time requirements. Whilst she herself has to wait 16 years for this promotion, a lateral entrant who has worked full time without interruption in the profession can be appointed master sergeant just nine years after completing his or her training*

A fundamentally excellent tool for personnel retention and one also used conceptually by the Bundeswehr since 2014 is the **internal labour market**. This is the possibility for Bundeswehr employees - whether civilian or military - to switch from one of the three existing status groups of service personnel, civil servants and non-civil-servant public service employees to another status group. In the first half of 2018, though, only fewer than 60 servicewomen and men (2017: around 180 in total) switched from a military assignment to a civilian activity. That is not

very many. The Bundeswehr should also think about how it can be made easier to become a career soldier when moving from a civilian to a military element.

Furthermore, when developing its “Internal Labour Market 2.0” concept further, the Bundeswehr should increase the proportion of temporary-career volunteers who can continue to be placed under contract after completing their period of service, especially in civilian civil-servant career paths, but also as non-civil-servant public service employees. This would be a major, attractive argument for first of all deciding to serve as a temporary-career volunteer. But to date, it is not legally possible to already make a binding promise to subsequently accept someone on a civilian career path when they join as a temporary-career volunteer. The aim should be, however, to ensure a seamless transition from military status to a civilian assignment at the Bundeswehr. This is an option particularly for assignments for which the Bundeswehr needs and trains both military and civilian personnel itself, for instance in the area of fire-fighting, aircraft engineering or drivers. Here, provisions should be created which sufficiently reflect the special nature of the Bundeswehr compared to the rest of public service. The Bundeswehr not only has the largest body of staff in the public service and in turn special regeneration needs. The model of temporary service is also a unique feature which can constitute grounds for establishing special provisions. The Bundeswehr is the only public service employer which offers special temporary careers of this kind, on the other hand it has to adhere to the general rules for professional civil servants.

Attractive employers for outgoing temporary-career volunteers are the federal state police forces, the Federal Police and customs. In 2018 alone, collaborations between the Bundeswehr and different federal state police forces meant that 150 temporary-career volunteers were able to start serving in the police force straight after leaving the Armed Forces. In the year under review, a workshop was held on issues relating to cooperation in the field of personnel recruitment at the Office of the Parliamentary Commissioner, which alongside police representatives, trade unionists and experts from the Federal Ministry of the Interior and the Federal Ministry of Defence, was also attended by police who used to be soldiers.

Higher education in the Bundeswehr

The training for administrative service officers in the Army in the phase prior to higher education is currently being overhauled with the aim of decentralis-

ing it. The Army is moving away from the concept of officer candidate battalions and is shifting training sections into the respective branches of service. The aim is to strengthen the **bond between the young officers and their branch of service** and to give them a sense of belonging to their unit. At the Air Force and at the Navy there will only be smaller adjustments initially, centralised basic training is to largely remain in place. The idea of decentralisation and the closer proximity of the officers to the troops is to be welcomed. Nonetheless, there are certain negative associations if one looks back at the many restructuring waves over the past decades: Some longer-serving soldiers will recall the wave of changes some good 20 years ago. Back then, centralising training was a sign of progress following in the footsteps of the American model. So structural reforms are not always a panacea for all time, and looking to the past from time to time should encourage the Bundeswehr to avoid making the same mistakes again.

Higher education at a Bundeswehr university offers many benefits. In addition to good material resourcing and small groups of students, the financial security it offers is a major plus. The streamlined degree courses can also be advantageous. But - like in civilian life, too - it comes at a time when young soldiers do not have much life experience yet. For some, their personalities are not as defined yet as long-serving officers. During this type of phase serious problem situations can occur, which can lead to them dropping out of higher education if no help is provided. But at the Bundeswehr University in Munich, there has only been one post for a **psychologist** to date. A second psychologist is being funded from the university's own resources. The number of students and their need for counselling mean a third psychologist is urgently needed, however. It cannot be left up to the university's - by all means praiseworthy - own initiative to remedy this. The duty of care alone dictates that the Bundeswehr must not abandon students in situations ranging from difficult to perhaps seemingly hopeless. But also in its own interest, in times of staff augmentation the Bundeswehr should do everything in its power not to lose student officers as a result of them dropping out of higher education. The Bundeswehr has now reacted to the situation and at least at its universities in Munich and Hamburg created two posts each for psychologists at the end of the year under review.

Young officers repeatedly voice the desire to be **assigned to a unit related to what they have studied**. Service personnel who have no opportunity to become a career soldier understandably want to learn

something useful from higher education for their later professional life. The more possibilities they have for applying their knowledge during their period of service, the more successfully they can do this. In practice though, an assignment related to their degree course can only be achieved for very few soldiers because there are by no means posts matching every degree subject. If the Bundeswehr wants to be attractive to temporary-career volunteers as well, it does indeed have to offer a broad range of higher education courses, even if the knowledge acquired is not directly transferable to the subsequent post. But this should be communicated clearly to the servicewomen and men from the very outset.

Just under one quarter of Bachelor students left the universities of the Bundeswehr without a degree. This reaffirms the trend of recent years (2017: 23 per cent; 2016: 24 per cent; 2015: 24 per cent; 2014: 26 per cent).

The highest dropout rate in the Bachelor degree courses was in engineering, with a total of 39 per cent in the years 2012 to 2017. To date, for engineering courses the probability of successful completion of the degree has been tested in a higher education aptitude test. In this process, in addition to a mathematics skills test, the overall mean school grade and the mean grade for mathematics in all the available report cards is taken into account. However, the universities of the Bundeswehr see a need to optimise the aptitude tests to assess the specific demands of the higher education course. Involving the Bundeswehr universities more in the higher education aptitude test of the Bundeswehr Leadership Personnel Assessment Centre might potentially help lower the number of dropouts.

Higher-education dropouts have also already proven their general aptitude for the career of officer by successfully completing the recruitment procedure. It is good that the Bundeswehr has now recognised the potential of this group and is targeting them to encourage them to re-enlist.

- *In the graduation notification in November 2017, one soldier who had de-registered from university stated his willingness to re-enlist in the Bundeswehr. In the middle of January 2018 he then filed an official application in this vein. It was not until mid June 2018, two weeks prior to the end of his regular period of service, that a decision was taken about his re-enlistment, which then entailed a change in his branch of service. Such a long period of uncertainty hanging over a person's future is difficult to deem reasonable and will deter other applicants. The Bundeswehr needs to speed up here.*

Promotions

Like in previous years, in 2018 many servicewomen and men complained about promotions that - in their view unjustly - either did not materialise at all or too late. For some this may lead to a loss of motivation and a sense of resignation. In some cases, those affected believe they have been deliberately and systematically discriminated against.

However, for various interlinked reasons, meeting the time requirements alone is not sufficient to secure a promotion. Promotion is only permitted in combination with assignment to an open established post. But the Bundeswehr can only generally establish such posts for standing tasks, for which it has to cite objective and plausible grounds. Against this legal backdrop, it is a mistake to assume all one would have to do would be to make enough established posts available in the budget, to create a buffer of established posts as it were, so that promotions could take place later down the line. The Federal Ministry of Defence even intends not to provide full established-post resourcing in its planning, which would enable promotions to pooled posts in all pay groups after completion of the minimum period of service. For a total of over 9,000 servicewomen and men who meet the promotion criteria this means that no higher-paid established post are planned to ensure they can be promoted/transferred on the earliest possible date. These deliberate **deltas in established posts** mean - so the Ministry - that the best servicewomen and men can be promoted or transferred as early as possible, the ones whose performance is weaker later on the other hand. This complies with the principle of merit enshrined in the German Basic Law. So comparisons of the waiting periods for promotions are of limited value.

The line of argumentation is plausible in principle. However, it is doubtful whether the structural approach with established posts is necessary on this large scale. Why are the promotion waiting periods being individually extended for more than 9,000 servicewomen and men on the grounds of the principle of merit when the statutory minimum waiting periods for promotions have already been generally extended by a directive? The structural reserve could no doubt be halved. This would benefit many servicewomen and men without infringing the principle of merit.

Still, there are **improvements in established posts** in the 2018 and 2019 budgets in the form of post upgrades. In the estimation of the Ministry, the 2018 budget led to the number of servicewomen and men awaiting promotion/transfer in the pay groups A11 to

A15 being lowered from around 2,800 to around 1,200 mostly in pay groups A11 and A12. The 2019 budget sets forth another 2,100 or so improvements in established posts which can lower promotion waiting periods. The German Bundeswehr Association calculates that this could enable *inter alia* around 110 promotions to chief master sergeant, 260 promotions to master sergeant and 680 promotions to sergeant major additionally. For the officer corps, this meant that now around 160 promotions to A14 and 225 transfers to pay group A12 could be carried out, the Association estimated. The “injections of funds” are positive and show the parliament’s willingness to make progress in reversing the personnel trend.

Appraisals

Appraisals are of central importance to people’s careers. They are therefore a highly sensitive matter, both for those being appraised and the superiors carrying out the appraisal. The appraisal system still in place in the Bundeswehr today no longer satisfies the requirements ideally expected of a just and practicable appraisal and selection tool. Or as the German Bundeswehr Association has put it, it “quite simply became overheated and is now irreparably damaged.” Everyone shares this negative diagnosis, a new system is needed. The Ministry has been working on this for some time now. The new system will probably not be able to be used before July 2021. The reason is the integration of the appraisal provisions into the standard application software product family (SASPF). Up until then, appraisals will continue to be conducted under the current system.

The deficiencies of the existing system therefore continue to make themselves felt: The size of the reference groups, compliance with the **guideline ranges of values**, no “brakes” applied to the inflation of good grades, non-transparent and bureaucratic procedures for compiling the appraisal. The servicewomen and men have resigned themselves to the situation to a certain extent. For its part, the Federal Ministry of Defence repeatedly notes that it is up to the superiors conducting the appraisal to comply with the guideline values, for instance. This is correct, formally speaking. There is no possibility to exert influence on specific appraisals “from the top”. But the Ministry should find ways to apply the appraisal system currently still in force in a better and more acceptable way for those involved until the new system can replace it.

Irrespective of the form of the appraisal system, in the service of the Army, there is scepticism towards the plans to upgrade the status of junior-ranking personnel and noncommissioned officer career paths. If this then means that appraisals are required for these career path groups, too, more than 10,000 additional appraisals may need to be produced on the respective record date. In this context, this once again gives rise to the question of whether routine appraisals need to take place every two years as a general principle. Every three years, like for federal civil servants, would already ease the situation considerably.

The appraisal and promotion of servicewomen and men who have been exempt from service as members of personnel representation bodies, as members of the General Spokespersons' Committee, the Spokespersons' Committees or as the Spokesperson for Severely Disabled Persons, for instance, is subject to special provisions. **Exemption** from service duties must lead neither to career obstructions nor privileges. Currently, according to the Federal Ministry of Defence 241 service personnel have been exempt from service for these purposes. In a Central Directive, the Federal Ministry of Defence has set out the procedure for "notional career reconstruction". Fundamentally, the procedure meets the legal requirements, is recognised by the case law of the Federal Administrative Court and in some cases is in demand by private sector companies as a model. Problems arise, however, when it comes to the reference groups to be formed in this procedure. Possible disadvantages then have to be challenged in the form of a military complaint.

Under the current appraisal provisions, no appraisal takes place if a servicewoman or man is subject to a **protection period** under the Act on the Continued Employment of Personnel Injured on Operations. This arrangement makes sense. If someone is unable to deliver the same performance due to a deployment-related accident as a comparable fellow soldier then they must not be assessed according to the same criteria. But the question of when this protection period starts is problematic. Under current practices, the protection period only starts once the application by the affected individual for recognition of a deployment-related accident and admission to the protection period has been officially approved. There is no retroactive effect. The case below illustrates that this approach by the Bundeswehr, especially in the case of mental illnesses, but also other illnesses which can take a long time to diagnose, does not demonstrate much care towards those affected:

• *Following several missions abroad, in 2008 a soldier suffered a deployment-related accident, which led to a post-traumatic stress disorder, which he did not admit to himself for years. It was not until October 2014 that he applied for recognition of a service-related disability and until December 2014 for admission to the protection period. On 1 March 2017, so more than two years after submitting his application, the Bundeswehr recognised the deployment-related accident and admission to the protection period. Whilst it had recognised the service-related disability retroactively, this was not to apply to admission to the protection period, however. The appraisals produced between 2008 and 2017 were not revoked. The soldier in question compared his situation to that of a soldier who had had his leg amputated following a deployment-related accident. Would they continue to appraise this soldier, too, and assess his physical performance against that of his uninjured comrades?*

The Federal Ministry of Defence has decided to address the problem of the appraisals of those with a deployment-related disability and is working on the question of what happens to the appraisals issued between the deployment-related accident and the decision on admission to the protection period. This is good. The deliberations should produce a provision that fully accommodates the interests of those injured during service.

Security clearance checks

Servicewomen and men generally have to undergo a security clearance check if they are deployed in security-relevant areas of the Bundeswehr. Like in previous years, the Military Counterintelligence Service (MAD) was unable to process the security clearance checks swiftly. In addition to a high number of requests to process, the cause for this continued to be **personnel vacancies**. In October of the year under review, one in five posts at MAD was vacant (target figure: 1,344; actual figure: 1,054; proportion of posts filled: 78.4 per cent). This could not be compensated for by the 50 employees made available additionally in non-established posts either. One of the causes of the high workload was *inter alia* the incorrect estimation of the number of applicants accepted with roots in countries with special security risks. Originally, the Bundeswehr had projected 15 per cent, in actual fact this was 25 per cent. All new recruits now require a level-one security clearance check. This negatively impacted the time taken for the level-two and three security clearance checks. In 2019, the number of posts at the Military Counterin-

telligence Service is still scheduled to be increased to 1,413, but in spite of a good level of applicants, even the current target figure of a good 1,300 employees will not be reached for another five years.

Mishaps like the one below will therefore continue:

- *In one case a questioning order was not processed for almost a year at the relevant MAD agency. No one noticed.*
- *In another case, a petty officer gave his consent to the security clearance check without observing the proper formal requirements. It took four months after receipt of the request at the MAD agency for the administrator to return the documents to the security officer requesting changes be made. An urgent label had been missing, and prioritised work had been accorded priority, it was reported. More than another three months passed before the documents were at the MAD agency and complied with the formal requirements.*

The time taken for the clearance checks has a negative impact on the servicewomen and men in question. Often they can only start their training or take up their post once they have received their security clearance. Soldiers are even being removed from courses because they do not yet have the requisite security clearance. Individuals can only be promoted and appointed career soldiers with delays. In addition to this, service personnel who have not completed their security clearance check are only allowed to perform their duties in particular controlled access areas if accompanied by a fellow soldier.

The situation with **pre-employment screening for soldiers** was better. Since 1 July 2017, the Military Counterintelligence Service has had to conduct a security clearance check for applicants who have been offered employment prior to starting basic training. This is designed to prevent people with extremist backgrounds from entering the Bundeswehr, and in particular gaining access to its training in war weapons. The procedure produced the first successes in the year under review. In eleven cases, applicants with links to extremism or terrorism or with violent tendencies were able to be identified. The simple security clearance check is supposed to be completed by no later than the start of weapons training, which was possible in most cases. Just under 75 per cent of these checks had been completed without any qualification by the Military Counterintelligence Service within a period of six weeks. In addition to this, further applicants were able to participate in weapons training thanks to the issuance of a provisional or qualified provisional finding. Over-

all, 88 per cent of the applicants received the necessary security clearance and did not experience any delays in their basic training. This rate is not bad as the start, but it should not blind anyone to the fact that delays in the processing of pre-employment screening negatively impacts the soldiers. And for the training organisation, too, missing level-1 security clearances pose a special challenge.

- *A military service volunteer had to discontinue his basic training in Stetten am kalten Markt because his security clearance check had not gone through yet. For two months now, he reported, he had just been sitting around in his room, doing cleaning jobs among other things.*

The good thing here is that the Bundeswehr realises the importance of fast security clearance checks and is prioritising the department of the Federal Office of Military Counter-Intelligence in charge of the security clearance checks when assigning personnel.

Prohibition on promotion during criminal and disciplinary proceedings

In recent years, servicewomen and men have repeatedly criticised the prohibition on promotion during extremely long disciplinary investigations. The term promotion not only includes promotion to a higher rank, but also a change of career path or attendance of courses that could help soldiers advance their career. Exemptions from the ban are only allowed in cases of hardship. The obstacles to this are deliberately high, with the result that such exemptions hardly ever come to bear. It was also unclear whether and which training courses are actually career-advancing. The Parliamentary Commissioner voiced clear criticism of this situation in his last annual report. The Ministry has now finally added a clarifying sentence to the relevant regulation and removed attendance of career courses as well as training and courses in the respective mandatory course of training from the scope of the prohibition on promotion. This is a major step towards justice. It remains the case that servicewomen and men cannot be promoted during an active disciplinary procedure. But they can continue their training and therefore pursue a meaningful activity without having to fear that they will lose too much training time due to the long **length of the proceedings**. The Parliamentary Commissioner's demand that acquitted servicewomen and men be treated as if the procedure had not happened and as if they had been promoted as standard continues to apply.

Retirement

Since March 2017, the retirement of career soldiers now only takes place on two set dates each year: on 31 March and 30 September. For the individuals affected, this new provision means extending their period of service for a period ranging from one day to up to six months, so retirement an average of a quarter of a year later. There have been relatively few cases where servicewomen and men have criticised this as an approach that compromises the protection of legitimate expectations. Personnel management endeavoured to make flexible and individual exceptions, although not every request of individuals affected could be met. They also communicated the changes early on and intensively. Overall, the majority of the career soldiers affected has evidently accepted the new provisions which provide better planning certainty and help reduce bureaucracy. The later retirement by a quarter of a year on average is equivalent to 538 additional posts which can be filled according to the calculations of the Federal Ministry of Defence. Overall, the new retirement dates practice has therefore been deemed successful there.

The acute need for personnel also gives rise to the question of how long can and should career soldiers be expected to remain in service. The law distinguishes between entry into retirement once reaching the general **age limit** (Section 44(1) in combination with Section 45(1) of the Act Relating to the Legal Status of Military Personnel) and reassignment to retirement after reaching the special age limit (Section 44(2) Act Relating to the Legal Status of Military Personnel). The special age limit for captains, first lieutenants and second lieutenants is 56, for instance, the general age limit is 62. The special age limit for regular noncommissioned officers is 55.

If retirement continues to take place routinely once the special age limit is reached, the planned augmentation of Bundeswehr personnel to 198,500 active servicewomen and men by 2025 will be almost impossible to attain according to the Ministry's calculations. For this reason, personnel management highlight that the Bundeswehr's personnel policy needs to be made more sustainable and demography-proof, and experienced and qualified career soldiers need to stay in active service for longer. In this context they point out that in 2009, with the changes in pension and civil service law resulting from the entry into force of the Act to Restructure Civil Service Law, the statutory age limits for servicewomen and men were already adjusted. This means that "from 2024, the average retirement age of all career soldiers will

be at least two years above the retirement age as per 1 January 2007 (Section 45(4) Act Relating to the Legal Status of Military Personnel).

Current practice is still based on the principle of serving beyond the special age limit being voluntary. As a general rule personnel management ask career soldiers whether they are prepared to retire later. If they state they are prepared to serve at least another two years, they are assured a set retirement date.

The German Bundeswehr Association is calling for the special age limits for career soldiers to be upheld. It says that if the age limits were to be generally raised, the Armed Forces would risk becoming too old and operational capability would be endangered. Service personnel would see the change in practice as a unilateral decision to depart from a covenant that has been practised for decades. Motivation and trust in the employer could dwindle.

From the 1960s onwards, the age limits were set for a long period. For instance, between 1961 and 2001 senior noncommissioned officers used to be able to enter retirement at the age of 52. Since then, the special age limit has been raised repeatedly - in 2002 (to the age of 53), 2007 (to the age of 54) and 2009 (to the age of 55).

The Federal Ministry of Defence has established a working group to develop a new **retirement concept** with the involvement of associations and personnel representation bodies. It seems clear as things stand today that there are not to be any new statutory regulations. The aim according to Ministry experts is designing retirement flexibly in a way that recognises the particular interests of the Bundeswehr in line with the legal situation already in place and at the same time offers those affected the highest possible protection of legitimate expectations and planning certainty. From the point of view of the Parliamentary Commissioner, the elected approach should be supported: The interests of the Bundeswehr and the soldiers concerned have to be reconciled by means of a practical concordance. The following principle must apply: The greater the protection of legitimate expectations of a servicewoman or man that applies as a result of longer service - so the closer he or she is to the previously expected retirement date - the less the mutual basis of the working relationship should be retroactively changed. In the deliberations regarding raising the age limits, it is therefore advisable to make this voluntary wherever possible and to perhaps create material incentives. For new career soldiers new age limits could then apply from the beginning.

Civilian initial and follow-on occupational training

The aim of civilian initial and follow-on occupational training (ZAW) for servicewomen and men is to enable them to first of all effectively perform their job in their post and, second, to enable them to integrate into professional life after leaving the Bundeswehr. This is why longer-serving temporary-career volunteers complete initial and follow-on occupational training to acquire qualifications for the civilian labour market. On the last record date (15 November 2018), nationwide more than 6,600 temporary-career volunteers from the career paths for NCO specialists and sergeants were taking part in more than 900 initial and follow-on occupational training groups and measures recognised in civilian life. This represents an increase of 17 per cent in the number of attendees over the previous year.

Some servicewomen and men criticised the **infra-structural deficiencies** in civilian initial and follow-on occupational training facilities.

- *For example, in one course for the Linux training section, there were only eight computers available for 21 course participants, not all of which were even actually functional.*
- *One petitioner felt the standard length of the civilian initial and follow-on occupational training measures of 21 months in place for many years now was too short. After all, as he stated, the civilian sector had extended the training period - depending on the occupation being trained for - to up to 42 months since 2006 due to the higher demands and requirements trainees had to meet. The Federal Ministry of Defence does not see any need for action here. The Bundeswehr's civilian initial and follow-on occupational training measures were more effective, it claimed, as these were restricted-access courses with intensive teacher support. The average pass rates were also higher compared to in the civilian sector.*

Nonetheless, the Ministry should regularly review whether the length of training is still appropriate in light of increased demands and requirements.

It is also important for the educational providers carrying out the measures to meet all quality requirements. This did not happen in the following instance:

- *On a training course for qualification as an IT specialist, the continuing education centre commissioned by the Bundeswehr often used different or under-qualified teaching staff. Many of the teaching*

staff were off sick. The provider compensated for the lack of IT lecturers with lecturers from the commercial field. This meant the specialist IT training was neglected. Furthermore, practical exercises did not take place due to a lack of the requisite technical equipment. Close monitoring and regular complaints about deficiencies by the Bundeswehr vocational advancement service failed to improve the training. The education provider will quite rightly no longer be considered for future IT specialist courses.

The Federal Ministry of Defence intends to make improvements to the content of civilian initial and follow-on occupational training. It is examining, for instance, whether and to what extent it would be beneficial to move theoretical or practical training components to the field units or to the Bundeswehr's own training facilities and under what conditions attending civilian initial and follow-on occupational training should be voluntary or mandatory. Furthermore, the Federal Office of Bundeswehr Personnel Management intends to review the initial and follow-on occupational training courses offered to see if they are still up to date. This also involves looking at suitable alternative occupations which might be an even better match with the tasks required of the military posts and at the same time would be especially attractive for the temporary-career volunteers and career soldiers serving increasingly long periods.

This is a good initiative. Here, the possibility of opening up the civilian initial and follow-on occupational training measures to the **junior-ranking career paths** after a certain length of service (for instance: twelve years) should also be considered. What remains important is ensuring that the training courses are indeed transferable to the civilian labour market. In terms of the internal labour market, civilian initial and follow-on occupational training should also have its eye on qualifications which enable employment in public service, including in the civilian areas of the Bundeswehr.

Deficiencies in the processing of personnel matters

Critical petitions on the processing of personnel matters which address the long processing times for applications to curtail or extend the period of service or for reassignment or re-employment as well as errors in the assessment of serviceability surface time and again.

One focal point of the petitions in 2018 - as in the prior year - was the failure to issue a testimonial either at all or on time or with adequate content. For

servicewomen and men the **testimonial** is extremely important for the transition into civilian working life. It is often the only qualitative documentation they have of their past military career.

The point most often criticised by those affected was the failure to issue a testimonial upon their departure from the Bundeswehr. Only if they expressly requested it did they receive their testimonial. The time that elapsed between departure and dispatch of the testimonial ranged from three months to over two years, in one extreme case even more than four years. In some cases, the superiors could then scarcely remember the soldiers they had to appraise. This is not acceptable.

The content of the testimonials also gave rise to complaints at times and had a negative impact on applications:

- *In one case, the superior wrote a later testimonial which did not meet the requirements of the applicable General Publication. He outlined the work very briefly and in part incorrectly and used military terms and abbreviations although these have to be avoided. He did not mention work done during the soldier's foreign assignment and he also failed to evaluate the soldier's performance. It was only on the third attempt that he managed to produce an acceptable testimonial, which he presented to the soldier more than two years after the end of his period of service.*

As this example shows, the problem is not so much a lack of regulations and instructions for producing testimonials as the implementation of these regulations. There is room for improvement on this front. Testimonials need to be issued on time when the person finishes their military service. A provisional testimonial has to be issued accordingly earlier - prior to exemption from military service for occupational training. Testimonials must be drafted benevolently and in consultation with the servicewomen and men to be able to take into account any requests for additions or modifications they may have. Training sessions for the disciplinary superiors on writing testimonials should also familiarise them with standard wording and phrases used in references from employers in civilian working life.

Basic training

In the year under review the Army pressed ahead with redesigning basic training. The focus lay on measures to improve the physical fitness of recruits. Not least the incident during basic training in Munster in 2017, where an officer candidate died and

another was seriously harmed, gave good reason for this. “**Activating physical training**” is now designed to teach less athletic recruits *inter alia* to enjoy sport. 401 Armoured Infantry Battalion in Hagenow conducted a pilot for the Army: After two weeks of tests and targeted consolidation exercises, those in charge divided the servicewomen and men into performance-based groups. The recruits did indeed manage to significantly improve their physical fitness. After six weeks, those from what had been the “worst” group did better than the “average” group at the beginning. After eight weeks, all the servicewomen and men did better in the basic fitness test. No one gave up on the first six-kilometre induction march. The recruits assessed this training concept as positive. So the pilot was a success in this regard. This new fitness concept should become part of basic training throughout the Bundeswehr.

At a visit by the Parliamentary Commissioner in Hagenow, recruits remarked critically that they wanted to learn to handle their weapon as quickly as possible. They also wanted more action duty. So when adopting the results of the pilot, which is planned from May 2019 in all basic training companies and from July 2019 in officer training, the Army should therefore strike a balance between building up physical fitness and military elements. As this is also a matter of time, this once again gives rise to the question of a sensible amount of time for basic training, for which currently three months is allocated.

When dealing with new rules and regulations there is always the potential for uncertainty. Instructors have complained about **not always knowing how they are supposed to act**, which they believe could lead to a certain fear of taking decisions and could make them less autonomous in their actions. They are not always sure how far they can push the recruits physically without going beyond what they can deal with. Questions of this kind are understandable, especially in light of the fact that instructors who exceed these boundaries may face criminal and disciplinary investigation if someone is hurt during training. It can be particularly difficult to know where the limits are when, like at the site in Pfullendorf, special basic training is being carried out which expressly entails the servicewomen and men having to be especially resilient. Add to this the special situation at this location in the wake of the events of the previous year. Here, many changes have had to be and are having to be dealt with and processed - no easy situation for the instructors.

In the interests of the recruits one has to remember that the changes in training may have an impact in subsequent assignments, if training components are

changed or deleted which are assumed in a later assignment but are no longer part of basic training. If this is the case, these components may have to be caught up on in the follow-on assignment. It is true that these types of uncertainties and insecurities are part of the change process during restructuring phases. But instructors must not be given the feeling that they have been left to deal with the wide range of changes they face on a daily basis alone. Those who issue new provisions must design them specifically enough so that the instructors in the field know exactly what is required of them, how they are to implement the changes and where the boundaries lie. With all due understanding for the fact that it is not possible to define regulations for each and every individual case - the responsibility for filling in the gaps when terms are not clearly defined must not fall completely to the instructors on the ground. The contact for any questions should be superiors who then also need to have the requisite time for this.

Part of basic training is learning to practice the principles of *Innere Führung* in everyday life. The experiences of basic training stay with the recruits for a long time. “Order and obey” can be imparted without constantly shouting, demeaning or pushing people beyond their physical limits. The vast majority of Bundeswehr instructors prove this day in and day out. Each and every recruit is a multiplier. If they feel treated like a human being, they will pass this on later, too. Treating each other with respect and trust does not mean in any way that an “unsoldierly mindset” is creeping in.

Military service volunteers

Like in the previous year, the number of military service volunteers, who join service for between seven and 23 months, continued to decline. 7,259 military service volunteers commenced their service with the Bundeswehr during 2018 (previous year: approximately 9,000). Up to the end of the year the **dropout rate** was 15.6 per cent and had therefore dropped by 2.3 percentage points compared to the previous year (end of 2016: 17.9 per cent). Due to the six-month probationary period, however, further personnel recruited during the 2018 appointment year may drop out in 2019 as well. For instance, at the end of the six-month probationary period for the last recruits appointed, the dropout rate for the 2017 appointment year totalled 22.4 per cent. The Bundeswehr explains the decline in the number of military service volunteers first by the priority accorded to using temporary-career volunteers. Second, it cites the developments on the labour market resulting

from the demographic situation. But for all volume plans - most recently at the 2018 Personnel Board - 12,500 target posts for military service volunteers continued to be included, regardless of the real trends.

The Bundeswehr’s focus on recruiting temporary-career volunteers is understandable, these soldiers commit to the Bundeswehr for longer. Voluntary military service often functions as a gateway to serving as a temporary-career volunteer, though, so military service volunteers can be retained by the Bundeswehr over the long term as well. The Bundeswehr’s campaigns to attract new recruits must therefore not start to successively ignore voluntary military service. So the plans to align the pay of military service volunteers to that of comparable temporary-career volunteers, as set forth in the “Act on the Sustainable Strengthening of the Bundeswehr’s Personnel Operational Readiness” (Omnibus Act) are positive.

The criticism expressed by military service volunteers towards the lengthy **application procedure** at the Career Centres remains unabated. Processing deadlines are not being adhered to and the information provided to applicants about the status of their application is often insufficient. Citing the prioritised recruitment of temporary-career volunteers to explain these negligences is not acceptable. Two support teams (prior to and after the assessment) are now supposed to ensure better communication. This is needed, too, if the Bundeswehr does not want to put off other motivated applicants.

The slow processing of applications to have terms of service extended, to be accepted as a temporary-career volunteer or to join the officer career path continue to be equally unsatisfactory. This was a thematic focus of the petitions by military service volunteers. The problem is first and foremost a shortage of support and advice when submitting applications and insufficient information on the status of processing. The Bundeswehr will have to up its game in this field, too, if it wants to be an attractive employer.

Whilst a large section of the military service volunteers remember their time in general basic training as a positive experience and the comradeship in particular as enriching, others complain of a brusque general tone, coarse behaviour and lack of due care for the recruits on the part of superiors.

- *Two recruits who reacted to the announcement of longer duty hours on a Friday with tears out of worry about their children’s care were shouted at by their superior and admonished with the following*

words: “You are not a mother any more, you are soldiers. You are here to be trained to kill and there is no place for emotions.” One recruit left the Bundeswehr two days later as a result. The behaviour displayed by the superior was quite rightly deemed inappropriate and in violation of the dignity of the recruits when the situation was reviewed. As soon as the incident came to light, he was removed from basic training and his behaviour punished as a disciplinary offence.

The issue of military service volunteers being permanently **under-challenged** because they do not have enough to do at the parent unit continues to apply. A dissertation on voluntary military service at the Bundeswehr also comes to this conclusion. The Bundeswehr is trying to counteract this by increasing the number of fixed posts for military service volunteers from 5,000 to 8,500. This would mean that volunteers would then be deployed in a real post backed up with a specific task. However, the increase leads first and foremost to more attractive assignments for military service volunteers who are serving for longer terms. Military service volunteers who serve for shorter terms are not able to benefit from this change. In view of the remaining term of service individuals have left after the end of their basic training, the field units do not consider investing in expensive further training worthwhile for these personnel. This situation is not satisfactory for either side. Either more meaningful occupations need to be found for volunteers serving shorter terms, or a longer minimum period of service - if this does not exist - should be considered.

Reservists

Reservists and the great commitment they show are indispensable at all levels of basic operations, on missions abroad, as well as in disaster response and home defence. The reserve is needed particularly urgently in order to manage vacancies. For this reason, the Federal Ministry of Defence is planning a new type of military service: “Military service to temporarily improve personnel readiness”. The idea is for reservists to replace servicewomen and men who are absent for longer periods due to parental leave, care, training or a mission abroad. At the same time, following the suspension of compulsory military service, reservists serve as a valuable link between the Bundeswehr and society. All of this needs to be taken into account during the now initiated review of the concept behind the reserve, which currently still dates back to 2012, so during the con-

traction phase of the Bundeswehr. It would be good if the work on this could be completed swiftly.

The number of positions for reservists increased in 2018 to 3,800. The current Personnel Board has set forth 4,500 reservist positions by 2025. More reservists are needed everywhere, *inter alia* in the cyber domain, though greater flexibility instead of rigid numbers would be positive here.

A strong reserve requires well-trained and qualified reservists. But the latter complain repeatedly that there are no places on courses for them or planned training courses are cancelled at short notice. Reservists and active soldiers attend the same military courses, although the training of active personnel takes priority over that of the reservists. If there are insufficient capacities at the training facilities, it is the reservists who are not allocated any **course places** or whose places are cancelled - sometimes at very short notice. This lack of planning certainty engenders frustration, especially if the reservists need the course as a prerequisite for promotion. The Joint Support and Enabling Service Headquarters has now issued a provisional instruction that at least one to two course places must be kept for reservists. Furthermore, those in charge have been told to look for ways to accommodate the reservists on alternative courses taking place at the same time.

This measure was overdue, as the employers who release the reservists from work for this purpose often react with incomprehension to this lack of planning certainty and then rethink their consent when it comes **exemptions** from work in the future. And this willingness is already limited. Often, motivated reservists cannot enter into service as their civilian employer denies consent to the exemption from work. Ideological incentives such as awarding companies the title of “partner of the reserve” are good but not sufficient in and of themselves. Fortunately, the Federal Ministry of Defence has adopted the Parliamentary Commissioner’s proposal and included additional financial incentives for employers in the Draft Omnibus Act.

The new provisions for **enlistment allowances** the Ministry has announced also implement a suggestion made by the Parliamentary Commissioner. Under these, reservists who can only do reserve duty for up to three weeks a year for professional or family reasons will now also receive the allowance.

In a host of cases, reservists noted financial disadvantages compared to active soldiers.

- A reservist designated for assignment who had previously served as an active soldier in the military

police and who also did this job during his reserve duty complained that in contrast to his comrades he did not receive any allowance for law enforcement tasks.

There are also disadvantages of this kind in other forms of allowances for difficult working conditions and for changing working hours (night work) and the allowance for assignments in hardened facilities. These are also paid only to active soldiers. The Federal Ministry of Defence has recognised the need for reforms in light of the changed deployment spectrum of reservists and initiated the required harmonisation by amending the Military Compensation Act in the scope of the Draft Omnibus Act

Reservists also feel discriminated by the fact that during missions abroad they have no entitlement to **special leave for journeys home** with continued pay. The Ministry explained that this entitlement does not exist because reservists have no entitlements under the Directive on Foreign Separation Allowance. Including them here would contravene the system, as the rationale behind this directive was that these benefits were always subject to an entitlement to military pay, which reservists did not have. The Ministry has pledged to examine the problem. The Bundeswehr should also seek solutions that treat reservists equally here.

To cover the demand for junior-ranking service personnel for the regional security and support forces in the area of the territorial reserve, the Joint Support and Enabling Service recently started offering a career path for junior-ranking reservists outside of military service. The Association of Reservists is supporting it in this pilot project. The project faced public criticism for putting “weapons in the hands of civilians”. Part of the training is conducted outside of military status, whilst another part - the firearms training - takes place under military status. Furthermore, every participant undergoes a security clearance check. This is about testing an innovative idea to recruit new personnel for the reserve.

In the year under review there were once again complaints about the loss of free-of-charge provision of **government-furnished meals** when reservists take part in a special foreign assignment. Active soldiers have an entitlement to foreign separation allowance, which compensates them for the costs of their daily meals, be these government-furnished meals or self-catered meals. Reservists on the other hand receive a bonus for performing reserve duty which include the costs of government-furnished meals. In exceptional cases, this may lead to unequal treatment if when reservists are sent abroad in the scope of special foreign assignments no government-furnished meals

are provided and self-catering costs more than this. As these only ever amount to a few isolated cases, the Bundeswehr should seek a pragmatic solution here.

The forces’ desire to primarily recruit former career soldiers or temporary-career volunteers as reservists is understandable in view of their many years of military experience. Recruiting career soldiers soon after they have left the Bundeswehr at the age of 55 as reservists for up to ten months per year can only serve as a stop-gap measure though. A concept should be found which allows career soldiers to voluntarily serve longer - the financial incentives that duty as a reservist offers for former career soldiers after leaving the Bundeswehr should then be able to be provided in a different form. Former basic service conscripts or military service volunteers, as well as individuals without prior military service who are keen to join the reserve must not be driven away. However, it appears necessary to improve how outgoing service personnel are approached about working as reservists, for they report again and again that there is a lack of clarity about whether their requests for assignment will be acted upon.

The Parliamentary Commissioner already suggested in the last two annual reports that the **age limit** up to which reservists could be called up when they have made a voluntary commitment to do reserve duty be raised to 67 in line with the age limit that applies in statutory pension insurance. This would satisfy the wishes expressed by a growing number of reservists. The Federal Ministry of Defence itself now also believes a review of the age limit for reservists in the current legislative term would make sense.

The Parliamentary Commissioner’s suggestion of also making it possible to serve as a reservist **part-time** also struck a chord. The Draft Omnibus Act includes an according change to the Directive on Part-Time Employment of Military Personnel. It is not only reservists who will benefit from this in terms of a better work-life balance. This will also benefit the Bundeswehr, for instance if this allows it to recruit medical practitioners to carry out appointment examinations or IT specialists.

4. Reversal of materiel trends

Full resourcing and operational status of major weapon systems

In the year under review, with the Bundeswehr Concept and the new Capability Profile, the Federal Ministry of Defence presented its strategy for the future.

The Capability Profile sets forth the capabilities, forces and resources the Bundeswehr is to develop by the years 2023, 2027 and 2031 respectively. After this, it should be equipped for collective defence in Europe and “out of area” missions abroad alike. This is not entirely new. The requirement that service-women and men be equally ready for both tasks has existed since the 2014 NATO summit in Wales. As emphasised in the last few annual reports, the Bundeswehr needs 100 per cent equipment, weapons, ammunition and personal equipment not in the distant future but as soon as possible. The tasks the Bundeswehr is supposed to be fully resourced to deal with in 2031 already exist today.

In the year under review, like in previous years, it proved very painstaking to equip the units on operations or on quasi-operational commitments with all the requisite materiel. This was only possible at the expense of other parts of the force which had to lend their equipment. This left preparation for deployment and training in routine operations accordingly worse off. The practice of “**dynamic availability management**” continues. This constant juggling of shortages is a huge strain.

In the report by the Federal Ministry of Defence on the materiel readiness of the Bundeswehr’s major weapon systems in February 2018, the Army states specifically: Training and exercises face “partial restrictions”. The Navy reports that training “in all areas”, putting it mildly, “cannot always be provided to the required degree”. The conclusion drawn by the Air Force: “Already now” there is a “certain loss of flying capabilities”.

The report on the materiel readiness of the major weapon systems for reporting year 2018 is not expected to be published until the first or second quarter of 2019. This means new figures on the overall and available inventories and on the systems actually operationally ready are not available yet for the year under review. This used to be different. The Ministry already published the 2016 report at the end of November 2016. The regular **Report on Armaments**, last published in December 2018, does not contain any information on actual operational readiness of the major weapon systems. At the end of 2018, the 68th NH-90 helicopter was delivered (total stock at the end of 2017: 58, an average of 13 of which were operationally ready). The inventory of TIGER combat helicopters also increased in the middle of the year under review to 68 (total stock at the end of 2017: 52, an average of 12 of which were operationally ready). The EUROFIGHTER also saw increases. By the middle of November 2018, a total of 136 aircraft had been formally accepted (total stock at the

end of 2017: 128, an average of 39 of which were operationally ready). In the element of the Army, the total number of PUMA infantry combat vehicles had increased by the end of November 2018 to 248 (total stock at the end of 2017: 176, an average of 48 of which were operationally ready). The increase in the numbers of units in individual weapon systems over the course of the year under review did not lead to fundamental improvements in operational readiness, however. Most of the modernisation programmes under way are delayed by periods of years. In the meantime, the old equipment waiting to be replaced has already been gradually shut off or has to be painstakingly kept in operation, in some cases by mutual cannibalisation.

The operational readiness of **major equipment** also continued to be largely unsatisfactory in the year under review. With an availability of operationally ready tanks, ships and aircraft in some cases far below 50 per cent of total stock one cannot yet speak of a noticeable reversal of trends. Even if the figures reported by the Ministry are subject to fluctuations and only reflect the number on the given record date, there is no doubt that the materiel available on paper routinely and on far too large a scale is not available for exercises, training and operations. Service personnel quite rightly complain of a vicious circle: Too many weapon systems wait too long for maintenance and servicing to be completed, this places further strain on the remaining major equipment, add to this more exercises with a full force, which leads to more breakdowns which then join the queue for maintenance. A procurement acceleration offensive is more urgently needed than ever to break out of this downward spiral. The quicker the better.

The underlying military procurement policies were recently revised, as the Federal Ministry of Defence reported in its response to the criticism voiced by the Bundesrechnungshof at the end of October. But the now updated underlying policies will first have to be evaluated in 2019. This is also what the Coalition Agreement says. But as necessary as it seems to repeatedly review sensitive processes, it must be equally clear here that an evaluation must not be allowed to lead to further delays in modernisation programmes. Decisions are overdue.

The new Capability Profile identifies the first priority as the **Very High Readiness Joint Task Force (VJTF) 2023** for NATO. As the Framework Nation, Germany wants to provide a modernised brigade fully resourced with its own new equipment. It will be important to see whether this will really be additional equipment in every case or “diverted” new equipment from the acquisitions for other units. Fol-

lowing the NATO summit in July 2018, the next operational readiness “challenge” is already on the horizon, however. The plan is for an additional 30 combat battalions, 30 flying squadrons and 30 ships to be capable of being operationally ready within the space of 30 days NATO-wide. This is what the 29 NATO nations agreed. The German share can be expected to be ten per cent as always: so three ships, three squadrons and three combat battalions. This would mean, for instance, an entire additional Army brigade (with three combat battalions plus additional brigade troops) being kept permanently operationally ready from 2020 onwards. The demand for greater speed and “getting finished!” is more relevant than ever.

One example is the **LEOPARD 2 battle tank**, one of the Army’s central weapon systems. The low actual availability of operationally ready battle tanks in 2016 and 2017 could not be significantly raised in the year under review either. This situation continues to have major impacts on the Army’s training, exercises and missions. First measures have now been introduced. But major improvements are not expected to be noticeable until several years from now. Operationally ready battle tanks are already needed right now, though.

To fulfil its mandate, the Army also currently needs an according number of modern, deployable infantry combat vehicles. The last annual report drew attention to problems in the delivery of the **PUMA infantry combat vehicle** and in establishing its operational viability. The Ministry has stated that full operational viability of the system will probably only be achieved in 2025 according to the current scheduling. The Bundesrechnungshof on the other hand has stated that PUMA modernisation will take up until 2029 at least based on the current draft agreements. Given the technical problems in adapting new system components, it cannot be expected that future modifications will be able to be implemented on time.

The operational readiness of the armoured infantry continues to rely on the **MARDER infantry combat vehicle** major weapon system introduced more than 40 years ago. Extending the period of use and intensive use of this infantry combat vehicle are now leading to frequent breakdowns. A lack of spare parts is hampering availability. Add to this periods in the workshop for weapon system improvements, such as improved mine protection.

To date, 92 Armoured Infantry Demonstration Battalion and the 33, 112 and 122 Armoured Infantry Battalions have been equipped with the PUMA in-

fantry combat vehicle. Currently, 212 Armoured Infantry Battalion is being re-equipped. Full resourcing of the said battalions is supposed to be completed by 2021 according to the Federal Ministry of Defence. In the medium to long term, the plan is for the MARDER infantry combat vehicle to be fully replaced by the PUMA infantry combat vehicle. The 371, 391, 401 and 411 Armoured Infantry Battalions are scheduled to be re-equipped at a later point in time according to the Federal Ministry of Defence.

The new **GTK BOXER**-type armoured vehicles are also being heavily used. Greater wear and tear and an increased need for repairs will be unavoidable. On top of this are conversions during which the vehicles are not available to the troops. The actual operational readiness of the vehicles is often not much over the 50 per cent mark, based on total inventory. The successive arrival of the new GTK BOXER has not changed the strained situation to any significant degree so far either.

At the end of the year under review, 62 Air Transport Wing in Wunstorf received the twenty-fifth **A400M**. The delivery of the remaining 28 aircraft is expected to happen successively over the next seven or eight years. In the year under review, less than 50 per cent of the entire A400M fleet was operational. In parallel to this, there is now talk of retrofitting or conversion measures, for instance for missile defence, which will lead to new gaps in availability. This is one of the causes behind the shortages in air transportation capacities. Like in the previous year, German servicewomen and men had to live with major curtailments in the transport to and from deployments. Even support from allied forces and buying in civilian capacities have not been enough to completely solve the problem so far. The fact that the Bundeswehr is now purchasing six type C-130J Hercules aircraft for joint use in a French-German formation is to be viewed as positive. The agreement also covers the supply of spare parts, maintenance in the first three years and initial training for engineering and flying personnel. This holistic contract design should serve as an example to be replicated. Parts of military air transportation could only be upheld in the year under review because the trusty Transall C-160 was still available. Due to delays in the delivery of the A400M, the Transall is now to be kept in use until 2021 initially. At the end of the year, the A400M wing began a shuttle service, which is planned to be a regular service with direct flights to Mazar-i-Sharif, Gao and Al Azraq. If this service stabilises it would provide long-awaited relief to the problematic situation with in and outbound flights.

Like in the prior year, helicopters continue to be in short supply. The number of **NH-90**, **TIGER** and **CH-53** helicopters actually deployable has been very low for years now. There are no indications of any major improvements. The Federal Ministry of Defence has stated that there is a positive trend, but that this would not be felt until the medium term. In addition to the shortage of spare parts, maintenance and servicing capacities are a real bottleneck. Add to this retrofitting projects. The Bundeswehr needs to follow up on the helicopters urgently so that it can properly perform its mission-related tasks, tasks during normal operations and in particular in the training of the crews and the remaining technical personnel. Constantly working at the limit of what can be coped with harms the servicewomen and men and the materiel still available.

Out of the entire stock of **EUROFIGHTER** and **TORNADO** combat planes, in the year under review less than half the aircraft were actually flight-capable. The new Chief of Staff of the Federal Air Force himself painted a bleak picture of the situation in the middle of the year. A shortage of spare parts and delays in the approval process were some of the causes behind the lack of operational readiness of the fighter jet, he said. The Federal Ministry of Defence has referred *inter alia* to a support agreement on spare parts which will fundamentally ensure the **EUROFIGHTER** is supplied in the future. But implementation was still in the consolidation phase, it said, meaning that a major increase in the number of aircraft available could not be expected yet. The **EUROFIGHTER** weapon system introduced to the Air Force in 2004 continues to lack important capabilities to be able to prevail as a multirole combat plane in the face of all challenges. The modernisations required for this will lower the deployable stock of aircraft in the air wings for years to come. It is not only operational commitments, but also the need to ensure both the weapon system training of young aviation crews and the initial and follow-on training of the crews that require greater efforts to be made. The same applies for the now aged **TORNADO** fighter bomber. Other user nations do not seem to have the German problems with the **EUROFIGHTER** described above. Here, it should be possible to align standards and procedures. Every flying hour counts, training protects.

The precarious situation of the **Navy** highlighted repeatedly in the past has not significantly improved in the year under review either. Entire crews were left proverbially high and dry as several ships and boats were not available for sea duty as planned. It is obvious that this directly impacts motivation and the

attractiveness of a career in the Navy. As a Navy officer aptly put it during a field visit in Wilhelmshaven: “No one goes to the Navy to end up stuck on land.”

The Bundeswehr did not have a single **tanker** available in the second half of 2018. Both of the Navy’s oil tankers were not operational due to engine damage. If the repairs are successful, so the Ministry, the ship could rejoin the fleet in the first quarter of 2019. To ensure the permanent provisioning of the fleet, the purchase of two commercially available double-hull tankers, possibly second-hand, which could be easily adapted to the needs of the Navy should be considered. There were such plans at one point. This would probably allow the old ships to be replaced more quickly and inexpensively than with the plan to design a completely new tanker for the Navy.

A large part of the **submarine fleet** was also out of service in the year under review. None of them seem fully operational yet. Serious technical defects, spare part shortages and considerably longer yard periods than planned and a maritime accident were the causes. Without a sufficient number of fully operational submarines, proper training of submarine crews is not possible.

The low number of **corvettes** and **frigates** actually ready for operation also limited the Navy’s capabilities in the year under review. The problems are well known: Non-compliance with agreed delivery times, a shortage of spare parts, a shortage of servicing capacities. The arrival of new class 125 frigates, new K130 corvettes and MKS 180 multirole combat ships will take several more years and will not be able to ease the current strain until later down the line. That is why additional, effective short and medium-term measures are required to preserve and increase operational readiness.

Equipment for training, exercises and deployments

Materiel and equipment for training, exercises and deployments continue to be in short supply in many places. Servicewomen and men report lengthy repairs and servicing and the difficult procurement of spare parts to the Parliamentary Commissioner during field visits on a regular basis:

- *Members of Flotilla 2 in Wilhelmshaven put the delivery period for spare parts at five to six months. For older ships there were no spare parts any more anyway. They had to be painstakingly reproduced. “Controlled cannibalisation” was not a good solution either. A high turnover due to older personnel*

leaving in the naval arsenal was making the situation more difficult, it was reported, there were hardly any new engineers joining the force. Rules governing tenders and public procurement had become more complex. Even parts available on the market were often only supplied to the Bundeswehr with delays, as industry tended to serve its “preferred customers” first. The German Navy was not one of these. All of this led to a considerable lack of personal planning certainty for staff. This was perceived by the servicewomen and men as the “biggest attractiveness killer”.

This example illustrates the close connection between the materiel situation and the motivation of servicewomen and men. The problems outlined not only make it more difficult for them to fulfil their mandate, they also have a direct impact on job satisfaction.

Often pre-deployment preparations also suffer from the need to juggle these shortages:

- *The crew of the corvette BRAUNSCHWEIG reported technical problems and delayed or extended yard periods on the UNIFIL mission, which restricted the possibilities for mission training. Due to the technical problems, they had only been able to practice at sea for five instead of the planned 13 weeks. The requisite training had to be caught up en route to the theatre of operations and during the mission itself.*

Circumstances like this are not acceptable. They demotivate existing personnel and deter new personnel.

The low availability of helicopters and other aircraft led once again to pilots not collecting enough **flying hours** in the year under review. This can lead to pilots losing their licence and to an increasing incident rate due to errors.

- *During a field visit to 74 Tactical Air Wing in Neuburg/Donau, the Parliamentary Commissioner was told that the minimum requirement to keep their license was 70 flying hours for each pilot, 40 of which had to be completed in the air and 30 of which could be completed in the flight simulator. These were the requirements purely to keep one’s licence, however. This was not enough to maintain tactical capabilities above and beyond this. NATO regulations therefore go as far as to stipulate 140 real flying hours and 40 simulator hours to preserve the requisite capabilities. In practice, the Bundeswehr pilots reported that they had accumulated an average of around 90 real flying hours and 35 simulator hours. Under the current plans for 2019, there would*

even be 15 per cent fewer real flying hours available, the Parliamentary Commissioner was told.

- *Back in 2015 during a field visit at the International Helicopter Training Centre in Bückeburg it was already pointed out that the reduction from 14 to eight NH-90 helicopters did not allow the flying hour needs during training to be fully met. To this very day there are not enough NH-90s available to train the number of pilots the Bundeswehr needs in the medium and long term. To ensure enough deployable NH-90 crews the Bundeswehr would need to train 17 NH-90 pilots every year. Last year it was only nine, in 2017 as low as seven even. But there seems to be light at the end of the tunnel: In the year under review, the number of flying hours could at least already be significantly increased thanks to an improved use rate of the existing helicopter inventory. In addition to this, the Federal Ministry of Defence has stated that it is working on raising the number of NH-90s available for training and is creating measures to increase the number of training places available. But in the short term, the Ministry said, the situation would not be able to be changed.*

The positive trend in the materiel readiness of the CH-53 64 Helicopter Wing in Laupheim and Schönewalde/Holzendorf of the previous year did not continue. An increase in problems due to the age of the weapon system, the shortage of spare parts, the Afghanistan mission and the difficulties in retaining aircraft engineering personnel, the considerable number of flying hours lost due to inclement weather and the absence of a civilian maintenance engineer were the causes. Here, too, the flying hours the pilots needed were not ensured.

This situation is unsatisfactory and potentially dangerous if pilots make mistakes because they are out of practice. What is more, the pilots expect from themselves, but also their employer, not just to scrape by to keep their licence but to develop expertise in their profession. The plans to purchase a larger number of an additional inexpensive commercial light-weight liaison and support helicopter already introduced in the Bundeswehr and available on the market for all helicopter units in the Army, Air Force and Navy could help to remedy the deplorable flying hours situation. This requires quick, resolute decisions, not a ten-year standard selection procedure. Renting flying hours from ADAC (Army), Motorflug Baden-Baden GmbH (International Helicopter Training Centre), DL Helicopter Technik GmbH (Navy) and HTM Helicopter Travel Munich GmbH (Air Force) may provide short-term relief, but this is not a permanent solution for the Bundeswehr.

Several resignations by **EUROFIGHTER** pilots made the headlines this reporting year. In the first half of 2018 alone, six pilots applied for permission to leave the Bundeswehr. This is a significant increase given that in the last five years a total of just eleven pilots had requested they be discharged. There is no requirement to state reasons when submitting a request for discharge. But the reason could have been the materiel readiness of the EUROFIGHTERS. In 2015, two of the six resigning pilots had completed the requisite guideline number of flying hours, for the four remaining pilots the percentage at the time had already dropped to between 43 to 67 per cent. By 2016, none of the six pilots had reached the guideline number at all, two pilots were even only able to manage 21 per cent. It is true that none of the pilots had to fear losing their pilot's licence due to not having enough **flying hours**. The Air Force does concede, however, that the sub-optimal operational availability does lead to a loss of capability when it comes to tactical operational readiness. In other words: The materiel shortages mean that the pilots who have completed lengthy and expensive training are not able to practice sufficiently, leading to a real loss of capability and to a perceived worsening of their individual capabilities. The relatively high number of resignations is also a painful loss for the Air Force because three of the pilots had already qualified as flight instructors or weapons instructors. This means that the resignations in turn have a direct impact on training capacities. This issue shows clearly how closely the materiel and personnel situation are intertwined.

- *The situation for junior staff on the TORNADO weapon system also seems anything but satisfactory. Following the relocation of tactical aviation training from the US to Germany, several soldiers reported a difficult training situation. Not only that instruction at 51 Tactical Air Wing took place in training rooms that were far too small. There was still no building for the second simulator. And the number of simulators and instructors did not even come close to covering demand, which meant that there were delays in training. This led to the loss of flying pay. When superiors from the Air Force leadership were approached about the deficiencies and the fact that some pilots were considering resigning, they were said to have reacted with disinterest.*

Clothing and personal equipment

The Bundeswehr provides its servicewomen and men with the requisite uniforms, field and sports clothing,

boots, shoes, headgear, underwear and personal equipment items free of charge - so the prevailing opinion throughout Germany. But in actual fact, for years now clothing and equipment items have no longer been available in sufficient quantities. So it is hard to feel reassured when the Bundeswehr leadership announces in its 2019 troop information: "And one thing is certain: No reductions will be made when it comes to the personal equipment of soldiers and in operations." It is not a matter of preserving the status quo, it is about making substantial improvements.

- *For instance, at the Special Air Mission Wing of the Federal Ministry of Defence, for some time now there have only been a small number of flying suits available. During a field visit by the Parliamentary Commissioner, one soldier described how some of his fellow soldiers were still wearing the officially already discontinued grey flying suit. They repaired these themselves due to a lack of replacements. It is not just at the Special Air Mission Wing that there is consequently no uniform appearance. In the year under review there was a shortage of some 700 flying suits. By the start of 2019, the Bundeswehr now intends to procure a total of more than 10,000 flying suits to replace the missing and out-dated suits.*

The Bundeswehr continues to face shortages in **armoured vests**. Since 1 January 2018, everyone on the target terrain area during firearms training is required to wear an armoured vest. This kind of regulation presupposes that there are enough armoured vests in the right size at the individual garrison ranges available to borrow. That is not the case, however.

- *At the garrison range in Hirschberg, for instance, there was a shortage of class 4 armoured vests. The entire stock of armoured vests there was needed for the Enhanced NATO Response Force. But no armoured vests means no firearms training and no practice. This hampers the operational capability of the servicewomen and men affected.*

The tense armoured vest situation also affects servicewomen and men on missions.

- *For instance, medical doctors from a pool of mobile medical units, these are doctors who are repeatedly sent into action at relatively short notice, have to return their armoured vests again each time. And each time they are redeployed they have huge difficulties getting a vest of the right size.*

The instruction from the Federal Ministry of Defence in mid 2018 that a pool of armoured vests and carrying equipment had to be established at all German

contingents does not resolve the problem of low availability of armoured vests in operations either though. As soon as the instruction was first implemented it became clear that it is often not possible to properly store the armoured vests in the country of operations and that the contingents are facing additional staffing pressure as a result of this measure. What is more, the inspection of the armoured vests after use set forth in the instruction is not possible in the theatres of operation.

It is not just in the field of specialist protective equipment, but also in standard commercially available clothing that there are huge gaps in the Bundeswehr's inventory. The last annual report already addressed the inadequate availability of clothing items in the stores of Bundeswehr Bekleidungsmanagement GmbH.

Since autumn 2017 the company, which now belongs to the Bundeswehr itself again, was unable to provide **self-suppliers** with quality cotton service shirts, for example. A tender to procure these shirts did not take place until July 2018. The specifications for standard, generally available products like this need to be compiled far quicker. The procurement of other standard items, which in the future are to be provided free of charge to all career soldiers and temporary-career volunteers, is also taking a long time. Since October 2016, it has no longer been possible to supply all-season jackets, soft-shell bomber jackets, sweaters and peaked caps for officers using the trust account. If all goes smoothly procedurally, according to the Federal Ministry of Defence the first sweaters and necktabs for servicewomen should arrive by the end of 2018. The all-season jacket and peaked cap for officers will not be available until the fourth quarter of 2019.

The general rule is: The time that elapses between identifying a shortage and procuring and supplying the items is far too long. Public procurement law alone cannot be held responsible for this. It is more a case of internal application and approval processing needing to be shortened, by setting deadlines if need be. The number of people internally involved in procurement also needs to be examined critically, as do the many restrictions imposed. The aim has to be to streamline structures.

Servicewomen and men are not only affected by the shortage of clothing though, but also at times by its **poor quality**.

- *For instance, the buttons on board-trousers (Navy) were reported to not have been properly sewn on and the undershirts provided for service were said to*

tear easily at the armpits. The quality of the T-shirts, which were not very breathable, and their seam strength was substandard. The previous model had been far more robust, service personnel reported.

The increasingly complex nature of clothing and personal equipment leads to **incompatibilities** - a phenomenon already seen in major combat equipment, too. Known examples are the incompatibility of the systems to fasten personal equipment to the armoured vests of one manufacturer and the over-vests from another manufacturer. Many items do depend on each other, and this should at least be factored in when making purchases, especially when they already take so long.

When combining old and new equipment, everything does not always go to plan either, unfortunately:

- *One first lieutenant complained about the extremely out-dated load-carrying equipment. Not only was it uncomfortable, it was also incompatible with modern equipment, for instance with the waistbelt of modern rucksacks.*

The incompatibility of double **ear protectors** and helmets also criticised in the annual reports for a long time is to finally be resolved over the course of 2019 the Federal Ministry of Defence has stated. 3,000 new certified helmet-ear protector sets with a microphone function are then to be introduced as an immediate need. The need for combat helmets with an integrated communication function which are compatible with ear protectors already addressed above and known for years has now been recognised by the Federal Ministry of Defence as a capability gap. This is good. Now, finally, starting in 2020 a new system is to ensure the introduction and successive equipping of all servicewomen and men. A modernisation programme of this kind should not be something that takes decades, it should be possible in the space of just a few years.

The timely procurement of new equipment and clothing articles is one side of the coin, distributing existing materiel in line with needs is the other. It should actually go without saying - as is standard in the world of business - for all **service points** to be linked to ensure a constant overview of the number of equipment and clothing articles in stock. But the Bundeswehr does not have a connected system of this kind. If at one clothing point an equipment or clothing article is not available, the service point cannot simply check its availability at another site. Instead it has to ask the material management centre at Bundeswehr Bekleidungsmanagement GmbH, which itself then researches which service point has the required article and then issues an order for trans-

fer to the requesting service point. This makes swift and customised distribution and a quick solution at the location in question difficult.

Soldiers are expected to return mission-related **auxiliary equipment** like armoured vests or special-purpose aviation clothing to the relevant service point within the space of six weeks after returning from the mission as a general rule. This is what the central staff paper stipulates. The major organisational elements are supposed to ensure this by taking appropriate measures. That is the theory anyway. But when auxiliary equipment is issued, it is routinely not noted in the clothing and equipment record of the soldier when this has to be returned by. Consequently, neither the service points nor the military agencies can check which soldiers are late in returning these items. There are in fact many soldiers who - sometimes perhaps with good reason - do not return their auxiliary equipment at all or not in full. The hierarchical superior then can do nothing more than make a general appeal to return the equipment. This is not what good organisation looks like.

One could also think about equipping the services with their own contingent of personal protective equipment items. The commands of the major military organisational elements are best able to assess the need for items in short supply and could prioritise these properly.

But the problems outlined make one thing clear: The Bundeswehr has procurement needs that clearly exceed its replacement purchases, if it is to put a stop to supply shortages. It needs to start buying. This constant juggling of shortages needs to be stopped.

- *The troops were not even able to be fully equipped for the mission in the scope the NATO Very High Readiness Joint Task Force (VJTF) right away. Only after going to great lengths was the Bundeswehr able to provide basic equipment like winter clothing and armoured vests. A scenario of this kind where equipment is procured by frantic last-minute searching must not happen again given the duty of care owed to the servicewomen and men.*

In this vein it is to be welcomed that the Office for Defence Planning is currently producing a **set of combat clothing** for the Armed Forces. 140,000 military personnel are to be equipped with this in the medium term. Standardised resourcing would mean the return to a standardised uniform. This is important in terms of the due provision of care, it promotes the sense of community and belonging among military personnel and it is positive for the Bundeswehr's reputation as an alliance partner.

The Bundeswehr has to improve when it comes to managing and overseeing its own flows of goods. It is embarrassing if in the 21st century you are unable to record incoming and outgoing goods as well as shrinkage in stocks in a user-friendly materiel management system, so that you can easily display what has to be replenished. This system does not have to be compatible with the EUROFIGHTER flight planning software.

Like last year, too, servicewomen and men complained of not being adequately equipped with **vector protection clothing**, which is designed to protect against ticks, for instance.

- *At the site in Illkirch, an instruction was issued requiring the servicewomen and men to return one of two sets of their vector protection clothing consisting of field trousers and a field shirt to the clothing depository. The protective clothing was needed at another battalion. Infantry exercises had to be completed with just one set of clothing from then on, with no possibility to change clothes. Hygienic considerations aside, it is also necessary to be able to change clothes to maintain the vector protection. This is lowered when the clothes are washed and has to be renewed on a regular basis. This meant it was no longer possible to continuously comply with the recommendation from the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services from 2017 that, as a precaution against tick bites, clothing with vector protection should be worn when time is spent in the field.*

The deficient resourcing situation also means that occupational health rules and recommendations sometimes only exist on paper, as the example below illustrates:

- *At the Strategic Reconnaissance Command, more than 100 staff work shifts in a 24-hours/7-days model, predominantly in sedentary roles. The personnel are highly specialised and often stay in the same posts for years at a time. 40 per cent of the staff suffer from chronic back pain, many others have back problems. The chairs in use are one of the culprits. For many years, both the unit occupational safety officer and the site physician have been calling for ergonomic, back-protecting "shift-work chairs" to be purchased. But to date, only staff who have a doctor's certificate documenting their back problems receive a chair of this kind. This not only attests to a lack of due care, it is also economically inefficient. This is because for the employer, the costs for medical or physiotherapy treatment and absences from work are far higher than properly equipping the office workplace with back-protecting chairs. The*

chairs should be procured as swiftly as possible for this reason.

In certain assignments, for instance at the Special Forces Command (SOFCOM), the task profile makes additional clothing and equipment items necessary, which are usually indeed available there. Some of these now SOFCOM-tested special articles, for instance a certain type of cold-weather clothing, rucksacks or combat trousers, would also make sense for other services. Some service personnel buy themselves **Woolpower** underwear or “smock” pants or jackets, for instance. But what is also incomprehensible in this context is the Bundeswehr’s policy on Woolpower underwear, which has to be returned after an operation again.

- *On a field visit during the Trident Juncture exercise carried out in Norway, soldiers from 232 Mountain Infantry Battalion reported this problem to the Parliamentary Commissioner. In preparation for the exercise, the participating military personnel were also provided with Woolpower underwear and socks. These items of clothing, which are partly worn as bodywear, were then supposed to be returned after the exercise again and - if indeed it was possible to clean them - supplied to other military personnel.*
- *A corporal who had served on a mission in Estonia suspected that the Woolpower products he had returned at the end of the mission would be disposed of. Around 20 per cent had indeed been deemed unusable and taken out of circulation. The rest was reprocessed at additional expense. But who wants to wear used, albeit reprocessed underwear? These products should be left with the servicewomen and men for their own permanent use.*

What is also contradictory in this context is that the servicewomen and men participating in the Certified Shopping Cart pilot project have the opportunity to acquire a second set of Woolpower underwear free of charge. Other military personnel serving abroad who could certainly use this type of underwear are not expected to be supplied with this in the future either though. The situation is equally absurd when requests for special cold-weather clothing are rejected stating that only special units of the Bundeswehr are entitled to the requested items. But in its fact-sheet 11/2016, the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services informed servicewomen and men expressly that they can apply for personnel protective equipment going beyond the standard equipment due to them if the hazards assessment had indicated a need for this. This example illustrates a trend very clearly: Servicewomen and men end up choosing to buy the

requisite items themselves at their own expense. This is shameful given the €43-billion defence budget! There would be enough money for underwear. A first, albeit small step in this context is the decision to supply soldiers with six instead of five short-sleeve undershirts in the future.

There was good news about **combat boots** during the year under review at least. The new boots seem to finally meet the modern functional requirements of varying temperature and use situations. Unfortunately the procedure for distributing them puts somewhat of a dampener on things. Recruits - this is the perception of many longer-serving personnel - are given preferential treatment when it comes to distributing new models. This accusation was also made when the new sports clothing was distributed.

- *A career soldier with 25 years of service who was a superior was given the old model when replacing a pair of boots. The stocks of the old models had to be used up first he was told. The current model was being given to newly recruited servicewomen and men first. He felt like a second-class soldier.*

The Ministry confirmed that since the start of 2018, all recruits were being additionally equipped with a pair of the new “heavy-duty” combat boots with their initial issue of clothing and footwear. The question is whether this equipping sequence should routinely be the first choice, although it is understandable that it was not possible to equip all servicewomen and men with the new model absolutely equally all at once. According to the Federal Ministry of Defence, by the end of the year 2018 almost all servicewomen and men had received a pair of “heavy-duty” combat boots, however. So the order in which equipment was dispensed may be perceived as annoying, like in the isolated case described above, but it should not be overestimated. A number of servicewomen and men had problems making the boot swap due to the distances, in some cases of more than 60 kilometres, to Bekleidungsmanagement GmbH’s next service point.

5. Reversal of infrastructure trends

Since 2015, the Bundeswehr has invested a great deal of work, money and personnel in improving the state of its buildings and the rest of its infrastructure. At the time, a ministerial report had judged only close to half of the lodgings and service buildings of the Bundeswehr to be in a “good to average general state”. Things that have been neglected for decades cannot be caught up on in the space of three years, though – in spite of the immediate action pro-

gramme, extra personnel in the Bundeswehr's infrastructure and construction management division and in spite of the clearly recognisable good will on display and considerable additional financial resources. The financial resources provided by the Federal Ministry of Defence for **construction investments** rose from €728 million in 2015 to €965 million in 2018.

From shower-heads to hall roofs, the condition of too many buildings continues to be deplorable.

- *Gaps in the power grid of the Air Force barracks in Cologne-Wahn led to the electricity supply being completely cut off in one accommodation building in March 2018. There was no hot water for showering. In one accommodation facility a servicewoman reported mould in the sanitary facilities. There was fungus on the corridor ceilings.*
- *At the sanitary facilities of an accommodation facility at Büchel Air Base, alongside faulty or destroyed light fixture covers in the shower, there was black mould on all the joints in the wet cell area.*
- *Similarly unsatisfactory conditions existed in the accommodation facilities of the Bundeswehr School of General Vocational Education in Hamburg: One serviceman reported that the heating did not work in winter in several rooms and the sanitary facilities were bust or at least in urgent need of some repairs. One entrance to the building had to be blocked off for safety reasons because there was the danger of parts falling off the roof. A container for the interim accommodation of servicewomen and men did at least provide a partial solution to the problems outlined, but it was situated on a car park in the direct sun, with no ventilation or air-conditioning.*
- *The state of accommodation facilities at the Bundeswehr Geoinformation Centre at the location in Fürstfeldbruck was unacceptable in some cases: Dirty bed covers, scraps of wall paper hanging down from the ceiling, calcified and rusty taps and mouldy showers were all reported by a reservist who had attended a follow-on training course there. The fact that the base is designated for closure could not explain why a location that continues to be in operation meets neither the minimum standards in terms of hygiene or basic structure in his view.*

There is more money available for infrastructure, personnel have been added in recent years and the political will is also there. So what is the stumbling block? Those in charge often complain about the many different levels of responsibilities when asked about this: If the Bundeswehr builds or refurbishes, it is not the agency affected or the Bundeswehr that is

the client, but the filer of the request. The client is generally the Federal Government. As it does not have its own building authority in the federal states, the Federal Government uses the building authorities of the 16 federal states by assigning these to act on its behalf. These then represent the Federal Government as the client and are in charge of technical supervision. They received a sum of just under €495 million as a reimbursement of administrative costs from the defence budget (2018) for this in reporting year 2018. At the **federal state building authorities** and associations there is often a shortage of staff, however. And some federal state construction projects often seem to have priority. Furthermore, the current construction boom makes it difficult to find companies willing to take on a construction contract in the first place.

- *The accommodation situation at the training centre in Munster, home of the tank unit, gives clear cause for criticism with regard to planning and construction times. Out of the 15 accommodation buildings to be refurbished at the officers' camp, to date only two were fully refurbished in 2011. The remaining 13 buildings were deemed "not worthy of refurbishment" by the building authority, but were kept in operation for the time being. Although the capacity of the power lines is not sufficient to connect cooking facilities, refrigerators or televisions there. The planned demolition and then reconstruction of the individual buildings cannot start to take place until 2023 according to information from the Bundeswehr due to other higher-priority construction projects. Until then, the buildings would have to continue to be used in their current (that is deplorable) state, it was said. One has to fear that a successive demolition of the buildings followed by the construction of the new buildings could drag out until the end of the next decade. This is unacceptable and does at least make one suspect planning errors. The much talked about identification of servicewomen and men with their branch of service is not made any easier if future leadership personnel live in dilapidated buildings during the defining phase of their career. So all the buildings need to be modernised as swiftly as possible.*

It would make sense to **pool responsibilities** - as was possible for the probably record acceleration of the construction of extra accommodation buildings required at the Bundeswehr University in Munich. The entire project was transferred to a civilian general contractor, in this case a manufacturer of modular construction elements, following an according tender and with the involvement and inclusion of the relevant federal state building authority. After

being awarded the contract to construct the building, it assumed sole responsibility for the project. There was no loss of control by the Federal Government and the federal state building authority as formal acceptance of the building work itself took place in accordance with the applicable construction regulations. From the start of planning to the inauguration of the accommodation buildings less than two years passed. The Bundeswehr would do well to incorporate the experience gained in Munich into its binding, nationwide planning policy for building accommodation facilities.

The swiftness of a project that expanded the accommodation capacities at the Army Officer School in Dresden is also encouraging: One year passed between the first discussion to the building being in use by the Bundeswehr. Creative solutions are also being demonstrated in Wilhelmshaven, as became clear during a field visit of Flotilla 2. Here, the Institute for Federal Real Estate rented flats on external premises for servicewomen and men obliged to live in official accommodation. These flats, which are now assigned to the relevant Bundeswehr service centre, enable men and women to be housed separately in flat shares. The fact that the flats are off base does lead to additional travel time, but this solution seems acceptable: The service personnel housed in the city can now reach the base by normal bus service.

Building Inspectorate Law, so the statutory building regulations for the construction of buildings and for the supervision of construction projects, falls within the remit of the federal states under the constitutional division of competencies. This means that the Bundeswehr is dependent on the competent agencies and authorities in the 16 federal states for all projects relating to it when it comes to building regulations. They have the final say when it comes to deciding on the approval and implementation of the projects planned for the Bundeswehr. This in turn means that there is no “central hotline” nationwide for the Armed Forces to turn to in order to clarify whether a project complies with building law. Instead, for each individual federal state where the Bundeswehr has real-estate plans, this has to be clarified with the competent construction supervision authority under federal state law. This division of competencies cannot realistically be expected to change. The question remains, however, whether below this threshold, there might not be ways to better and more effectively incorporate the Bundeswehr’s interests, which itself also has a constitutionally enshrined mandate, notably defending the country.

Pooling powers for construction projects at the Bundeswehr itself would counter the fragmentation of competencies: The constitutional defence mandate of the Armed Forces could be interpreted to mean that the forces have according rights when it comes the infrastructural construction measures they consider necessary. Private construction law provides foundations that could be built on to introduce accelerating elements in Bundeswehr construction projects.

- *One example is a construction project of the Gesellschaft für internationale Zusammenarbeit in Bonn. The construction of an office building planned in this city is now scheduled to be completed by the end of 2019 following the signing of the purchase agreement at the end of December 2015 and the start of the construction work in late September 2016. It is true that this building is only indirectly being financed from federal funds, which means that this project is not subject to the construction and budgetary oversight of the public building authority either. But it would be worth thinking of optionality clauses which could be used to the benefit of the Bundeswehr.*

And finally **someone in charge of things on the ground**, as has been called for in past annual reports, could contribute to accelerating construction projects: At the level of the current barracks commander or longest-serving member at the location, a senior officer should be included in and serve as the full-time contact partner with a dedicated team for all the construction and modernisation measures at a site. In this context, the intention announced by the Army Headquarters to set up infrastructure teams from 1 April 2019 with full-time personnel at selected locations with high volumes of construction projects to serve as a liaison between clients and contractors is to be welcomed.

All the cited improvements and ideas also serve the goal of “evaluating and optimising processes, disentangling competencies and responsibilities and bolstering the Bundeswehr’s ability to act (in the area of infrastructure measures)” contained in the Coalition Agreement. These political declarations of intent need to be translated into action quickly because refurbishment, conversion and construction all still take too long. And when it comes to equipping military personnel’s quarters, in some locations scarcely any progress is being made.

- *At 411 Armoured Infantry Battalion in Viereck TVs, refrigerators and reading lamps for the soldiers’ quarters were delivered in late 2017. It took until April 2018 for these to actually be put in the rooms. The relevant Bundeswehr service centre cited*

“unplanned personnel absences that could not be compensated for” as the cause of the delay.

- *In the temporary container buildings at 73 Tactical Air Wing in Laage it took almost a year before insect protection that could be cut to size - a make-shift solution - was delivered following an insect infestation. The waiting time for the anti-insect screens actually planned will be at least another 16 months. Personnel vacancies were again cited as the cause behind the delays. These had meant that the demand request by the Bundeswehr service centre in Torgelow had only been submitted for further processing at the Federal Office for Bundeswehr Infrastructure and Services after a delay. This is not acceptable.*

Haste is urgently needed when it comes to taking the necessary steps to accelerate infrastructure measures in the form of new Bundeswehr objectives as well. The Coalition Agreement of the governing parties states that accommodation “must be provided in line with needs for servicewomen and men not obliged to live in official accommodation as well”. This does come close to the aim cited in the last annual reports of “**a bed and a locker for every soldier**”. The planned personnel augmentation and the increasing standby requirements of the Bundeswehr also mean more space is required at barracks for soldiers. Even if for many soldiers communal accommodation in shared rooms with their comrades is by all means part of their idea of what it means to be a soldier and in line with their expectations, it does nonetheless entail a restriction of individual freedoms. Moreover, many sites are already running up against their limits when it comes to their accommodation capacities. In the year under review, the situation was particularly drastic at the Air Force barracks in Cologne-Wahn:

- *The infrastructure can only deal with the large numbers of servicewomen and men who gather there prior to their transfer to theatres of operations temporarily. If soldiers entering deployment then do have to stay longer, for instance due to flight cancellations, they sometimes have to spend the night at a sports hall at the site.*

For the Bundeswehr, given the self-made problems in housing servicewomen and men, the increasingly difficult situation on the **civilian housing market** comes at an incredibly bad time. No bed at the barracks, no separation allowance and an expensive flat to stay overnight at the location - for tens of thousands of weekend commuters this is a major financial burden. This is not attractive.

At some sites, the housing shortage is being countered with creative solutions. For instance, revised

regulations now mean it is possible for soldiers to use their caravans as commuter lodgings at the site with an entitlement to reimbursement as a separation allowance. This does not exactly meet modern living standards though. This usually includes Internet access nowadays. The Bundeswehr is still not in keeping with the times on this front at many of its locations. In the year under review, servicewomen and men complained they were off the grid when it came to Internet access. Here, too, greater speed is required.

- *In Munster, a “minor construction project” to provide wireless Internet access in an accommodation facility was rejected on the grounds that the future of the building was only secure until 2021. Why this means that the soldiers housed in this building are supposed to have no wireless for two years is not clear, especially given that the building is in fact expected to have to be used beyond 2021 after all. The multi-purpose building including an MWR room planned to replace it is not scheduled to be open until “2024 at the latest” as things currently stand.*

During field visits, there was repeated criticism that there was either no full **wireless network** coverage or that it could not be used during training. The reason cited was that the use of wireless is not possible for teaching and study because a special encryption solution is required for what in some cases is classified teaching material. This - understandably - had to be explicitly approved by the Federal Office for Information Security. But this does not explain why the accordingly approved encryption procedure was not even considered in the scope of the “Modern training equipment for Bundeswehr training facilities” project due to the technical complexity and associated costs this entailed. Particularly given the attractiveness of service constantly aspired to and the priority accorded to all things “digital”. Access to a functioning wireless network is an essential part of the everyday lives of course participants nowadays. Every time “wired” solutions are reverted to this must feel like a step backwards to them.

The plans for providing and setting up a suitable access infrastructure for wireless networks (for instance WLAN access points) throughout the entire Bundeswehr are also making very sluggish progress. The Ministry has stated that the Bundeswehr started equipping all of its accommodation with wireless Internet access in October 2018. Seven properties had since received Internet access by the end of the year under review. By the end of 2020, the Bundeswehr intends to equip the remaining 2,200 buildings on 256 properties. This is another example of the

existing planning processes evidently not being equally suitable for all areas. In the field of information technology in particular, developments progress so quickly that such sluggish planning cannot keep up. This inevitably means that the improvements planned now will already be out of date by the time they are implemented. This is particularly frustrating in light of the fact that the servicewomen and men were already promised free and fast Internet in 2014. The Bundeswehr attributes the delays *inter alia* to the failed Europe-wide tender and the complicated contractual coordination prior to commissioning BWI GmbH, which now acts as an in-house company.

Wireless Internet on the one hand, **sports facilities** on the other: How servicewomen and men spend their leisure time and in turn the attractiveness of a site and the Bundeswehr as an employer depends quite significantly on access to these two things. With sports facilities there is also the fact that the soldiers are expected to have a high level of physical fitness and endurance, which they have to provide regular proof of as well. If sports facilities are not available, this can ultimately have negative impacts on the overall operational readiness of Bundeswehr soldiers. Bundeswehr swimming pools, wherever they still exist, should also absolutely be kept for physical training and for recreational swimming. Economic considerations must not take precedence here.

A new example of impending training gaps in the core area of military action is the fact that at the end of the year under review, too, 180 shooting ranges were still barred for close-range shooting. The reason for this was that the way the type A shooting ranges were built meant that in **close-range shooting**, recoil was possible which could potentially injure the soldiers. To avoid this, the ranges will have to be remodelled. The consequence of these restrictions on use is that units have to move the close-range shooting training to other, often further away facilities. Longer travel times often lead to less time being available for the actual training.

The concern voiced in connection with this that at the end of basic training soldiers might not even be able to perform simple guard duties anymore because they were unable to complete the requisite weapons and firearms training to a sufficient degree must be taken seriously. In relation to the remodelling of the shooting ranges in question - with all due regard for care - swift implementation is needed. At the end of the year under review only nine shooting ranges had been remodelled for close and very close-range shooting. Whilst for 59 ranges at least the

decision has been taken to convert them, for the remaining 121 ranges it has been undecided for almost a year now whether conversion is required.

It would seem self-evident that **soldiers' quarters** have to be large enough to store all of their equipment.

- *During a visit to 932 Electronic Warfare Battalion in Frankenberg/Eder, the Parliamentary Commissioner was taught otherwise. One of the battalion's platoons supports the Special Forces Command. This is why some of the service personnel are equipped with the auxiliary equipment required for SOFCOM. But there is no space for this equipment in the quarters at the accommodation facility. The additional lockers provided are located out in the hallways.*

6. Innere Führung

Tradition

A new directive has applied since 28 March 2018: "The Tradition of the Bundeswehr. Directives on the understanding of tradition and the cultivation of this tradition". After 1965 and 1982, this is the third version of a service regulation that sets out the rules for the adoption of military traditions, ten pages of regulations for contemporary **historical and civic education** in the Bundeswehr. In contrast to the two earlier directives, the Bundeswehr's own history is now the central reference point for the Bundeswehr tradition. The directive also incorporates more recent historical events that shape the Bundeswehr today and which the Directive on Tradition in 1982 obviously could not take into account: the end of the Cold War, the restoration of Germany Unity, the integration of selected personnel from the National People's Army into the Bundeswehr, the development into a volunteer army and into an army with missions abroad and quasi-operational commitments outside Germany. There is also the fact that Europe has grown closer together militarily. The aforementioned changes underline that it was not too early for a new directive.

The trigger behind the new Directive on Tradition, however, was alleged uncertainties and distortions in the cultivation of tradition that were the subject of public debate in 2017. The directive also reflects a critical examination of Germany's military past and clearly distances itself: It deems Wehrmacht, Reichswehr and the National People's Army institutions not worthy of being incorporated into this tradi-

tion. In practice, this also means the Bundeswehr's participation in "re-enactments", for instance of the Second World War - so the reconstruction of historical events with the highest degree of authenticity possible - is not in line with the Bundeswehr's understanding of tradition. The values enshrined in Germany's Basic Law pre-date the Basic Law - this is one of the new and significant accents of the directive. The underlying values derived from the German constitution and set out in this directive enable that which is worthy of remembrance and preservation from all the epochs of German military history to be incorporated into the Bundeswehr's heritage and traditions.

The importance of the directive in everyday military life should not be overstated. It is important, though, in terms of the historical and civic education of those serving in the Bundeswehr. The directive provides a framework which must be brought to life. The instructors responsible for this educational work need to be equipped with time and expertise. One of the ways the Bundeswehr has responded to these needs was by establishing a **Point of Contact for Advice on Military History** at the Bundeswehr Centre of Military History and Social Sciences in Potsdam, from which helpful information about the correct approach towards historical exhibits and artefacts can be obtained, for instance. Furthermore, the military commands, federal offices and schools have historians at their disposal to provide specialist advice on military history questions relating to the cultivation of tradition. The Directive on Tradition quite rightly refers to this supportive expertise within the Bundeswehr itself.

An excellent place to learn about the history of the Bundeswehr is also the Bundeswehr **Museum of Military History** in Dresden (BwMMH). Under the guidance of its directors to date, since opening in 2011 it has been able to establish itself as an institution of excellence in Europe. It is to be hoped for the Bundeswehr that the dispute over exhibitions and leadership personnel at the MMH, which has been waged in public, too, for almost two years now, will not damage this reputation and status. The situation at the end of the year under review does give cause for optimism at any rate.

The use of historical and political expertise has also proven its value in recent years on issues relating to the policy on the **names of barracks**, most recently when the Emmich-Cambrai Barracks were renamed the Hauptfeldwebel-Lagenstein Barracks. The barracks name now no longer commemorates a person and an event from the First World War. It now

commemorates Sergeant Major Lagenstein, who was a military policeman stationed in Hanover and who was killed in the line of duty in an attack in Afghanistan. This name change is exemplary of a modern cultivation of tradition. The new Directive on Tradition and Type A General Publication 2650/2 "Naming of Properties" sets forth the procedure for renaming Bundeswehr properties and barracks. These state that the initiative comes from the servicewomen and men at the site. The next step is then to officially secure the approval of the head of the service or the competent major organisational element, and the local bodies and authorities of the site must be involved. The last hurdle is final approval by the Federal Ministry of Defence. The Bundeswehr Centre of Military History and Social Sciences has to be involved at all times.

Leadership behaviour

Leadership also always equals communication. Many differences could be resolved locally at the unit in question if the opposing parties were prepared to talk to each other. It is not ideal when this option seems pointless to either of the two sides because they suspect the outcome of the conversation is already a foregone conclusion, and for this reason only they opt to lodge a complaint or a petition. Wherever trust is lacking, the formal option of making a military complaint or petitioning the Parliamentary Commissioner can and must provide a remedy.

Communicative behaviour has certainly changed in recent years. There are high demands and expectations when it comes to people's general tone and behaviour, which is not something everyone everywhere appreciates, in fact some see this as burdensome. Some servicewomen and men like to look back nostalgically to the "good old Bundeswehr", when you could do so much more with the recruits and which they themselves had experienced - at least far back in hindsight - as positive and good for camaraderie. Often this is followed by: "Back then we would never have dared complain about it". This attitude is seen as a sign of being "a true soldier" and sometimes is an expression of disdain towards younger fellow soldiers. It is no doubt true that "in the old days everything used to be different". But this does not really mean everything used to be better in "the old days" in terms of *Innere Führung*. Citing the "old school" is certainly no excuse for incorrect behaviour.

- A sergeant major described subordinates as "primates" and "arse maggots" and told them they were "below the level of monkeys". When asked a

simple question he responded “fuck off”, “shut your gob” or “either you fuck off now, or you’ll earn yourself an insult.” His platoon leader with the rank of first lieutenant described him as an “old-school sergeant”. Sometimes you had to tell him to go easy, but he did not mean to insult or attack anyone. His manner could potentially be misunderstood. This was the reason he cited for not putting a stop to this behaviour by the sergeant major. The criminal and disciplinary investigations against the two soldiers had not yet been completed at the end of the year under review.

- One sergeant deployed in special basic training was accused of having treated several subordinates in a degrading manner. After ordering one of them to assume a firing position in the mud, he allegedly shoved him in the back with his combat boot and pushed him down into the mud. He allegedly repeatedly called other comrades “rent boy” or “retard” and told one subordinate: “Come here! I’ve already broken far worse! I’ll shoot you in the face!” Yet he evidently knew that this behaviour could have consequences for him if it got out. He said at another point in time: “I know that you can file a complaint about it, but are you retarded?” and “What happens in special basic training stays in special basic training”. The criminal proceedings against the sergeant were discontinued in exchange for the payment of a substantial fine.

The misconduct of a superior towards a subordinate in a private setting can also have service-related consequences, as it almost inevitably impacts service.

- One second lieutenant slapped a sergeant major in the face after a private function at a hotel in the presence of fellow soldiers and other guests during an argument and insulted him with the words: “Son of a bitch! (...) if you ever do that again I’ll fuck your mother!” A severe nonjudicial disciplinary punishment was imposed on him.

There are evidently superiors who either are unaware of, reject or are unable to abide by the principles of *Innere Führung*. They are few in number, but enough to make other soldiers unsure of themselves, to insult, humiliate and degrade fellow soldiers and in turn damage the Bundeswehr’s internal and public reputation. This is why continuous professional development and constant reminding of the principles of *Innere Führung* are needed. This also includes making use of the **right to lodge complaints and petitions**. This has nothing to do with betrayal or a lack of comradeship - it is the accomplishment of a modern army of empowered citizens. It is each sol-

dier’s responsibility to make use of the legal toolkit available and to select the right tool for him or her, temperately and constructively.

Wherever direct communication can be used to resolve misunderstandings or problems quickly, this should be the course of action elected. But this requires superiors being present on site and approachable. The problem of superiors being absent too frequently also impacts **command supervision**, which is also expressed by providing help and support in everyday military life. Add to this a lack of intervention possibilities for superiors - *inter alia* in basic training after duty back at military accommodation. This puts the question of whether it is expedient to separate duty and accommodation areas on the table again.

As soon as there is the suspicion of a disciplinary offence, hierarchical superiors have a military obligation to initiate investigations under Section 32(1) Military Discipline Code. Citing a “regrettable isolated case” is no excuse and certainly no solution, as isolated cases can accumulate and turn into an overall impression. It could lead, for instance, to instructors at training facilities wanting to outdo each other’s military toughness. Superiors must not turn a blind eye here. On the contrary: If at one and the same place, similar problems repeatedly arise, then the time has come to question the overall situation. If the next level of leadership intervenes this is not a sign of ill will, nor is it politicking. Nor is it a matter of trying to discredit one’s own formation or unit. It is about joining forces to prevent behaviour that would damage the entire system.

The thorough examination of the broader subject of leadership and responsibility in an internal “**Innere Führung today**” project started in 2017 is very much to be welcomed. This aimed to incorporate the experiences of servicewomen and men from all services and career paths. The report outlining the findings, which has not yet been published, could provide ideas for valuable further developments.

Rituals

Rituals in the Bundeswehr that contravene the principles of *Innere Führung*, human dignity or physical integrity are forbidden. The Directive on Tradition reaffirms this once again. “Voluntary” participation in such rituals is also unacceptable. Peer pressure can lead to people participating in a dubious ritual only ostensibly of their own free will. What is more, there is always the danger that a ritual that seems harmless to begin with may develop further and become too

much for those participating physically and emotionally.

- *At a training assistance company, upon completion of basic training and after their new rank insignia had been applied, the soldiers now promoted to private were congratulated by four senior noncommissioned officers with a punch or “thump” to the stomach. The soldiers were told this form of congratulation was an “old custom” among paratroopers. In the evening, junior-ranking soldiers reenacted the congratulatory ritual. The next day, one junior-ranking soldier had to undergo emergency surgery for a ruptured spleen. It was not possible to determine which action caused the ruptured spleen. The office of the disciplinary attorney for the Armed Forces for the Rapid Response Forces Division conducted preliminary disciplinary investigations against the six instructors and the two junior-ranking soldiers involved in the ritual. In addition to this, the case was referred to the public prosecutor’s office. The instructors are no longer deployed in training. Nonjudicial disciplinary punishments were imposed on both the two officers and the four senior noncommissioned officers. These are not legally final and effective yet. The outcome of the criminal investigations is still pending.*

Violation of the free democratic basic order

Bundeswehr servicewomen and men swear or vow to serve the Federal Republic faithfully and to bravely defend the law and freedom of the German people. Citizens need to be able to have complete trust in the servicewomen and men they entrust the war weapons of the Republic with that they will champion the free democratic basic order enshrined in the Basic Law at all times on and off duty. Members of the Armed Forces who display an **ideology** or behaviour that is **hostile to the constitution** contravene this core military duty. If soldiers play down attacks by third parties on the free democratic basic order or slander the applicable constitutional order their behaviour is also unacceptable. Under Bundeswehr regulations, if disciplinary offences of this kind come to light, they must be reported immediately as a “reportable event” to several Bundeswehr agencies.

During the year under review, 150 incidents in the reporting categories with “suspicion of activities that jeopardised the democratic rule of law, impermissible political activities or incitement to enmity and hatred” were reported. 63 such ‘reportable events’ were reported in 2016 and 167 in 2017. 20 suspected cases with right-wing extremist content were also reported for other reporting categories, the majority

in the reporting category of “discrimination”. There were individual cases where multiple different disciplinary offences were reported together with the result that different reporting categories could be cited. The increase in the “reportable events” reported since 2017 can, at least partly, be explained by a heightened awareness in the wake of the publicly discussed incidents about the Bundeswehr’s understanding of tradition and the principles of *Innere Führung*.

During the year under review, it was possible for investigations to be concluded in 42 suspected cases. There were 29 cases in which no disciplinary offences were ascertained or no service personnel were identified as the perpetrators. These were mainly cases relating to the **circulation of illegal propaganda**. Like in previous years, these included xenophobic and anti-Semitic comments, listening to music with right-wing extremist content, graffitied swastikas in barracks, the performance of the prohibited “German salute”, shouts of ‘Sieg Heil’, and the use of stored images, texts and music with extremist content, including on mobile telephones, on Facebook and in WhatsApp groups.

- *A corporal (noncommissioned officer candidate) effectively said during a course in front of the entire group and the teacher that he did not like black people in general and did not talk to them either. When asked where he would like to live outside of Germany, he replied that he would live in Argentina because there were still Nazis there. A severe nonjudicial disciplinary punishment was imposed on him.*

- *A staff sergeant told a dark-skinned fellow soldier that he was “not German”. When a junior-ranking soldier offered him a cigarette, he answered to the effect that he could accept a cigarette from “someone racially pure”. He told another fellow soldier that he did not belong to the same race as the staff sergeant and that different races should not mix, as he did not believe in all the multiculturalism bullshit. After an initial and follow-on training course by the Military Counterintelligence Service on the topic of right-wing extremism he effectively told fellow soldiers that the course content was lies and propaganda. A judicial disciplinary punishment was imposed on the serviceman.*

- *Ten officers with the rank of second lieutenant and first lieutenant are under investigation for suspected posting of right-wing extremist, anti-Semitic and xenophobic content in different WhatsApp groups. The sheer quantity as well as primitiveness and brutality of the comments are shocking. They read inter alia: “The tooth fairy’s second job?”*

Scratching the gold out of Jews' teeth." "The entire generality is nothing more than a lousy bunch of traitorous cowards! The generals are the vermin of the German people! They have no honour." This Adolf Hitler quote was supplemented by the statement: "72 years. These words have never been truer." The Bundeswehr acted swiftly and resolutely here: Seven of the officers have been banned from service and from wearing uniform. In all of the cases, judicial disciplinary proceedings are to be instituted, in almost all cases the matter has been referred to the public prosecutor's office. In seven cases there were court-ordered searches and confiscations. Anyone making such misanthropic remarks has no conscience. Officers like these have no place in the Bundeswehr. They damage the reputation and moral integrity of our Armed Forces.

This year, so far 18 soldiers had to leave the Bundeswehr early due to their extremist ideology. Not all of the dismissals are already legally final and effective. The cases below led to premature **dismissal** from service or the premature termination of service status:

- *A lance corporal played right-wing extremist music in the presence of other soldiers. In addition to this, his Facebook profile featured a Wehrmacht tank and the following comment: "The feeling you get when you have driven over 20 Nafris (pejorative German slang for North Africans) in your Tiger tank is priceless. Some things you can handle yourself, for everything else there is the SS."*
- *A lance corporal made a statement about a fellow soldier to the effect of: "I can imagine him in the gas chamber!" He went on to say: "All of them should be gassed", "shitty foreigners" and "that he would shoot everyone dead here if he had the ammo (ammunition)".*
- *In an application to serve as a volunteer in the Bundeswehr, one applicant lied on the application form by failing to state, despite there being a question specifically on this, that a short time before he had been a member of a group called "Pomerania Division", which is part of the right-wing extremist scene in Mecklenburg-West Pomerania and is under observation by the agencies for the protection of the constitution.*

There were reports again of individual soldiers being suspected of belonging to the **Reichsbürgerbewegung (Reich citizens' movement)**. The Military Counterintelligence Service pursued these cases fastidiously in the year under review. In one case, for instance, a suspected soldier was banned from weapons training until further notice as soon as there was

an initial suspicion. At the start of 2017, around one hundred Bundeswehr agencies received a letter from a "Presidium of the German Reich", so-called official journals with notices from the Reichsbürgerbewegung. In this reporting year, too, one unit alone reported an incident of this kind on four occasions. Last year, the Federal Ministry of Defence referred the matter to the respective public prosecutor's office. This then discontinued criminal investigative proceedings, though, as it could not ascertain who had sent the said documents.

The Military Counterintelligence Service also investigates suspected cases of extremism in the scope of its statutory tasks, in particular in the scope of security clearance checks. Beyond "reportable events", in the year under review this led to it investigating a total of 270 new suspected cases from the category of right-wing extremism (2017: 343). In the new category of Reichsbürger/supporters of self-governance, which up until the last reporting year had been included under the category of right-wing extremism, there were a total of 20 new suspected cases (2017: 36). There were 50 new suspected cases in the category of Islamic extremism (2017: 46).

The Bundeswehr is vigilant and resolute in pursuing and punishing extremist incidents. That is why, with the involvement of the Military Counterintelligence Service, since 1 July 2017 applicants who are to be appointed to a service status at the Bundeswehr for the first time have had to undergo a basic **security clearance check**. This is designed to help prevent extremist applicants or those with unsuitable personalities from having the opportunity to start serving in the Bundeswehr.

Excessive harshness in training.

In the year under review, there were several cases of excessive harshness, although fortunately, as far as is known, none of those affected suffered long-term or permanent damage as a result.

- *During the course "Infantry Skills Consolidation" at the training centre in Munster, soldiers had to complete extra laps during a run to let weaker soldiers lagging behind catch up. One soldier collapsed from exhaustion. It is true that increasing resilience is one of the training goals of this course. Nonetheless: Repeat laps to "collect" stragglers does not comply with the methodological principles of training. The investigations into this case have not yet been concluded.*

- *At the Special Operations Training Centre in Pfullendorf, during a 15 kilometre cross-country run in tracksuits seven recruits showed symptoms of exhaustion. Six of them were unable to complete the run. At the first slope, the closed formation already broke apart. The section leader of the rank of sergeant major then ordered the formation to turn back, run back down the slope and reincorporate the soldiers left behind. He repeated this procedure three times. The third time, one soldier collapsed and fell unconscious. The investigations into this case have not yet been concluded, but there is the suspicion that the idea was to deliberately push the recruits beyond their limits. At any rate, it was wrong to carry out such a long run on the sixth day of training. The same applies to running in closed formation. Repeatedly running up and down the slope to “collect” the other soldiers is not in line with the principles of sports training either.*

- *One petitioner reported that in the first two days after his reassignment to the test march unit, he had been required to do the tests for his German Sports Badge, the basic fitness test and complete a twelve-kilometre march. He had broken off the twelve-kilometre march with a 15-kilo pack half way due to exhaustion. The Federal Ministry of Defence must be concurred with in its assessment that organising things this way harbours the danger of the soldiers being unable to cope. This applies in particular to servicewomen and men who have just been reassigned to a unit and whose personal fitness cannot yet possibly be well known enough.*

Instructors have the lives and health of young people in their hands. They must handle this responsibility with care. It is at the end of training that there are supposed to be fit servicewomen and men, not at the beginning. What is more, not every single recruit needs to have the physical fitness of a commando soldier. The path towards this is the responsibility of the instructors. Uninhibitedly flexing a position of strength or uncompromisingly implementing one's own vision of physical fitness is completely inappropriate. It must be noted, however, that the vast majority of instructors in the Bundeswehr has taken this on board and is doing good work.

The **heterogeneity** of training groups now poses a challenge for training personnel.

- *An older recruit had been called “old man” and had been told: They had no problem with older comrades as long as they did not park their Zimmer frames in no-parking areas.*

An expanding Bundeswehr also needs older servicewomen and men. Physical fitness is indispensable for the profession of soldier, but it should always be adapted to the specific duties of the individual.

The Bundeswehr should consider involving former athletes in the physical training of servicewomen and men to support instructors. This would allow it to offer the top athletes in the Bundeswehr sports promotion sections suitable civilian re-employment after their career.

7. Daily military life

Military Personnel Working Hours Ordinance

Three years after the Military Personnel Working Hours Ordinance came into force, the comprehensive evaluation the Federal Ministry of Defence had announced it would conduct still has yet to happen. At the end of 2016, the Ministry had merely identified 23 areas of action for this evaluation. This was an initial basis which was used to make some changes and adjustments that had become necessary to properly reflect the daily military life of servicewomen and men. *Inter alia*, time off in lieu can now also be granted if personnel were on duty on the weekend or a Friday and this was below the threshold of 12 hours of duty. **Port stays** in the scope of multiday sea patrols now no longer count as an interruption to the existence of an “exceptional circumstance”. If fewer hours are worked due to operational constraints, this no longer has to be accepted as time owed by the servicewomen and men that they have to make up at a later point in time.

Under the current legislation, it is not possible to grant a soldier stationed abroad additional financial compensation for overtime worked. The Federal Ministry of Defence is endeavouring to repeal the competing provision responsible for this for pay for foreign assignments. This is good.

Changes aimed at financial remuneration for being on call and **financial compensation** in the scope of an exceptional circumstance from the very first day of duty onwards are under the lead responsibility of the Federal Ministry of the Interior. This should not prevent the Federal Ministry of Defence from applying pressure in this vein, however. Changes to relevant service regulations have also already been implemented: Service personnel in the Ministry's Special Air Mission Wing will now have their flight times recognised as regular working hours as well if they are sent ahead as crew to other departure locations of the Special Air Mission Wing to then per-

form flight duties from there (known as pre-positioning).

In spite of all the efforts by the Federal Ministry of Defence there are still numerous complaints by servicewomen and men on the Military Personnel Working Hours Ordinance. In June of the year under review, the General Publication drafted in cooperation with the General Spokespersons' Committee and the main disabled employees' representation body at the Federal Ministry of Defence finally entered into force. At least superiors who in the past complained of difficulties in knowing how to deal with the Ordinance will now have more certainty when applying it.

The policy for recognising **travel time** in a private vehicle as working hours still needs to be changed. Currently the following applies:

- *If a soldier is required to take a service vehicle, the time spent driving is eligible for recognition as working hours. This does not apply if the soldier uses a private vehicle because it is not possible to provide a service vehicle. Then it is assumed that the vehicle is being used voluntarily. This is not logical. After all, a predominantly duty-related interest also applies when a soldier travels by private car to an appointment that is part of service.*

There is also a need for action when it comes to travel time occurring outside of the flexible time band for service hours. The Bundeswehr should also recognise these hours as creditable working hours. After all, the soldier is travelling due to a decision by the employer. The travel itself therefore occurs within the scope of service and must therefore be categorised as work time.

- *When reporting his experience of the Military Personnel Working Hours Ordinance, one soldier from the German Navy Headquarters described gaps in deployment that can arise for soldiers working shifts. A service agreement on shift work for naval personnel stipulates that a shift schedule must “enter into force no later than on the 20th day of the preceding month”. If soldiers are unlucky, this means they will not be able to plan their free time for the following month until the 20th day of the preceding month. This is no longer in keeping with the times.*

Some soldiers admitted frankly that they no longer even bothered recording overtime hours, so that on paper at least, they would comply with the maximum permitted weekly working hours of 48 hours.

The issue of proper recognition of overtime by leadership personnel in the Armed Forces has also yet to be resolved. The possibility of introducing an **excep-**

tional circumstance allowance in the Military Personnel Working Hours Ordinance the Federal Ministry of Defence is currently discussing could close this regulatory gap. The exceptional circumstance should then also apply to cases where the working hours regulations do not apply to routine operations, but where a foreign assignment allowance is not paid either. The existing system of minor and major crediting cases based on the specific burdens on personnel could then be replaced by a set-sum system of daily rates and entitlements to time off.

The Federal Ministry of Defence now also intends to create the legal foundation required to be able to suspend the application of the Working Hours Ordinance for certain tasks for up to three or five years (jet pilots). The suspension is to apply to work as flight crew for airspace surveillance and in maritime search and rescue. In addition to this, it is also supposed to be applied to other precisely defined activities in the Armed Forces which require specialist knowledge or skills. To apply, the suspension always has to be indispensable to be able to perform the activity properly. The planned provision makes sense, but does indeed need to be limited to isolated cases. Those affected should receive appropriate financial compensation.

For general basic training there is still no practicable working hours regulation. This training section, which is actually supposed to last three months, is still being reduced in some cases down to two and a half months because of the need to provide additional time off in lieu. It is also problematic if the Military Personnel Working Hours Ordinance means that no more command supervision takes place after the end of duty hours during **basic training**. This means recruits lose a strong moral socialisation authority. Ranks like section and platoon leaders should be able to continue to take care of their recruits after duty hours as well. This is part of the duty of care, especially bearing in mind the young age of those generally taking part in basic training. The first impression is key. For this reason, for young recruits in particular, there should be suitable and sensible time management in place to ensure proper training.

In the Navy, guard duty is compensated differently at the home base compared to ports away from home.

- *Servicemen and women complained during a field visit in Wilhelmshaven, for instance, that during weekend guard duty at their home base they worked and documented more overtime than at a port away from home: Only two days were credited there. This*

discrepancy does not seem logical. It is not very helpful to those affected when the Federal Ministry of Defence points out that this arrangement was due to an express wish on the part of the Navy. The servicewomen and men in question are very clearly not happy with this solution. This is what counts when it comes to resolving the problem.

The calculation of entitlements to compensation for overtime in the **time and attendance recording tool** has also come under fire. Overtime hours worked are subject to a monthly cap in the form of the “five-hours rule”, instead of them continuing to be credited to the servicewomen and men in question without them losing any hours. Only if a soldier works more than five hours of overtime in the calendar month are the first five hours also recognised as eligible for compensation. This rule does also apply to federal civil servants, though. They are also only entitled to leave from duty (Section 88 Act on Federal Civil Servants) after more than five hours of overtime being ordered or approved per month.

Personnel spokespersons reported that in some autonomous units the workload was constantly increasing. Sometimes these were the size of a tank battalion in terms of their headcount, but did not have a general staff. They had to incorporate all the staff elements into their company command group nonetheless. It was often impossible to adhere to the working hours stipulated under the Military Personnel Working Hours Ordinance as a result. One solution would be for these tasks to be performed centrally at each location, easing the workloads of the unit and subunit commands. In this context, the Federal Ministry of Defence has noted that the different major military organisational elements have different approaches when it comes to factoring **secondary tasks** into their personnel calculation formulas. It therefore wants to define standardised horizontal functions so that they can be included as working hours in the personnel calculation formulas in the future.

Servicewomen and men complained that the conditions for the payment of overtime hours had been tightened to such an extent that financial compensation was often practically impossible to secure. It is true that the provisions of European working hours legislation are first and foremost designed to ensure the occupational health and safety of servicewomen and men. So it makes sense if **time off in lieu** is accorded priority. But, if operational reasons mean that leave from duty is not possible, then financial compensation needs to be paid. The red tape involved in documenting these compelling operational reasons is frustrating. The Federal Ministry of De-

fence has broached the possibility of simplifying the documentation process. The Ministry has also started tackling replacing the bureaucratic procedure in place to date for exceptional circumstances with a clear financial compensation provision and appropriate time off in lieu.

- *During the NATO Trident Juncture exercise in autumn of the year under review, it was criticised that the Military Personnel Working Hours Ordinance did not fit this scenario. All the major military (and other) organisational elements had also initially planned their own working hours regulations for the time in Norway. It was not until the FüSK Division of the Federal Ministry of Defence intervened that the unequal treatment chaos was brought to an end. The transfer to the manoeuvre area had already started by then. The Federal Ministry of Defence has now stated that the provisions for financial remuneration of compensation entitlements are to be improved. One possibility here is the introduction of an “exceptional circumstance allowance”.*

Many of the more minor uncertainties in dealing with the Military Personnel Working Hours Ordinance could be resolved by improving the information provided. A pocket card, for instance, which is smaller and handier than the “guide” described above, could help answer questions that come up in day-to-day operations more quickly on site.

Military service volunteers also directed criticism at the Military Personnel Working Hours Ordinance:

- *This group in particular had opted for military service in order to gain special experience, including outside of regular working hours, it was argued. The Military Personnel Working Hours Ordinance was preventing them from gaining a realistic impression of the occupation of soldier. One soldier said: “If you are a soldier in a tank battalion and are not allowed to train with a tank and have to clock out at 4:30 pm, then this bears no resemblance to the occupation of soldier. Exercises where you sleep out in the field for several nights in a tank do not exist any more.”*

Waiting times when courses are planned

Career progression at the Bundeswehr is subject to regular participation in courses. So when courses are delayed this is very annoying for the servicewomen and men affected. In the year under review there were delays in the training courses for logistics, command support, explosive ordnance disposal / firing safety / pyrotechnicians and general staff work. In addition to this, the career training and

weapon system training for NH-90, TIGER, TOR-NADO, EUROFIGHTER and CH-53 were delayed in part. **Training capacities** cannot be **increased** overnight and it involves a lot of effort and expense. This notwithstanding, the Bundeswehr will have to direct its efforts more towards eliminating training course backlogs than has been the case in the past. After all, the servicewomen and men affected have no entitlement to indemnification if their career training and then in turn their subsequent promotion is delayed. Efficient use of training capacities must always be the benchmark here. When soldiers report during field visits that a mere one third of the trained servicewomen and men are actually serving in the assignment they were planned to serve on then it seems that the Bundeswehr's training is not aligned with actual needs and that training capacities are being wasted.

Welfare

Food MWR (morale, welfare and recreation) provision should not exude the flair of an outmoded Resopal government canteen. But many of the buildings used for food MWR provision are in a deplorable state. Tenants of such facilities requested support from the Parliamentary Commissioner in the year under review to refurbish these swiftly, *inter alia* in light of the hygiene situation. Often refurbishing the property is not enough, however. The Bundeswehr tends to first of all evaluate the locations in question in terms of the future MWR and catering situation. Food MWR provision has to offer the break-out areas that soldiers need to cultivate a sense of camaraderie. The aim and ambition should be to set oneself apart positively from the surrounding competitors outside the barracks. This includes a convincing food portfolio. The principle being that food and non-food MWR provision should go hand in hand and complement each other. Without additional personnel at the centrally responsible Bundeswehr Subsistence Office, the catering and MWR concept currently being developed will be virtually impossible to implement in a timely manner, though. We are dealing with 250 locations after all.

Conceptually, the Bundeswehr is on a promising track with its "Development Concept for Food MWR provision 2019+". At select locations, there will be pilot projects to test the "**Canteen**" **Model**. This will thoroughly modernise the range of food on offer and how contracting is designed. The aim is to further and sustainably develop food MWR provision away from the constraints of purely economic considerations, and in line with needs. At sites which now only have limited food MWR provision, this is to be

expanded again. The Ministry is bound by numerous regulations when it comes to designing food MWR provision. Not least due to the European Directive on the award of concession contracts, future operators of such facilities will have to first win a contract award procedure.

- *The site in Aachen is an impressive example of the restrictions affecting food MWR provision today: Since 2014, the mess halls at the Lützow Barracks and at the Dr. Leo Löwenstein Barracks have only been used as dispensing kitchens. Plans for a new building have failed so far due to the awaited catering and MWR concept, although the public watchdog has regularly objected to the infrastructural conditions. The operator of the all ranks club at the Donnersberg Barracks ceased its activities here after the recruit company was disbanded in 2014. Given the course participants required to participate in troop meals, the unit would like a mess hall with an all ranks club. Action is urgently required here to sustainably develop the currently limited food MWR provision on offer in a way that also duly reflects the requirements of the course activities taking place here.*

The development concept for food MWR provision provides for the protection of tried and tested facilities - as was recommended in last year's annual report - until it is clear to what extent the new model will be rolled out nationally as the standard. This means the valued cooperation with existing tenants often spanning many years can be continued for the time being. Some food MWR facilities are not so highly frequented. At these sites - which are not so attractive for **tenants** - the new concept provides incentives by pooling several smaller locations in the tender or by providing compensation payments.

The overall impression of the development concept for food MWR provision in the future is positive. This is also thanks to the Ministry recognising the need for personnel to implement the concept: to prepare and update location-specific MWR and food concepts, for the supervision of the tender procedure and subsequent contractual controlling.

There is good news from the area of non-food MWR provision: In 2018, 50 **MWR offices** with 53 full-time posts could already be established. In 2019, 75 and then in 2020, another 60 MWR offices will follow. There will then be a total of 185 MWR offices at 176 locations. The MWR offices help soldiers reassigned to the location with information on finding accommodation for instance, and provide an overview of local schools, clubs and associations. Especially in the age of the commuter army and the

plans to increasingly house people in single rooms, cultivating a sense of camaraderie is also an important factor that these measures are supporting. The offices are not just targeted at active and former members of the Bundeswehr, they are also designed to offer their families a certain sense of community. So it only makes sense for these duties to be performed by full-time staff. It does not make sense, however, if the Bundeswehr deprives itself of the experience and expertise developed in existing MWR offices as a result of pay-related decisions. In the past, numerous master sergeants in the A9 pay bracket have managed the predecessors to the MWR offices, the leisure offices, as a secondary task, acquiring specialist expertise in this field in the process. The full-time posts at the MWR offices, by contrast, are only assessed as A7 and A8m, which means that those who did this work part-time in the past cannot continue their work there. The transition from temporary-career volunteers to what would then be a civilian position at the MWR offices should also be made possible.

Packed lunches

Packed lunches were the subject of petitions again in the year under review. Often it was individual items in the packed lunches that were not to the taste of the petitioners that were criticised, as well as the waste caused by packaging. The **refuse** created by the packed lunches is related to regulations like food and hygiene laws or the European additives labelling regulation. The mandatory labelling of allergens in foodstuffs make extra packaging virtually indispensable, for instance. The Bundeswehr is nonetheless now looking into ways to reduce the amount of plastic waste.

There are a total of 64 different kinds of packed lunches available, including special packed breakfast and evening meals. As the packed lunches cannot be kept in stock in larger quantities as they expire quickly, they have to be ordered by the field units as needed in due time, around ten days prior to the exercise. Otherwise, the soldiers have to live with what happens to be available at the time. This repeatedly leads to dissatisfaction. The Federal Ministry of Defence has stated that as a general principle, the Bundeswehr aims to provide servicewomen and men with a hot midday meal during exercises, too. If circumstances do not permit this, meals are provided in the form of packed lunches.

As a general rule, exercises should be organised in such a way that hot meals can at least be provided at lunch, for instance using **field kitchens**. The Federal

Ministry of Defence's comment that the operation of a field kitchen is labour-intensive should not be an obstacle to their use. Otherwise there is no point in having them. The less and less frequent use of field kitchens in the Bundeswehr has meant that the servicewomen and men in the mess section of the companies are out of practice. This needs to change urgently given the collective defence mission now relevant again. Against this backdrop, it is regrettable that the use of 250 Field Kitchen will be limited in 2019 due to its out-dated carrier vehicle and stricter food laws, and will be able to be used until 2022 only if certain conditions are met. 250 Tactical Field Kitchen, which is currently bound to a particular carrier vehicle, is to be replaced by a new container-based catering system. Once operational viability is established, the introduction phase for the new mobile field kitchen is not planned to start until 2022 at the earliest. As plans currently stand, 24 systems are to be sourced initially. By 2027, additional systems are to be introduced. Given the initially low number of units of the container model, successive decommissioning of the predecessor model is advisable to avoid compromising troop performance. Whether containers are easier to manage in the field than the old solution is another question.

Too few internal personnel in the mess halls and ever-greater dependency on temping and employee leasing agencies are a threat to the autonomy of **mess halls**. More personnel are required for this reason. This would also make it possible to offer a more creative and varied range of government-furnished meals. A menu plan which contains up to 90 per cent set meals nationwide does not provide enough freedom, for instance to include regional specialities, and what is more it increases dependency on central suppliers.

Financial matters

Fortunately, the amendment of the **Federal Removal Expenses Act** in 2017 means the Bundeswehr's specific interests as a "commuter army" are now duly reflected and soldiers now have planning certainty. From early 2017 onwards, they have been able to choose between the reimbursement of relocation expenses and a separation allowance for up to eight years. Following an agreement between the Federal Ministry of Defence and the Ministry of Finance in 2018, there is now no time limit on this elective right.

The Federal Ministry of Defence is now also considering making the duration of **trips to view housing** more flexible. This is urgently needed because the

current regulations governing a change of domicile of soldiers moving with their families in the context of a longer foreign assignment are not always realistically practicable. The example below illustrates this very well:

- *During a field visit to the Allied Land Command in Izmir/Turkey, German soldiers criticised the policy of the employer of only assuming costs for a maximum of two people for a trip to view housing. But if a family is affected by a move, it stands to reason that the children should be included in a trip of this kind. There are many good reasons for this. Not all parents are able to leave their children with relatives or friends during their absence. The dismissive stance adopted by the Federal Ministry of Defence arguing that only parents have to sign the rental agreement for the new housing seems formal and not constructive. It would be far better if all family-related matters and needs were incorporated into authorisation practices.*

The following problem that soldiers from the Special Air Mission Wing reported also seems to be controversial under the regulations governing travel expenses:

- *They complained that for “pre-positioning” what are known as staging crews, who are responsible for transportation to the actual place of deployment, had to book economy class for this feeder-service flight, too, even if the flight lasted more than four hours. Fortunately, upon enquiry, the Federal Ministry of Defence confirmed that an uninterrupted flight duration of more than four hours did indeed permit business class to be used for such a flight.*

The tight housing and accommodation situation in conurbations is a major financial strain for the servicewomen and men affected. Now the Ministry is examining the possibility of increasing the maximum amount for overnight separation allowances. But this will certainly not save those affected from the additional financial strain of renting commuter accommodation. This is why supplementary funding instruments, such as the introduction of a “**conurbation allowance**” should be considered.

The processing of travel expenses and separation allowance applications still takes too long. For example, at the Bundeswehr service centre in Stetten am kalten Markt, the processing period of one month has only been able to be adhered to again since a post vacant for a long period has been filled again. In addition to shorter processing periods, it would also ease the strain on many recipients of separation allowances if their accommodation costs were reimbursed in advance each month. This is already

possible today upon application, but needs to be made known among troops.

The assignment of Bundeswehr sites abroad to new duty location categories for the foreign deployment allowance was the subject of numerous submissions. The duty location categories are an attempt by the employer to duly reflect varying burdens, for instance when it comes to rent, everyday goods, costs for flights home, but also restrictions to personal mobility, deficiencies in sanitary or hygiene facilities or danger to life and limb. The Federal Foreign Office determines which category the location is assigned to. The adjustments made this year were the most extensive since pay for foreign assignments was reorganised in 2010. The dissatisfaction of soldiers is understandable given what in some cases are considerable changes of up to six categories. What is particularly problematic here is first of all the fact that aside from the locations of the German embassies and consulates, only ten Bundeswehr locations were assessed in their own right. But the Bundeswehr has some 150 locations abroad that are not simultaneously the seat of one of the Federal Republic’s diplomatic missions abroad. For these locations, under the current applicable legislation, the **duty location categories** of the nearest Foreign Office missions were simply applied. In the view of the Parliamentary Commissioner, at best this is acceptable for the soldiers for whom the reassessment of the seat of the diplomatic mission abroad led to a higher category. This is because the distance between a German diplomatic mission abroad and a Bundeswehr location in its vicinity, in particular in the US, quickly exceeds the distance for instance between Hagenow and Hamburg, which - it stands to reason - can impact the local costs of living. Where locations were downgraded, the soldiers should have their existing entitlements protected until a separate assessment of the extra expense at the respective site has taken place. The petitions have contributed to ensuring that more than just ten additional Bundeswehr locations will be evaluated each year as of 2019.

The system and the range of the **allowances** paid for serving in the Bundeswehr seem varied in a positive sense, but confusing in a negative sense given the wide variety of activities leading to an entitlement to allowances. On the one hand, the table of contents of the official directory of “Allowances and comparable benefits in the Bundeswehr” alone takes two pages to list all these benefits. On the other hand, these cash benefits are also an expression of the high esteem in which certain duties and activities that the Bundeswehr requires to be performed are held.

Allowances supplementing salaries are one way of making it more attractive to serve in the Armed Forces. This good intention is countered on occasion by the way the system is designed, however.

- *For instance, the permanent crew members of the Special Air Mission Wing receive a post allowance of up to €483.17 per month. The flying hardship allowance they also receive amounts to up to €564 per month. For aircraft engineers used for aircraft maintenance the flying hardship allowance already stops at €138 per month. In spite of all the legitimate arguments pointing to the different duties an aircraft engineer has to perform predominantly on the ground, these engineers do perform a considerable part of their work on board aircraft, too. In this sense they are virtually equivalent to flying personnel. This makes the gap too wide and the engineers understandably perceive it as unjust.*

It is not only those assuming special duties in the Bundeswehr or serving under more difficult conditions who receive allowances. With the help of **personnel retention allowances**, the Bundeswehr is also trying *inter alia* to motivate interested servicewomen and men to extend their period of service. The existing personnel continue to be highly critical of this. The salary of a corporal, one petitioner credibly outlined, was close to that of his platoon leader thanks to the personnel retention allowance if you divided it by the number of months he had served.

The improved standard of care the Bundeswehr provides for former temporary-career volunteers is pleasing to see. From 2019, uniform access to statutory **health insurance** will now be possible for this group after leaving Bundeswehr service thanks to a change in the law. Departing temporary-career volunteers who were privately insured prior to their period of service will now also be granted a right to enter voluntary statutory health insurance valid for a period three months. For servicewomen and men who had already left service prior to the entry into force of the Act on 1 January 2019 and are receiving transition allowances, there is also a solution. A transitional provision for all former temporary-career volunteers who were already receiving transition allowances on 31 December 2018 ensures that for the remainder of the period during which they receive military service benefits they will keep their current entitlement to state medical aid. This major issue in the provision of benefits and the law governing this was also addressed in a workshop with the Parliamentary Commissioner in addition to the legislative consultations held in the specialist committees of the German Bundestag. The event took place on 22 May 2018 in cooperation with the German Trade

Union Confederation and the German Bundeswehr Association and examined the social-law issues of an ageing Bundeswehr. The results were able to be incorporated into the legislative consultations.

The fact that this legislative procedure still failed to find a solution for unimpaired access for all former temporary-career volunteers to pensioners' health insurance cannot be deemed satisfactory, however. A right to access this health insurance is only granted to persons who have been a member of a statutory health insurance scheme for at least nine tenths of the second half of their working lives prior to entering retirement. Periods of service as a soldier do not count. Depending on the period of enlistment in the Bundeswehr, it may be that a temporary-career volunteer's civilian employment biography is no longer enough after leaving the Bundeswehr to meet this criterion. They would then have to take out voluntary statutory health insurance. Upon application, they would then be reimbursed for half of this amount in the scope of the pension payment without having to meet any further criteria. The contribution rates applied to additional income from private sources, such as from life insurance, would still have to be paid in full, though. Members of pensioners' health insurance schemes who meet the **nine-tenths criterion** on the other hand have their contribution rate for statutory health insurance halved without this requiring any additional application and do not pay any health insurance contributions on additional income.

The legislator must continue to develop solutions in the interests of those affected here. One possibility would be for the employer to assume the costs of an **insurance policy for reinstatement of health care coverage after suspension**. Temporary-career volunteers can take out a policy of this kind for statutory health insurance schemes at the start of their period of service. This costs approximately €45 per month. The period of coverage by this insurance is then factored in towards the nine-tenths criterion as part of the standard insurance qualification period required to be eligible to enter pensioners' health insurance.

Chaplaincies and religious freedom

The work done by Evangelical Lutheran and Catholic chaplaincies, the care they provide to servicewomen and men at home and abroad and the wide range of services offered above and beyond this by Christian churches to soldiers and their families have quite rightly been highly valued for decades. This has not changed in the year under review either. No

complaints were made to the Parliamentary Commissioner on this subject.

In contrast to previous reporting years, in 2018 there was one single petition on restrictions to freedom of faith and conscience.

- *One servicewoman of Muslim faith asked for permission to wear a headscarf with her uniform on religious grounds. The Ministry took this request very seriously and answered the servicewoman considerately. Under the stipulations of the clothing regulations policy, wearing a headscarf with uniform is not permitted, however. Hierarchical superiors are not authorised to make exceptions.*

In principle, the case is suited to addressing the issue of **compliance with religious rules** when serving in the Bundeswehr. This also concerns observance of dietary rules and religious holidays, for instance - not just for soldiers of Muslim faith but also for soldiers of Jewish faith incidentally. The Bundeswehr tries to accommodate such requests as much as possible: Rooms, prayer times and meals in line with dietary requirements are provided, special leave or leave from duty granted. This is exemplary. But the example below shows that careless actions can run counter to good intentions:

- *A Muslim servicewoman reported, for instance, that mess halls did indeed cater to different religious diets. But the approach towards these was sometimes insensitive. In this specific case, two different Thermos containers had been provided. One of these had been labelled “normal”, the other “Muslim”. This type of declaration quite rightly engendered criticism.*

During a field visit to a unit in Turkey, two Bundeswehr servicewomen of Muslim faith voiced their desire for Muslim welfare services in the Bundeswehr. In a statement on this, the Federal Ministry of Defence pointed out that the “demand requests for the introduction of a welfare service for Muslim personnel continued to be low in number”. This finding does tally with the Parliamentary Commissioner’s perception, even if in addition to current findings of the **Central Point of Contact for Servicemembers of Other Faiths** at the Leadership Development and Civic Education Centre one still has to refer to the results of a survey from all the way back in 2013 as a valid basis to back this up.

The Parliamentary Commissioner has, however, felt for a long time now that it is time to finally find a fundamentally viable solution. The Ministry by contrast merely intends to “continue to push ahead with the examination process” which has now been going

on for seven years, and does not see any acute need for action. No one is expecting there to be a comparable, legally binding contract to provide Muslim welfare services like those that exist for the Evangelical Lutheran and Catholic Churches. The services provided by the Central Point of Contact for Servicemembers of Other Faiths set up in May 2015 do, however, by all means offer the opportunity for institutionalisation. Muslim chaplaincies have been performing their services for several years now in the Netherlands, in France, Austria and the United Kingdom. Since July 2015, the Austrian Bundesheer has had its own **military Imam**. In prison chaplaincies, voluntary work by Muslim chaplaincies is already commonplace in some federal states, in others it is in the process of being established. The Bundeswehr could build on this and the experiences of other armed forces, too. For if the Bundeswehr does not manage to provide this kind of welfare service to soldiers, then it should come as no surprise if the people affected seek their own - possibly extremist or fundamentalist solutions. The Bundeswehr would be depriving itself of a legitimate and - through internal follow-on training - meaningful way of steering soldier welfare services.

Since 1956, there have been **character guidance classes** at the Bundeswehr. The main provider of this ethical education for servicewomen and men, which has been mandatory since 2010, is the chaplaincies. Character guidance classes are not religious studies classes. Character guidance classes are subject to their own General Publication. In the year under review, the Federal Ministry of Defence started drafting a new General Publication on “Ethics education in the Bundeswehr”. This aims to close a gap in regulation, as currently ethics features in various different Bundeswehr regulations. In addition to this purely formal need to close a regulatory gap, the Ministry also sees a growing need for ethics education due to societal changes and dwindling knowledge among young servicewomen and men about the ethical dimensions of their mission. The new General Publication is to deal with the definition of learning objectives, naming educational facilities and providers and address the funding of ethics education. It remains to be seen where this new regulation will qualitatively go beyond the General Publication on *Innere Führung* and other regulations or produce something new. The Ministry would, however, be well advised not to turn its back on the good cooperation with providers with a proven track record like the chaplaincies.

- *Another petition addressed what is known as negative religious freedom. One soldier felt his*

rights were being encroached on inter alia by the fact that inside his barracks he was forced to look at a wooden cross positioned in his line of vision when falling in. The wooden cross has now been moved elsewhere. The petitioner's right has to be weighed up against the right of other soldiers to exercise their religious freedom pursuant to Article 4(1) and (2) of the German Basic Law. The result of this weighing up is still subject to an on-going complaints procedure.

Diversity

The Bundeswehr was extraordinarily progressive on the topic of diversity in 2018. A new guide on the treatment of transsexual people pooled the legal, medical and other aspects of transgender in service and operations. In addition to this, the Bundeswehr also set an example as one of more than 600 institutions participating in the sixth German Diversity Day. Activities at the sites in Mayen, Euskirchen and Berlin emphasised the opportunities offered by a diverse society on this annual diversity day and promoted the interests of minorities and the elimination of prejudices. The Bundeswehr's philosophy is that no one has to give up their identity at the barracks gates.

In the rare cases in which **transsexual** servicewomen and men file applications for gender reassignment surgery, these should be processed swiftly. One petitioner expressed the psychological strain associated with delays in processing as follows:

- *“For me the question arises as to why I have been putting up with all the humiliations, personal attacks and insults as well as pain since mid 2012 to now be treated so discriminatingly by the Bundeswehr ‘system’.”*

Experiences like this show that the care and support provided to transsexual servicewomen and men by the Bundeswehr in a phase of their lives which is very difficult for them still is not always good. No deliberate discrimination on the part of the processors was ascertained, however. It seemed to be more a case of not knowing exactly how to deal with an unfamiliar topic.

No **homosexual** servicewomen and men petitioned the Parliamentary Commissioner in the year under review. The working group for homosexual members of the Bundeswehr did report, however, that it continued to receive reports of cases of discrimination, even though fellow soldiers were now far more tolerant than 20 years ago. Inhibitions stopping people

from turning to the Parliamentary Commissioner or the Gender Equality Commissioner were high for many. They feared being outed to a far greater degree than they wanted to as a result of the investigations.

More and more servicewomen and men of different origins are serving in the Bundeswehr. They all have one thing in common - serving Germany. This makes it all the more repulsive when soldiers harass and insult comrades on the grounds of their origin. Behaviour of this kind is stupid, unpatriotic and not worthy of a Bundeswehr soldier.

- *One staff sergeant effectively said in relation to a fellow soldier of Russian origin to another staff sergeant that they used to shoot at people like that and now they were in the German military. A judicial disciplinary punishment was imposed on him.*

- *A former soldier (now sergeant in the reserve) called his subordinate staff sergeants of Russian origin, in some cases in the presence of other soldiers, literally or effectively “shitty Russian” “canister head”, “dirty Russian” or “Russian slapper”. A judicial disciplinary punishment was imposed on him.*

- *A corporal said to a fellow soldier with a migration background: “really nigger?” He also asked the same soldier when entering the work room “what kind of nigger music is that?” A severe nonjudicial disciplinary punishment was imposed on the corporal.*

In many cases, however, **discrimination** cannot be proven, as there are either no witnesses, or these keep quiet out of a misguided sense of loyalty to the offender. For the victims, this is an additional burden and humiliation, too. It is the victim that deserves comradeship, not the offender - this should go without saying. That is *Innere Führung* in action. In this context, the Point of Contact for Discrimination and Violence in the Bundeswehr at the Federal Ministry of Defence is doing important work. The team there supports active but also former members of the Bundeswehr who have experienced discrimination, physical or emotional abuse at their place of work. In addition to individual help, the employees explore causes to be better able to prevent structural discrimination during service.

Digitalisation

At the end of the year under review the newspaper for service personnel “aktuell”, which had been published since 1965, was discontinued in order “to

invest the freed-up journalist capacities in the quality of digital formats” as a spokesperson from the Federal Ministry of Defence stated in one of the last editions of “aktuell”.

The Bundeswehr Songbook “Kameraden singt!” (Sing Comrades!) is now only to be offered in digital form after being revised in line with the new Directive on Tradition. This may seem state-of-the-art, but it does not reflect the reality of soldiers’ lives. In the future, singing together using the right lyrics, for instance as a team-building measure, will depend on access to computers or smartphones, at any rate to the Internet. This will be tricky, not just on many missions abroad, but also at many properties and of course especially outdoors at various training areas. Here, the advantage of the analogue, pocket-sized format clearly predominates.

Digitalisation seems to be *the* megatrend, not just in the Bundeswehr. But with all due understanding for the need to keep with the times - soldiers are voicing their concern about “**excessive technologisation**” with increasing frequency. If the new PUMA infantry combat vehicle can only be operated electronically, and if the system takes several minutes to reboot should the on-board electronics fail, one can only hope that this never happens in a combat situation. Not being able to drive, send radio signals and shoot for minutes at a time could have catastrophic consequences for the crew. The predecessor to the PUMA, the MARDER infantry combat vehicle also uses electronic aids, but it is also equipped with an analogue “substitute operating solution”: A hand pump allows the crew to build up pressure inside the tank in the hydro-mechanical system so that it is still possible to swivel the tower, aim and fire, just by deploying muscle power. Often the simple solutions are the reliable ones.

In a worst-case scenario one should not have to rely on digital technology alone. Robust field solutions are just as necessary as high-tech modernisation. Are our tanks, ships and aircraft not too high-bred, susceptible to breakdown and outside manipulation now? What will still work when everything else has stopped responding? At a colloquium at the Leadership Development and Civic Education Centre on the subject of “Bundeswehr and Digitalisation” in September 2018 the Bundeswehr also discussed this development critically and self-critically. Input like this is important.

Another modern technology trend is **information overkill**. Increasing numbers of sensors and increasing amounts of situation information mean it is no longer possible to attend to all the information at

once. Algorithms pre-select. One can and is supposed to permanently react to the flood of data and analyses. The ability to react is good, but initiative is something else. It is also unclear whether complete information is actually possible or whether dogmatically pursuing “the complete picture of the situation” is not in fact a dangerous illusion. Iraq or Afghanistan remain incalculable to this day in spite of all this technology.

The superiors in charge continue to regularly advocate the mantra that military decisions should ideally always be taken locally at the place where they will have an impact, and not at the next level of command up where there is supposedly a “fuller picture of the situation”. Personal initiative, prioritising the military commander on the front lines, acting with agility, speed and surprise is a time-honoured principle of military leadership. The risks of digitalisation could develop into a serious threat to this.

It might therefore make sense to conduct a risk analysis and technology impact assessment when launching new digitalisation projects in the future. Ensuring both always go hand in hand: In the flow of information and command, alongside cutting-edge technology there must still be a reliable analogue solution which can be mastered by well-trained military superiors and soldiers with robust personalities who are willing to take decisions in the “mud zone” in all conceivable scenarios.

8. Women in the Bundeswehr

The number of women in the Bundeswehr has risen again. After 21,213 women in 2017, the number of servicewomen in the year under review rose to 21,931 (including 1,546 military service volunteers). This is 12.1 per cent of all active personnel (2017: 11.8 per cent). In the Army the percentage of women in the year under review was 6.6 per cent (previous year 6.4 per cent), in the Air Force 8.2 per cent (previous year just under 8 per cent), 9.8 per cent in the Navy (previous year 9.6 per cent), 10 per cent in the Joint Support and Enabling Service (previous year 9.5 per cent) and 40.6 per cent in the Central Medical Service (previous year 40.2 per cent). The proportion of career soldiers who were women was 6.2 per cent (previous year 5.2 per cent), and the proportion of temporary-career volunteers who were women was 14.3 per cent (previous year 13.8 per cent).

This pleasing increase must not blind us to the fact, however, that 14 years after the entry into force of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr, with the ex-

ception of the Medical Service, the target of 15 per cent for all career paths has not even come close to being attained at 8.3 per cent currently. Only the Medical Service is on track towards the statutory target of 50 per cent (2018: 44.6 per cent).

Indications that women are interested in military service in principle can be found in the considerably higher proportion of women in the armies of other countries as well as in the ever-increasing proportion of women among military service volunteers: 18.7 per cent in the year under review (compared to 16.3 per cent in the previous year). The Bundeswehr is actually very well positioned when it comes to selling itself as an attractive employer – “employer branding” in the parlance of our times. Only very few employers in Germany offer such a wealth of vocational training possibilities and different activities at all levels of responsibility with diverse promotion opportunities. Successful servicewomen should tell their personal stories more than is the case today if their potential as **multipliers** is to be harnessed: There was media coverage of a servicewoman who repairs antiarmour systems for the mountain infantry, or one who has completed the national general and admiral staff officers training. But combat and specialised units are areas in which very few women serve currently. Here, too, successful women could serve as role models and help attract new recruits. Why not name a Bundeswehr barracks after a servicewoman, as Parliamentary State Secretary Peter Tauber has suggested? This would be an excellent symbol of how valued the work of servicewomen is.

But communicating a female-friendly corporate culture outwardly does not suffice, it has to be a real part of everyday military life. This already fails at some sites over small things like a lack of separate sanitary facilities and changing rooms for women and men.

- *One servicewoman who complained about this kind of problem at her current site in Neuburg an der Donau reported as an aside in her petition that there had been similar conditions at a site she was deployed to in 2009. In its statement on the current case, the Ministry concedes that the lack of facilities from 2009 still persists and that “currently a demand request for separate female and male changing areas was being drafted” there. Be it a lack of awareness or inadequate planning - nine years of inaction speak for themselves.*

On the matter of family-friendliness - an important point not just for women - the Bundeswehr has now made a fair amount of progress and is working to improve even further. But career opportunities need

to be visible, too. Top positions continue to be largely filled by men, female leadership personnel continue to be rare. Good performance and good appraisals alone do not always suffice, women also need to actively aspire to **leadership positions**. Servicewomen should not hide their light under a bushel here. Many of them have excellent communication skills, are excellent team players, motivated and are doing an outstanding job. Yet they hesitate to assert entitlements pro-actively. Superiors should be aware of this understatement and actively encourage and support suitable servicewomen themselves.

There are still servicemen - superiors included - who display a fundamentally negative attitude towards women in the Bundeswehr. The following statements which were reported attest to this:

- *“Since there have been women in the Bundeswehr, performance has steadily declined. I have nothing against women in the Bundeswehr, but they have to try to be better than me.”*
- *“Why did we have to have a woman in our group for the last round? She never gets anything right.” “... useless. Bread can mould, what can she do?” “What on earth is a woman doing in the platoon?”*

Other examples also show that women in the Bundeswehr are still not seen as something totally natural and that stubborn and **outmoded views** exist.

- *One servicewoman wanted - like her male comrades - to buy a German national football team jersey through the trust account. Employees at the Bundeswehr clothing store in Hamburg refused her saying no jerseys were planned for women. This statement was incorrect, the outcome of the review was that the servicewoman received the jersey and the employees of this and other shops were cautioned accordingly.*

- *In another case, a superior selected a servicewoman against her will for a post involving telephone duty. A female voice simply sounded better on the telephone and friendlier than a male voice was the reason he cited. A female volunteer for the post was rejected, on the other hand, with the statement: “Well, we do need to go on appearance.” The superior did not think he had done anything wrong. Here we see once again that the Bundeswehr still has more to do to break down outmoded ways of thinking.*

- *For instance, one servicewoman felt harassed by constant misogynist comments and discussions about sexual preferences and experiences by her fellow soldiers. This included for example: “I wouldn’t want to pull that fat bitch on top of me naked.” The*

review of the case found that the general tone adopted within the rank category at the unit was indeed in some cases of a base, offensive and “below-the-belt” discriminatory nature.

These types of behaviour are not isolated cases. A climate which sometimes lacks respectful behaviour towards one another and which tolerates people going beyond the bounds of the acceptable as a “way of venting stress” or as a symbol of misguided manliness does not do a good employer any favours. This is why superiors need to counter this. It is not just servicewomen who would like to see fair and **respectful interaction**. Servicemen also suffer at the hands of crude forms of behaviour and interaction. They merely voice this less frequently, as they more often assume that this is a natural part of a military order.

It is positive, though, that the Bundeswehr has accommodated the wish of servicewomen to address the special role of women in the countries of operations in pre-mission training to a greater degree. This aspect is now taken into account to a larger extent when teaching “intercultural competence” and is supplemented by the new training guide on “Cultures shaped by Islam”.

9. Deployments and Alliance issues

Deployments, quasi-operational commitments and standing operational tasks

Since the early 90s, the Bundeswehr has completed more than 50 missions abroad. These have cost €21.6 billion. According to a list compiled by the Federal Ministry of Defence, at a figure of €10.2 billion, almost half of this went on the NATO ISAF and RESOLUTE SUPPORT missions in Afghanistan, where the Bundeswehr has been deployed for 17 years now.

The number of missions abroad mandated by the German Bundestag has now dropped by two compared to the previous year to eleven missions currently: First, the German involvement in the EU-led training mission in Somalia (EUTM Somalia) ended on 31 March 2018, second the previously separate mandates for COUNTER DAESH and Training Support Iraq were merged into one. At the end of the year under review, 3,423 Bundeswehr servicewomen and men were serving in the missions abroad mandated by the Bundestag. The highest number was in 2002 at 10,434 soldiers. In addition to the mandated missions abroad, the Bundeswehr is increasingly burdened by duties in the field of collective defence

in Europe. In the scope of the NATO Enhanced Forward Presence, Germany has been responsible for the multinational Battle Group for Lithuania since 24 January 2017 as the Framework Nation for the operation. With 536 soldiers on the ground most recently, the Bundeswehr presence in Lithuania is the third largest Bundeswehr mission abroad. The NATO Response Force (NRF) was another Alliance priority in 2018. The troops provided by Germany here totalled some 10,000 soldiers. In the year under review, they also had to make the necessary preparations to be able to provide the NATO Very High Readiness Joint Task Force in 2019 as the Framework Nation. This has to be ready to march within the space of five days in response to every conceivable scenario. In practice, planning is focussed first and foremost on the eastern borders of Allied territory.

In terms of the challenges facing NATO collective defence, land forces are the priority. Nonetheless, in the mandated missions abroad the Navy is still called upon disproportionately as a service compared to its headcount. The naval personnel deployed on board continue to suffer due to long absences.

Scarcely perceived by the public, around just 20 German soldiers are currently serving on Bundeswehr deployments in Darfur (UNAMID) and in South Sudan (UNMISS), which have now been running for eleven and seven years respectively.

RESOLUTE SUPPORT, Afghanistan

In March 2018, the German Bundestag raised the mandate ceiling for RESOLUTE SUPPORT from 980 to 1,300 troops. This makes the mission in Afghanistan the largest current Bundeswehr mission abroad again. Raising the mandate ceiling by more than 300 troops is designed *inter alia* to bolster the self-protection capabilities of the German forces on the ground. The majority of Bundeswehr forces are stationed at Camp MARMAL in Mazar-i-Sharif, where Train Advise and Assist Command North (TAAC-North) is based. Other soldiers are serving in the capital Kabul. German troops are also permanently stationed in the city of Kunduz in the north of Afghanistan again. This is why an adequately equipped, **protected German camp** should be set up here again.

In the last annual report, the Parliamentary Commissioner already highlighted the need to evaluate every mission. To this day, this has yet to happen for the Afghanistan mission. Although the US now also views the development of Afghanistan more critical-

ly. An analysis by the US Special Inspector General for Afghanistan Reconstruction (SIGAR) at the start of the year under review found that the causes of weak statehood were *inter alia* to be found in the problematic approach of the international presence. Its core finding was that large funds of foreign stabilisation money had encouraged corruption in the country and intensified the conflicts. It comes to the conclusion that this has fuelled the hatred among the poor and played right into the hands of the Taliban in their search for supporters and in recruiting fighters. At the end of October 2018, SIGAR even concluded that the official Afghani authorities currently only actually controlled a good half of all the districts in the country.

Evidently - as we are now seeing - earlier ISAF approaches like “COIN” or “comprehensive security”, in the forms they took at the time at any rate, were not entirely successful. In the interest of the troops involved in the RESOLUTE SUPPORT mission it is therefore time to conduct a realistic analysis and evaluation of the situation in Afghanistan since the start of the international and German presence and to draw conclusions, including with regard to future military crisis intervention.

With a certain amount of concern for their safety, servicewomen and men informed the Parliamentary Commissioner during his field visit at the end of the year under review that they were being flown to Camp SHAHEEN in Mazar-i-Sharif in Afghanistan, to Kunduz and Maymaneh predominantly by type MI-17 unprotected civilian helicopters (around 85 per cent of all flights). These flights were taking place in accordance with rules that were below German standards and were even carried out in what were actually unacceptable weather conditions. The Parliamentary Commissioner learnt that the Dutch TAAC-North forces only ever use protected transportation. **Protected transport** with the Bundeswehr’s own military helicopters is urgently required for the German troops as well. However, Air Force and Army helicopter capacities are not sufficient for this by far.

The servicewomen and men in Mazar-i-Sharif were also critical of the planning and execution of the relocation of German forces in Kabul to the Hamid Karzai International Airport North. In the wake of the attack on the German embassy in Kabul on 31 May 2017, the Bundeswehr had given up its Camp QUASABA situated in the city at short notice and moved the German forces to the airport. This meant fewer supply journeys between the camp and the airport were necessary, which was supposed to improve the safety and security of the servicewomen

and men. The accelerated **relocation** was only possible, however, at the price of poorer accommodation, MWR and working conditions as well as through the use of provisional solutions. After the relocation, the German soldiers were initially housed in NATO accommodation in the transit area with five people each in a cramped, makeshift room. The contingent had informed them ahead of time that first of all other NATO forces had priority for the issuance of NATO accommodation due to the applicable Standard Operating Procedure. By the end of April 2018, however, the quality of accommodation had improved thanks to air-conditioning, blinds and lightweight partition walls being added. Since then, apart from during contingent changeover periods, only four people now shared a room. There is no separate German welfare facility, but the Germans can use NATO’s extensive welfare services at the airport. There is not really any end in sight to this makeshift situation in the form of the completion of the construction of accommodation at the airport, according to what the Federal Ministry of Defence has said, as the land designated for the extension is partially still being used for other purposes.

Several soldiers objected to a change in the contingent order regarding the “policy on alcohol during deployments”. This means that **alcohol** is no longer allowed to be sent via military post to Afghanistan. There is a note to this effect in the fact sheet on military post. The servicewomen and men were also advised to inform potential senders of alcohol about this. There is now a generally binding instruction from the Federal Ministry of Defence issued on 31 May 2018 which generally prohibits sending alcoholic beverages in military post consignments. The Federal Ministry of Defence stated on this matter: Due to country-specific restrictions relating to the import of alcoholic beverages, in isolated cases there had been delays in the entire military post shipment system. By prohibiting the shipment of alcohol, delays of this kind could be prevented. On the Afghanistan mission, based on a NATO regulation prohibiting the import of alcohol, international military police had checked military post consignments for alcohol, and confiscated and destroyed any alcohol. The German side had been of the opinion that military post consignments were not subject to checks due to their purely transitory nature. However, it had not been possible to successfully convince the responsible commander of Hamid Karzai International Airport North of this. Irrespective of the issue of alcohol, the Federal Ministry of Defence should continue to pursue the German view on the transitory nature of military post consignments in its dealings with the commander of the military airport in Kabul.

KFOR, Kosovo

In line with NATO planning, the involvement of German forces in KFOR has been successively reduced in recent years. On 30 June 2018, the Bundeswehr ceased its involvement in the Operational Readiness Reserve Force Battalion. In October 2018, the Germans withdrew from Camp PRIZREN and handed it over to the responsibility of the Gesellschaft für Internationale Zusammenarbeit. The **grove of honour** from Camp PRIZREN will be transferred to the Forest of Memory at the Bundeswehr Joint Forces Operations Command. Soldiers have, however, voiced the understandable wish to leave a copy of the multilingual commemorative plaque behind. The commemorative plaque also lists the names of Austrian and Swiss soldiers who lost their lives. For this reason, a copy of the commemorative plaque has already been presented to Austria and Switzerland. The Joint Forces Operations Command has since asked the contingent commander of the German KFOR contingent to take the necessary steps for another copy of the commemorative plaque to be produced, which will then remain in Prizren. From 2019, around 70 German servicewomen and men will still be deployed in Pristina at the KFOR headquarters or the National Support Element. To be able to respond quickly and flexibly to a deterioration in the security situation, the last applicable mandate ceiling of 800 will remain in place, however.

The reduced presence on the ground gives rise to the question of how **welfare** services can continue to be provided to the remaining forces once MWR facilities have closed. The first sergeant alone could not shoulder the responsibility for this task the servicewomen and men told the Parliamentary Commissioner during a visit. The Federal Ministry of Defence informed the Parliamentary Commissioner that while the food services at the German MWR facilities in Pristina had ceased, the contingent had however now been instructed to review whether the former MWR facility could be operated by another provider. The outcome of this review is still pending. Furthermore, support was requested to clarify a new situation regarding ensuring the privacy of mail: Since recently, it was said, it had evidently no longer been allowed to receive alcoholic drinks by mail from the home country or to send these from Kosovo to Germany. The question of whether this was allowed to be checked without breaching the privacy of mail was posed and why this was now to apply in the first place. The background to this is the instruction from the Federal Ministry of Defence issued on 31 May 2018, already discussed in the chapter on Afghanistan, which generally prohibits sending alco-

holic beverages in military post consignments. Privacy of mail was ensured, the Ministry stated, in spite of the mail consignments being screened. If there were indications of anything suspicious, the package was returned to the sender.

COUNTER DAESH and Training Support Iraq

In its decision on 22 March 2018, the German Bundestag merged the previously separate mandates for COUNTER DAESH and Training Support Iraq. The mandate was extended on 18 October 2018 to 31 October 2019 and sets forth a personnel ceiling of a maximum of 800 soldiers. Whilst the in-flight refuelling and aerial imagery reconnaissance capabilities supplied are set to expire at the end of the mandate, the Bundestag decision sets forth an evaluation of the mission's capacity building in the Iraqi security forces with a record date of 30 April 2019.

Since February 2015, a total of 1,600 Bundeswehr servicewomen and men in changing contingents have trained around 6,000 Kurdish and Yezidi fighters on site in Erbil, and in Germany another 314 Peshmerga. From August to early October 2018, a pilot course took place in the scope of the new mandate in the town of Taji in central Iraq. 15 members of the Iraqi security forces took part in the CBRN defence training.

In addition to this, the Bundeswehr is supporting the coalition against the terror organisation Islamic State with in-flight refuelling and aerial imagery reconnaissance capabilities. For this purpose, a German type A310 Multi Role Transport Tanker (MRTT) and TORNADO reconnaissance planes are stationed at the Jordanian Al Azraq Air Base, which are deployed above all over Syria. In addition, the Bundeswehr provides part of the crew for the NATO AWACS fleet, which continues to operate from its base in Turkish Konya. Finally, Bundeswehr headquarter staff are deployed at the headquarters of the anti-IS coalition at the Al Udeit Air Base in the Emirate of Qatar.

It was not until April 2018, so long after the German troops were relocated from Incirlik in Turkey to Al Azraq that the **troop stationing agreement** between Germany and the Hashemite Kingdom of Jordan entered into force. It grants German soldiers immunity from criminal prosecution for acts committed in the performance of their duties, and sets out the procedure for criminal offences outside of the line of duty. The agreement exempts military goods including personal demand items from import duties and tariffs. The provision also applies to civilian air

transportation. Items sent privately by military post, however, do not benefit from the exemption.

It is frustrating if soldiers are not able to relocate to Iraq until later than planned because the Iraqi foreign ministry does not grant the requisite visa on time.

Servicewomen and men in the Special Air Mission Wing were particularly busy, as the Air Force carried out additional mission flights for **in-flight refuelling** from Jordan from the end of May to the end of June 2018, which required additional personnel. This was necessary because other coalition partners had withdrawn in-flight refuelling capabilities. But at this time the crew members had already recorded 220 and more mission days in some cases. The crews should not be exposed to extreme workloads of this kind.

The long lead-times for military post deliveries in 2017 dropped to three to ten days again in the first four months of the year under review. Apart from one case, they were under the stipulated maximum of 14 days.

EUNAVFOR ATALANTA in the Indian Ocean.

On 26 April 2018, the German Bundestag decided to extend the German involvement in the EU ATALANTA mission until 31 May 2019 with a mandate ceiling of 600 troops. The aim of the mission is to contain piracy and to ensure maritime routes are kept durably free, *inter alia* for the United Nations World Food Programme. This will also hinge on making further headway in building state structures in Somalia with European aid. Germany is contributing with flying and seagoing units. According to information from the Federal Government, the operation is scheduled to continue until December 2020. By then a decision on the future EU maritime presence in the region should be taken.

The German ATALANTA personnel stationed in Djibouti are still accommodated at a hotel guarded by local security forces. Given the general security situation and the hygienic conditions in the hotel kitchen this is not ideal. A German quartermaster still acts temporarily as the commanding medical officer's eyes and ears on the ground, and makes recommendations to the hotel staff. The efforts that are being made to have the **troop stationing agreement** with Djibouti amended so that German service personnel are accommodated in the US military complex in future make sense in light of this. They should swiftly lead to a successful outcome that protects German service personnel. To date, however, relocation has failed due to the approval required

from the authorities in Djibouti. The Federal Ministry of Defence and the Federal Foreign Office are therefore reviewing other options for obtaining approval for the relocation to a military property.

SEA GUARDIAN and SOPHIA in the Mediterranean

On 22 March 2018, the German Bundestag extended the mandate for the NATO-led maritime operation SEA GUARDIAN to 31 March 2019 with a ceiling of 650 troops. The Bundeswehr continues to contribute by providing ships which it temporarily places under NATO command whilst they travel through the theatre of operations. The number of Bundeswehr soldiers involved is therefore subject to major fluctuations. Most recently, 178 troops were deployed. In the year under review, there were no petitions from troops assigned to SEA GUARDIAN.

The German Bundestag extended the participation of armed German forces in the European Union's EUNAVFOR MED Operation SOPHIA until 30 June 2019 in the decision it adopted on 14 June 2018. The previous EU mandate for the mission off the coast of Libya expired on 31 December. The European Union was only able to agree on an extension of three months initially. The continuation of the mission beyond this is uncertain at present. The personnel ceiling is 950 troops. Most recently, there were 201 German troops serving in EUNAVFOR MED. Since Operation SOPHIA started, 45,000 people have been rescued from the sea, including 17,000 rescued by Bundeswehr troops. In the year under review, the Augsburg and Saxony frigates and the Mosel tender were involved in this.

UNIFIL in the Mediterranean

On 14 June 2018, the German Bundestag decided to extend the involvement of armed German troops in the United Nations Interim Force in Lebanon (UNIFIL) without changes until 31 May 2019 with a mandate ceiling of 300 troops. Most recently, there were 125 German soldiers deployed at sea, in the Army Training Command Lebanon, in Lebanese Naqura as well as in a support role in Cypriot Limassol. On 31 August 2018, the United Nations Security Council unanimously voted in favour of extending the UN mandate to 31 August 2019.

Germany is continuing to contribute to the training and resourcing of the Lebanese Navy. The **Army Training Command Lebanon** at the seat of the Lebanese Naval Academy in Jounieh near Beirut has

ten posts which are part of the UNIFIL contingent. Only four of these are currently filled, however. This means that in the event of additional tasks and duties, the number of personnel can be quickly increased. During his field visit to the Army Training Command Lebanon, the Parliamentary Commissioner noted progress in the training of the Lebanese Navy. However - the German instructors reported - there was a shortage of ships and maintenance and servicing capacities. The nearest repair yards were located in Cyprus and Turkey. The funds made available for modernisation work by the Federal Government in the scope of an upgrading initiative often could not be accessed because the requirements requests did not meet German specifications. Aside from this, a longer rotation could lead to better training outcomes here. It might perhaps make sense to have an assignment duration for the servicewomen and men on the ground of two or three years for posts abroad. The Bundeswehr already has problems filling individual posts at the UNIFIL Headquarters with a period in post of twelve months though. The “**shore leave zones**” designated locally caught the Parliamentary Commissioner’s attention. These are set areas in which the soldiers can move safely. Such zones should be defined in other Bundeswehr theatres of operations, too, whenever possible.

During the Parliamentary Commissioner’s visit to the corvette BRAUNSCHWEIG, soldiers from the Charlie crew bemoaned the heavy workload, with up to 200 days at sea per year in some cases. The deployment planning and implementation system rationale of “four months deployment, twenty months at the home location” was nowhere close to being upheld. Families suffer as a result. Understandably. The Navy is indeed disproportionately heavily involved in Bundeswehr deployments abroad. On the other hand, long absences from the home port are typical in seafaring occupations and nothing new since the start of Bundeswehr deployments abroad. It would therefore be difficult to clearly draw a line between sea and deployment days and precisely transpose said deployment planning and implementation system onto members of seagoing units. Many members of the Navy accept this as going without saying. This does not change the fact, however, that Navy personnel can assert the same rights to a work-life balance as the personnel in other major military organisational elements.

The soldiers also complained about spare parts often taking several weeks to arrive. Missing smaller parts then led to damage to larger assemblies, also termed **insidious spreading damage**.

Unaccompanied transport of mission pack to Lebanon was repeatedly delayed, in particular due to customs clearance difficulties experienced by the shipping contractor. Soldiers had to wait several weeks for their pack in some cases. The Joint Forces Operations Command therefore issued an order to only transfer soldiers to Naqura with their full pack from then on. Given the modest number of posts held by the Bundeswehr at the UNIFIL headquarters this is a practicable solution.

EUTM and MINUSMA, Mali and Niger

The current Bundestag mandate issued on 26 April 2018 raised the personnel ceiling for MINUSMA from the previous 1,000 troops to 1,100. Although this mandate also only lasts for a little over a year, the Bundeswehr is preparing for a longer presence in Mali. The plans to build a new utility building at **Camp CASTOR** in Gao, which is not scheduled to be completed until May 2020, attests to this, for instance. With the completion of the new utility building, a decision could then also be taken on the re-use of the land occupied by the old utility building. To date, the project to set up a German OASIS MWR facility in Gao, which is backed by all parties, has failed due to a shortage of available space that could be used for this.

The mandate for the EU Training Mission in Mali (EUTM) has already been extended to 31 May 2019. The personnel ceiling is 350 troops. The peak figure was 235 in 2015, the most recent figure being 156 German troops. Whilst the training of Malian soldiers originally took place almost exclusively in Koulikoro, the instructors are now increasingly trying to establish a broader presence - in particular in Sévaré, where the G5 Sahel Battalion is also to be trained. Here, it may prove an advantage that the current Bundestag mandate provides sufficient scope in the personnel ceiling for the planned augmentation. The Bundeswehr is finding it increasingly difficult to provide suitable training personnel who at the same time have a good **command of French**, however. As a consequence, soldiers are having to receive instruction prior to their deployment at the Federal Office of Languages or other Bundeswehr training facilities. This in turn leads to an even longer period of absence from family and the home formation prior to the start of the deployment. A more sensible solution might therefore be language classes at the home base alongside service.

During a field visit of the Parliamentary Commissioner in summer 2018, contingent members reported that in some cases instructors had been on site for

months without them having given a single course to the Malian soldiers yet. Out of the 93 instructors currently deployed in the scope of the mission, including seven German ones, 60 currently had no specific task. The Federal Ministry of Defence notified the Parliamentary Commissioner that in the years before as well, courses had routinely not taken place if at least half of the course participants announced were absent at the start of the training. The Malian side also regularly cancelled courses at short notice without stating any reason, it was said. One problem here is evidently that the Malian soldiers have to bring their own armoured vests, helmets and weapons with them, but do not have these. European Union regulations do not permit this equipment to be lent to the Malian Soldiers.

The Federal Ministry of Defence stated that if a course was cancelled, the instructors were used to support other courses or for other tasks. In the short term, it may be expedient to use highly qualified personnel for other tasks if courses are cancelled. But in the long term, **shortening the mission abroad** of the affected personnel should be considered. Moreover, in particular in light of the increasing burden shouldered by the Bundeswehr due to deployments and quasi-operational commitments, expanding the existing mandate is not a very suitable approach. EUTM should first be enabled to complete its existing mission. It would therefore be wise to provide the Malian soldiers with the necessary equipment at least for the duration of the courses.

The transition to new timing targets for deployments under the deployment planning and implementation system initiated by the Army Headquarters has caused feelings of uncertainty. For members of the Army *inter alia* in Mali, this sets forth “a **flexible period in post** during deployments of up to six months”. The aim is to lower the human resources tied up due to deployment preparation and mission participation as well as the fragmentation of formations. The aim is also to align the deployment periods with those of the partner nations.

According to the Federal Ministry of Defence, on 19 December 2018 a decision was taken to switch from the previously planned deployment ratio of 4/20 to a flexible ratio of 1/5 for all Bundeswehr servicewomen and men. This means, for instance, that one month of active duty is followed by five months without active duty, to ensure personnel can regenerate. This rule is not a binding requirement, however. If need be, operational requirements take precedence. The length of the period in post during deployment is to be decided flexibly by the individual major military

organisational elements. It is possible to derogate from the four-month period in post that used to apply with immediate effect. So periods in post of half a year or longer are conceivable.

Since the mid 1990s, the Bundeswehr has had many different experiences of both four and six-month deployment periods. What is lacking, however, is a comprehensive **evaluation** of the pros and cons of each deployment period, in particular their impacts on soldiers’ families. Furthermore, the link between the length of the deployment and the probability of post-traumatic stress disorders occurring should be investigated. Instead of hurriedly adapting to the systems applied by other states, an evaluation would also be an opportunity to initiate a debate about the pros and cons of the different deployment periods among our closest partners - and to leverage their experiences. The Parliamentary Commissioner would suggest commissioning an according study, for instance by the Bundeswehr Centre of Military History and Social Sciences.

The soldiers in Mali at any rate felt that they had not been sufficiently briefed on the planned **period in post extension**. The Federal Ministry of Defence did not inform the Parliamentary Commissioner either of the order issued on this matter on 21 March 2017 until he enquired about this at the end of August 2018 after soldiers had told him of the problem:

- *The command of the Rapid Response Forces Division had not informed the servicewomen and men affected until after their deployment had started that for some of them it was expected to last six instead of four months. When their dissatisfaction was broached, a superior is said to have answered curtly: “It’s only six weeks!” Between the announcement of a potentially longer period of deployment and the actual decision as to which seven of the 30 soldiers for whom this was being considered the extension would apply to, another two and a half months passed. Such behaviour is not only disrespectful towards the soldiers and their families, it is also in blatant contradiction of the concept of due care. This is not exactly Innere Führung in practice!*

Petitions from Mali on shortcomings in the area of welfare have gone down fortunately. The now direct shipment of military post between Gao and Germany meant that postal delivery periods in the year under review were no longer cause for complaint either. The start of the provision of personal demand items at the site in Niamey/Niger in September of the year under review is also pleasing. Problems persist, however, in the shipment of items classified as dangerous goods such as aerosols or lithium-ion batter-

ies. The Bundeswehr is counteracting this by adding extra items to the range of personal demand items it offers.

For servicewomen and men on active duty it is interesting to order day-to-day items in bulk at low prices from **Internet mail order retailers** and have them sent via the military post system. This should not become the rule, though. The employer can only provide free-of-charge shipment of packages in addition to military post as long as the system is not abused. After all, for personal demand items, the same sales prices apply in all theatres of operations. This is an expression of solidarity among all the soldiers on active duty in the Bundeswehr. As the costs of shipment to the theatres of operations have been included in the prices so far, soldiers in remote theatres of operations benefit from this rule especially. Fortunately, the Ministry intends to fund shipping costs from budget funds in the future, which will lead to lower sales prices overall.

Since the highest category of the **foreign assignment allowance** has been paid for both EUTM and for MINUSMA in Mali, petitions on this matter have declined.

Doubts are now growing as to whether the Bundeswehr is taking the safety of its own forces sufficiently seriously when relocating them inside Mali. For years now, servicewomen and men have been transported between Bamako and Gao in unprotected civilian aircraft, and between Bamako airport, Camp MIDGARD and Koulikoro in unprotected buses. The relocation of the NH-90 and the TIGER combat helicopter in June 2018 on the other hand was secured by one of the Bundeswehr's own paratrooper platoons. This led one officer to complain:

- *“Evidently protecting our aircraft is accorded higher priority than protecting the lives of our soldiers.” He recalled in this context the 7th of June 2003, when four German soldiers were killed in an attack on an unprotected Bundeswehr bus in city traffic in Kabul and another 29 passengers on the bus were injured, some seriously. “With this tragic event constantly in mind, for me it is absolutely incomprehensible that the Bundeswehr in my opinion is in the process of making the same mistake a second time.”*

Even if during the year under review there were no indications of a concrete higher level of threat to soldiers, the tables can turn very quickly. It is important to be prepared for this. The Bundeswehr, on the other hand, fears the escalating impact of protected passenger transport and instead is contemplating building or renting accommodation capacities for

those in transit on the grounds of the airport in Bamako - admittedly only after completion of an economic viability assessment and with due consideration of public procurement law. Here, bureaucracy is taking precedence over protecting German soldiers.

The **use of mobile telephones** on military properties poses a general threat to military security and the safety of soldiers: In addition to the possibility of being able to spy on users or misusing mobile telephones as an eavesdropping device, soldiers also unintentionally reveal sensitive information. For instance, in the form of photos or geo-reference data, which various smartphone apps access. Soldiers should be cautioned and briefed on this on a regular basis. They also need to know that only Internet telephony is encrypted, but not data traffic in the scope of MWR telecommunications.

- *A medical orderly had been photographed treating an injured civilian employee of a construction firm in a separate controlled access area inside Camp CASTOR by the company doctor of this firm on his mobile phone. Several employees from civilian companies - the review of the matter found - were authorised to bring mobile telephones into the camp and some even had permission to take photographs. The authorisations were revoked. But the fact that they had been issued in the first place points to gaps in military security.*

Numerous troops in Mali bemoaned the frequent failure to (fully) furnish them with the designated mission **equipment and clothing**. Parts of the combat clothing set for armed forces, certain rucksacks, boots, gloves and waterproofs were missing. Whilst according to its account, the Bundeswehr was able to provide the soldiers in question with suitable substitutes in all cases, this was in no way able to remedy the feeling of being equipped with second-class gear. The unease of the soldiers and also their families is understandable. Especially when participating in a mission abroad for the first time, clothing and equipment perceived to be inferior amplifies the fears already associated with the mission. There were also cases in which only soldiers being equipped for Mali for the first time received new clothing, for instance new boots. Personnel who had already been in Mali were told to use the suitable predecessor model. The Bundeswehr's argument that the old or alternative clothing or equipment issued was just as good is not very compelling. Why is new clothing and equipment introduced if there is no difference in quality - at least in terms of how comfortable it is to wear? This leaves soldiers with the impression that they are not all equally well equipped for the missions. If the Bundeswehr is unable to swiftly remedy

the shortages in equipment and clothing items, a differentiated, post-related definition of who is to receive what equipment could help. A soldier deployed predominantly inside the camp may not need the same equipment and clothing items to perform his or her duties as field intelligence forces, for instance, who have to move throughout the entire theatre of operations far away from rear forces for longer periods of time.

Time and again, service personnel buy parts of their equipment and clothing out of their own pocket. This attests to deficient care by the employer, but it is also an expression of the high degree of motivation servicewomen and men display. The applicable service regulations actually generally prohibit service personnel from using **privately acquired equipment and clothing** during service. This is likely to mean that it is not possible to deduct these expenses from taxes as work-related expenses. Soldiers should be aware: They cannot hold the Bundeswehr liable for any service-related disabilities if the equipment or clothing they acquired themselves does not have the same protective properties as the equipment and clothing provided by the employer (for instance vector protection). This problem can only be resolved by the Bundeswehr providing 100 per cent, modern equipment. This is why it is urgent.

Digital radio equipment is in short supply, too, as troops informed the Parliamentary Commissioner during his field visit in Mali in the year under review.

- *Stocks were small, this meant that proper training could not take place during preparation for deployment. The Germans had predominantly analogue devices which did not allow for encryption of radio communications. By contrast, all the partner nations in Mali were equipped with digital radio equipment. This meant that soldiers were swapping radio equipment for multinational operations or were communicating without encryption along the lines of: “The Germans are here, no encryption.”*

NATO in the Aegean

The Bundeswehr continues to actively participate in NATO activities in the Aegean to uncover human smuggling activities, to take action against smugglers and to rescue boat refugees in distress on the seas. This participation takes place in the scope of a Standing NATO Maritime Group, which means it does not require a mandate from the German Bundestag. The Standing Maritime Group 2 is divided into two Task Units, the first of which is responsible

for NATO support in the Aegean and the second for other tasks in the eastern Mediterranean. Germany continues to have command of the first Task Unit operating in the Aegean. At the end of the year under review, this was being executed from the Combat Support Ship Bonn, which most recently 180 German troops were serving on.

NATO in the Baltic

The NATO Battle Group Lithuania to support the Baltic countries and Poland is stationed in Lithuania with a force of around 1,200 troops. Belgium, the Netherlands, France, Croatia, Norway, Luxembourg and Germany are supplying troops. The group is based in Rukla under the command of the Bundeswehr. It is part of the NATO Enhanced FORWARD PRESENCE decided on by the Alliance.

From September 2018 to April 2019, the German Air Force is also securing the airspace over the NATO Member States in the Baltic region again with a contingent of 200 servicewomen and men in tandem with Belgian forces. For the eight-month period, up to six German EUROFIGHTERS are being stationed in Ämari in Estonia for this purpose as part of Baltic Air Policing.

At the Battle Group in Rukla, the delivery of **spare parts** is taking too long. What is more, once the parts are delivered they are often damaged or completely useless the soldiers complain. For instance, the expiry date of BOXER tyres and CBNR filter inserts had already lapsed. The Federal Ministry of Defence stated that the long delivery periods were mainly due to the shortage of spare parts at the logistics hub in Germany. On top of this, there were supply bottlenecks in the private sector and a lack of framework procurement contracts for short-notice decentralised procurement. On average, the lead times were 14 to 26 days, the Ministry said. Cases where a purchase first of all has to be initiated in Germany are subject to very long waiting periods. This is also the case, for instance, for the additional **sport and fitness equipment** that has been awaited since 2017. This is important for soldiers to maintain their physical fitness. The equipment delivered so far is insufficient to cater for the contingent, which has now reached full strength, as well as additional support personnel or personnel on exercises. It would have been possible to take immediate action here, even without the conclusion of a framework contract.

Many servicewomen and men find the bureaucratic obstacles to the purchase of small items particularly annoying. For instance, theoretically they could pur-

chase cleaning materials they need or items for simple repairs at the nearest DIY store in Lithuania inexpensively. But this was not allowed, they said. Instead, this materiel had to be ordered through central logistics back home, often taking weeks to be delivered. In the meantime, the vehicles could not be used. This is once again proof of the need to provide commanders - at home and on deployments - a certain budget they can spend under their own responsibility to purchase items such as these.

The lack of covered and weather-proof **parking spaces** also led to downtime for the BOXER vehicles based on what the servicewomen and men related. Temperatures of minus 20 degrees, rain, frost and snow caused freezing in the gaiters, for instance. The fuel would then coagulate and mould would form in the interior of the vehicles. The Federal Ministry of Defence stated that by early 2019, 26 parking spaces under protective roofs enclosed on three sides were to be created for mission-relevant vehicles. In addition to this, electric dryers had been ordered to prevent moulding. Nonetheless: Hangars would be better. But other infrastructural conditions going beyond the German domestic standard are not expected to be improved before 2020.

There was a temporary shortage of **individual combat rations** in the year under review during the “Hunter” exercise in Lithuania. This shortage was due to stocks of combat rations running too low in Germany. In light of its increased commitments, the Bundeswehr will have to review its stocks of individual combat rations and possibly adjust them to reflect the new challenges. Servicewomen and men also expressed their desire for a German field kitchen on site in Lithuania. The problems described relating to food provision by the Bundeswehr are one side of the coin, but on the other side there is the quality of the catering provided by Lithuania in the scope of its Host Nation obligations, which the servicewomen and men deemed to be good.

Junior-ranking personnel felt out of their depth in some cases due to their lack of English skills. To date language classes for this career path are only provided for in exceptional cases and are not offered during deployment preparation training either. The Ministry should rethink this. It would be wise for all servicewomen and men to have sufficient command of English on a multinational mission.

Very High Readiness Joint Task Force

The NATO Response Force (NRF) is to comprise up to 40,000 troops in the future. The members of the

Alliance provide troops on a rotational basis. The planning, setting up and training of the NRF Very High Readiness Joint Task Force (Land) (VJTF-L 2019) will be a real test for the Bundeswehr as the VJTF Framework Nation given the persisting shortages in personnel and materiel. The German land forces contingent alone comprises 5,000 Bundeswehr troops.

9 Armour Demonstration Brigade cannot provide the German contribution alone, the Federal Ministry of Defence has said, due to the **tight materiel situation** - it will have to use the equipment of other formations for the “stand-up”, “stand-by” and “stand-down” phases in the years 2018 to 2020. During a field visit by the Parliamentary Commissioner in Munster, soldiers criticised *inter alia* the operational readiness of the weapon systems. Out of a total of 44 LEOPARD 2 battle tanks, only 26 were operationally ready. Often this was due to the failure to stockpile spare parts. The Federal Ministry of Defence confirmed this for the most part. Remedial measures had already been introduced, there would be no negative consequences for the VJTF in 2019. The Army rejected the idea of forming a materiel pool of major equipment as it was of the view that this would lead to unacceptable restrictions throughout the entire spectrum of duties of the Army. The uncertainties regarding full resourcing of VJTF 2019 with operationally ready major equipment are being amplified by the fact that the HIL maintenance and servicing plants in Darmstadt, Doberlug-Kirchhain and Sankt Wendel are designated for transfer to industrial operators. The Federal Ministry of Defence did explain in plausible terms that this would not lead to any resourcing impairments. But soldiers were sceptical about this. The most reliable model continues to be if the field units themselves have sufficient transferable major equipment to be able to ensure both training and proficiency training at home during projects like Enhanced FORWARD PRESENCE and VJTF.

The following figures demonstrate how thin the ice is: During a field visit by the Parliamentary Commissioner in Munster at the end of May 2018, soldiers informed him that currently only around 60 per cent of the materiel required for VJTF 2019 came from their own brigade, and another ten per cent from the 1st Armoured Division. At the time of the field visit, 90,360 items were missing for the resourcing of VJTF 2019. This was juxtaposed by the challenge of already having to have all remaining equipment for the stand-up phase 2018 on site within 45 days following an alert. An additional problem arose from the fact that the standard software for managing

materiel and personnel for VJTF 2019 had not been able to be used for a long period. After a phase of painstaking transitional solutions, *inter alia* using Excel tables, the software actually designated for this purpose can now be used in full. Here, the special IT challenges were considered far too late. This should serve as a warning for future projects.

VJTF servicewomen and men may have to serve anywhere in the world. This is the basis for their practice and drills. That is why the designated forces also *inter alia* need to meet the requirements of “fitness for service in the tropics” and be fully vaccinated. They also need to have all the right equipment.

From 25 October to 7 November 2018, the **NATO Trident Juncture exercise 2018** took place in Norway. With 50,000 servicewomen and men, 10,000 vehicles, 65 ships and 250 aircraft, this was the largest NATO exercise since 2002. All 29 NATO Members as well as Sweden and Finland took part. With 8,000 soldiers, Germany was the second largest provider of troops after the United States.

The Bundeswehr was able to provide cold-resistant sleeping bags and winter clothing in time prior to the start of the exercise in Norway. But the servicewomen and men were not optimally equipped, not even at home in Germany. The servicewomen and men see another problem when it comes to entitlements to time off in lieu during the VJTF stand-down phase in spring 2020. By then, an entitlement to at least four months time off in lieu will have accrued. They view this as unrealistic. But current laws and regulations do not provide for the option of financial compensation instead. This needs to be resolved as swiftly as possible.

- *Furthermore, during a field visit by the Parliamentary Commissioner in Norway, during all the conversations servicewomen and men expressed frustration and incomprehension about the sometimes varying arrangements on the applicability of the Military Personnel Working Hours Ordinance and the communicative behaviour displayed by commanders in this regard. The accommodation situation with camp beds in communal tents was also a subject that was raised. The container accommodation originally planned was not available. Servicewomen and men on a tour of up to three months in Norway for the execution, preparation and follow-up work on the exercise found this type of accommodation a strain in particular. The communal tents provided had the disadvantage that when it rained, water would drip down in some places from the support structure and the temperature in the tent could drop to six degrees in the morning. Many service-*

women and men complained of insufficient provision of personal demand items. Shortages in hygiene products were reported, for instance. In some cases, cigarettes had not been available at all for several weeks. The local command has recognised the problems and shortages cited as examples and taken counter-measures where possible. There is need for improvement when it comes to future manoeuvres of this scale.

- *One soldier criticised the financial compensation in the scope of the exercise. The NATO large-scale manoeuvre had been categorised as an exceptional circumstance further to the Military Personnel Working Hours Ordinance, with the result that additional service was remunerated as minor and major qualifying events under the Military Personnel Working Hours Ordinance. It was questionable why for this exercise no foreign assignment allowance was being paid as it would for a quasi-operational commitment. The Federal Ministry of Defence refused to recognise the NATO exercise in Norway as a mission and thereby grant a foreign assignment allowance.*

- *Another soldier suggested that given the high costs of sending mail to Norway a military post system be set up prior to major Bundeswehr exercises abroad in the future. The Federal Ministry of Defence informed the Parliamentary Commissioner that a military post system abroad is only put in place, however, if no sufficiently reliable or reasonable civilian postal system exists or if military security is not ensured when using the civilian postal system.*

To ensure contact between servicewomen and men and their families during a large-scale exercise in the best possible way, the employer should use the logistics capacities already established for the exercise anyway for the shipment of military post as a reflection of its overall care responsibility. After all, this would also help train the proficiency of servicewomen and men assigned to military post duty in the scenario of “collective defence”.

Pre-deployment preparations

Military commanders in the German contingents often complain that soldiers are deployed who do not meet the necessary requirements for the mission posts, fitness for assignment to deployments abroad or fitness for on-board service. It was remarkable, for example, they said, how an obese soldier exempt from the obligation to maintain individual basic capabilities and from physical training was able to secure an exemption for the **fitness for assignment**

to deployments abroad. Luckily, there was a decrease compared to the previous year in exemptions relating to fitness for assignment to deployments abroad. Whilst in 2017, 282 out of 344 applications were approved, in 2018 this dropped to just 202 out of 241. The employer's duty of care means that it must only assign soldiers to deployments that are fully trained and physically fit enough for them. If soldiers do not meet these requirements, they constitute a danger to themselves and their fellow soldiers. Some soldiers are evidently even being transferred to the country of deployment without the requisite vaccinations.

- *One reservist who had been assigned to UNIFIL had to be repatriated due to lacking vaccinations, for instance. This was reported to the Parliamentary Commissioner during his field visit to Lebanon. This case is particularly serious because in addition to the issue of work-life balance, reservists face the additional challenge of reconciling their civilian profession and military service.*

For some soldiers the circumstances surrounding their assignment and/or the **cancellation of their assignment** were questionable:

- *A staff sergeant had been informed of the cancellation of his assignment while on leave 22 days prior to his planned transfer to Mali. Prior to this he had undergone all the pre-deployment measures and also made several decisions regarding his private life for this first mission abroad. In addition to postponing plans to start a family, he had given up or suspended an approved part-time job as coach of a football team and various volunteer posts. He was also worried that his friends and acquaintances would now see him as a posturer. In purely formal terms, the employer has the right to revoke an assignment at any time. The soldiers are briefed on this. Better communication and greater empathy and sensitivity towards the uncertainties and insecurities that go hand in hand with a soldier's first mission abroad should go without saying, however. "I take due note of the private efforts of staff sergeant X in the scope of the organisational preparation for deployment and the negative impacts on planning with regard to starting a family." This was the response of the petitioner's commander. Innere Führung demands more!*
- *Nine days before his planned transfer to Mali, a sergeant major was told that his planned post in Gao had already been cancelled two months prior. The cancellation had been entered into the Bundeswehr HR system promptly, but the lead unit would only have been able to realise this if they had checked hundreds of posts every day.*

This organisational deficiency needs to be rectified as quickly as possible, for instance by automatic computer checks. Courses, issuance of clothing, unit physician, absence from the home post, all of this places a strain not just on the already scarce resources of the Bundeswehr. The failure to inform the soldier in a timely manner above all constitutes avoidable strain on the soldier and his family.

- *The case of a soldier who after his return from his Mali deployment was ordered to catch up on a course that was actually a prerequisite for this deployment - "presumably so that the paperwork was in order" - seems particularly grotesque.*

The Bundeswehr is still failing to provide all soldiers with all the designated equipment and clothing for their deployment at the beginning of **pre-deployment training**. The Federal Ministry of Defence considers issuance of the specific equipment and clothing no earlier than eight weeks prior to transfer to the mission to be sufficient. This is wrong because pre-deployment training often starts many months before. A military policeman illustrated this in clear terms:

- *"It is not possible to get a feel for the extra physical burden of working with protective equipment. The soldiers cannot get used to 'their' vest (how it sits and handling of the magazine pockets/magazines etc.) and cannot practice the steps which potentially determine death and injury (time factor when pulling the magazine, weapons handling etc.) [...] because all of this is the life insurance policy for the soldier and his comrade in arms next to him." This says it all.*

Cases where soldiers cannot practice on the relevant weapons or the equipment used on the mission because there are not enough of these available in the Bundeswehr and those available are usually in the hands of the contingents are particularly serious.

- *One Army soldier, who had been assigned to RESOLUTE SUPPORT as an air controller, complained that the air controller materiel used on the Afghanistan mission, including special radio equipment, was largely unavailable in his formation - and had been for years. There was not even any comparable materiel to be able to train proficiency on a continuous basis. He had been able to borrow the materiel from elsewhere "through back channels". The Ministry on the other hand is of the opinion that there is sufficient air controller materiel of equal calibre, which is made available for training purposes as needed. Training on the actual equipment used on the mission continued to only be possible in the country of operations. This did not endanger opera-*

tional readiness, however, in the Ministry's view. In the Air Force and Army services, however, the assessment seems to be different: The assessment that the operational readiness of the air controllers is not endangered "is not shared", so a supplementary letter to the Ministry that the Parliamentary Commissioner also has in his possession. Of course, not every formation in which air controllers are serving have to have all the air controller materiel at their disposal, even if this is desirable. But training on different equipment to that used on the mission is quite simply unacceptable. Non-proficient handling with the potential to cause incorrect air control support endangers not only one's own troops on the ground, but also harbours the risk of collateral damage.

During the field visits to the mission contingents, some soldiers expressed their desire for more information on the country of operations, in particular on the population, history, religion and current political situation. This can easily be remedied: The "**History Guide**" published by the Centre of Military History and Social Sciences contains precisely this information on the theatres of operations. Why is the relevant guide not issued to each soldier prior to deployment as standard? The Navy has been doing this lately for UNIFIL. The Federal Ministry of Defence deems this not to be essential, citing pre-deployment training and the website of the Centre of Military History and Social Sciences.

Foreign assignment allowance

The soldiers deployed abroad receive a foreign assignment allowance in addition to their home pay. This compensates all the additional strain of the mission. The foreign assignment allowance is awarded for each day spent in the theatre of operations and is paid at the end of the month. Final settlement takes place after the respective assignment is completed. Since 1 December 2017, the foreign assignment allowance has no longer been paid via the respective field office of defence administration abroad, it is now paid centrally by the Federal Office of Bundeswehr Personnel Management. The Federal Office pays this on the basis of the temporary duty notice together with pay to the designated bank account retroactively each month through the Bundeswehr personnel management system.

This **procedural change** is essentially due to demands by the Bundesrechnungshof and the German Bundestag Auditing Committee to ensure proper record-keeping and oversight of the expenditure on foreign assignment allowances. As the actual end of the participation in a mission abroad often is not the

same as the originally planned OUT date, though, the automatic payment of the foreign assignment allowance is pre-set to end 15 days prior to the OUT date set forth in the temporary duty notice. Only after the mission is actually over is the final settlement and payment of any outstanding monies initiated. This is designed to avoid excess payments and recovery thereof. The later final payment after completion of the deployment compared to the prior procedure is due to the way the system and processes are organised according to the Federal Ministry of Defence. The Federal Office of Bundeswehr Personnel Management is currently reviewing ways to accelerate the final payment, however. This is necessary, it is not the soldiers who should be losing out here.

The Federal Ministry of Defence submitted a report to the Defence Committee on a **competitive salary structure** in the Bundeswehr in 2017. This proposes paying the entitlement to a foreign assignment allowance for all assignments abroad comparable to a mission. In addition to this, the time restrictions for granting foreign assignment allowances for temporary duty assignments in theatres of operations is to be revoked. The current levels of foreign assignment allowance are to be restructured and the financial benefits are to be improved by raising the daily rates for foreign assignment allowances by 20 to 30 per cent. Finally, the daily rates are to be structured dynamically in line with general salary development. The Federal Ministry of the Interior is in charge of the pay measures announced. These are expected to be implemented in mid 2019 with the Eighth Remuneration Amendment Act. The levels of foreign assignment allowance have not been adjusted for years. The recommendations included in the report on how salaries could be restructured should therefore now be translated into reality as rapidly as possible.

Servicewomen and men deployed in Lithuania saw a need for provisions regarding financial **compensation for border crossings**. Contrary to original plans to only stay in Lithuania, there were meetings in the other Baltic countries and in Poland as well as joint exercises and courses, for instance a Joint Fire Support follow-on training course in Riga (Latvia). Whilst for Enhanced FORWARD PRESENCE a €62 foreign assignment allowance had been paid, for an exercise in Latvia, for instance, it was only €46. The Federal Ministry of Defence confirmed this situation. It has secured the necessary consensus with the Federal Ministry of the Interior and the Federal Foreign Office to be able to provide an Enhanced FORWARD PRESENCE foreign assignment allowance for the deployment of the German troops in the remaining Baltic States and Poland as of 1 May 2019,

too. Until then, the tax-free €46 allowance will remain in place.

Award of service medals

Up until April 2018, at the request of the German MINUSMA contingent, the United Nations Force Headquarters in Bamako/Mali had awarded a UN medal to all German contingent members. A change of personnel at the headquarters in May 2018 led to a change: No medals were to be awarded to forces of the National Support Element anymore, already awarded medals were to be returned. Following an amendment to the respective Standing Operating Procedures for MINUSMA, the generous awarding practice will now be continued after all and medals will not have to be returned either. The award of UN service medals continues to be subject to the following requirements: a continuously served period in post on a UN mission of at least 90 days and deployment in a post that is part of a UN mission or deployment in a directly subordinate unit. The contingent members affected for the most part received their UN service medals and the associated certificates whilst still deployed.

Since 2014, the Parliamentary Commissioner's annual reports have drawn attention to the fact that servicewomen and men so far have not been awarded service medals for their participation in deployments prior to 30 June 1995, for instance **UNOSOM** in Somalia in 1992, and rightly regard this as indicative of a lack of gratitude. In the regular reports on this, in 2017 the Federal Ministry of Defence reported that the issue was now being addressed with the Office of the Federal President at director-general level. The Parliamentary Commissioner has also been assured that the Ministry also supports the start of the eligibility period being moved to an earlier date. The Office of the Federal President stated its willingness to the Parliamentary Commissioner to examine a request in this vein benevolently. It was the Federal Ministry of Defence, however, that would have to take the initiative. In addition to an in-depth explanatory memorandum to the request, a substantiated proposal for a new start date for the eligibility period would be required. A possible new start date for the eligibility period for the award of the Bundeswehr service medals would be 1 November 1991 - the current start date for eligibility for an entitlement to benefits and pensions for special foreign assignments under the Act on the Continued Employment of Personnel Injured on Operations. The Ministry should now finally eliminate these last bureaucratic hurdles.

MWR telecommunications

The Bundeswehr intends to enable Bundeswehr members on operations to communicate with home free of charge and has concluded a framework agreement on MWR telecommunications during deployments to this end. Here, priority is accorded to the possibility to telephone, video telephony and Internet use. The accommodation and MWR areas at the respective deployment properties therefore need to be equipped accordingly. Wherever the framework agreement cannot apply, servicewomen and men are to be able to use regional providers free of charge. The more than 4,000 Bundeswehr members on operations and quasi-operational commitments now use the **Internet** more than they telephone. The majority of users were also happy with the availability and quality of the Internet. Overall, the framework contract partner delivered the contractually agreed services in the year under review. User satisfaction is probably so high, though, because the contractual partner to the framework agreement provided a much higher bandwidth for Internet use than contractually agreed. Wherever only the arrangements under the framework agreement were honoured, things look different, for instance on the mission in **Lithuania**: Too low bandwidth, containers where Internet access is not possible and no wireless in the barracks area outside the accommodation were the points of criticism the servicewomen and men voiced to the Parliamentary Commissioner during his field visit. The Federal Ministry of Defence does not plan to have universal wireless coverage for operational reasons and for reasons of military security. To enable online gaming, video-streaming or similar nonetheless, a media server with e-papers and feature films was installed on the network, whose use does not use up bandwidth.

Soldiers in **Gao/Mali** were dissatisfied with MWR telecommunications in the year under review, in spite of the service agreement with the long-standing framework agreement partner: The requested MWR telecommunications for foreign partners and for civilian employees were not currently possible and had to go through a local provider. The Federal Ministry of Defence informed the Parliamentary Commissioner that the framework agreement did not include services for members of other nations' armed forces and civilian employees. This would require changes to the bill of services of the current agreement including a new tender. The current framework agreement is set to expire on 31 December 2018. The Bundeswehr can renew it for one year at a time. Increasing bandwidth for Internet use and the provision of services to foreign partners and civilian em-

ployees should therefore be a goal that is attainable in the near future.

The Bundeswehr is not in keeping with the times when it comes to **activating** MWR telecommunications for the individual soldiers. For this to happen, the Joint Forces Operations Command has to enter a data set into the administration system for each Bundeswehr member. The working hours in place there mean that this only happens on weekdays, but not public holidays and weekends. The Ministry has acknowledged the problem. The plan therefore is for the contingents in question to be able to perform activation themselves in the future. This requires an administration tool developed by the partner to the framework agreement and a user manual to first be tested, however. A contractual amendment is also necessary.

Since 2011, the Parliamentary Commissioner has continuously addressed the limited possibilities that have existed to date on board Navy ships for keeping up to speed with current affairs. In the year under review there has now finally been progress in **media provision on seagoing units**. The agreement to procure the requisite mediabox for this was concluded on 1 December 2018 and supply to the units began in mid December.

Away from licensing law and technical problems as well as military security issues, this example shows that not only large-scale procurement or modernisation projects take too long. With the satellite receivers already installed on some ship types, the Bundeswehr has now at least created the technical prerequisites for connecting mobile terminal devices to the on-board MWR Internet using a LAN cable. In June 2018 the installation of wireless Internet for MWR purposes was ordered for the seagoing units of Flotilla 2. This instruction was preceded by comprehensive testing of emission security and possible interferences with existing technical systems on board. Even though the Bundeswehr is currently working on supplying its submarines with access to information, the testing of a media supply originally scheduled to take place in 2017 has still yet to happen. Given the strain of long absences that sea duty places on servicewomen and men, functioning, modern MWR telecommunications that meet the same standards as for land forces are of crucial importance, not only for the morale of the soldiers at sea, but also for the attractiveness of serving in the Navy as a whole. Ultimately, it is a prerequisite for the principle of politically empowered citizens in uniform.

Transport to and from deployments

The transfer of personnel to the Bundeswehr's theatres of operations takes place first and foremost by military plane. If no timely military air transportation is available due to flight delays or flight cancellations resulting from technical faults or inclement weather, the Bundeswehr also reverts to the use of **civilian airlines** in the scope of a case-by-case decision by the Bundeswehr Joint Forces Operations Command - should the security situation so allow.

- *On 29 January 2018, 125 servicewomen and men were scheduled to fly from Mali on an Air Force Airbus A310 from Bamako via Nuremberg to Cologne, which was not possible due to engine damage and the unforeseeable time required for the repairs. Only nine servicewomen and men who had urgent personal reasons were able to travel home a day late on a civilian scheduled flight. The remaining 116 servicewomen and men left the country on 1 February 2018 on a Belgian plane headed for Brussels. The transfer to Cologne-Wahn took place by bus. The servicewomen and men then transferred from here to their parent units. The three-day flight delay and the itinerary finally opted for understandably provoked dissatisfaction.*

The Federal Ministry of Defence has now concluded a framework agreement for civilian passenger air transportation from and to **Mali** to improve the transport situation. At the end of August 2018, soldiers flew to Mali on a chartered plane for the first time in the scope of a contingent change-over at the German MINUSMA contingent. This is an important milestone, which first of all ensures greater planning certainty when transferring German servicewomen and men.

The condition of the take-off and landing runways in Gao/Mali meant in the past that it was only possible to deploy aircraft of the size of A400M or A310 at the price of risks and restrictions. The Federal Republic of Germany contributed to repairing the flight operations areas of this airfield in the scope of an upgrading initiative by the Federal Government. The Federal Ministry of Defence has stated that the overhaul of the runway, taxiways and parking areas is now complete. However, at the end of the year under review, the certification for the repaired flight operations areas required to start operating flights with aircraft of the size of A400M and A310 was still pending. To be able to start flight operations with German A400Ms under the conditions outlined above nonetheless, special clearance similar to the rules governing mission flight operations was granted. First transfers from Germany to

Gao using a German A400M took place in the year under review.

- *Several servicewomen and men complained that since July 2018, in Niger no transfers had taken place any more during night-time hours between the camp and Niamey airport. What was more, for civilian flights from and to Niamey, they were only allowed to use flights with Ethiopian Airlines via Addis Ababa. Stipulating one single airline may run contrary to the principle of competitive prices and cost-efficiency in individual cases.*

Fundamentally, for transfers to and from the theatres of operations using civilian air transportation, security aspects (especially including at transit airports) should have priority, followed by duty of care aspects in the form of reasonable travel times and finally economic efficiency aspects. In the case of Niamey/Niger, the security and care aspects are best accommodated by direct flights to Europe.

Transport from and to **Afghanistan**, which to date has taken place with US Air Force C-17 aircraft, was not satisfactory in the year under review. A total of 97 flights took place between January and December 2018, 29 of these flights (30 per cent) were delayed by more than 24 hours. Cancelled flights do not even appear in the Federal Ministry of Defence's figures. In the second quarter of 2018 this was four flights nonetheless. The figures for the third quarter of 2018, when all 28 flights were carried out on schedule - i.e. with delays under 24 hours, indicated short-term improvements. In the fourth quarter of 2018, 25 out of 29 flights went as scheduled. It remains to be seen whether in the medium and long-term greater reliability and planning certainty can be achieved for transfers to and from Afghanistan. With the proof of initial "ballistic protection" capability for the Airbus A400M and the availability of additional A310 aircraft, the Federal Ministry of Defence has stated that the shuttle service should improve.

The wife of a soldier who had just flown to his deployment in Afghanistan described a particularly drastic case:

- *A technical fault on a US Air Force Boeing C-17 led to her husband's flight, which had been scheduled to take him to his deployment on 25 June 2018, being delayed for days. He and the other passengers did not receive their checked-in luggage back as the fault was expected to be repaired quickly. What was more, some passengers had left their hand luggage on the plane due to contradictory instructions from the cabin crew. The fault could not be repaired quickly. The servicewomen and men were therefore transferred to their home barracks in some cases, to*

barracks in Cologne in others, and had to organise a change of clothes and hygiene products themselves. The petitioner's husband got these from home. In order not to confuse his four-year old daughter, whom he had already said goodbye to, she had to be housed elsewhere temporarily. For personnel who were particularly urgently needed in the country of deployment, civilian scheduled flights were not booked for until 30 June. On the same date, the remaining servicewomen and men were also able to take off for Afghanistan a few hours later. Five days delay under these conditions and with these side effects are not acceptable.

To quickly improve the situation which has been unsatisfactory for years, the Bundeswehr should also consider using civilian aircraft for flights to and from Mazar-i-Sharif/Afghanistan (as already successfully implemented for Mali) with due regard for the current security and threat situation in the theatre of operations. In his last annual report, the Parliamentary Commissioner already suggested generally examining the option of transfer with a civilian airline when flights are postponed for longer than two days.

More Europe

The NATO **Trident Juncture** exercise, which took place in Norway in October and November 2018 with over 40,000 troops from 31 countries attests to the ever greater connectedness, integration and ability to cooperate in the scope of the Alliance and beyond. The certification as a Very High Readiness Joint Task Force (VJTF) the German-led combat formation earned here and the certification of HQ 1st German-Netherlands Corps as Land Component Command for the NATO Response Force (NRF) in 2019 shows that Germany is able to assume military responsibility.

Nonetheless, in the current annual report, too, the following problems that were already criticised in previous reports must be noted: The Bundeswehr's international military cooperation too often suffers from a lack of systemic **interoperability**. Soldiers from 9 Armour Demonstration Brigade - the core of the German VJTF contribution - also lamented this, in particular with regard to the flow of information in the command process and the multinational coordination of replenishments and logistics.

During a field visit to the NATO Trident Juncture exercise in Norway in November of the year under review, the Parliamentary Commissioner was informed both during briefings and talks with servicewomen and men that the existing means of commu-

nication were not compatible with those of other participating nations. What was more, the German radio communication equipment was so out-dated that smooth communication between the participating German units was not possible. There is an urgent need for action in this quarter. Waiting for holistic solutions for the entire Bundeswehr is not an option. Island solutions are better than no solutions at all.

Another example shows how in the area of logistics, too, the preparation of shipments to other countries can still be improved. During a briefing it was reported that the planned rail shipment of type GTK BOXER vehicles in Norway was not possible as the Norwegian rail carriages were approximately 30 centimetres higher than the equivalent carriages in Germany. They would have reached a total height that would have made it impossible to enter the tunnels there.

The personnel augmentation and the increasing importance of the HQ Multinational Corps Northeast in Stettin last year also attest to how the security situation in Europe has changed since 2014. Against this background, the expansion and bolstering of projects that have already started, like the NATO Response Force NRF, the Enhanced FORWARD PRESENCE and the projects in NATO's Framework Nations Concept (FNC) and the EU's Permanent Structured Cooperation/PESCO) are increasingly important. Add to this bilateral and multinational cooperation projects like the European Air Transport Command (EATC) in Eindhoven for seven nations or the German-Netherlands Army cooperation.

The future of the **Armed Forces in Europe** lies in closer cooperation at all political and military levels. The declared intention of moving in the long-term from the construction of a European Defence Union to a "European Army" or an "Army of Europeans", as the Federal Chancellor also stated last year, is a project that will take generations. Visible and quick successes en route towards this are important. In addition to the 34 joint projects under the European PESCO initiative, the new Joint Support and Enabling Command (JSEC) to be established under the command of a German general in Ulm is seminal for NATO-Europe.

Military ombudsman rights also play a role in deepening European and international military cooperation. From 28 to 30 October 2018, the 10th International Conference of Ombuds Institutions for the Armed Forces (ICOAF) was held in Johannesburg with 79 representatives from 36 countries and seven international organisations including the OSCE and EUROMIL. The conference dates back to an initiative by a former Parliamentary Commissioner for the Armed Forces and was held for the first time in 2009 in Berlin. After calling for cooperation to be deepened, which was welcomed by all participants at the 8th ICOAF in Amsterdam in 2016, the Parliamentary Commissioner then initiated a resolution in this vein. In consultation with the Netherlands, Austria, Norway and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Parliamentary Commissioner presented the following demands at the ICOAF in Johannesburg:

Resolution to enhance cooperation between ombuds institutions for the armed forces to strengthen the rights of servicewomen and men in international cooperation

The security-policy environment has changed fundamentally at a global level in recent years, a trend that persists. Military cooperation between nations has increased on a massive scale, inside and outside alliances. Different armed forces are already cooperating today, for instance on international missions, at multinational headquarters and in bi-national and multinational formations.

During this cooperation, tensions may arise between servicewomen and men from different nations. Problems may arise due to the different legal regulations that apply to different states. In addition to this, a host of questions of a fundamental nature are conceivable.

National rights, such as the right of complaint or soldier participation rights, but also disciplinary powers, do not apply as soon as matters affecting multiple states come into play.

Efforts by the respective governments to resolve such matters - in rare cases - through diplomatic channels, overlook the potential of military ombuds institutions.

The signing institutions and organisations therefore agree to enhance their cooperation in order to aid servicewomen and men in the outlined problem situations.

- The military ombuds institutions recommend that in their capacity as troop providing nations, their armed forces ensure that in all forms of cooperation and integration the partner nations regularly provide information in the form of relevant agreements such as Technical Arrangements or statutes about which national ombuds institutions of the partner exist and which rights these give rise to for their own servicewomen and men.
- The ombuds institutions shall - where required - seek joint solutions in the event of conflicts. They shall inform each other about planned field visits with an international context and about their findings. They shall report back to one another on the problems that they have become aware of in the context of the military cooperation between their nations.
- The ombuds institutions shall inform DCAF of all cases they are aware of with an international dimension and the outcome thereof. DCAF shall publish an according collection of cases each year.

The exchange of such cases and information and publication thereof shall take place in a suitable, for instance anonymised form and with due regard for data protection as well as national and international secrecy regulations.

The ombuds institutions shall take steps to ensure that this Resolution is publicised nationally and internationally.

10. Law violations and the administration of justice

Sexual harassment

The number of “reportable events” on the grounds of suspected offences against sexual self-determination rose in the year under review compared to the prior year. In the year under review, 288 cases were reported, in 2017 the figure was 235.

Awareness of the issue of “sexual harassment” is likely to have risen in society as a whole, and in turn in the Bundeswehr, a result of the “**MeToo**” debate triggered in 2018. Furthermore, the media coverage about the Pfullendorf site - where there had been complaints of practices that seemed to be of a sexual nature during medical training - led to greater awareness. At the same time, there is also a certain feeling of uncertainty and insecurity.

- *An equal opportunity representative at the site in Pfullendorf complained of “excessive measures”. Medically standard procedures like patting down an injured servicewoman to check for possible injuries as part of medical training now had to be trained solely by servicewomen in a separate room.*

In each case, there needs to be a clear definition of what sexual harassment means in concrete terms. When are the criteria for a criminal offence under Section 184i of the Criminal Code introduced in 2016 met, now that unwanted, socially inappropriate touching such as grabbing a woman’s breast or bottom are punishable as a **sexual offence**? Superiors have to grapple with this question. This is what happened in the case below. The example shows that even if a decision is made to refrain from criminally prosecuting sexual harassment, a case can nonetheless have disciplinary consequences.

- *A female corporal had danced on a “pole-dance pole” in short, figure-hugging clothing in front of guests at a private function. When she was hanging upside down on the pole, a male corporal smacked her on the bottom. He was said to have already done this multiple times when they were working a shift together. Only the private case could be proven. The superior in charge decided after close examination of the matter to take into account the circumstances - even if the behaviour of the accused in no way justified this. He left it at a forceful cautioning of the soldier, but made it unmistakably clear to him that he would be subject to close command supervision and that all cases would play a role again if he re-offended.*

Often, the cases of sexual harassment reported by servicewomen in the year under review related to inappropriate touching, for instance of the posterior or of the breasts, but also slaps on the posterior. The assaults were punished with disciplinary fines or severe reprimands.

- *In one case, a corporal demanded oral sex from a minor servicewoman in exchange for giving her a lift. A severe disciplinary fine was imposed on him.*
- *A private who had got into bed with a drunk, sleeping servicewoman and rubbed his penis against her vagina was fired immediately.*
- *One sergeant sent sexually suggestive messages by WhatsApp to a female comrade, although he could and should have known that she did not want to receive any comments of a sexual nature from him. This included sentences like: “We had amazing sex”, “I totally couldn’t wait to nip up to the room with you”. The offence was punished with a high disciplinary fine.*

Deeming a negative experience to be sexual harassment is first of all the individual prerogative of the person affected. Third parties who think they have the right to judge this often show a lack of respect in addition to a lack of understanding, which frequently goes hand in hand with downplaying the incident. Sexual harassment may also apply if someone shares pictures and videos of a sexual nature with several members in a private **WhatsApp group**. Here, it is the subjective perception of the individual members of the group that decides whether this is unwelcome and seen as sexual harassment.

Servicewomen and men must generally be aware that they may face consequences. One superior, who had repeatedly massively sexually pestered two servicewomen was made aware of the consequences of his actions by a court ruling:

- *The Federal Administrative Court ruled on 27 March 2017 that sexual harassment by superiors is particularly grave, furthermore if it is of a physical nature and happens repeatedly. The soldier was demoted two ranks.*

According to a survey by the “YouGov” institute, which was conducted at the end of October 2017 on behalf of the German Press Agency, almost one in two women in Germany have already experienced sexual harassment or pestering. Around one in six men admitted inappropriate behaviour according to this survey. The Bundeswehr is no exception here, as attested to by the figures from the Bundeswehr study published in 2014 entitled “Troop Portrait without Lady?”

Many cases of sexual harassment cannot be solved subsequently because there are no witnesses or they fail to testify, despite knowing better. Anyone who fails to vehemently and loudly stand up to any form of assault and sexism is acting in an uncomradely way! Each and every servicewoman and man needs to be clear about this.

The Bundeswehr needs to do more than in the past to work towards creating a climate that does not provide any room for sexually motivated misconduct in the first place. An underlying mindset guided by values must become something that goes without saying. **Interacting respectfully** with each other, good communication, a common self-perception - these aspects must not fall short, right from training onwards. Starting with recruits, soldiers should learn to reflect on their own behaviour and how this impacts those around them. At the same time, servicewomen and men have to be encouraged to set clear boundaries. Sexual violence and harassment continue to be heavily influenced by a social stigma that apports some of the blame to the victims. Raising awareness and doing away with victims' feelings of shame and guilt is therefore important.

Bullying

Conflicts are unavoidable no matter where the place of work. This also applies to the Bundeswehr. If, however, it is a matter of routinely behaving in a way that is lacking in collegiality and respect, if individual servicewomen and men deliberately bad-mouth others, keep information from them or pass it on incorrectly, exclude them and intimidate them verbally or physically, then it is not just the victims that suffer, this also has a negative impact on the quality of work. Not every conflict situation, contention or difference in opinion between servicewomen and men or with their superior constitutes bullying.

Labour courts define bullying as follows: “continued, interrelated or interdependent hostile, harassing or discriminatory behaviour towards individual employees for the purposes of achieving objectives not covered by the legal system and which, in their entirety, violate the general right of personality”. Acts of bullying may also be a criminal offence. For instance, if it comes to insults or bodily harm, the threshold of criminal liability is passed.

In the cases drawn to the attention of the Parliamentary Commissioner in the year under review - 35 petitions and 36 reportable events - bullying could not be unequivocally ascertained. This seems to be a systematic problem. Conflicts had escalated and

interaction seemed to have become so coarse that those affected at any rate had the subjective impression of being bullied.

- *One soldier described how he was being excluded and picked on in his unit, which had led to massive psychological problems. The investigations did not find any punishable misconduct. The fellow soldiers accused by the soldier denied the accusations, it was his word against theirs. Nonetheless, the superiors stepped up their oversight and cautioned the servicewomen and men on comradely behaviour towards each other.*

Bundeswehr command personnel confirmed in conversations with employees from the office of the Parliamentary Commissioner that “**cliques**” existed in the Bundeswehr which made everyday working life difficult for the servicewomen and men that from their perspective did not fit into the clique. This usually happened in a very subtle way which was impossible to prove.

Even if behaviour has not yet crossed the line into bullying, a lack of respect and other behaviour outside the bounds of normal conduct by individuals can paralyse entire work areas, increase sick rates and negatively impact cohesion and work performance. Here, not just superiors, but each and every soldier must be sensitised time and again so that an atmosphere that is propitious to bullying cannot develop in the first place.

Social media

Time and again, there are incidents of servicewomen and men using social media to deliberately post extremist, racist and discriminatory content online. In isolated cases there is a lack of the requisite awareness that they have done anything wrong. But social media do not exist in a legal vacuum, abuse can lead to criminal prosecution and disciplinary consequences. In serious cases, the servicewomen and men investigated are also dismissed prematurely from service in the Bundeswehr.

- *A corporal posted the following text on Facebook: “Because they let in scum everywhere, the chocolate feet should fuck off with their diseases and the like. They don’t know any different the black feet, that’s why they wallow in the mud, because it itches and now it’s being passed on to our children somewhere!!! Ugh, poor Germany. Kick the scumbags out”. Although the soldier deleted his comment, the matter was referred to the public prosecutor’s office.*

The disciplinary proceedings were suspended until the completion of the criminal proceedings.

- *One military service volunteer repeatedly sexually harassed female recruits. He also used social messenger services as part of this. This included sending pictures of his exposed penis to a female comrade via Snapchat. The disciplinary investigations examined the possibility of dismissing the soldier, but he pre-empted this by resigning himself. The public prosecutor's office is investigating the matter.*

- *The following pictures were posted in a WhatsApp group of nine junior-ranking servicewomen and men: One picture showed an owl wearing an SS peaked cap marching with the caption “The Holocaust is coming for you”. The second image showed a woman wearing a headscarf on the left with the caption “I am a Muslim and a feminist”. The right-hand side of the picture showed a Wehrmacht soldier in uniform with the caption “Hans fetch the MG”. The final picture showed Adolf Hitler in uniform with a red swastika armband and the quote “The first million is the hardest - Adolf Hitler”. The ringleader was dismissed from the service of the Bundeswehr. Nonjudicial disciplinary punishment was imposed on the other servicewomen and men. Problem-conscious civic education is urgently needed here as well.*

- *A private (officer candidate) posted a YouTube link to the song “Unsere Fahne flattert uns voran”, also known as the “Hitler Youth anthem” and the cover photo with a swastika in a WhatsApp group. The soldier was prematurely dismissed from the service of the Bundeswehr.*

Legal knowledge of disciplinary superiors

Superiors are required to treat all servicewomen and men correctly and equally during disciplinary and complaints procedures. This also applies if they are higher-ranking superiors. Superiors can only meet these legitimate expectations of subordinates if they have the necessary legal knowledge and know how to apply this reliably in practice.

- *One petitioner had approached a high-ranking officer in the presence of several witnesses about this officer having been present at an initiation ritual on multiple occasions in the past when he was commander and him not intervening. No plaintiff, no judge, the officer was said to have answered. To investigate the officer's behaviour, his disciplinary superior only formally questioned one other witness involved in the conversation. He was unable to recall*

the content of the conversation. The disciplinary superior formally questioned neither the other people involved in the conversation nor the officer whom the criticism had been directed at. He nonetheless came to the conclusion that no disciplinary offence could be ascertained. The Federal Ministry of Defence rightly noted that it would have been appropriate to interview additional witnesses and to formally question the officer concerned.

In isolated cases, it had to be noted once again that complaint notices had been issued by superiors not authorised to do so, that complaint notices did not meet all the content requirements or contained incorrect notices on rights of appeal. This shows once again how important training of disciplinary superiors is on disciplinary and complaints matters. But this requires there to be enough instructors. Fortunately, the shortage of law instructors at Army training facilities described in last year's annual report has now eased. Interim solutions have also been found for the **vacancies** at the Army's Non-Commissioned Officer School and at the sergeant/noncommissioned officer candidate battalions. Now it is important that the posts that are still vacant are permanently filled so that smooth provision of legal instruction during training can be ensured and to ease the load for the temporarily assigned law instructors and disciplinary attorneys.

Disciplinary attorney's offices and disciplinary and complaints courts

There continues to be a shortage of disciplinary attorneys. Judicial disciplinary proceedings take too long to conduct. In some cases, this can have very negative impacts on the career progression of the servicewomen and men against whom disciplinary proceedings are pending. This is because there is a general prohibition on promotion for the duration of the proceedings. The number of people affected is not low. No improvement of the situation is in sight. The number of posts at the disciplinary attorney's offices has since been increased, but now they also need to be filled. In October of the year under review, only 216 out of a total of 262 existing posts were filled. 19 new appointments and five planned new appointments as well as seven transfers to the offices only provided a brief reprieve, as in exchange 21 people were transferred away to other areas. If the number of new appointments is not considerably increased soon, and the periods in post in the administration of justice are not appropriately extended, nothing will change in the long term either. This is because parental leave, participation in missions

abroad and absences for training purposes also routinely lower the number of staff for months at a time. The actual proportion of posts filled is key to the performance of the disciplinary attorney's offices. This continues to be very poor at many locations.

The heavy workload at the disciplinary and complaints courts also persists. This is particularly evident in the remit of one chamber where, according to its own statements, the idle period after receiving a case had increased to an average of two years. In October of the year under review, out of 16 posts at the disciplinary and complaints courts, 13 were filled. The activation of the two inactive chambers (7th chamber of the disciplinary and complaints court North and South respectively) is positive. Only once the posts there are filled, which should happen as soon as possible, can it be expected that around 470 legacy cases can be completed.

The last annual report already made mention of the reform endeavours and the **Working Group on Military Discipline** established by the Federal Ministry of Defence in conjunction with this. The proposals for amendments and improvements put forward by the working group have not yet been fully and definitively examined. The Ministry has yet to answer the question of which of the working group's proposals will ultimately actually be implemented. As stated before, possible reforms should then also be implemented expeditiously. When this is done, workloads must not merely be shifted, but reduced. Measures that further complicate on-going proceedings should also be avoided. The best and most efficient option to improve and speed up judicial disciplinary proceedings is still personnel resourcing for the administration of justice that allows institutions to sustain their actual workloads.

Crimes against the Bundeswehr

In the year under review, according to the Federal Ministry of Defence, there were 86 attacks/crimes against the Bundeswehr (2017: 88), in particular against barracks, training areas and vehicles. These break down as follows: five arson attacks (2017: 6), five acts of sabotage (2017: 5), 69 cases of violence against military assets (2017: 70) and seven cases (2017: 7) of violence against people.

Requests for case reviews and information made by the Parliamentary Commissioner

Requests for comments in response to petitions submitted to the Parliamentary Commissioner are required to be processed as a matter of urgency pursu-

ant to paragraph 301 of the Type A General Publication "2600/2 Matters concerning the Parliamentary Commissioner for the Armed Forces". A shortage of personnel, but also the priority accorded to short-notice or complicated assignments from the Federal Ministry of Defence leadership often led to delays. Should an extended period of time be required to deal with such matters, the Parliamentary Commissioner has to be informed of progress at appropriate intervals by the agencies he has called on to comment on the matter. This is not always adhered to and the agencies do not always respond promptly to follow-up enquiries either.

- *By virtue of his office, the Parliamentary Commissioner had automatically tackled two "reportable events" from a company. In letters dated 20 July and 15 August 2017, enclosing the investigation documentation, he asked the company commander to comment on the case, to inform him of the measures taken and to send a copy of the corresponding orders. The company commander failed to respond to this request and to repeat enquiries in October and November 2017 and in January 2018. The Parliamentary Commissioner therefore wrote to the commander of the formation. The training officer of said company hereupon informed the Parliamentary Commissioner in an e-mail dated 5 March 2018 in brief without enclosing the requested documents that the case had been referred to the competent disciplinary attorney's office, where the preliminary investigations were still under way.*

Occasionally, in response to enquiries by the Parliamentary Commissioner about the progress of investigations, the agencies in charge only answered that a penal order, a criminal judgement, a notification of the closure of criminal proceedings or order to close criminal proceedings had already been issued. They did not enclose documents, although the Parliamentary Commissioner requires these to assess the petition. If proceedings are closed subject to certain conditions, the Parliamentary Commissioner also wants to know what conditions the servicewoman or man has to meet and not have to request this information separately. The same is true if the person affected has already been discharged from service or if the decision was taken not to pursue judicial disciplinary proceedings. It is particularly frustrating when agencies and units at all levels and also disciplinary superiors fail to enclose all the investigation records, complaint notices or disciplinary orders or if individual documents are incomplete. The Parliamentary Commissioner cannot do much with just the front pages of disciplinary orders or interview records, as are sent on occasion. To duly appraise the

agencies and units' assessments and the measures taken, he needs all the documents in full.

11. Work-life balance

The demographic and digital transformation is significantly changing the world of work. The Bundeswehr is impacted by this as well. To continue to be an attractive employer in the future, it will need a great deal of ideas, a desire to actively shape this development and flexibility. In the competition over talents in specialist and command fields, family-friendliness and flexible working processes are of increasing significance. But what really defines a **family-friendly corporate culture**? Employee surveys make it clear that it is not enough to offer attractive options like part-time work or teleworking. Employees want to be actively involved in developing these kinds of schemes. If people are able to reconcile their personal needs and work, and in turn act with greater autonomy overall, they tend to feel perceived as a human being and not just a human resource experience shows. This is motivating and promotes loyalty. Loyal employees are more committed and perform better.

Problems of a commuter army

Germany-wide mobility and the willingness to be permanently or temporarily assigned to other locations far from home in Germany or abroad are among the core demands made of those who pursue military careers. Many servicewomen and men are under great strain as a result of missions, frequent reassignments and course periods. Many invest a huge amount of time and effort once off duty to travel long distances, for instance to care for their families or relatives in need of long-term care. A study conducted by the German Institute for Economic Research (DIW) showed that members of the Armed Forces are the occupational group that has to put up with the **longest commuting journeys** between their places of residence and the places they work. On average, each servicewoman and man covers 121 kilometres every day between their duty location and their home.

The Federal Institute for Occupational Safety and Health sees commuting as the cause of various health problems. Alongside tiredness and exhaustion, this also includes nervousness and irritability. Employees with long commuting times also suffer more frequently from gastric and digestive complaints and neck and shoulder pain. For this reason, the desire to be reassigned to a location close to home continues

to play a crucial role. A good initiative in this context is the private "Soldiers' Exchange" project launched in 2017. This can be accessed via the Bundeswehr Intranet and offers servicewomen and men who want to be reassigned the possibility of finding someone willing to switch places in their region of choice.

The Bundeswehr Association already put the **separation rate** for couples in which one of the partners serves at more than 50 per cent in the last reporting year. The collection of reliable, up-to-date data on this issue, for instance by the Bundeswehr Centre of Military History and Social Sciences, the Parliamentary Commissioner has urged has not been actioned by the Federal Ministry of Defence to date. This suggestion therefore continues to apply.

In the past few years, the Federal Ministry of Defence has initiated a range of measures in order to comply with its duty of care towards servicewomen and men. Nonetheless, family-friendliness continues to be an issue in the Bundeswehr. This is why in the year under review - for the fourth time now - the Parliamentary Commissioner and the Catholic military chaplaincies and Evangelical Lutheran chaplaincies in the Bundeswehr staged an event on "The compatibility of serving in the Bundeswehr and family and private life." As in previous years, the discussion with knowledgeable servicewomen and men, stakeholder representatives and experts addressed the problems that exist in this context from all different perspectives.

Time and again it became clear: **Information and communication** have to improve in the Bundeswehr. Greater openness and honesty are needed, starting right with recruitment campaigns. In the long term, the Bundeswehr will not benefit if servicewomen and men start serving under false premises and then regret their choice of profession shortly after. Here, the only thing that will help is a by all means friendly but very clear and straightforward briefing on what being a soldier means for your private life. At this year's event it was striking again how much servicewomen and men suffer due to the inability to plan. The ability to plan and a certain degree of flexibility are crucial tenets in making service in the Bundeswehr more family-friendly.

A survey conducted at a Naval Support Command on "Career soldier willingness" also confirms that many young and highly qualified officers are undecided or not willing to consider entering service as a career soldier. The reason for this was the incompatibility of service and family commitments in this service branch.

- *Servicewomen and men in seagoing units frequently criticise that short-notice postponements of sea patrols - in some cases just with one week's warning - makes it particularly difficult to reconcile service and family.*

It is not always possible to avoid postponements, including short-notice ones. There may be many different reasons for this which the Bundeswehr is not to blame for. This is why transparency is so important. Decision-making processes need to be explained to the crew members affected because communication and information lead to greater acceptance.

Unmarried servicewomen and men living in a long-term partnership feel they often face discrimination compared to married fellow soldiers:

- *Partners were taken into account during security clearance checks, it was said, but not when it came to granting family allowances, home leave journeys or costs in connection with missions abroad. When caring for relatives, they did not receive the same support benefits either, soldiers criticised.*

Favourable regulations do indeed predominantly only target married couples or registered partnerships. This also applies to the recognition of residences in connection with the verification of separation allowance entitlements. Today's cohabitation reality is different though. This should be reflected in the regulations. Given that the Bundeswehr demands a lot of military families, whatever form they may take, it should lead by example here.

As in previous years, servicewomen and men criticised the lack of information sharing when taking into account family matters during the planning of training and courses.

- *A servicewoman involved in family care who worked at the Bundeswehr Hospital in Berlin only learnt after asking that the planned civilian initial and follow-on occupational training measure she had been scheduled to go on was not taking place. As she aptly put it: "My example shows that the lack of transparency in personnel matters and the transfer of information all the way to the individual soldier, for whom current information is of such great importance, repeatedly pose very major problems."*

Many servicewomen and men evidently still do not know that when they opt for the Bundeswehr they are entering into a binding commitment for a certain period of time. They complain that the advice provided at the Career Centres would suggest that it was straightforward to end your period of service early or

to be reassigned to a location close to home. In times when the Bundeswehr is suffering huge personnel shortages, this is not the case. Approving applications for curtailment of the period of service does not usually align with operational interests, reassignment close to home can often only be approved in exchange for a replacement. Dissatisfaction and frustration among servicewomen and men can only be avoided if this is already clearly and openly communicated at the Career Centres.

Deficiencies in the advice offered evidently also repeatedly occur in connection with separation allowance entitlements.

- *One Air Force soldier voiced his dissatisfaction at not receiving any separation allowance, although he travelled a total of 1,000 km every week to spend the weekend with his family. Other fellow soldiers claimed separation allowance and were back home every day after a 30-minute trip home. An entitlement to separation allowance only exists if the expenses for two homes are caused by service-related reasons. The soldier had moved for private reasons, however, and rightly did not receive a separation allowance.*

Petitions on this issue are not an isolated matter. Servicewomen and men are taking decisions without knowledge of the specific general conditions which entail a huge economic strain and that may push them to their financial limits. Good advice right at the recruitment stage can prevent this. But the servicewomen and men affected are also called upon to inform themselves about their entitlements before making a decision to move.

Further developing the service regulation on **mobile work** in the Bundeswehr is an important step in order to harness the potential of flexible working methods. This benefits families. Emergency laptops at the agencies and units help if there are short-notice support needs or if setting up a teleworking station takes longer than planned. The plan to reorganise the Federal Ministry of Defence's IT equipment in the future so that every employee is also able to do impromptu mobile work if needed after consulting with their superior is also good. The Bundeswehr should continue down this road systematically and boldly. Applications for mobile working must be made centrally in the future to the Federal Office of Bundeswehr Personnel Management. There will then also be an information platform there. Training for leadership personnel is also planned. In this context, the desk officers processing these applications need to be trained comprehensively and encouraged to liaise closely with the supervisor and the applicant.

There will always be compelling arguments not to categorise individual posts as suitable for teleworking. An applicant who is informed of this in a timely manner and who recognises endeavours to seek alternatives will be more understanding towards substantiated decisions to deny the application.

Good communication and problem-oriented action were successful in the following case:

- *The post of a young father could not be deemed suitable for teleworking even after a second review of the matter. The Federal Office of Bundeswehr Personnel Management took this as an opportunity to offer him a teleworkable assignment option closer to his home at the same headquarters.*

It is pleasing that following a case described in last year's annual report, the rules governing teleworking and physical training are to be changed. To date, posts requiring physical training have generally been assessed as unsuitable for teleworking. In the future, physical training will be able to be done at a unit close to home, making posts with physical training teleworkable too.

The way **applications to work part-time** are processed and the time this takes often causes problems.

- *A father of four small children on parental leave with an ill, severely disabled wife had made an application to work part time first of all verbally, then in due time in writing two weeks prior to the requisite three-month notice period. Only after the start of the period applied for was his application denied, a decision which did not make any sense to him, which was later revoked, however. Not only the time taken and how the application was processed, but also the decision to deny the application were erroneous. Problems like these are not isolated. So it cannot be underscored enough how important regular follow-on training is for the employees dealing with personnel matters.*

The Bundeswehr limits part-time work to a maximum of twelve years. This can be a major burden to servicewomen and men if family commitments occur at different phases in their lives, for instance first childcare and then the care of ill or disabled parents. There are other cases, too:

- *A father with two foster children wanted to extend the period of part-time work to beyond twelve years. The children required care beyond the usual support for children of their age. This application was rejected: The military requirements, in particular regarding the operational readiness and availability of the Armed Forces meant that it was neces-*

sary to have more restrictive provisions governing the enabling of part-time work than in the remainder of public service law, it was argued. The Ministry did, however, acknowledge the unsatisfactory impacts of this legal situation and took the petition as an opportunity to rethink this provision, which is no longer in keeping with the times, and to possibly amend it to meet current requirements and needs. This is good and the Parliamentary Commissioner will continue to pursue this.

There are by all means positive experiences among troops of efforts to reconcile family and working life and to support **alternative working hours models**:

- *One example to be praised among many is the command of 74 Tactical Air Wing based at Neuburg an der Donau. During a field visit, representatives of the participation bodies expressly commended their air wing command for the intensive efforts to reconcile family and working life and to support alternative working hours models.*

Caring for relatives

The number of people in Germany who require assistance in their everyday lives is constantly rising. According to information from the Federal Health Ministry, in December 2018 more than 3.4 million people were claiming benefits from social insurance for long-term care. A large part of long-term care is provided by relatives, so by servicewomen and men as well. The concept of care encompasses all help and support provided. In addition to physical care, this also includes overall care and administrative activities such as support in financial matters and liaising with doctors. All of this places strain on those affected. Caring for relatives also entails a high level of mental and in some cases also physical strain. Furthermore it is difficult to plan - it can scarcely be predicted when a long-term care situation will occur and how long it will last. In most cases, relatives face a situation where they are required to find workable solutions in a very short space of time without warning. Statutory provisions, for instance family care leave or the care support allowance do provide some relief. But they do not relieve employers - including the Bundeswehr - of their responsibility. A study by the Hans-Böckler Foundation found that above all low-threshold employer measures such as information services and flexible working hours and flexibility in the organisation of work are highly appreciated and in demand. Without workable solutions to reconcile military occupations and caring for relatives, the Bundeswehr runs the risk of losing qualified personnel, or it will have to bear the con-

sequences of personnel being overburdened due to professional and care commitments in the form of absences from work, lower productivity and sick days. So it should prepare itself better than it has done to date for the special challenges long-term care poses.

Servicewomen and men often feel abandoned in particular when it comes to the recognition of **serious personal grounds** for reassignment to a location close to home and often it takes too long for those affected to really receive support:

- *The application of a servicewoman for reassignment to be able to care for her grandmother who was suffering dementia was not decided on for months, although the medical advisor had recommended reassignment as quickly as possible. The grandmother died whilst the matter was still being decided.*

In many cases, the topic of care is still seen as taboo in a work setting. Carers do not talk about it to avoid burdening themselves or others. Superiors on the other hand often feel helpless in this context and hesitate to speak about this with those affected. A terrible effect of **taboos** of this kind may be that servicewomen and men may not be sufficiently informed about support options available and in turn will be unable to take advantage of them. Breaking down inhibitions with more consistent information and communication including raising awareness among leadership personnel is crucial.

One example of a soldier who had learnt of his fiancée's life-threatening illness during his officer course shows how support can be successfully provided during an acute emergency.

- *His classroom supervisor and officer commanding made it possible for the soldier to travel to the clinic that same day. They granted generous special leave and dealt with any unresolved issues relating to his course. Their show of care and compassion - both by telephone and in person - helped the soldier a great deal and enabled him to devote himself fully to caring for his fiancée. This left a very positive impression of the Bundeswehr both among his fellow soldiers and in his private circles, the soldier reported to the Parliamentary Commissioner.*

Childcare

Gaps in childcare are not a problem specific to the Bundeswehr, but one that affects the whole of society. According to a recent study by the German Economic Institute, Germany is still far from having a childcare infrastructure that meets the needs of fami-

lies with children under the age of three. The study also sees a need for action when it comes to the quality of the childcare offered.

The target formulated in the “Bundeswehr in the Lead” attractiveness campaign of providing full childcare is still far from being attained. Ensuring the availability of demand-led childcare that takes account of the specific needs of the military profession is a topic that continues to be of great concern to servicewomen and men with parental duties.

Under the Basic Law, the task of providing childcare facilities lies within the primary jurisdiction of the Länder and the municipalities. The Federal Ministry of Defence is always very keen to point this out. From a purely legal perspective this is indeed true. But for the Bundeswehr it is its own future at stake here - it has recognised this in its attractiveness campaign. So referring to jurisdictions is not very helpful. A responsible employer should support servicewomen and men in reconciling work and childcare tasks in an optimum way. Soldiers' families need quick and straightforward support. The Commissioner for Work-Life Balance has been able to initiate a fair amount over the last few years in the area of childcare in the Bundeswehr.

In the year under review, the Bundeswehr had 870 care places nationwide, largely **rights to places** at government or non-government childcare facilities (around 500). There is one Bundeswehr children's daycare centre in Bonn with around 90 places and five Bundeswehr-affiliated childcare facilities where the Bundeswehr provides the infrastructure, with 170 places. In addition to this are places in 16 daycare and large-scale care units on military properties, including those for children of soldiers attending courses. Many children's daycare facilities are increasingly feeling the shortage of nursery teachers that has existed in Germany for several years now. This is why at some locations where there is a major demand for childcare places the Bundeswehr is unable to acquire any further rights to places.

The expansions to the **children's daycare centre** in Coblenz and Ulm and the crèche in Husum are pleasing and will ease the situation for servicewomen and men. There are also plans to build a children's daycare centre for the Bundeswehr Hospital in Berlin. The project in Berlin has already been dragging on for several years now, however. All the conditions were already in place for the construction back in 2015 according to the Ministry, but the project still has yet to be implemented.

The evaluation of the “Childcare at training course locations” pilot projects was positive. At the five

selected locations, in the year under review 24 childcare places were available for those attending courses. Now it is important to continue the success of large-scale daycare at these sites, so that in the future childcare can be offered to members of the Bundeswehr at all training course locations wherever possible.

The care of school children continues to prove difficult, however. Gender equality commissioners have pointed out that this is one of the reasons why servicewomen decide against a career as a career soldier. The Bundeswehr should endeavour to find solutions here. The US Armed Forces could serve as a role model. They offer various options for the care of children between the ages of six weeks and twelve years within their military facilities.

Childcare gaps arise time and again if **a child falls ill**. Soldiers criticised the following problem in this situation, for instance: If duty meant that they were unable to care for their child themselves, they were not able to transfer their right to special leave to a parent not working for the Bundeswehr. This is not a problem specific to the Bundeswehr, it affects all employees. This shows once again how important it is to have a good care infrastructure in place.

The time taken to process applications for **parental leave** has been a source of frustration to the servicewomen and men affected for years. It may well happen that an application filed more than four months prior to the start of the parental leave is only decided on several months after starting parental leave. This is unacceptable.

Direct superiors do not always behave correctly in connection with the issue of parental leave either.

- *A lance corporal NCO candidate had been ordered by his superior to come to the barracks whilst on parental leave. He was told to clean his room, which the superior felt he had not left in a proper state. He then had to write a one-hour paper on his incorrect behaviour. At the end of the review, it was found: It was not the soldier who had behaved incorrectly, but the superior, as his order was not acceptable. Proper handover of the room should have taken place prior to the soldier going on parental leave, during parental leave the soldier's primary obligations were suspended.*

Family-specific problems during foreign assignments

Foreign assignments repeatedly entail special challenges for military families.

- *Some Navy soldiers complained about the denial of applications for a domestic helper under the regulations governing domestic help for military families. These regulations stipulate that a military family can receive a domestic helper for the period during which one parent is on a deployment or pre-deployment training. In contrast to other major organisational elements, at the Navy there seems to be a lack of clarity about the criteria for approving a domestic helper. The Navy should therefore phrase the criteria more clearly and advise Navy personnel on their entitlements better.*

The provision of **travel allowances** for visits by family members during quasi-operational commitments also raises questions:

- *A commander unable to make trips home criticised the rejection of his application for travel allowances for visits by his wife and children. A review found that the rejection did comply with the existing regulations, but that these were not satisfactory from the Ministry's perspective either. Since 1 January 2019, it has been possible for travel costs for eligible family members to be reimbursed in cases like this on the basis of a case-by-case decision.*

For spouses of soldiers who join them on the foreign assignment, there may be difficulties in having **illness-related costs reimbursed** if they are entitled to state medical aid from a federal state. Illness related costs are then only reimbursed to the level eligible for state medical aid in Germany. The Federal Ministry of Defence points out the higher pay for foreign assignments, which is also designed to cover the higher insurance costs for a period abroad. But it also drew attention to a provision outside of medical aid law, which to date has only applied to employees of the Federal Foreign Office and which would solve the problem. The Federal Ministry of the Interior is currently reviewing whether this can be transposed onto other departments.

The non-recognition of **foreign school-leaving qualifications** in Germany can also cause problems for military families, as the example below demonstrates:

- *The daughter of a military family attended an international school during her father's assignment in France leading to the International Baccalauréat*

(IB). The family had assumed that the IB would qualify her for entry to higher education in Germany as well. But pursuant to a decision by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the 1980s, this is only the case if a specific combination of subjects is taken. The daughter was unable to prove this, which meant that she did not meet the requirements for her qualifications to be recognised as qualifying her for higher education or for subject-specific higher education. In this case, the Ministry held that the parents were partly responsible, as they had not informed themselves about the criteria for recognition of the qualification. Irrespective of this, however, in the relocation information for members of the Bundeswehr on foreign assignments, information was now being included on the certificate recognition authorities and other points of contact. A quick and constructive approach!

As has been known for years, regulations governing relocation costs can make soldiers' **return from a foreign assignment** more difficult. Soldiers who then elect to live outside of the catchment area of the new workplace do not receive any separation allowance. The Federal Ministry of Defence has acknowledged that this situation is making it increasingly difficult to find suitable personnel for foreign assignments. The personnel strategy (Strategic Programme 2025) therefore aims to secure according amendments to the legislative basis for this. It is pleasing that something the Parliamentary Commissioner has called for for many years is now being tackled.

12. Health care

Medical Service

The members of the Bundeswehr receive care from the Medical Service free of charge. They do not, however, have a free choice of doctors and instead are required to consult the nearest unit physician if they fall sick. This requires the nearest medical facility to be reachable in a reasonable amount of time and a physician to be available there, though. In spite of the concentration of medical facilities that has taken place in recent years, there are still personnel shortages leading *inter alia* to long waiting times for the soldiers affected.

- *For instance, a soldier who reported to the Eckernförde medical clinic at 9 am had to wait until 2.30 pm to be seen by the physician as on that day 57 soldiers were ahead of him. The personnel and infra-*

structural resourcing of the Eckernförde medical clinic is designed to cater to 1,900 soldiers, but it currently actually cares for 2,500 soldiers.

One point of criticism already addressed in previous annual reports is the collated medical records of soldiers (or their medical file) which currently only exist as a hard copy. The Federal Ministry of Defence has announced its intention to introduce a digital **medical file** for military personnel. The "Regional medical care IT support" project should be a first step towards implementation, which is to be rolled out nationwide from 2019.

Long waiting times for an examination at the Bundeswehr hospitals were also criticised in isolated cases.

- *One captain who requested an appointment for a dermatology check-up at the Central Bundeswehr Hospital in Koblenz in July 2018 was told the earliest possible date was April 2019. In its comments, the Ministry cited major personnel shortages both in the medical and non-medical personnel as the reason for the late appointment. These personnel shortages in the dermatology department had already been communicated on multiple occasions, it said. But the solution here is more physicians or alternative options, not communication.*

Deployment-related mental illnesses

The number of new incidences of post-traumatic stress disorder (PTSD) and new cases of illnesses with other psychiatric deployment-related diagnoses remained largely stable in the year under review compared to the prior year according to the Federal Ministry of Defence. 2018: 279 new cases, including 182 PTSD, 2017: 274 new cases, including 170 PTSD. In 63 per cent of newly diagnosed deployment-related mental illnesses, the patients cited a causal relationship to the ISAF mission (2001-2014). Ten per cent attribute the illness to the KFOR mission (since 1999). According to information from the Psychotrauma Centre at the Bundeswehr Hospital in Berlin, there has also been an increase in new cases of illness from current theatres of operations, such as the UN mission to Mali.

All the units and agencies involved are extremely committed and motivated when it comes to providing assistance and treatment to servicewomen and men suffering deployment-related mental illnesses. However, during interviews, employees complained about **too many fragmented responsibilities**. What was missing, they felt, was an authority with overall responsibility to coordinate and manage the treat-

ment and reintegration of those harmed during deployments. The Federal Ministry of Defence's announcement of its intention to expand the Act on the Continued Employment of Personnel Injured on Operations so that in the future family members and others with an important bond to personnel injured during deployments can be involved in treatment is good.

The Bundeswehr's treatment of its servicewomen and men injured on operations - especially those with a post-traumatic stress disorder - when it comes to **protection periods** must be viewed critically, however. This practice does not concur with the intention of the Act on the Continued Employment of Personnel Injured on Operations. The statement of legislative intent explicitly states: *This is designed to give them (those injured on operations) the certainty regarding their professional future during this difficult phase that their employer, in the service of whom they sacrificed themselves for the general good, will not abandon them.*" This is why the Bundeswehr is not allowed to dismiss a servicewoman or man as unfit for service during the protection period due to a health impairment relating to a deployment-related accident either. The Act does not link the start of the protection period to any official ruling of any kind, it only links it to personnel injured during operations needing rehabilitative medical care.

According to the Bundeswehr's internal policies - which are not aligned with the wording and the intention of the Act on the Continued Employment of Personnel Injured on Operations - the Bundeswehr, however, requires an official decision by the Central Coordination and Contact Point for Personnel Injured on Operations at the Federal Office of Bundeswehr Personnel Management for the protection period to start. Only once the soldier's application for the recognition of a deployment-related accident and recognition of the protection period has been accepted does the protection period begin. This means the agency has control over how long it takes to review the application, when it declares the soldier has been placed under the protection period and finally also when a prohibition on dismissal as provided for by the law applies. But the duty of a caring employer arising from the intention stated by the legislator is precisely to assume the burden of uncertainty as to the outcome of the recognition procedure. If you call on servicewomen and men to be ready to make sacrifices on missions abroad you must also live up to your own duty of care in practice. The Federal Ministry of Defence wants to enshrine the current practice in its planned Omnibus Act by amending the Act on the Continued Employ-

ment of Personnel Injured on Operations. This would be nothing other than a step backwards in the endeavours to take care of those injured on operations and especially traumatised servicewomen and men.

To date, the scope of application of the Act on the Continued Employment of Personnel Injured on Operations has been confined to servicewomen and men who have suffered harm in the theatre of operations. This legislative situation does not sufficiently reflect the fact that soldiers performing work that supports deployments in Germany may potentially suffer harm in this connection. One example is the **work performed by aerial photograph interpreters**. These work in Germany in the scope of what is referred to as the reach-back process and interpret images from the theatre of operation. If these images show combat situations or other war-like conflicts, in extreme cases, the aerial photograph interpreters may be equally at risk of a mental post-traumatic stress disorder as a soldier in the theatre of operation. The Commissioner of the Federal Ministry of Defence for Operational Posttraumatic Stress Disorders and Personnel Disabled in Action has turned his attention to this issue and concluded that in these cases, too, a service-related disability may exist. The scope of application of the Act on the Continued Employment of Personnel Injured on Operations should therefore be extended to include personnel indirectly affected by operational incidents.

For some years now, **animal-assisted therapies** have been part of the range of treatments offered by the Bundeswehr psychiatric services in the scope of pilot projects. Here it has already been documented that the deployment of dogs can alleviate the symptoms of a depression from post-traumatic stress disorders compared to control groups. The Bundeswehr Hospital in Berlin has had similar positive experiences with the deployment of horses as part of therapy. Animal-assisted therapies have been deployed by the American and British Armed Forces for a long time now in the treatment of traumatised soldiers. It is good that the Bundeswehr is now also following suit. The costs should be covered by the free medical care by unit physicians.

Suicides and attempted suicides

In 2018, 17 suicides (2017: 14, 2016: 12, 2015: 25, 2014: 24) and 57 attempted suicides (2017: 55, 2016: 46, 2015: 44, 2014: 43) by servicewomen and men were recorded. As is the case for the other categories of reportable events, here all the daily reports for the different reporting types are counted regardless of the outcome of the review. This means that the statis-

tics also include cases in which there was no suicide attempt but where there was a suspicion or verbally expressed suicidal intentions.

It is good that the Bundeswehr has developed preventive measures. Whether these are sufficient or require further adjustment needs to be examined in more detail. This is why the annual investigations of suicides and attempted suicides should be continued, even if the reporting volumes do not indicate any conspicuous trends. To what extent the **Guide on suicide** the Federal Ministry of Defence cited in its comments on the 2017 annual report will help superiors to further improve suicide prevention in the Bundeswehr remains to be seen, as to date the guide is not yet available.

Disability pensions and benefits

The Bundeswehr has been able to now almost fully deal with the high number of on-going procedures spanning multiple years for the recognition of a **service-related disability** that had existed since 2016. Out of the 968 cases pending on 1 October 2016 - termed long-lead-time items or LLTIs, these are cases with a processing time of more than two years - 18 are currently still being processed.

The compensation for soldiers of the Bundeswehr and the former National People's Army who suffered disabilities as a result of their work on **radar equipment** up until into the 80s, has also been a matter of concern to the institution of the Parliamen-

tary Commissioner for the Armed Forces for many years now. The Federal Ministry of Defence should be endeavouring to accelerate these administrative procedures for the recognition of pension benefits due to the fact alone that those affected are all of an advanced age. As in some cases it can be very difficult to produce evidence of a disability, in individual cases a court has to rule on whether to recognise this or not. Reasons of legal certainty alone mean there is nothing to criticise in this regard. If, however - as has happened in the case of one 83-year-old - after twelve years a court decision has been made in favour of the person who suffered the disability, given the duty of care and also in light of the advanced age of the person in question, it beggars belief when instead of accepting the decision, the Federal Ministry of Defence lodges a complaint due to denial of leave to appeal.

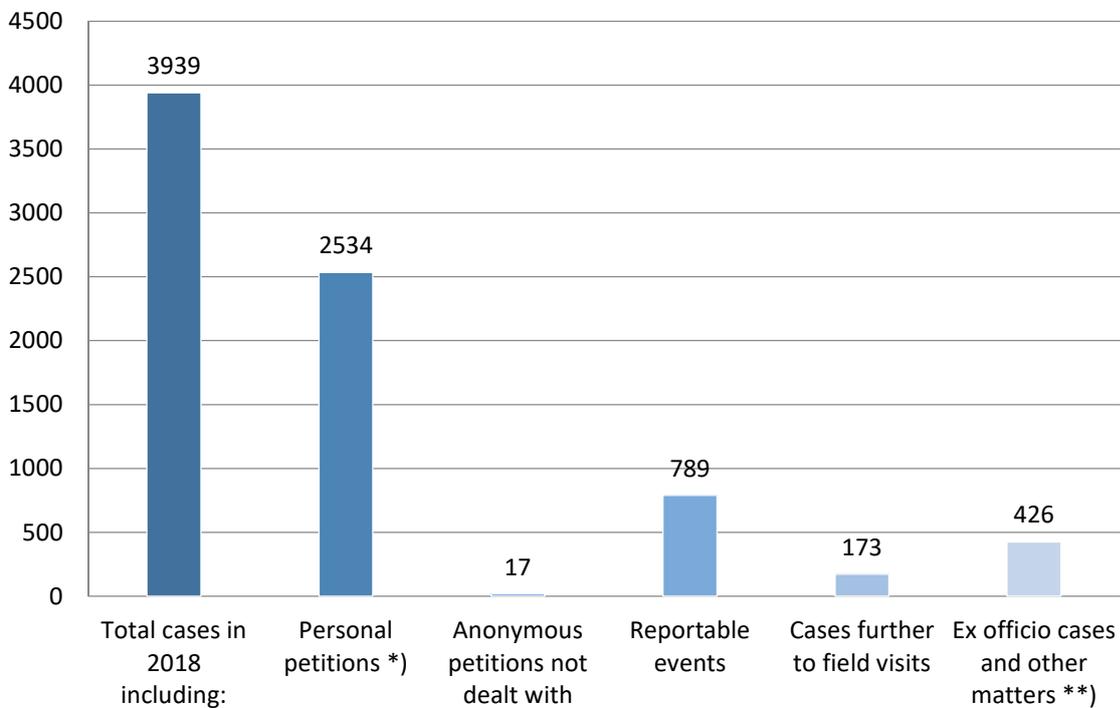
The Federal Ministry of Defence has already been planning a scientific study on the subject of "Possible DNA damage in the offspring of radar soldiers" since 2016. In 2017, it conducted the procurement procedure for the award of the contract. The study has since been commissioned, but the contractor is currently just in the planning phase. The Ministry's announcement that it will present the findings by the end of 2020 will not be feasible given the planned duration of the study of 36 months. This is taking too long and does not duly comply with the duty of care.

**13. Cases and petitions:
Statistical overviews**

In total, 3,939 cases were recorded during the period under review. Cases are all matters processed to which a file reference number has been attached. Apart from submissions from servicewomen and men, their family members and other individuals, they encompass reportable events in the Bundeswehr reviewed by the Parliamentary Commissioner for the Armed Forces, cases that are taken up following a

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

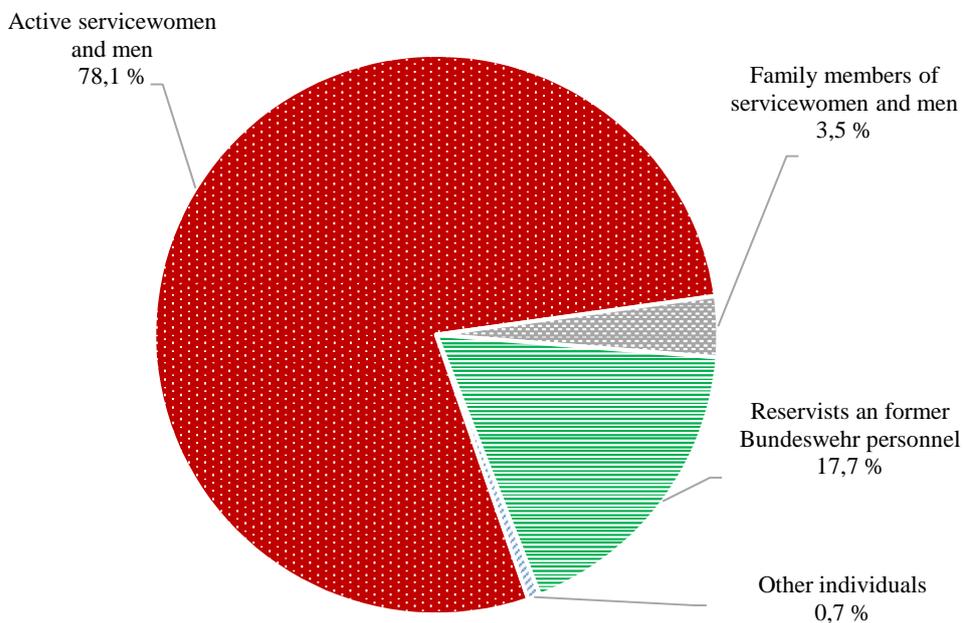
Breakdown of cases – absolute figures



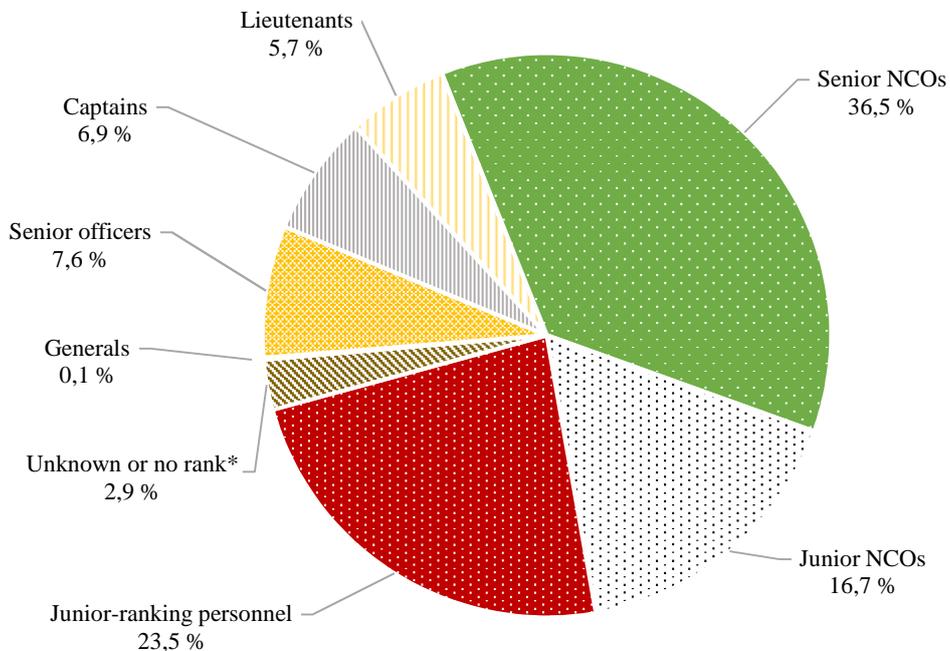
*) Petitions from service personnel and their family members.

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

Breakdown of personal petitions (2,534) by petitioners in per cent



Breakdown of personal petitions (2,534) by rank groups in per cent



*) including by family members.

Breakdown of cases (3,939) by requests (7,298)*

	Number
Personnel matters relating to active servicewomen and men	2,611
<u>including:</u>	
Establishment and termination of service statuses	532
Assignment planning, appraisal, promotion	725
Processing of personnel matters and personnel management	621
Pay and subsidiary areas of pay law	484
Personnel structure	89
Matters relating to reservists	59
Leadership, camaraderie	664
Disciplinary law, law violations	816
<u>Including:</u>	
Suspected offences against sexual self-determination	363
Behaviour and conduct of servicewomen and men on and off duty	86
Training, equipment for training	300
Deployments abroad, equipment for deployments	507
Safety issues, accidents	75
Work-life balance	465
<u>Including:</u>	
Matters relating to commuters	257
Health, Medical Service, free medical care	215
Infrastructure, accommodation	124
Catering, clothing, welfare	190
Pensions and benefits, social affairs	744
Working hours	58
Diversity	102
<u>Including:</u>	
Women in the Armed Forces (equality issues)	81
Service personnel with migration backgrounds	5
Sexual diversity	5
Suicides, attempted suicides	74
Other matters**)	267

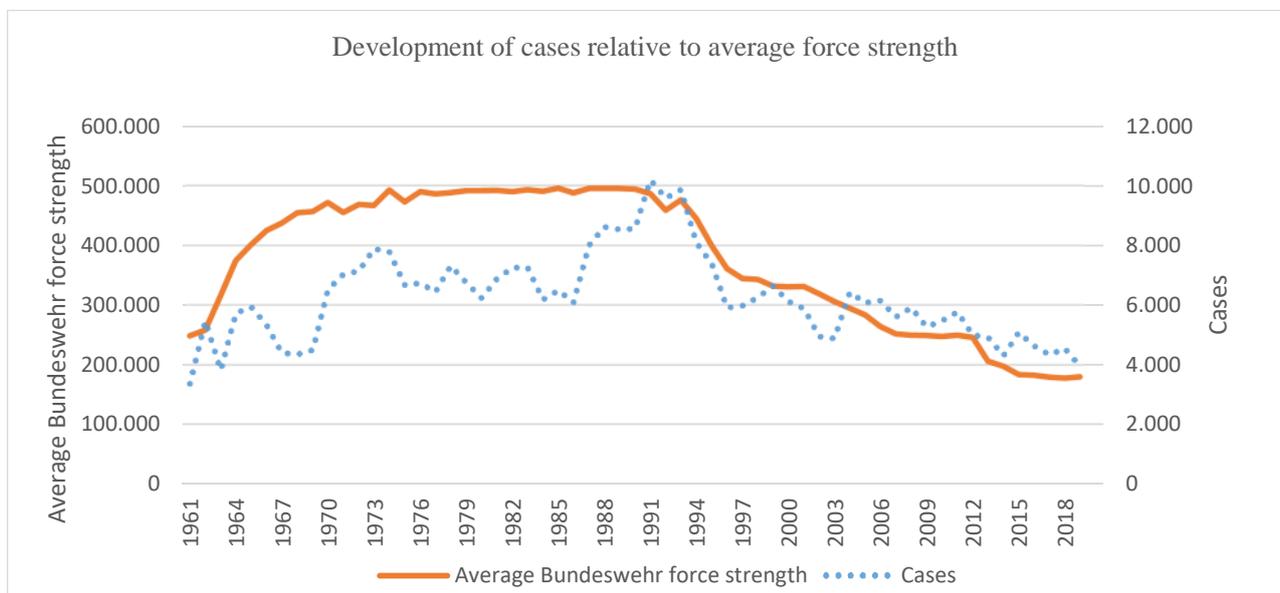
*) Up to three requests are brought together in one case, which is why the number of requests is higher than the number of cases.

***) Does not fall within remit, referral to Petitions Committee, requests for access to records, responses to annual report.

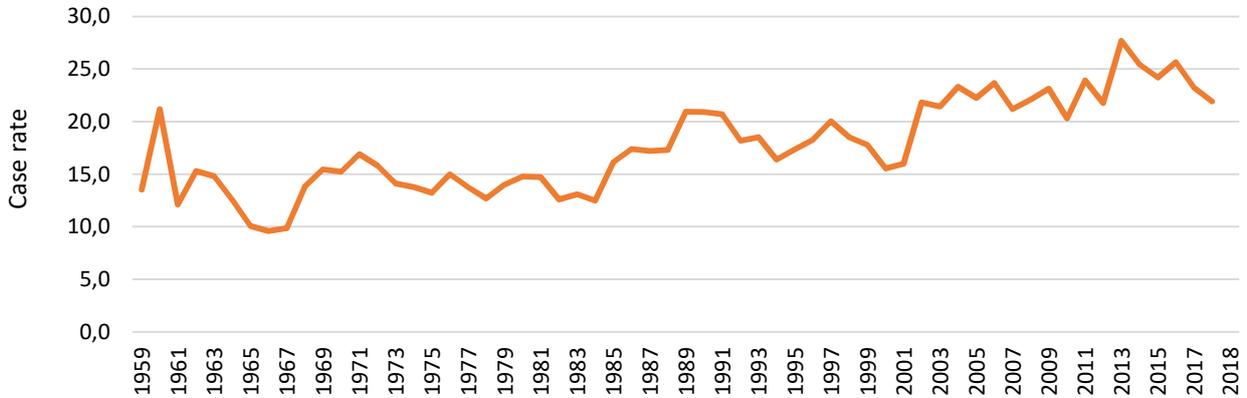
Development in the number of cases between 1959 and 2018

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand active servicewomen and men
1959	3,368	248,800	13.5
1960	5,471	258,080	21.2
1961	3,829	316,090	12.1
1962	5,736	374,766	15.3
1963	5,938	401,337	14.8
1964	5,322	424,869	12.5
1965	4,408	437,236	10.1
1966	4,353	454,569	9.6
1967	4,503	456,764	9.9
1968	6,517	472,070	13.8
1969	7,033	455,114	15.5
1970	7,142	468,484	15.2
1971	7,891	466,889	16.9
1972	7,789	492,828	15.8
1973	6,673	472,943	14.1
1974	6,748	490,053	13.8
1975	6,439	486,206	13.2
1976	7,319	488,616	15.0
1977	6,753	491,424	13.7
1978	6,234	491,481	12.7
1979	6,884	492,344	14.0
1980	7,244	490,243	14.8
1981	7,265	493,089	14.7
1982	6,184	490,729	12.6
1983	6,493	495,875	13.1
1984	6,086	487,669	12.5
1985	8,002	495,361	16.2
1986	8,619	495,639	17.4
1987	8,531	495,649	17.2
1988	8,563	494,592	17.3
1989	10,190	486,825	20.9
1990	9,590	458,752	20.9
1991	9,864	476,288	20.7
1992	8,084	445,019	18.2
1993	7,391	399,216	18.5
1994	5,916	361,177	16.4

Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand active 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
2016	4,560	177,800	25.6
2017	4,173	178,881	23.3
2018	3,939	179,791	21.9
Total	372,816		



Case rate per thousand active servicewomen and men since 1959

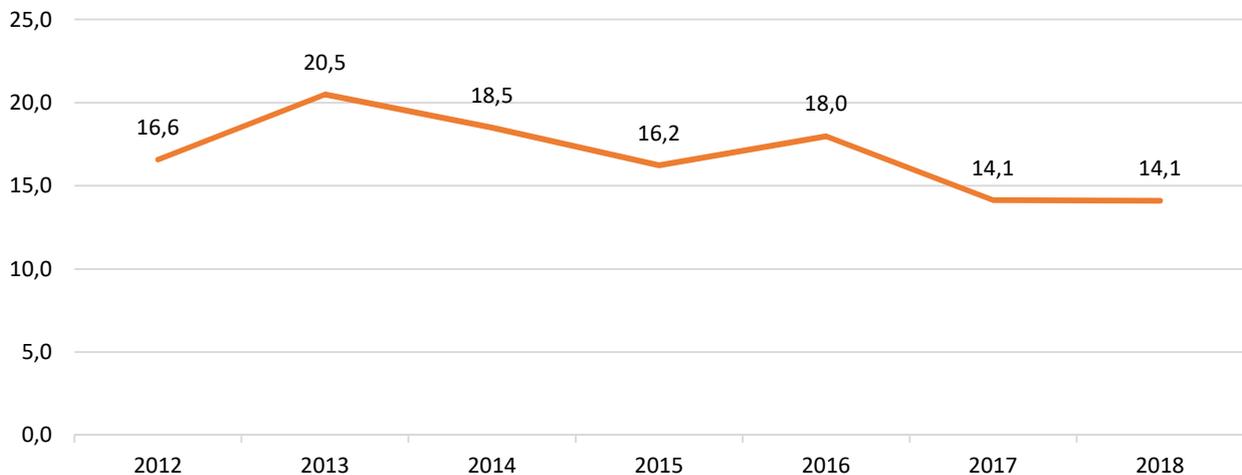


Development in personal petitions relative to average force strength since 2012*)

Year under review	Average Bundeswehr force strength (active 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
2017	178,881	2,528	14.1
2018	179,791	2,534	14.1

*) The statistical recording of personal submissions has only been possible since the introduction of a new data acquisition system at the Office of the Parliamentary Commissioner for the Armed Forces in 2012.

Petition rate per thousand active servicewomen and men



14. Visits, meetings, discussions of the Parliamentary Commissioner for the Armed Forces and his staff

Field visits conducted by the Parliamentary Commissioner for the Armed Forces in 2018

15.01.	Bonn	Cyber and Information Domain Command
23.01.	Frankenberg	932 Electronic Warfare Battalion
05.02.	Dresden	Bundeswehr Museum of Military History
07.02.	Wilhelmshaven	Flotilla 2 / Naval Base
15.02.	Leer	Rapid Medical Response Forces Command “Ostfriesland”
08.03.	Neustadt am Rübenberge	33 Armoured Infantry Battalion
26.-27.03.	Rukla (Lithuania)	German NATO Enhanced FORWARD PRESENCE Mission Contingent
05.04.	Dresden	Army Officer School
09.-10.04.	Kiev (Ukraine)	OSCE Special Monitoring Mission to Ukraine (SMM)
03.05.	Pfullendorf	Special Operations Training Centre
08.05.	Cologne-Wahn	Air Force Barracks
23.05.	Munster	9 Armour Demonstration Brigade 93 Armour Demonstration Battalion 92 Armoured Infantry Demonstration Battalion
28.-29.05.	Istanbul, Izmir (Turkey)	NATO Rapid Deployable Corps Turkey NATO Allied Land Command HQ Izmir
04.06.	Neuburg	74 Tactical Air Force Wing
25.06.	Munich	Bundeswehr Medical Academy
02.07.	Niederstetten	30 Transport Helicopter Regiment
08.08.	Berlin	Bundeswehr Office for Defence Planning
09.08.	Hagenow	401 Armoured Infantry Battalion
14.08.	Berlin	Bundeswehr Museum of Military History, Berlin-Gatow Air Field (former Air Force Museum)
16.08.	Berlin	Bundeswehr Cyber Innovation Hub
21.-22.08.	Prizren, Pristina (Kosovo)	German KFOR Mission Contingent

28.-30.08.	Beirut, Jounieh, Naqoura (Lebanon)	German UNIFIL Mission Contingent
03.-05.09.	Bamako, Koulikoro, Gao (Mali)	German MINUSMA Mission Contingent German EUTM Mission Contingent
18.09.	Aachen	Land Systems Technology Training Centre
19.09.	Nörvenich	31 Tactical Air Force Wing
01.10.	Delitzsch	Army Non-Commissioned Officer School
11.-12.10.	Bucharest (Romania)	Multinational Division South-East
23.10.	Eindhoven (Netherlands)	European Air Transport Command
05.-06.11.	Oslo, Rena, Haltdalen (Norway)	NATO Trident Juncture Exercise
15.11.	Kiel	Flotilla 1 / Naval Base
16.11.	Kiel	Naval Arsenal
26.11.	Niamey (Niger)	German MINUSMA Mission Contingent
05.-06.12.	Mazar-i-Sharif (Afghanistan)	German RESOLUTE SUPPORT Mission Contingent
10.12.	Kropp/Jagel	51 Tactical Air Force Wing
11.12.	Ulm	Multinational Joint Headquarters

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 attended other appointments away from his Office in connection with his statutory mandate. These included international and national conferences and events such as the Munich Security Conference, the Leadership Development and Civic Education Centre (ZInFü) *Innere Führung* Colloquium, the 10th International Conference of Ombuds Institutions for the Armed Forces, first sergeant and commander events and the German Bundeswehr Association Convention. In addition to this, the Parliamentary Commissioner attended other events such as a commemoration ceremony held by the German War Graves Commission, a public pledge ceremony, a benefit concert by the Bundeswehr Big Band, events staged by associations and political foundations. The Parliamentary Commissioner held consultations with delegations of foreign parliamentarians, military ombudspeople and soldier groups, with branches of the Bundeswehr Association, with the General Spokespersons' Committee, with the Bundeswehr Reservists' Association, with Members of the Bundestag and federal state parliaments, with officials from the Federal Ministry of Defence, military chaplains and the leaderships of supreme federal authorities, business representatives, trade unionists, diplomats and journalists.

Trips conducted by staff of the Parliamentary Commissioner for the Armed Forces

During the year under review, staff of the Parliamentary Commissioner for the Armed Forces had a total of 63 appointments with military units, headquarters, agencies and authorities within the individual service branches and major organisational elements.

Visitor groups

67 visitor groups were welcomed to the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or his staff. 30 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 Armenia, Latvia, Estonia, Poland, France, Georgia, Slovenia, the US, Republic of Korea, Lithuania, Pakistan, Argentina, Kosovo, Romania, Colombia, Croatia, Thailand, Hungary, Indonesia, Netherlands and Sweden. 33 visitor groups came from the Bundeswehr's individual service branches and major organisational elements. Finally, the Office of the Parliamentary Commissioner for the Armed Forces was visited by four groups of politically interested citizens.

15. Statutory foundations of the office and tasks of the Parliamentary Commissioner for the Armed Forces and of service personnel'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 Article 1 of the Act of 13 July 2017 (Federal Law Gazette I, p. 2347)

Article 17

Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.

Article 17a

(1) Laws regarding military and alternative service may provide that the basic right of members of the Armed Forces and of alternative service freely to express and disseminate their opinions in speech, writing and pictures (first clause of paragraph (1) of Article 5), the basic right of assembly (Article 8), and the right of petition (Article 17) insofar as it permits the submission of requests or complaints jointly with others, be restricted during their period of military or alternative service.

(2) Laws regarding defence, including protection of the civilian population, may provide for restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

Article 45b

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight over the Armed Forces. Details shall be regulated by a federal law.

Act on the Parliamentary Commissioner for the Armed Forces

(Act pursuant to Article 45b of the Basic Law – WBeauftrG) in the version of the Announcement of 16 June 1982 (Federal Law Gazette I, p. 677), most recently amended by Article 15 (68) of the Act to Restructure Civil Service Law of 5 February 2009 (Federal Law Gazette I, p. 160)

Section 1

Constitutional Status; Tasks

(1) In the exercise of parliamentary oversight, the Commissioner shall perform his or her duties as an auxiliary organ of the Bundestag.

(2) The Commissioner shall investigate specific matters upon instructions from the Bundestag or the Defence Committee. Instructions can only be issued if the Defence Committee does not make the matter a subject of its own deliberations. The Commissioner may request that the Defence Committee issue instructions to investigate specific matters.

(3) The Commissioner shall, on his or her own initiative and at his or her due discretion, take action when, in the exercise of his or her right pursuant to Section 3(4), through information received from Members of the Bundestag, through petitions pursuant to Section 7 or in any other way, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of leadership development and civic education. The Commissioner shall not take action under the first sentence of this paragraph if the Defence Committee has made the matter the subject of its own deliberations.

Section 2

Reporting Duties

(1) The Commissioner shall submit to the Bundestag a written overall report for the calendar year (annual report).

(2) He or she may, at any time, submit individual reports to the Bundestag or the Defence Committee.

(3) When the Commissioner acts upon instructions, he or she shall, upon request, submit an individual report on the results of his or her investigation.

Section 3

Official Powers

In performing the tasks assigned to him or her, the Commissioner shall have the following powers:

1. He or she may demand information and access to records from the Federal Minister of Defence and all the Minister's subordinate agencies and personnel. These rights can only be denied to him or her when this is required for compelling reasons of secrecy. The decision to deny these rights shall be taken by the Minister of Defence personally or his or her permanent official deputy; the 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. Re-election shall be admissible.

(3) The Commissioner may not hold any other salaried office, engage in any trade, practise any profession, belong to the management or the supervisory

board of any enterprise carried on for profit, or be a member of a government or a legislative body of the Federation or a Land.

(4) On assuming office, the Commissioner shall take the oath of office as laid down in Article 56 of the Basic Law.

(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 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 12 June 2017 (Federal Law Gazette I, p. 1877)

Rule 113

Election of the Commissioner

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 matters,

- on his or her own initiative and at his or her due discretion when, as a result of
 - his or her visits pursuant to Section 3(4) 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, circumstances come to his or her attention that suggest a violation of the basic rights of service personnel or of the principles of *Innere Führung*.

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. The 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 do so 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 provi-

sions 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 only be concluded by a letter from the Parliamentary Commissioner for the Armed Forces. Should the 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 its result.
314. Petitions that the Parliamentary Commissioner for the Armed Forces forwards to agencies of the Federal Armed Forces for their comments 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 action be taken in response to a petition on the same matter, 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 a 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 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 the complaint or application within this time limit.

3.5 Processing within the jurisdiction of the agency concerned

323. The following arrangements shall apply for the processing of cases that the Parliamentary Commissioner for the Armed Forces refers to agencies of the Bundeswehr for them to settle within their own jurisdiction:

- a) Should the case be directed against a servicewoman or man, it shall be forwarded to the immediate disciplinary superior who is competent to deal with it.
- b) Other cases shall be forwarded to the authority that has to judge on the subject matter of the case.

324. The authority referred to in paragraph 323(b) shall have to deliver a decision to the petitioner through official channels, but it may also be communicated orally by the competent disciplinary superiors.

3.6 Visits conducted by the Parliamentary Commissioner for the Armed Forces

325. Visits conducted by the Parliamentary Commissioner for the Armed Forces on special grounds (e.g. in connection with special incidents or should several identical or similar petitions have been submitted from the same agency) shall be reported by the heads of the agency concerned to the Federal Ministry of Defence by fax/email using the following template:

Federal Ministry of Defence
Branch FüSK III 2
Stauffenbergstraße 18
10785 Berlin

(Email: BMVgFueSKIII2@BMVg.BUND.DE)

for information only through official channels:

Higher commands and higher federal authorities of all major organisational elements or military agencies immediately subordinated to the Federal Ministry of Defence

(Army Headquarters (Kdo H), Air Force Headquarters (Kdo Lw), Navy Headquarters (MarKdo), Joint Support Service Command (KdoSKB), Bundeswehr Medical Service Command (KdoSanDstBw), Bundeswehr Operations Command (EinsFüKdoBw), Bundeswehr Planning Office (PlgABw), German Military Aviation Authority (LufABw), Federal Office of Bundeswehr Personnel Management (BAPersBw), Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw), Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (BAIUDBw), Federal Office of Languages (BSprA), Bundeswehr Education Management Centre (BiZBw), Bundeswehr University Hamburg/Munich (UniBw HH/M), Office of the Evangelical Lutheran Church for the Bundeswehr (EKA), Catholic Military Episcopal Office (KMBA), Disciplinary Attorney General for the Armed Forces at the Federal Administrative Court (BWDA))

Subject:

Re: Field visit by the Parliamentary Commissioner for the Armed Forces on special grounds

- Date and time
- Unit/agency
- Location and living quarters
- Grounds

4 Notification of servicewomen and men

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 units.

401. Every member of the Armed Forces has the right to submit petitions to the Parliamentary Commissioner for the Armed Forces directly without having to go through official channels.

402. The Commissioner's address is:

Parliamentary Commissioner for the Armed Forces

Platz der Republik 1
11011 Berlin

(Email: wehrbeauftragter@bundestag.de)

Pursuant to paragraph 329 of Type A2 General Publication 2630/0-0-2, 'Life in the Military Community', this address shall be displayed on the unit/agency's information board or information portal.

403. Petitions/letters from members of the Federal Armed Forces to the Parliamentary Commissioner for the Armed Forces shall be conveyed by the internal postal service. They may be posted in the unit/agency.
404. Servicewomen and men may only contact the Parliamentary Commissioner for the Armed Forces individually.
405. Anonymous petitions shall not be dealt with (Section 8 of the WBeauftrG).
406. Should a servicewoman or man contact her or his disciplinary superior before writing a petition, she or he shall be given advice and assistance. It shall be a disciplinary offence and simultaneously a criminal offence under Section 35 of the Military Criminal Code for superiors to 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. A servicewoman or man may not be 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 Sentence 2 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).

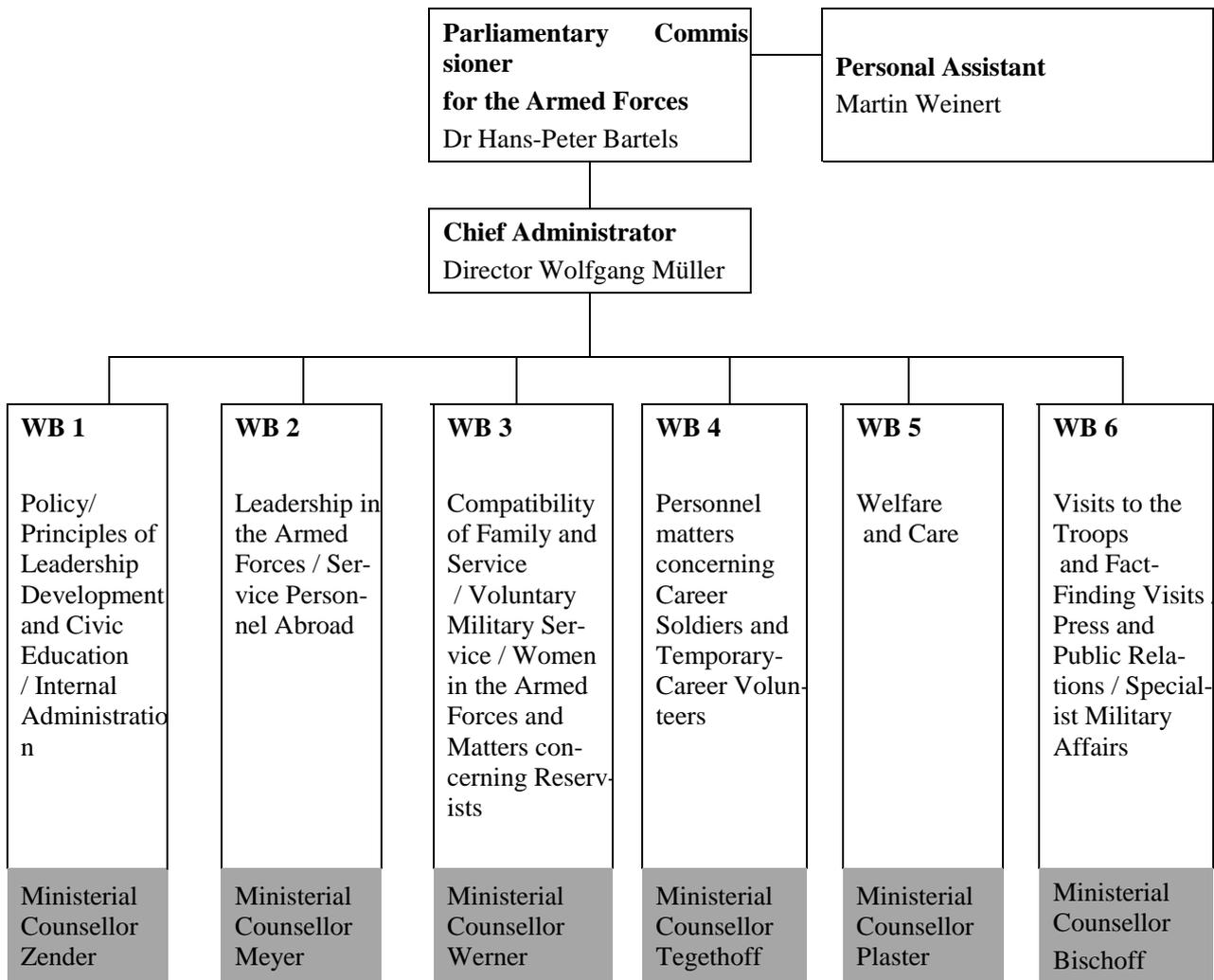
6 Cooperation in a spirit of trust

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 and legal systems, as well as their confidence both in democracy and in the Federal Armed Forces.

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.

16. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces



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Index

1

1st Armoured Division 75

4

401 Armoured Infantry Battalion 36, 102

411 Armoured Infantry Battalion 49

5

51 Tactical Air Force Wing 103

6

62 Air Transport Wing in Wunstorf..... 41

7

74 Tactical Air Force Wing 102

9

9 Armour Demonstration Brigade 75, 81, 102

932 Electronic Warfare Battalion 102

A

A400M..... 9, 19, 26, 41, 80f.

Aachen..... 20, 59, 103

accommodation..... 6, 48 ff., 53, 68, 73, 113

Act on Equal Opportunities for Female and Male Military

Personnel of the Bundeswehr..... 65

Act on the Continued Employment of Personnel Injured on

Operations..... 21, 32, 94

Act on the Sustainable Strengthening of the Bundeswehr's

Personnel Operational Readiness..... 22

Act to Restructure Civil Service Law 34, 105, 109

administration of justice 84, 86 f.

administrative leave..... 112

advice 22

Aegean..... 74

aerial imagery reconnaissance 69

aerial photograph interpreters 94

Afghanistan 9, 43, 52, 65, 67 ff., 81, 103

age limits 7, 34, 39

air controller materiel 77

Air Force 5, 9, 14, 18 f., 21, 24, 28, 30, 40, 42 ff., 65, 68, 70,
74, 78, 80

Air Force Barracks in Cologne-Wahn 48, 50

Air Force Headquarters..... 14

air transportation..... 18, 70, 80 f.

Airbus A310 80

aircraft electronics technicians..... 18

aircraft mechanics..... 18

Al Azraq 41, 69

Al Azraq Air Base..... 69

Al Udeit Air Base 69

Allied Land Command..... 61

allowances..... 20, 61 f.

Altmark 15

ammunition 8, 20, 40, 55

anaesthesia 29

applications 23 f., 26, 28, 36 f., 55

appraisal..... 31

aptitude test..... 24

armoured infantry sergeants..... 20

armoured vests 8, 44 ff., 72

Army.. 8 f., 13 f., 18, 21, 24, 27, 29, 32, 36, 40 f., 43, 49, 65,
68, 75, 78, 86, 102 f.

Army Officer School..... 49, 102

Army Training Command..... 70

Assessment Centre 22

assessment officers..... 23

assignment close to home 21

assignment planning..... 98

assistant dental personnel..... 19

Association of Reservists 39

ATALANTA..... 70

Austria 63, 69, 82

autistic people 29

auxiliary equipment 46

B

Bachelor..... 30

Baltic..... 74

Baltic Air Policing 74

Bamako 73, 79 f., 103

bandwidth 79

barracks..... 8, 52, 59

basic fitness test 56

Basic Law 52, 54, 64, 91, 105

basic training..... 24, 30, 33, 36 ff., 51, 53 f., 57, 113

Belgium..... 74

benchmarking..... 6

benefits and pensions for special foreign assignments 79

Berlin 5, 14, 22, 64, 82, 91, 102, 113 f., 116

boat refugees 74

body-mass-index 25

Bonn..... 14, 49, 74, 91, 102

border crossings 78

breathing equipment..... 12

Brussels..... 17, 80

Büchel 14

Büchel Air Base 48

Bückeberg..... 43

Building Inspectorate Law 49

bullying 85

Bullying 85

Bundesrechnungshof..... 21 f., 41

Bundeswehr advertising campaigns 25, 27

Bundeswehr Association..... 6, 31, 88, 104

Bundeswehr Bekleidungsmanagement GmbH..... 45

Bundeswehr Centre for Information Activities.....	23
Bundeswehr Centre of Military History and Social Sciences (BwCMHSOSC).....	52, 72, 88
Bundeswehr Civil Servants Association.....	14
Bundeswehr Concept.....	7, 39
Bundeswehr fire service.....	58
Bundeswehr Fire Service.....	20, 29
Bundeswehr Geoinformation Centre.....	48
Bundeswehr Hospital in Berlin.....	89, 93 f.
Bundeswehr hospitals.....	89, 93 f.
Bundeswehr Hospitals.....	24, 93
Bundeswehr Joint Forces Operations Command... ..	69, 71, 80
Bundeswehr logistics.....	13
Bundeswehr Medical Service Command.....	113
Bundeswehr Museum of Military History in Dresden (BwMMH).....	52
Bundeswehr School of General Vocational Education in Hamburg.....	48
Bundeswehr service centre in Torgelow.....	50
Bundeswehr Songbook.....	65
Bundeswehr Subsistence Office.....	59
bureaucracy.....	5, 11, 13 f., 31, 34, 58, 73 f., 79

C

C-130J Hercules.....	41
C-17.....	81
cabin crew.....	19
camp beds.....	76
Camp QUASABA.....	68
Camp SHAHEEN (Afghanistan).....	68
Capability Profile.....	7, 39 f.
care.....	21, 72
career advice.....	23
Career Centres.....	21 f., 24, 27 f., 37, 89
career soldiers.....	17, 65
career training.....	27, 59
catering.....	6, 60, 75, 98
catering and MWR concept.....	59
Central Bundeswehr Hospital Coblenz.....	93
Central Coordination and Contact Point for Personnel Injured on Operations.....	94
Central Medical Service.....	19, 24, 65 f., 93, 98, 102
Central Point of Contact for Servicemembers of Other Faiths.....	63
CH-53.....	42 f., 59
chaplains.....	6, 62 f.
Chaplains.....	62
character guidance classes.....	63
childcare.....	8, 90 ff.
children.....	25, 37, 61, 85, 90 ff.
circulation of illegal propaganda.....	54
citizens in uniform.....	25
civic and historical education.....	9
civic education.....	86
clothing.....	8, 44 ff., 73 f., 77, 98
clothing and equipment record.....	46
Coalition Agreement.....	16, 49 f.
Coblenz.....	14, 91
collective defence.....	5, 60, 76

Cologne.....	14, 80 f., 102
combat boots.....	47, 53
combat swimmers.....	20
command supervision.....	12, 53, 57, 84 f.
commemorative plaque.....	69
Commissioner for Work-Life Balance.....	91
communal tents.....	76
communication.....	52, 76
commuters.....	8, 50, 59 f., 88 f., 93
company sergeant majors.....	11
compensation.....	95, 106
complaints.....	52, 53, 95, 109 f., 112 f.
compulsory military service.....	20, 25, 38
construction regulations.....	15
container accommodation.....	76
conurbations.....	61
Convention on the Rights of the Child.....	25
corvettes.....	13 f., 42
COUNTER DAESH.....	67, 69
courses.....	33, 35, 38, 58, 72, 77 f.
crediting cases.....	57
Croatia.....	74, 104
curtailment of the period of service.....	35, 89
customs.....	29
cyber.....	7, 13 f., 19, 38
Cyber.....	102
Cyprus.....	71

D

Darfur.....	67
Darmstadt.....	75
defence budget.....	17, 48
defence spending.....	17
degree-course-related assignment.....	30
Delitzsch.....	103
deployment.....	15, 21, 32, 77
deployment planning and implementation system.....	71 f.
deployments.....	41 ff., 57, 65, 67 f., 70 ff., 75 ff., 92, 94, 98
Deregulation Agenda.....	11
digitalisation.....	7, 13 f., 64, 65
Digitalisation.....	65
Director, Personnel Retention.....	27
disability pensions and benefits.....	95
disaster response and home defence.....	38
disciplinary and complaints court.....	86, 87
disciplinary attorney's office.....	86
disciplinary offences.....	16, 38, 53 f., 86, 114
disciplinary proceedings.....	33, 55, 86 f., 107, 111 f.
disciplinary superiors.....	25, 36, 86, 112 ff.
discrimination.....	6, 54, 64, 85
Discrimination.....	64
diversity.....	29, 64, 98
Djibouti.....	70
Doberlug-Kirchhain.....	75
domestic help.....	92
Donnersberg Barracks.....	59
Dresden.....	49, 102
drones.....	15, 19
drug and alcohol problems.....	28

Düsseldorf	22
duty hours	21
duty location categories	61

E

ear protectors	45
Eckernförde	93
Eindhoven.....	82, 103
elective right	60
electronics specialists	19
emergency laptops	89
Emirate of Qatar	69
Emmich-Cambrai Barracks	8, 52
Enhanced Forward Presence.....	9, 16, 67, 74 f., 78, 82
enlistment allowances	38
entitlement to be elected	107
equal opportunities	27
equipment	5, 7 f., 13, 16, 42, 44 f., 51, 72 ff., 98
Equipment	14, 42
Erbil.....	69
Erfurt	14, 22
ES GLADIUS	16
established posts	31
Estonia.....	104
ethics education	63
EUNAVFOR ATALANTA.....	70
EUNAVFOR MED.....	70
EURO HAWK.....	18
EUROFIGHTER	8, 42, 44, 59
EUROMIL.....	82
Europe	5, 9, 40, 51 f., 67, 81 f.
European Defence Union.....	82
European Union.....	70, 72
Euskirchen	64
EUTM Somalia.....	67
evaluation	22, 56, 67, 69, 91
exceptional circumstances	58
excessive harshness	8, 55
exemption	21, 24, 32, 36, 38, 76
exercise	75
existing personnel	7, 29, 62
experts	12
explosive ordnance disposal sergeants.....	20
explosives specialists	20
extremism	6, 8 f., 33, 54 f., 111

F

F125.....	13, 20
Facebook	54 f., 85
family	66, 88 ff.
family care leave.....	21
Federal Institute for Occupational Safety and Health	88
Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support.....	13 f.
Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services	47, 113
Federal Office of Bundeswehr Personnel Management....	23, 26, 35, 78, 113

Federal Police	6, 29
federal state building authorities	48
federal state police forces.....	29
field kitchens.....	60
field service allowance.....	12
financial compensation	56 ff., 76
first point of contact	24
first sergeants	11, 69, 104
fitness for on-board service.....	76
fitness for service in the tropics	76
five-hours rule.....	58
flight cancellations.....	9, 50
flight delays	9, 80, 81
flight times	56
Flotilla 2.....	13, 42, 49, 80, 102 f.
flying branch	18
flying hours.....	5, 43, 44
flying pay	44
flying suits	44
foreign assignment	36, 39, 57, 61, 76 ff., 92 f.
foreign assignment allowance	78
foreign separation allowance.....	39
Framework Nations Concept (FNC)	82
France	17, 63, 74, 92, 104
free democratic basic order	54
freedom of faith and conscience	63
frigates	13, 20, 42, 70
full resourcing of the Bundeswehr	7 f., 39
Fürstenfeldbruck	48

G

Gao (Mali)	12, 15, 41, 71 ff., 77 ff., 103
Gender Equality Commissioner	64
gender equality commissioners	6
general contractor.....	48
General Spokespersons' Committee	104
Geoinformation Service	19
geo-reference data.....	73
German Air Force Headquarters	22
German Bundestag.....	1, 17, 67, 69 f.
German Bundestag Auditing Committee	22
German Bundeswehr Association	31
German Institute for Economic Research (DIW).....	88
German Navy Headquarters.....	22
German Trade Union Confederation.....	62
German-Netherlands Corps.....	81
Germany ..	7, 9, 16 f., 19, 40, 44, 54, 64, 66 f., 69, 70, 72, 74 ff., 80 ff., 84 f., 90 ff., 105
government-furnished meals	39
grove of honour.....	69
GTK BOXER.....	41, 82
Guard Battalion.....	19
guard duty	57
gunnery personnel.....	20

H

Hagenow	36, 61, 102
Hamburg	30, 61, 66

Hamid Karzai International Airport North.....	68
Hanover	22, 52
Hans-Böckler Foundation.....	90
hardship allowance	62
Hauptfeldwebel-Lagenstein Barracks.....	8, 52
health insurance	62
helicopters	9, 13, 40, 42 f.
higher education	29, 30
higher education degree.....	20
higher-education dropouts	28, 30
Hirschberg	44
historical and civic education	8, 51 f.
home leave journeys	89
housing shortage.....	50
human smuggling activities	74
Husum	91
hygiene	15, 46, 48, 59, 70

I

ICOAF.....	82
Illkirch/France	46
Incirlik	69
incitement to enmity and hatred.....	54
individual combat rations	75
infantry of the future.....	16
in-flight refuelling.....	69 f.
information technology.....	18 f.
infrastructure.....	7, 8, 15, 21, 47 ff., 91, 98
Infrastructure	46
initiation ritual	86
<i>Innere Führung</i>	11 f., 51, 53, 64, 72, 77, 104, 111
insidious spreading damage	71
Institute for Federal Real Estate.....	49
insurance policy for reinstatement of health care coverage after suspension.....	15, 62
Internal Labour Market 2.0.....	29
International Conference of Ombuds Institutions for the Armed Forces.....	82, 104
Internet.....	51, 65, 73, 79
Iraq	65, 70
ISAF	67 f., 93
Islamic extremism.....	55
Islamic State	69
Istanbul	102

J

Johannesburg	82
Joint Support and Enabling Service.....	14, 18 f., 39, 65
Joint Support and Enabling Service Headquarters.....	38
Jordan	69 f.
Jounieh.....	70, 103
junior staff	44

K

Kabul	67 f., 73
KFOR	69, 93, 102

Kiel	14, 103
Konya.....	69
Kosovo.....	12, 69, 102, 104
Koulikoro.....	71, 73, 103

L

Laage	50
laboratory assistants	19
Land Systems Technology Training Centre.....	20, 103
lateral entrants.....	18, 28 f.
Latvia	78, 104
law instructors.....	86
law violations.....	84, 98
leadership behaviour	52
Leadership Development and Civic Education Centre.....	63, 65, 104, 111
leave.....	39, 63, 77, 91 f.
leave from duty	58
Lebanon	12, 70 f., 77, 103
legal knowledge	86
leisure office	60
LEOPARD.....	8, 16, 41, 75
light infantry sergeants.....	20
Limassol (Cyprus).....	70
Lithuania.....	9, 16, 67, 74 f., 78 f., 102, 104
long-term care	89 ff.
Lützow Barracks	59
Luxembourg.....	74

M

maintenance and servicing	14 f., 42
Mainz	22
major medical clinics	93
major weapon systems	39 f.
Mali.....	9, 15, 71 ff., 77, 79 ff., 93, 103
MARDER	41, 65
marine corps (naval security service).....	18
materiel	7, 17, 40, 42, 44, 75 ff.
materiel readiness	40, 44
matters concerning the Parliamentary Commissioner for the Armed Forces	87, 109 f.
Matters concerning the Parliamentary Commissioner for the Armed Forces	114
Mayen	64
Mazar-i-Sharif.....	41, 67, 68, 81, 103
meals.....	60, 63
mediabox.....	80
Medical Academy	20, 102
medical care	15 f.
medical file	93
medical records	93
Medical Service	19, 24, 65 f., 93, 98, 102
mental illnesses	93
mess halls.....	59, 60, 63
MIDGARD	73
migration background	64, 98
MILAN	16
Military Career Regulation	22, 27

military chaplaincies.....	88
Military Discipline Code.....	53, 106, 112, 114
Military Intelligence Organisation.....	18
Military Personnel Working Hours Ordinance ..	21, 56 ff., 76
military post.....	68, 70, 72 f., 76
military procurement	40
Military service to temporarily improve personnel readiness	38
military service volunteers.....	23 f., 37 ff., 58, 65 f., 86
minesweepers	13, 18, 20, 26
minimum period of service.....	22, 31, 38
minors.....	25
MINUSMA.....	12, 71, 73, 79 f., 103
missions.....	43, 46, 67, 71, 73, 75, 77 f., 93
missions abroad ...	9, 32, 38 f., 51, 65, 67, 72 f., 77 f., 87, 89, 94
mission-type command and control.....	11
mobile medical units pool.....	44
mobile telephones.....	54, 73
mobile work.....	89
model.....	59
mould.....	48
mountain infantry	18, 20
Multinational Corps Northeast.....	82
multirole combat ship (MKS 180).....	13
Munich.....	20, 22, 30, 48, 102
Munster.....	36, 48, 50, 55, 75, 102
<i>Muslim soldiers</i>	63
MWR telecommunications	73, 79 f.

N

names of barracks	52
Naqura	70 f.
national and collective defence.....	7, 9, 40, 67
NATO....	8 f., 16, 40, 43 f., 46, 58, 67 ff., 74 ff., 81 f., 102 f.
NATO AWACS fleet.....	69
NATO Rapid Deployable Corps Turkey	102
NATO Response Force (NRF)	67, 75, 81
NATO Very High Readiness Joint Task Force.....	9, 67
Naval Academy	70
naval arsenal	43, 103
Naval Arsenal	14
Naval Aviation Operations Duty	18
naval command services	18
naval electronics	18
Navy 8, 11, 13, 18, 20, 24, 27, 30, 40, 42 f., 45, 57 f., 65, 67, 70 f., 78, 80, 92	
Netherlands.....	74, 103 f.
Neuburg a.d. Donau.....	66, 90
Neustadt am Rügenberge.....	11, 102
new recruits	8, 17, 20, 37, 66
NH-90.....	40, 42 f., 59, 73
Niamey (Niger).....	72, 81
Niger.....	71, 81, 103
night vision equipment	8
Non-Commissioned Officer School.....	86, 103
Nörvenich	16, 103
Norway	8, 47, 58, 74, 76, 81 f., 103
NPA.....	51

Nuremberg	80
-----------------	----

O

OASIS.....	71
Office for Defence Planning	46, 102
officer candidate battalions	30
Omnibus Act.....	22, 37, 94
operations.....	5, 8 f., 13 f., 37, 40 ff., 47, 60, 75, 79, 90, 94
optionality clause	49
order of the day	9
OSCE.....	82, 102
overhaul	80
overnight separation allowances	61
overtime	56 ff.
overtime hours	57 f.

P

packaging waste	60
packed lunches	60
paramedics	20
paratrooper sergeants	20
parental leave.....	21, 38, 86, 90, 92
partners	89
part-time.....	39
part-time work.....	88, 90
pay	28, 39, 62, 98
pay for foreign assignments	56, 61, 92
payment.....	37
PEGASUS.....	19
period in post	8, 71 f., 79
period of service.....	29, 30, 34, 36, 47, 62, 89
Permanent Structured Cooperation/PESCO.....	82
personal demand items.....	69
personnel 5, 7, 13, 17 ff., 27 ff., 33, 43, 46 ff., 51, 59, 60, 62, 70, 72, 75 ff., 80 f., 87, 90, 93, 108, 116	
personnel costs.....	7
personnel management.....	20, 34, 98
Personnel Planning Board.....	17
personnel recruitment.....	22 ff., 28 f.
personnel recruitment organisation	7, 22 f., 25, 27
personnel representation bodies	32
personnel retention.....	27 ff.
personnel retention allowance.....	62
personnel shortages	18, 21, 26, 89, 93
personnel strategy	93
PESCO.....	82
Peshmerga.....	69
petition.....	52, 63, 66, 87, 90, 106, 110, 112 ff.
Petty Officer School.....	27
Pfullendorf	36, 56, 84, 102
physical aptitude	9, 28, 36, 56
physical condition	26, 51, 74
physical training.....	9, 36, 56, 76, 90
pilot licences	43
piracy	70
point of contact	24, 52, 64
Point of Contact for Advice on Military History.....	52
Poland	78, 104

police	7, 26, 29
Police	17
port stays	56
post allowance	62
post upgrades	31
postal delivery periods	72
postings	113
Potsdam	52
practical guide	25
pre-employment screening for soldiers	33
preparation for deployment	40, 72, 74, 77 f.
pre-positioning	57, 61
principles of <i>Innere Führung</i>	9, 53 f., 105, 110, 116
prison chaplaincies	63
Pristina	69, 102
Prizren	12, 69, 102
processing of personnel matters	35, 98
procurement	40
Procurement Office	13
prohibition on promotion	33
promotion	22, 29, 31, 33, 38, 59, 98
proportion of posts filled	13
protection period	21, 32, 94
protocol soldiers	19
psychologists	23, 30
PUMA	8, 16, 40 f., 65
PyeongChang	9

Q

qualifying events	76
quasi-operational commitment	8, 92
quasi-operational commitments	40, 51, 67, 72, 79

R

radio equipment	74, 77
range	61
Rapid Response Forces Division	54, 72
reach-back process	94
reassignment	11, 20, 34 f., 56, 88 f., 91
reassignment close to home	89
recruitment	22
recruitment campaigns	88
reduced working hours	56
re-employed personnel	18, 24, 26 f.
re-enactments	52
re-enlistment	26, 28, 30
refurbishment	49, 59
registered partnership	89
Reichsbürgerbewegung	55
Reichswehr	51
reimbursement of relocation expenses	60
religious freedom	62 f.
reportable events	54, 85, 87
Requests for case reviews and information made by the Parliamentary Commissioner	87
reserve outside of military service	39
reservists	7, 9, 21 f., 38 f., 104
Reservists	116

RESOLUTE SUPPORT	67 f., 77, 103
resolution	82
Resolution	82 f.
resourcing	70
reversal of financial trends	7
reversal of materiel trends	39
reversal of the personnel trend	17, 21, 23, 26 f., 31
reversal of trends	7, 8, 17, 21, 23, 26 f., 31, 39 f., 47
Riga (Latvia)	78
rights to places	91
rituals	8, 53
Rituals	53
Romania	103 f.
routine operations	40, 57
Rukla	16, 74, 102

S

sanitary facilities	48
Sankt Wendel	75
SASPF	13, 16, 31
school-leaving qualifications	92
SEA GUARDIAN	70
sea rescue	74
security clearance check	32 f., 39, 55, 89
selection conference for career soldiers	26
self-suppliers	45
senior medical officers for anaesthesiology	19
separation allowance	50, 60, 89, 93
separation rate	88
serious personal grounds	91
service	8 f.
service medals	79
service personnel newspaper	64
service regulations	56, 74
service schools	21
service status	23, 26, 55, 88
service-related disability	32, 94 f.
set of combat clothing	46
sexual harassment	9, 84, 111
sexual self-determination	9, 84, 98
shift-work	46, 57
shooting ranges	51
shore leave zones	71
signaller specialists	20
signallers	18
single room concept	60
smartphone apps	73
snipers	20
social media	85
Somalia	67, 70, 79
SOPHIA	70
South Sudan	67
spare parts	8, 42, 75
Special Air Mission Wing	44, 56, 61 f., 70
special assignments	7
Special Forces Command (SOFCOM)	47
special leave	112
special leave for journeys home	39
specialist staff	18 f.

spokespersons	58
Spokespersons' Committees	32
sport	44, 47, 51, 56, 74
staff work	11, 19
Standing Maritime Group 2	74
standing operational tasks	67
state medical aid	92
Stetten am kalten Markt	18, 33, 61
Strategic Programme 2025	93
Strategic Reconnaissance Command	46
Strausberg	23
Stuttgart	22
submarines	8, 13, 42
suicide	94 f.
surgery	29
Switzerland	69

T

Taji	69
Taliban	68
Tanker	69
tankers	8, 13, 42
telephony	79
teleworking	88 ff.
temporary-career volunteers ..	7, 17, 21, 23, 29 f., 35, 37, 39, 45, 60, 62, 65, 108, 116
tenders	13, 70
terror organisation	69
terrorism	33
testimonial	36
TIGER	15, 40, 42, 59, 73
time off in lieu	56, 58, 76
tone	37, 52, 67
TORNADO	42, 44, 59, 69
tradition	8, 9, 51 ff.
train as you fight	8
trainee positions	21
training. 5, 6, 8, 9, 10, 12, 15, 20, 23, 27 ff., 33, 35 f., 38 ff., 50, 54 ff., 59, 67, 70 ff., 75, 77, 85 f., 89, 92, 98	
training support	69
Training Support	67
Training Support Iraq	67, 69
Transall	41
travel allowance	92
travel time	57, 81
Trident Juncture	8, 47, 58, 76, 81, 103
trips to view housing	60 f.
troop stationing agreement	69 f.
trust account	45, 66
Turkey	61, 63, 71, 102

U

Ulm	82, 91, 103
-----------	-------------

UNAMID	67
under-challenged	38
UNIFIL	43, 70 f., 77 f., 103
uniform	27, 46, 63, 80, 86
unit physician	21, 77, 93
United Kingdom	17, 63
UNMISS	67
UNOSOM	79
USA	44, 61, 67, 104

V

vacancies	7, 18, 20, 23, 32, 50, 86
vaccinations	77
Very High Readiness Joint Task Force	40, 46, 75, 81
Very High Readiness Joint Task Force (VJTF)	40, 46, 81
veterans	9
Viereck	49
visa	70
visits	92
vocational advancement	21, 28
vocational advancement service	22, 35
voluntary military service	17, 116

W

waist-to-height-ratio method	25
War Graves Commission	104
warfare	51
Warfare	102
weapons training	33
weekend commuters	50
weekend guard duty	57
Wehrmacht	51
welfare	59, 69
WhatsApp	54, 84, 86
Wilhelmshaven	22, 42, 49, 57, 102
wireless Internet	8, 50 f., 79 f.
women	20, 49, 65 ff., 84, 86, 98, 116
Woolpower	47
working hours	56 ff., 90, 98
Working Hours Ordinance	21, 56 ff., 76
work-life balance	39, 71, 88, 98
work-related expenses	74

Y

yard periods	42 f.
young recruits	7
youth officers	20
YouTube	26, 86